

## **TOWN PLANNING BOARD**

### **Minutes of 518<sup>th</sup> Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 12.9.2014**

#### **Present**

Director of Planning  
Mr K.K. Ling

Chairman

Professor Eddie C.M. Hui

Mr F.C. Chan

Mr Ivan C.S. Fu

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Ms Christina M. Lee

Mr H.F. Leung

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Dr Eugene K.K. Chan

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

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

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

Assistant Director/Regional 3,  
Lands Department  
Mr Tony H. Moyung

Deputy Director of Planning/District  
Ms Christine K.C. Tse

Secretary

**Absent with Apologies**

Professor S.C. Wong

Dr C.P. Lau

Ms Anita W.T. Ma

Dr W.K. Yau

Professor K.C. Chau

**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 Floria Y.T. Tsang

**Agenda Item 1**

Confirmation of the Draft Minutes of the 517<sup>th</sup> RNTPC Meeting held on 22.8.2014

[Open Meeting]

1. The draft minutes of the 517<sup>th</sup> RNTPC meeting held on 22.8.2014 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

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

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

## **Sai Kung and Islands District**

[Mr Billy W.K. Fong, Ms Lisa L.S. Cheng, Senior Town Planners/Sai Kung and Islands (STPs/SKIs), and Mr Gary T.S. Lui, Town Planner/Sai Kung and Islands (TP/SKIs) were invited to the meeting at this point.]

### **Agenda Item 3**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/I-MWF/23            Proposed Site Office on a temporary basis for a Period of 9 Months in  
   “Recreation” and “Undetermined” zones, Lot 564 s.A R.P.(Part) in  
   D.D.4 MW, Mui Wo, Lantau  
   (RNTPC Paper No. A/I-MWF/23)

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

3.            With the aid of a PowerPoint presentation, Mr Gary T.S. Lui, TP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

(a)    background to the application;

[Ms Janice W.M. Lai arrived to join the meeting at this point.]

(b)    the proposed site office on a temporary basis for a period of 9 months;

(c)    departmental comments – departmental comments were set out in paragraph 9 of the Paper. The District Lands Officer/Islands, Lands Department (DLO/Is, LandsD) considered that the erection of any structure within the site was in breach of the user conditions in the Lease and would consider taking appropriate enforcement actions. Other government departments concerned had no objection to/no adverse comment on the application;

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

- (d) during the first three weeks of the statutory publication period, a public comment objecting to the application was received, mainly on grounds that the proposed temporary use would destroy the landscape and ecology of the wetland in Mui Wo and the applicant failed to demonstrate that the proposed temporary use would not have adverse environmental, ecological, drainage and sewerage impacts. No local objection/view was received by the District Officer (Islands); and
  
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment set out in paragraph 11 of the Paper. The proposed site office use on a temporary basis would not have adverse environmental, ecological, drainage and landscape impacts as confirmed by Concerned government departments. Approval of the application on a temporary basis for 9 months would not jeopardise the long-term planning intention of the “Recreation” zone. Although the site was the subject of on-going planning enforcement action, the original state of the site which was formed and vacant had been taken into account. Given the existence of temporary storage of materials for sewerage works in the vicinity of the site, the proposed temporary use was considered not incompatible with the surrounding land uses.

[Mr H.F. Leung arrived to join the meeting at this point.]

4. In response to a Member's query, Mr Gary T.S. Lui said that there was no information at hand on the relationship between the applicant and the previous enforcement case. Given that the existing structures erected on the site were different from the proposed site office layout in the application, the applicant was required to comply with the Enforcement Notice (EN), i.e. to discontinue the deposition of containers for office use on the site and remove the structures, prior to commencing the proposed site office use on a temporary basis.

Deliberation Session

5. A Member was dissatisfied that the application was submitted with the existence of an unauthorised development that was subject to enforcement actions. He considered that the approach to deal with this type of applications should be discussed. In response, the Chairman said that there were applications, subject to active enforcement actions, submitted to the Board to 'regularise' the unauthorised developments. If the application was rejected, the planning enforcement action should continue. Should the application be approved, i.e. the unauthorised development could be 'regularised', the planning enforcement action would cease. In the current application, the original state of the site was taken as a formed site. As the proposed temporary site office layout was different from that existed on the site, the applicant was required to comply with the EN requirement by clearing the existing structures on the site prior to commencement of the proposed site office use.

6. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 9 months until 12.6.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 6:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no vehicle as defined in the Road Traffic Ordinance to be parked/stored on the site or enter/exit the site at any time, as proposed by the applicant, is allowed during the planning approval period;
- (d) the submission of a landscape proposal within 2 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 12.11.2014;
- (e) in relation to (d) above, the implementation of a landscape proposal within 4 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 12.1.2015;

- (f) the submission of fire service installations proposal within 2 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.11.2014;
- (g) in relation to (f) above, the provision of fire service installations within 4 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.1.2015;
- (h) if any of the above planning conditions (a), (b), (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (i) if any of the above planning conditions (d), (e), (f) or (g) 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
- (j) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issues relating to the temporary use with the concerned owner(s) of the application site;
- (c) to note the comments of the District Lands Officer/Islands, Lands Department (DLO/Is, LandsD) that erection of any structure within the site without approval from DLO/Is, LandsD is in breach of the user condition. Appropriate lease enforcement actions against any unauthorised structures arising from the current application will be considered to be undertaken;

- (d) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that landscape planting along the site boundary is advised to provide screening as the location of the proposed temporary site office is adjacent to the existing track;
- (e) to note the comments of the Chief Engineer/Hong Kong & Islands, Drainage Services Department that the proposed temporary site office should not impose flooding risk to the nearby region;
- (f) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant may need to extend the services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to the standard of WSD; and
- (g) to note that comments of the Chief Building Surveyor/New Territories East 1 & Licence, Buildings Department (BD) that:
  - (i) before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the site, 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); and
  - (ii) 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.”



**Agenda Item 4**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HH/62                      Proposed Temporary Private Swimming Pool for a Period of 3 Years in  
“Village Type Development” zone, Lots 49 S.A ss.3 (Part) and 49 S.A  
RP (Part) in D.D.212 , Che Keng Tuk, Sai Kung  
(RNTPC Paper No. A/SK-HH/62)

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8.                      The Committee noted that replacement page (page 8) of the Paper updating paragraph 10.4 was tabled at the meeting.

**Presentation and Question Sessions**

9.                      With the aid of a PowerPoint presentation, Mr Billy W.K. Fong, STP/SKIs, 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 planning application No. A/SK-HH/52 approved by the Committee on 23.9.2011 for temporary private swimming pool for a period of 3 years. The private swimming pool development had not been commenced and the permission would expire on 23.9.2014;
- (b) the proposed temporary private swimming pool for a period of 3 years;
- (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, a public comment objecting to the application was received. The comment objected to the application on grounds that the application was not a proper procedure to start tree felling, engineering works and filling of land at the site when the land title of the site had yet to be confirmed. 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. The current application was submitted by the same applicant of a previous planning application (No. A/SK-HH/52) for the same temporary use at the site. The applicant applied for a new permission and took the opportunity to amend the design of the proposed temporary swimming pool. As there was no change in planning circumstances since the approval of the previous application, the current application was considered acceptable. The proposed swimming pool was a private recreational facility to be used by the residents of the existing village house adjacent to the site and could be considered as a use ancillary to the village house. In view of its small scale, the proposed swimming pool would unlikely create any significant adverse impacts on the existing landscape, traffic and infrastructural provisions on the surrounding environment. Given the temporary nature of the proposed swimming pool, the long-term planning intention of the “Village Type Development” zone would not be jeopardised.

10. A Member considered that the nature of the proposed development was permanent rather than temporary as being sought in the application. He asked whether an application for permanent private swimming pool development could be submitted to the Committee for consideration. In response, the Chairman said that it was up to the applicant to decide whether a temporary or permanent planning permission was sought. Under the prevailing mechanism, should the applicant intend to continue using the site for private swimming pool upon expiry of the temporary planning permission, the applicant would have to submit a renewal application to the Committee for consideration. The Committee would consider whether there were any changes in planning circumstances to determine if the application could be approved.

#### Deliberation Session

11. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 12.9.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.3.2015;
- (b) in relation to (a) above, the implementation of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.6.2015;
- (c) if any of the above planning conditions (a) or (b) is not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (d) 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.”

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

- “(a) to approach the District Lands Officer/Sai Kung for applying a short term waiver;
- (b) to note the following comments of the Chief Building Surveyor/New Territories East 2 & Rail, Buildings Department:
  - (i) all the building works are subject to Buildings Ordinance (BO);
  - (ii) Authorised Person must be appointed to coordinate all building works;
  - (iii) the granting of the planning approval should not be construed as an acceptance of the unauthorised structures on site under the BO. Enforcement action may be taken to effect the removal of all unauthorised works in the future;

- (iv) the proposed underground surge tank for the private swimming pool should be accountable for gross floor area/site coverage calculations under BO; and
  - (v) detailed comments to be given during plans submission stage;
- (c) to note the comments of the Commissioner for Transport that the vehicular track leading to the site is not under Transport Department's management. The management and maintenance responsibilities of the vehicular access would need to be clarified;
- (d) 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;
- (e) to note the following comments of the Chief Engineer/Development (2), Water Supplies Department (WSD):
- (i) for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable Government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
  - (ii) the water mains in the vicinity of the site cannot provide standard pedestal hydrant; and
  - (iii) the site falls within the consultation zone of Pak Kong Water Treatment Works, which is a Potentially Hazardous Installation;
- (f) to note the comments of the Chief Town Planner/Urban Design and

Landscape, Planning Department that the applicant is advised to include landscape measures to mitigate any adverse landscape impact arising from the proposed development;

- (g) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department (DSD) that adequate stormwater drainage facilities should be provided and maintained in connection with the proposed swimming pool without causing any adverse drainage impacts or nuisance to the adjoining areas; and
- (h) to note the comments of the Director of Environmental Protection that the wastewater from the filtration plant of the swimming pool should be discharged to existing septic tank and soakaway system and the swimming pool discharge, which should meet the requirements of DSD, should be connected to the stormwater drains.”

### **Agenda Item 5**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-TMT/45          Proposed School (Primary School) in “Residential (Group C) 3” Zone,  
Floral Villas, 18 Tso Wo Road, Sai Kung  
(RNTPC Paper No. A/SK-TMT/45)

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13.            The Secretary reported that RHL Surveyors Ltd. (RHL) was one of the consultants of the applicant. Mr H.F. Leung had declared an interest in this item as RHL had made a donation to the Department of Real Estate and Construction in the Faculty of Architecture of the University of Hong Kong, of which he was working. As Mr H.F. Leung had no involvement in the application, Members agreed that he could stay in the meeting.

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

14.            With the aid of a PowerPoint presentation, Mr Billy W.K. Fong, STP/SKIs,

presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed school (primary school);
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The Commissioner for Transport (C for T) had concern on whether the students would arrive or leave by vehicles other than school buses, but had no adverse comment on the application provided that all pick-up and set-down activities arising from the proposed primary school were confined within Floral Villas. Other 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, three public comments were received. The Incorporated Owners of Green Villas and an individual objected to the application on the grounds that if the former kindergarten in Floral Villas would be converted to the proposed primary school, it would have a very unacceptable traffic impact on the existing right-of-way of their property and Tso Wo Road due to the increase in traffic volume and it was unfair for the residents to continue to be responsible for the maintenance of the right-of way. An individual raised concerns on the maintenance cost and the responsibility of keeping safe the section of Tso Wo Road in front of Green Villas up to Floral Villas. During the first three weeks of the statutory publication period of the further information, three public comments from the individuals were received. They objected to the application on grounds similar to those mentioned above. 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 assessment set out in paragraph 10 of the Paper. The proposed primary school was considered in line with the planning intention of “Residential (Group C)” and not incompatible with the

surrounding developments. The subject commercial block was located immediately adjacent to the main entrance of Floral Villas while the school bus drop-off/pick-up point was provided immediately in front of the commercial block. Nuisance to the residents arising from the primary school would be minimal. C for T had no adverse comment on the application provided that all pick-up and set-down activities arising from the proposed primary school were confined within Floral Villas. An approval condition had been suggested. Regarding the public comments on the traffic problems, the applicant had indicated that all students would access the school either on foot or by school bus; and all parking and loading/unloading activities would be confined within Floral Villas so that no vehicle would be queued along Tso Wo Road.

15. Members had no question on the application.

#### Deliberation Session

16. 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 12.9.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the provision of fire service installations prior to the commencement of primary school operation to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) the design and provision of drop-off and pick-up area to the satisfaction of the Commissioner for Transport or of the TPB.”

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

- “(a) to note the comments of the Secretary for Education that the school should always comply with the Education Ordinance, Education Regulations and

such other requirements as specified from time to time by the Government/Education Bureau;

- (b) to note the comments of the District Lands Officer/Sai Kung to apply for fresh lease modification/temporary waiver to permit the proposed primary school use upon obtaining planning permission from the TPB;
- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of fresh water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (d) to note the comments of the Director of Fire Services that: (i) detailed fire safety requirements, including but not limited to a sprinkler system, will be formulated upon receipt of formal submission of general building plans for referral from licensing authority; and (ii) the arrangement of emergency vehicular access shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 which is administered by the Buildings Department;
- (e) to note the comments of the Director of Environmental Protection that the sewage from the Premises should be properly discharged to the sewage treatment facility within Floral Villas; and
- (f) to note the comments of the Chief Building Surveyor/New Territories East 2 & Rail, Buildings Department that the concerned building intended to be used for such purpose is required to comply with the building safety and other relevant requirements as may be imposed by the Education Department and other relevant departments for registration of the proposed school.”



**Agenda Item 6**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TKO/97                      Proposed School (Tutorial School) in “Residential (Group B)” zone,  
Shop 118, 1/F, Commercial and Garage Block, Hong Sing Garden, 1  
Po Lam Road North, Tseung Kwan O, Sai Kung  
(RNTPC Paper No. A/TKO/97)

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18.            The Committee noted that replacement page (page 3) of the Paper rectifying a typographical error was sent to Members on 11.9.2014.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed school (tutorial school);
- (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) no public comment was received during the first three weeks of the statutory publication period. The District Officer (Sai Kung) had consulted the Incorporated Owners of Hong Sing Garden and the District Council member of the constituency concerned and no adverse comment was received; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the

application based on the assessments set out in paragraph 11 of the Paper. The proposed tutorial school serving the public including nearby residents was generally not incompatible with the planning intention of “Residential (Group B)” zone and the application was in line with Town Planning Board Guidelines No. 40.

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 12.9.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

- “the provision of fire service installations for the tutorial school 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 :

- “to note the comments of the Director of Fire Services that detailed fire services requirements would be formulated upon receipt of general building plans submission or referral from the licensing authority.”

[The Chairman thanked Mr Billy W.K. Fong, Ms Lisa L.S. Cheng, STPs/SKIs, and Mr Gary T.S. Lui, TP/SKIs, for their attendance to answer Members’ enquires. They left the meeting at this point.]

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

**Agenda Item 7**

**Section 12A Application**

[Open Meeting]

Y/ST/26                      Application for Amendment to the Draft Sha Tin Outline Zoning Plan No. S/ST/29, Propose to amend the Notes of the “Other Specified Uses (Amenity Area)” to make permissible “People Mover (Escalators/Lifts)” in Column 1, the eastern part of STTL Lot 311, 1 Pau Tau Street, Sha Tin  
(RNTPC Paper No. Y/ST/26)

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23.                      The Secretary reported that Masterplan Ltd., ACLA Ltd. and AECOM Asia Co. Ltd. (AECOM) were the consultants of the applicant. The following Members had declared interests in this item:

Mr Ivan C.S. Fu                      -                      having current business dealings with Masterplan Ltd. and AECOM

Ms Janice W.M. Lai                      -                      having current business dealings with ACLA Ltd. and AECOM

Professor S.C. Wong                      -                      having current business dealings with AECOM

24.                      The Committee noted that Professor S.C. Wong had tendered apologies for being unable to attend the meeting. As the applicant had requested for deferment of consideration of the application and Mr Ivan C.S Fu and Ms Janice W.M. Lai had no involvement in the application, Members agreed that they could stay in the meeting.

25.                      The Committee noted that the applicant requested on 13.8.2014 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. This was the first time that the applicant requested for deferment of the application.

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

### **Agenda Item 8**

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

[Open Meeting]

Y/TP/21                      Application for Amendment to the Draft Tai Po Outline Zoning Plan No. S/TP/25, To rezone the application site from "Residential (Group C)" to "Residential (Group B)4", Various Lots in D.D. 34 and 36 and adjoining Government land, Tsiu Hang, Tai Po  
(RNTPC Paper No. Y/TP/21)

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27. The Secretary reported that LWK & Partners (HK) Ltd. (LWK) and AECOM Asia Co. Ltd. (AECOM) were the consultants of the applicant. The following Members had declared interests in this item:

Mr Ivan C.S. Fu                      -                      the director and a shareholder of LWK; and having current business dealings with AECOM

Ms Janice W.M. Lai	}	having current business dealings with AECOM
Professor S.C. Wong		

28. The Committee noted that Professor S.C. Wong had tendered apologies for being unable to attend the meeting. As the applicant had requested for deferment of consideration of the application, Members agreed that Ms Janice W.M. Lai could stay in the meeting but Mr Ivan C.S Fu should refrain from participating in the discussion.

29. The Committee noted that the applicant requested on 27.8.2014 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 relevant Government departments. This was the first time that the applicant requested for deferment of the application.

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

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

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

**Agenda Item 9**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/483      Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” and “Village Type Development” zones, Lots 873 S.B  
and 875 S.C in D.D. 9, Yuen Leng Village, Tai Po  
(RNTPC Paper No. A/NE-KLH/483)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. While the site fell within water gathering ground (WGG), the Chief Engineer/Consultants Management, Drainage Services Department (CE/CM, DSD) advised that public sewerage connection point would be provided in the vicinity of the site. However, since the sewerage scheme was degazetted on 29.10.2010, there was no fixed programme at this juncture for the public sewerage works. The Director of Environmental Protection (DEP) and the Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2), WSD) did not support the application as the planned sewer system in the vicinity was degazetted and the requirements that the proposed development should be able to be connected to existing or planned sewerage system under the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (Interim Criteria) could not be complied with;

- (d) during the first three weeks of the statutory publication period, a public comment was received from Designing Hong Kong Limited. It objected to the application mainly on the grounds that the proposed Small House development was not in line with the planning intention of the “Agriculture” zone; would affect the availability of agricultural area and food supply; no environmental, traffic, drainage and sewage assessments had been provided for the possible adverse impacts; and the approval of the application would set an undesirable precedent. 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 set out in paragraph 11 of the Paper. The site was located within the upper indirect WGG and was the subject of a previous approved planning application (No. A/NE-KLH/368) for a Small House development which was lapsed on 18.4.2012. For the current application, there had been changes in circumstances. As highlighted in paragraph 31(c) above, the planned sewerage scheme for Yuen Leng Village was degazetted and there was no fixed implementation programme at this juncture for the concerned public sewerage works. DEP and CE/Dev(2) of WSD did not support the application. Although the site was entirely within the village ‘environs’ of the concerned village and there was a general shortage of land in meeting the demand for Small House development in the “Village Type Development” zone of the concerned village, it did not comply with the Interim Criteria in that the proposed Small House located within the WGG would not be able to be connected to the planned sewerage system in the area. There was also no strong reason to deviate from the Town Planning Board’s latest decisions on similar application. Regarding the public comment, the assessments above were relevant.

32. Members had no question on the application.

Deliberation Session

33. 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 does not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in New Territories in that the proposed Small House located within the water gathering ground could not be able to be connected to the existing/planned sewerage system in the area as there is no fixed programme for implementation of such system at this juncture; and
- (b) the applicant fails to demonstrate that the proposed development located within the water gathering ground would not cause adverse impact on the water quality in the area.”

### **Agenda Item 10**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/514      Proposed House (New Territories Exempted House - Small House) in “Green Belt” and “Village Type Development” zones, Lots 278 S.A ss.1 and 278 S.A ss.6 in D.D. 26, Wong Yue Tan Village, Tai Po  
(RNTPC Paper No. A/NE-TK/514)

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

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

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



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

- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV 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, a public comment was received from Designing Hong Kong Limited. It objected to the application mainly on the grounds that the proposed Small House development was not in line with the planning intention of the “Green Belt” (“GB”) zone and did not comply with the Town Planning Board Guidelines No.10 (TPB PG-No. 10); there would be impact on the public infrastructures; and the proposed development would create parking and hygiene problems to the surrounding areas. No local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. Although the proposed development was not in line with the planning intention of the “GB” zone, the site was hard paved without vegetation and the Director of Agriculture, Fisheries and Conservation had no comment on the application. The proposed Small House complied with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that more than 50% of the proposed Small House footprint fell within the village ‘environs’/“Village Type Development” (“V”) zone and there was a general shortage of land in meeting the demand for Small House development in the “V” zone of the concerned village. Sympathetic consideration could be given to the application. Relevant departments consulted had no objection to/no comment on the application. Since the proposed development was not expected to have adverse impacts on the landscape, and the existing and planned infrastructure such as sewerage, drainage and water supplies, it was considered in compliance with the TPB PG-No. 10. Regarding the

public comment, the assessments above were relevant.

35. Members had no question on the application.

#### Deliberation Session

36. 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 12.9.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- “(a) to note the comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) that after planning approval has been given by the TPB, LandsD will process the Small House application. If the Small House application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to the terms and conditions as imposed by LandsD. There is no guarantee to the grant of a right of way to the Small House concerned or the emergency vehicular access thereto;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that:

- (i) there is no existing public drains available for connection in the vicinity of the site. The proposed development should have its own stormwater collection and discharge system to cater for runoff and overland flow. The applicant/owner is required to maintain drainage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant/owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems; and
- (ii) for works to be undertaken outside the lot boundary, prior consent and agreement from DLO/TP and/or relevant private lot owners should be sought;
- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that the applicant may need to extend the inside services to the nearest suitable government 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 construction, operation and maintenance of the inside services within the private lots to WSD's standard;
- (d) to note the comments of the Director of Fire Services that the applicant is reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (e) to note the comments of the Director of Electrical and Mechanical Services that the applicants shall approach the electricity supplier for the requisition of cable plans 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 obtained, if there is underground cable (and/or overhead line) within

or in the vicinity of the site, the applicants shall carry out the following measures:

- (i) for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier is necessary;
  - (ii) prior to establishing any structure within the application site, the applicants and/or their contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
  - (iii) the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicants and their contractors when carrying out works in the vicinity of the electricity supply lines;
- (f) to note the comments of the Commissioner for Transport that the existing village access near the application site is not under Transport Department's management. The applicant should clarify with the relevant lands and maintenance authorities on the land status, management and maintenance responsibilities of the village access; and
- (g) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works."

**Agenda Item 11**

**Section 16 Application**

[Open Meeting]

A/NE-TK/515            Proposed 4 Houses (New Territories Exempted Houses - Small Houses) in “Agriculture” zone, Lots 595 S.A, 595 S.B ss.1, 595 S.B RP, 611 S.A and 611 S.B in D.D. 15, Shan Liu, Tai Po  
(RNTPC Paper No. A/NE-TK/515)

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38.            The Committee noted that the applicants requested on 29.8.2014 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 Drainage Services Department and to obtain the relevant owners’ consent to support the application. This was the first time that the applicants requested for deferment of the application.

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

## **Agenda Item 12**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/560                      Proposed House (New Territories Exempted House - Small House) in  
   “Green Belt” zone, Lot 461 S.A in D.D. 32, Ha Wong Yi Au Village,  
   Tai Po  
   (RNTPC Paper No. A/TP/560)

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### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Commissioner for Transport (C for T) had reservation on the application and advised that Small House development should be confined within the “Village Type Development” (“V”) zone as far as possible. Notwithstanding the above, as the application only involved construction of a Small House, he considered that the application could be tolerated unless it was rejected on other grounds. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from landscape planning perspective as approval of the application would lead to more site clearance activities at the village fringe and more piecemeal developments encroaching onto the “Green Belt” (“GB”) zone and jeopardising the existing landscape resources;
- (d) during the first three weeks of the statutory publication period, three public

comments were received. Kadoorie Farm & Botanic Garden Corporation, World Wide Fund for Nature Hong Kong and Designing Hong Kong Limited objected to the application mainly on the grounds that the site and its surroundings were well vegetated; the proposed development was not in line with the planning intention of “GB” zone and did not comply with the Town Planning Board Guidelines No.10 (TPB PG-No. 10); approval of the application would cause cumulative adverse impacts on the subject “GB” zone; no technical assessments had been provided and there was a lack of access, parking spaces and public sewerage in the area. No local objection/view was received by the District Officer (Tai Po); and

- (e) PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “GB” zone which had a general presumption against development. Although the proposed Small House footprint fell entirely within the village ‘environs’ of Ha Wong Yi Au Village and there was shortage of land in meeting the future Small House demand, the proposed development did not meet the Interim Criteria for assessing planning applications for NTEH/Small House in New Territories in that the proposed development would cause adverse landscape impact on the surrounding areas. The proposed Small House also did not comply with the TPB-PG No. 10 for development within “GB” zone as the proposed development would involve site formation works and clearance of vegetation and trees affecting the existing landscape character. The applicant failed to demonstrate that the proposed development would have no adverse landscape impact on the surrounding areas. Thus, the application did not warrant the same consideration as the approved applications in the vicinity of the site. Regarding the public comments, the assessments above were relevant;

41. Members had no question on the application.

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

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zoning for the area which is to define the limits of urban development areas by natural physical features so as to contain urban sprawl and to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) the application does not comply with the Town Planning Board Guidelines for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that the proposed development would involve clearance of existing natural vegetation and affect the existing natural landscape. The applicant fails to demonstrate that the proposed development would have no adverse landscape impact on the surrounding areas; and
- (c) the application does not comply with the Interim Criteria for Assessing Planning Applications for New Territories Exempted House/Small House Development in the New Territories in that the proposed development would cause adverse landscape impact on the surrounding areas.”



**Agenda Item 13**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/146      Proposed Temporary Open Storage of Metals for a Period of 3 Years in  
“Other Specified Uses” annotated “Port Back-up Uses” zone, Lot 143  
(Part) in D.D. 52 and adjoining Government Land, Sheung Shui  
(RNTPC Paper No. A/NE-FTA/146)

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**Presentation and Question Sessions**

43.            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 metals for a period of 3 years;
- (c)    departmental comments – departmental comments were set out in paragraph 10 of the Paper.    The Commissioner for Transport (C for T) did not support the application as the access road leading to the site from Man Kam To Road was a narrow sub-standard track of width less than 4m without footpath and was undesirable for use by heavy goods vehicles. He was also concerned about the traffic impact generated from the proposed open storage use as well as the adverse cumulative traffic impact on the nearby road networks in the area.    The Director of Environmental Protection (DEP) also did not support the application as there were domestic structures in the vicinity of the site, and the closest one was located at about 10m to the west of the site.    The Director of Electrical and Mechanical Services (DEMS) did not support the application as a 132kv overhead electricity supply line traversed the site and most of the site area fell within the 36m preferred working corridor of this overhead line. There was concern that the activities within the site might involve hoisting operation of lifting metal under the 132kV overhead line.    The proposed

open storage of metal use at the site would inevitably jeopardise the provision of electricity supply and cause electrical hazards to the personnel on the site.

- (d) during the first three weeks of the statutory publication period, a public comment was received from a villager of Hung Kiu San Tsuen who objected to the application mainly on the grounds that the site had encroached on government land; rainwater flowing from the site which was stored with metal might be toxic and would further block the natural water course and affect the villagers in the downstream;
- (e) the District Officer (North) (DO/N) had consulted the locals regarding the application. The Resident Representative (RR) of Sheung Shui Heung objected to the application on the grounds that there was objection from a number of villagers as there was no information provided in the application on the nature, source, type and uses of the metal to be stored within the site; the metal to be stored might be toxic and there was no mechanism to ensure that the applicant would only store specific type of metal. The Chairman of Sheung Shui District Rural Committee, the Incumbent North District Councillor cum Indigenous Inhabitant Representative (IIR) of Sheung Shui Heung and two other IIRs of Sheung Shui Heung, the RR and the IIR of Wa Shan Tsuen had no comment on the application; and
- (f) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed temporary use was not compatible with the surrounding land uses which were dominated by temporary domestic structures to its north, west and south and underneath a 132kV overhead electricity supply line. DEMS did not support the application. Besides, the closest domestic structure was about 10m to the west of the site. In this regard, DEP did not support the application as the use was likely to have adverse environmental impact on the residents nearby. C for T did not support the application as the access road leading to the site was undesirable for use by heavy goods vehicles and he was concerned that the traffic impact

generated from the proposed use as well as the adverse cumulative traffic impact on the nearby road networks in the area would create traffic management problem at the junction with Man Kam To Road. The proposed temporary use did not comply with the Town Planning Board Guidelines No.13E in that there were adverse departmental comments. There was no major change in the planning circumstances since the rejection of the previous application. In addition, there was an adverse public comment received during the statutory publication period and a local objection from the RR of Sheung Shui Heung received by DO/N.

44. Members had no question on the application.

#### Deliberation Session

45. 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 applicant fails to demonstrate that the proposed development would not pose interference to the 132kV overhead electricity supply line which traverses the site and jeopardise the provision of electricity supply and causing electrical hazards; and
- (b) the applicant fails to demonstrate that the development would have no adverse environmental and traffic impacts on the surrounding area.”

**Agenda Item 14**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/546 Proposed Temporary Open Storage of Construction Machinery and Construction Material for a Period of 3 Years in “Agriculture” and “Residential (Group C)” zones, Lots 918 S.B RP, 928, 933, 938RP, 939, 940, 941, 943, 944RP, 945RP, 954 S.A, 954 S.B, 955 S.B, 956, 958, 1006, 1009, 1018RP, 1019RP in D.D.83 and adjoining Government Land, Lung Yeuk Tau, Fanling  
(RNTPC Paper No. A/NE-LYT/546)

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**Presentation and Question Sessions**

46. 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 machinery and construction material for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The following Government departments did not support/had adverse comment on the application:
  - (i) the Commissioner for Transport (C for T) could not render his support to the application as the applicant had not submitted a scaled layout plan showing the ingress/egress point, car parking and loading/unloading layout as well as the vehicular manoeuvring space within the site;
  - (ii) the Director of Environmental Protection (DEP) did not support the application as there were domestic structures in the vicinity of the site with the closest one at a distance of about 15m and environmental

- nuisance was expected,;
- (iii) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural development point of view as the accessibility of the site was good, and had high potential for agricultural rehabilitation;
  - (iv) the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) had reservation on the application from the public drainage viewpoint. There were existing box culvert, U-channels and trapezoidal channel running across the site. Apart from that, intended Drainage Reserves in a proposed land exchange were also found within the site. All of the above should be excluded from the application site. Also, the site was in an area where no public sewerage connection was available; and
  - (v) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as the proposed open storage use dominated by extensive hard paving was not compatible with the surrounding landscape character. The vegetation within the site would be removed for the proposed use and the stream within the site would likely be affected. However, no tree preservation and landscape proposals were submitted to mitigate the likely landscape impacts;
- (d) during the first three weeks of the statutory publication period, seven public comments were received. A public comment from a North District Council member supported the application as it could provide convenience to the needy. The remaining public comments were submitted by Kadoorie Farm & Botanic Garden Corporation, Designing Hong Kong Limited, the Chairman of Fanling District Rural Committee (FDRC), Lung Yeuk Tau Rural Committee, a group of local villagers, and a local villager with signatures of 28 villagers. They 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, and agricultural

land should be retained to safeguard the food supply for Hong Kong; the proposed development was on land partly zoned for residential use. Approval of the case would set an undesirable precedent for similar applications in the area and would affect the housing supply in Hong Kong; would result in adverse environmental, drainage and traffic impacts on the surrounding area; the application had not included detailed information on the type of construction material and construction machinery to be stored within the site; the vehicular traffic passing through the sub-standard Lung Ma Road might create road safety risk, cause noise and air pollution, and bring about public health problems to the local villagers; and approval of the application might affect the *fung shui* of the village and the tranquillity of the residential neighbourhood;

- (e) the District Officer (North) (DO/N) had consulted the locals regarding the application. The Resident Representative and three Indigenous Inhabitant Representatives of Lung Yeuk Tau, and the Chairman of FDRC raised objection to the application mainly on the grounds that the site was located in a residential neighbourhood, the proposed use would cause adverse environmental, traffic and sewage impacts, and result in public health, *fung shui* and safety concerns to the local residents nearby; and
- (f) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper and highlighted as follows:
  - (i) the proposed temporary open storage was not in line with the planning intentions of the “AGR” and “Residential (Group C)” zones. DAFC did not support the application as the site was of high potential for agricultural rehabilitation;
  - (ii) CTP/UD&L, PlanD had reservation on the application as the proposed development dominated by extensive hard paving was not compatible with the surrounding rural landscape character; the vegetation within the site would be removed for the proposed development; and the stream

- within the site would likely be affected. Besides, DEP did not support the application as there were domestic structures in the vicinity of the site and the use under application was likely to have adverse environmental impact on the residents nearby;
- (iii) C for T did not support the application and stated that the applicant had failed to demonstrate in the submission that traffic arrangement, parking, loading/unloading arrangement and manoeuvring space within the site would be provided to his satisfaction. Besides, CE/MN, DSD had reservation on the application as there were existing box culvert, U-channels and trapezoidal channel running across the site. All of these affected channels should be excluded from the application site boundary;
  - (iv) the application did not comply with the Town Planning Board Guidelines No. 13E in that most of the site fell within Category 3 area with a minor portion falling within Category 4 area where applications would normally not be favourably considered unless the applications were on sites with previous planning approvals;
  - (v) there was no major change in the planning circumstances since the rejection of the previous applications and the cumulative effect of approving these similar applications would result in a general degradation to the environment of the area;
  - (vi) adverse public comments/local objections were received during the statutory publication period and received by DO/N.

47. Members had no question on the application.

#### Deliberation Session

48. 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 application is not in line with the planning intentions of the “Agriculture” (“AGR”) and “Residential (Group C)” (“R(C)”) zones, which are primarily to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes and for low-rise, low-density residential developments respectively. There is no strong planning justification in the submission for a departure from such planning intentions, even on a temporary basis;
- (b) the application does not comply with the Town Planning Board Guidelines No. 13E in that the development is not compatible with the surrounding land uses which are predominantly rural in character; there are adverse departmental comments on and local objections to the application; and the applicant fails to demonstrate that the development would have no adverse environmental, traffic and landscape impacts on the surrounding area; and
- (c) approval of the application would set an undesirable precedent for similar applications within the same “AGR” and “R(C)” zones. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.”

**Agenda Items 15 to 18**

**Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-PK/63            Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” zone, Lot 1588 S.F in D.D. 91, Kai Leng, Sheung Shui  
(RNTPC Paper No. A/NE-PK/63 to 66)

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A/NE-PK/64            Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” zone, Lot 1588 S.G in D.D. 91, Kai Leng, Sheung Shui  
(RNTPC Paper No. A/NE-PK/63 to 66)

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A/NE-PK/65 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 1588 S.H in D.D. 91, Kai Leng, Sheung Shui (RNTPC Paper No. A/NE-PK/63 to 66)

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A/NE-PK/66 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 1588 S.I in D.D. 91, Kai Leng, Sheung Shui (RNTPC Paper No. A/NE-PK/63 to 66)

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49. The Committee noted that the four applications were similar in nature and the application sites (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.

#### Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House) at each of the sites;

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

- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications from the agricultural point of view as the sites were part of a large piece of fallow agricultural land, agricultural activities in the vicinity of the sites were active, and the sites had high potential for agricultural rehabilitation. The Commissioner for Transport (C for T) had reservation on the applications and advised that Small House developments should be confined within the “Village Type Development (“V”) zone as far as possible. Notwithstanding, the applications only involved construction of a Small House on each of the sites, and he considered that the applications

could be tolerated unless they were rejected on other grounds;

- (d) during the first three weeks of the statutory publication period, five public comments were received on applications No. A/NE-PK/63 to 65, and six public comments on application No. A/NE-PK/66. Among the public comments received, Kadoorie Farm & Botanic Garden Corporation, World Wide Fund for Nature Hong Kong and Designing Hong Kong Limited objected to all the four applications mainly on the grounds that the proposed developments were not in line with the planning intention of “Agriculture” (“AGR”) zone; the agricultural land should be retained to safeguard the food supply for Hong Kong and the sprawl of Small House development should be limited to the existing “V” zone; no relevant assessments had been provided for the possible adverse impacts; and approval of the cases would set undesirable precedents for similar applications. The other public comments were received from private individuals and local villagers of Ping Kong Village stating objections to the applications mainly on the grounds that the sites fell within the village area of Ping Kong and village land should be reserved for indigenous villagers of their own clan; and no local consultation had been made;
- (e) the District Officer (North) had consulted the locals regarding the application. A North District Council member, the Chairman of Sheung Shui District Rural Committee, the Indigenous Inhabitant Representative and Resident Representative of Kai Leng had no comment on the applications; and

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

- (f) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments set out in paragraph 12 of the Paper. Although DAFC did not support the applications as active farming activities were noted in the vicinity and the sites had high potential for agricultural rehabilitation, it should be noted that the proposed development generally met with the Interim Criteria for assessing planning applications

for NTEH/Small House in New Territories in that more than 50% of the footprints of the proposed Small Houses fell within the village ‘environs’ (‘VE’) of Kai Leng and there was insufficient land within the “V” zone of Kai Leng to meet the Small House demand. Sympathetic consideration could be given to the application. Regarding the public comments, the planning assessments and comments of government departments were relevant. With respect to the allegation of some local villagers that the sites should be reserved for the development of Small Houses by Ping Kong villagers, it should be noted that the sites fell within the ‘VE’ of Kai Leng Village.

51. Members had no question on the application.

#### Deliberation Session

52. After deliberation, the TPB decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the permissions should be valid until 12.9.2018, 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. Each of the permissions was subject to the following conditions :

- “(a) the provision of septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the TPB;
- (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.”

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

- “(a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site is in an area where no public sewerage

connection is available;

- (b) to note the comments of the Chief Engineer/Development (2), Water Supplies Department as follows :
  - (i) for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to his department's standards; and
  - (ii) the site is located within the flood pumping gathering ground;
- (c) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that any access road leading from Yu Tai Road to the site is not maintained by HyD;
- (d) to note the comments of the Director of Fire Services that the applicant is reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD; and
- (e) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works."

**Agenda Item 19**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/479 Proposed House (New Territories Exempted House) in “Agriculture” zone, Lot 1113 S.A in D.D. 82, Ping Che Road, Ta Kwu Ling  
(RNTPC Paper No. A/NE-TKL/479)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH));
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Commissioner for Transport (C for T) had reservation on the application and advised that Small House development should be confined within the “Village Type Development” (“V”) zone as far as possible. Notwithstanding the above, the application only involved construction of a Small House, and he considered that the application could be tolerated unless it was rejected on other grounds. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view as the site was of high potential for agricultural rehabilitation. DAFC also advised that the proposal as shown in the application (i.e. the underneath of the proposed NTEH would be used for growing mushrooms, greenhouse or aqua produce) was not a prevailing and common practice for commercial agricultural activity from cost and benefit point of view and it was difficult to assess the technical feasibility without more details on the operation;
- (d) during the first three weeks of the statutory publication period, two public

comments were received from Kadoorie Farm & Botanic Garden Corporation and Designing Hong Kong Limited which objected to the application mainly on the grounds that the proposed NTEH development was not in line with the planning intention of the “Agriculture” (“AGR”) zone; approval of the application would set an undesirable precedent and encouraging similar developments, thus would result in cumulative impacts of causing reduction in farm land and affect food supply; there was no submission of environmental, traffic, drainage and sewage assessments; and most villagers built their NTEHs for financial gain but not for domestic purpose;

- (e) the District Officer (North) had consulted the locals on the application. The Vice-Chairman of the Ta Kwu Ling District Rural Committee, the incumbent North District Council member and the Indigenous Inhabitants Representative of Tong Fong had no comment on it; and
- (f) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The applicant failed to demonstrate how the proposed development was in line with the planning intention of the “AGR” zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, or warranted a departure from this planning intention. DAFC did not support the application from agricultural point of view. There had been no major change in planning circumstances since the rejection of the previous application (Application No. A/NE-TKL/465). Approval of the current application would set an undesirable precedent and encourage other similar applications for NTEH spreading into the “AGR” zone. Regarding the public comments, the assessments above were relevant.

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 11.1 of the Paper and considered that they were appropriate. The reasons were :

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) zone in the Ta Kwu Ling area which is primarily to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes. It also intends to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong justification in the submission for a departure from such planning intention; and
- (b) approval of the application would set an undesirable precedent for other similar applications within the “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

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

## **Agenda Item 20**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-WKS/4            Proposed House (New Territories Exempted House) in “Green Belt” zone, Wo Keng Shan Lot 25 in D.D. 79, Wo Keng Shan Village, Ta Kwu Ling  
(RNTPC Paper No. A/NE-WKS/4)

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### **Presentation and Question Sessions**

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

- (a) background to the application;

- (b) the proposed house (New Territories Exempted House (NTEH));
- (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, four public comments were received from Kadoorie Farm & Botanic Garden Corporation, Conservancy Association, Designing Hong Kong Limited and World Wide Fund for Nature Hong Kong. They objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of “Green Belt” (“GB”) zone and did not comply with the Town Planning Board Guidelines No.10 (TPB PG-No. 10); no shortage of land in meeting the demand for Small Houses and the applicant had failed to demonstrate why he could not acquire land within the “Village Type Development” (“V”) zone to construct the Small House; no relevant assessments had been submitted to support the application; there was concern on the potential impact on a group of Camphor Trees in the vicinity; and approval of the application would set an undesirable precedent for similar applications;
- (e) the District Officer (North) had consulted the locals regarding the application. The Vice Chairman of Ta Kwu Ling District Rural Committee, the incumbent District Council Member, the Resident Representative and the Indigenous Inhabitant Representative of Wo Keng Shan had no comment on the application; and
- (f) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. Although the proposed development was not in line with the planning intention of the “GB” zone, the site was a disturbed site and had no tree on it, and the Director of Agriculture, Fisheries and Conservation (DAFC) had no comment from the nature conservation point of view. Since the



proposed development was not expected to have adverse impacts on traffic, drainage and environmental impacts on the surrounding area, it was considered in compliance with the TPB PG-No. 10. Also, there was an exceptional circumstance which merited sympathetic consideration of the application in that the site was an Old Schedule House Lot under Block Government Lease. It had been an existing practice of the Town Planning Board to take into account building entitlement under the lease in considering planning application for house development. Regarding the public comments, it should be noted that it was not a Small House application and DAFC advised that given the site was at some distance from the concerned trees, it was unlikely that the construction activities of the proposed NTEH would affect these trees. Nevertheless, to alleviate the public's concern, it was suggested that the applicant should be advised to avoid causing any disturbance to these trees in the area in carrying out the construction works.

58. Members had no question on the application.

#### Deliberation Session

59. 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 12.9.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the provision of septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands 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.”

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

- “(a) to note the comments of the Chief Engineer/Development (2), Water Supplies Department’s (WSD) on the following:
- (i) for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD’s standards; and
  - (ii) the site is located within the flood pumping gathering ground;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site is in an area where no public sewerage connection is available;
- (c) to note the comments of the Director of Fire Services that the applicant is reminded to observe ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (d) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that any access road leading from Ping Che Road to the site is not maintained by her department;
- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department 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;
- (f) to note the public’s concern that there is a group of Camphor Trees and an

Old and Valuable Tree (No. LANDSD N/3, Cinnamomum Camphora) on the hill slope to the east of the site within the “Green Belt” zone. The applicant should avoid causing any disturbances to these trees, in particular the Old and Valuable Tree, in the area in carrying out the construction works of the proposed New Territories Exempted House; and

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

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

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

[Mr Otto K.C. Chan, Mr Kevin C.P. Ng, Mr C.K. Tsang and Mr Ernest C.M. Fung, Senior Town Planners/Sha Tin, Tai Po and North (STPs/FSYLE), were invited to the meeting at this point.]

[Mr K.C. Siu returned to join the meeting at this point.]

### **Agenda Item 21**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/FSS/223                      Minor Relaxation of Maximum Gross Floor Area and Building Height Restrictions for Permitted Residential Development in “Residential (Group A) 2” zone, Government Land at Fai Ming Road, Fanling  
(RNTPC Paper No. A/FSS/223)

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61. The Secretary reported that the application was submitted by the Hong Kong Housing Authority (HKHA). The following Members have declared interests in this item:

- |   |  |
|---|--|
| Mr K.K. Ling<br>as the Director of Planning                                     | - being a member of the Strategic Planning Committee (SPC) and the Building Committee of the HKHA  |
| Mr Tony H. Moyong as the<br>Assistant Director of the Lands<br>Department       | - being an alternate member of the Director of Lands who was a member of the HKHA  |
| Mr Frankie W.P. Chou<br>as the Chief Engineer of the<br>Home Affairs Department | - being an alternate member of the Director of Home Affairs who was a member of the SPC and the Subsidised Housing Committee of the HKHA |
| Mr H.F. Leung   | - having current business dealings with Housing Department, the executive arm of HKHA; being a member of the Tender Committee of HKHA    |
| Ms Janice W.M. Lai  | - having current business dealings with HKHA   |

62. The Committee noted that Mr Frankie W.P. Chou had left the meeting already and considered that the interests of Mr Tony H. Moyong, Mr H.F. Leung and Ms Janice W.M. Lai were direct and agreed that they should leave the meeting temporarily.

[Mr Tony H. Moyong, Mr H.F. Leung, Ms Janice W.M. Lai and Mr Lincoln L.H. Huang left the meeting temporarily at this point.]

63. The Secretary reported that as Mr K.K. Ling, the Chairman, had to declare an

interest in this item and Professor S.C. Wong, the Vice-chairman, had tendered apologies for being unable to attend the meeting, according to the procedure and practice adopted by the Town Planning Board, if the matter was subject to a statutory time limit, then as a matter of necessity, Mr K.K. Ling should continue to assume the chairmanship but a conscious effort should be made to contain his scope of involvement in an administrative role to minimise any risk that he might be challenged. The Committee agreed to this arrangement.

#### Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed minor relaxation of maximum gross floor area (GFA) from 38,500m<sup>2</sup> to 45,000m<sup>2</sup> and building height (BH) restriction from 125mPD to 146mPD for permitted residential development. It would increase flat supply from 780 flats to 941 flats;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Food and Environmental Hygiene Department (DFEH) opined that if the BH was relaxed, the columbarium developments at Wo Hop Shek Cemetery would have more visual impact on the housing development and might attract objection from the future residents of the site. The applicant was advised to take this issue into consideration in their design to cater for the visual impact of the future columbarium developments. Other government departments concerned had no objection to/no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, four public comments were received. A North District Council member supported the application as it was convenient to the people who needed the service. The Hong Kong Bird Watching Society requested the Town Planning Board to reject the application due to the impact on the habitat,

densification and light pollution of the area. Kadoorie Farm & Botanic Garden Corporation urged the applicant and relevant authorities to strictly follow the recommendations in the Ecological Assessment Report prepared in June 2014. World Wide Fund for Nature Hong Kong expressed ecological concern and provided suggestions to the applicant;

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

- (e) the District Officer (North) had consulted the locals regarding the application. The chairlady of Yung Shing Court Owner's Committee, the principal of Christian Alliance SW Chan Memorial College and the principal of Pentecostal Yu Leung Fat Primary School supported the application as the proposal would effectively utilise land resource by increasing GFA to increase the floor area of each unit. They proposed to add telecommunication facility to the roof of the future development in order to enhance the signal reception of the area; and
  
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposal was in line with the Government policy emphasised in the Chief Executive's 2014 Policy Address in boosting housing supply by increasing the development intensity by 20% where feasible. The proposed minor relaxation to increase flat supply could help optimise scarce land resources, meet the community's imminent demand for housing, which was in the public interest, in line with Government policy and hence had planning merits. The proposed intensity (with domestic plot ratio (PR) of 5.41) was considered acceptable for the subject location and site context. The Chief Town Planner/Urban Design and Landscape, PlanD opined that the proposed minor relaxation of GFA and BH was considered either minor or negligible when viewing from most of the public viewpoints and would not result in significant adverse air ventilation impact. Concerned government departments confirmed that the proposed developments would not cause any additional problems on the traffic, environmental, landscape, drainage, sewerage, water supplies, geotechnical and fire services aspects

with respect to the proposed minor relaxation of the GFA and BH. Regarding the public comments, there was no significant adverse impact to the surrounding area as per the findings of the technical assessments. Concerned departments had no adverse comment on or objection to the application.

65. Members had no question on the application.

#### Deliberation Session

66. 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 12.9.2018, 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 provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB.”

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

- “(a) to note the comments of the Commissioner for Transport that the proposals of the zebra crossing to replace the existing cautionary crossing and the new bus stop should be completed before the occupation of the captioned development;
- (b) to note the comments of the Director of Food and Environmental Hygiene that :
  - (i) the windows/balconies of all flats should not face the direction of Wo Hop Shek Cemetery (WHSC);

- (ii) particular attention should be paid to the building orientation;
  - (iii) suitable visual barriers should be considered to shield off the view towards WHSC as far as possible; and
  - (iv) appropriate height restriction should be set for the housing estate so that residents will not overlook the future niches development; and
- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that 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."

## **Agenda Item 22**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/FSS/224                      Proposed School (Tutorial School) in "Commercial/Residential" zone,  
1st Floor, 12 San Lok Street, Sheung Shui  
(RNTPC Paper No. A/FSS/224)

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### **Presentation and Question Sessions**

[Mr Tony H. Moyung, Mr H.F. Leung and Ms Janice W.M. Lai returned to join the meeting at this point.]

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

- (a) background to the application;



- (b) proposed school (tutorial school);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) objected to the application under the Buildings Ordinance (BO) as the subject building was constructed as a single staircase building which was not permitted for the applied use other than domestic or office, except the ground storey. The intended material change in the use to school use was not acceptable;
- (d) during the first three weeks of the statutory publication period, a public comment from a North District Council Member supporting the application was received;
- (e) the District Officer (North) (DO/N) had consulted the locals regarding the application. The Incumbent District Council member of Shek Wu Hui Constituency and a nearby street-shop operator supported the application as the application premises was a comparatively suitable location for the operation. The Incorporated Owners of Pearl Vista, the Chairman of Sheung Shui District Rural Committee, the Chairman of Hong Kong Industrial and Commercial Association (North District Branch) and the Office of another District Council member had no comments on the application; and
- (f) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. Although the proposed use was generally in line with the planning intention of the “Commercial/Residential” zone, the proposed use at the application premises was not compatible with other domestic uses within the residential portion of the commercial cum residential building on the upper floors. The applicant had not come up with practical and implementable proposals to demonstrate that the proposed tutorial school would not create nuisances to the residents. The proposed use at the application premises did not comply with Town Planning Board Guidelines No. 40 in that there

was no separate stairway exclusively serving the proposed use. CBS/NTW, BD objected to the application as a single staircase building was not permitted for the applied use under the BO. Approval of the application would set an undesirable precedent for other similar applications

69. Members had no question on the application.

#### Deliberation Session

70. 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 tutorial school does not comply with the Town Planning Board Guidelines No. 40 for ‘Application for Tutorial School under section 16 of the Town Planning Ordinance’ in that the applied tutorial school will cause disturbance or nuisance to the residents of the domestic portion of the same building as there is no separate access to the applied tutorial school; and
- (b) the approval of the application would set an undesirable precedent for similar applications for tutorial schools within the domestic portion of commercial cum residential buildings in the area.”

**Agenda Item 23**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/KTN/6                      Renewal of Planning Approval for Temporary Warehouses (excluding Dangerous Goods Godown) (Industrial and Construction Materials and Ancillary Workshop) for a Period of 3 Years in “Open Space” and “Other Specified Uses” annotated “Nature Park” zones and area shown as ‘Road’, Lots 744 and 749 in D.D. 92, Yin Kong, Sheung Shui  
(RNTPC Paper No. A/KTN/6)

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**Presentation and Question Sessions**

71.            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 renewal of planning approval for temporary warehouses (excluding dangerous goods godown) (industrial and construction materials and ancillary workshop)” under previous application No. A/NE-KTN/148 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 uses in the vicinity of the application site and environmental nuisance to nearby residents was anticipated. The Project Manager/New Territories North and West, Civil Engineering and Development Department (PM/NTN&W, CEDD) advised that in view of the site formation works for the North East New Territories New Development Areas (NENT NDAs) development which were tentatively scheduled to commence in 2018 subject to review under the detailed design study, the effective period of permission for the application should be granted to a date not later than 2016;

- (d) during the first three weeks of the statutory publication period, two public comments were received. A comment from a North District Council (NDC) member supported the application. The other comment from another NDC member objected to the application on the grounds that the ancillary use as a workshop generated air pollution and noise, and affected residents and environmental hygiene in the area;
- (e) the District Officer (North) (DO/N) had consulted the locals regarding the application. The Chairman of Sheung Shui District Rural Committee had no comments on the application and the NDC member, the Indigenous Inhabitant Representative of Yin Kong and the Resident Representatives of Yin Kong raised objection to the application as the ancillary workshop caused air pollution and affected the hygiene in the area, the noise from the workshop and dumping of the industrial waste affected the residents nearby; and
- (f) the Planning Department (PlanD)'s views –PlanD considered that the temporary use could be tolerated for a further period of 2 years based on the assessment in paragraph 11 of the Paper. PM/NTN&W, CEDD advised that the site formation works for the NDA development were tentatively scheduled to commence in 2018, the effective period of permission for the subject application should be granted to a date no later than end of 2016 so as not to pose as a constraint to the development of the Kwu Tung North NDA. Concerned departments had no objection to the application. In view of the above, it was considered that approval of the application on a temporary basis for a period of 2 years, instead of 3 years sought under application, would be recommended so as not to frustrate the long-term planning intention of the concerned zonings on the Outline Zoning Plan. Although DEP did not support the application, relevant approval conditions restricting the operation hours were recommended in order to minimise potential nuisance to residents nearby. Regarding the public comments on noise impact, the assessments above were relevant. As regards the public comments on air and environmental impacts on the

local residents, according to DEP, there was no record of complaint on waste and air pollution.

72. Members had no question on the application.

#### Deliberation Session

73. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years, instead of 3 years sought, until 18.11.2016, 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 p.m. and 8 a.m. on Monday to Saturday, as proposed by the applicant, is allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the application site during the planning approval period;
- (c) to maintain the existing drainage facilities properly and rectify those facilities if they are found inadequate/ineffective during the planning approval period;
- (d) to maintain all existing fire service installations and equipment in an efficient working order at all times during the planning approval period;
- (e) the submission of a conditional survey with photographic records of the existing drainage facilities on site within 3 months from the date of the commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.2.2015;
- (f) the submission of tree preservation and landscaping proposals within 6 months from the date of the commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by

18.5.2015;

- (g) in relation to (f) above, the implementation of tree preservation and landscaping proposals within 9 months from the date of the commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 18.8.2015;
- (h) 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; and
- (i) if any of the above planning conditions (e), (f) or (g) 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.”

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

- “(a) an approval period of 2 years is granted, instead of 3 years sought, so as not to frustrate the long-term planning intention of the concerned zonings on the Outline Zoning Plan;
- (b) the permission is given to the use/development under application. It does not condone any other use/development which currently exists on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use/development not covered by the permission;
- (c) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (d) to note the comments of the District Lands Officer/North, Lands Department that:

should the planning permission be granted the tenant shall apply to this office for modification of the existing Short Term Tenancy (STT) No. 784 to regularise the irregularities on site. There is no guarantee that the application will be approved. If the application is approved, it will be subject to such terms and conditions to be imposed including payment of STT rental;

- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that:
  - (i) if the existing structures are erected on leased land without approval of the 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;
  - (ii) before any new building works are to be carried out on the application site, the prior approval and consent of the BD should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person (AP) should be appointed as the co-coordinator for the proposed building works in accordance with the BO;
  - (iii) for UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO;
  - (iv) if the proposed use under application is subject to the issue of a licence, please be reminded that any existing structures on the application site intended to be used for such purposes 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 Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively;
  - (vi) 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; and
  - (vii) a temporary building permit for the two warehouses at the subject lots issued by the BA has expired. The applicant should enlist an AP to apply for the renewal;
- (f) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that:

existing water mains located on the footpath accessible by the public will be affected. A waterworks reserve within 1.5m from the centreline of the water main shall be provided to WSD. No structure shall be erected over this waterworks reserve and such area shall not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority may require or authorise. If not, the applicant shall bear the cost of the diversion works;

- (g) to note the comments of the Commissioner for Transport that:

Yin Kong Road and the unnamed local track are not under Transport Department's management. In this regard, the land status of the access leading to the site should be checked with the lands authority. The



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

- (h) to note the comments of the Director of Electrical and Mechanical Services that:
  - (i) for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132 kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier is necessary;
  - (ii) prior to establishing any structure within the application site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
  - (iii) the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity suppliers lines; and
- (i) to follow the environmental mitigation measures as recommended in the latest ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ in order to minimise the potential environmental impacts on the adjacent area.”

## **Agenda Item 24**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/445      Proposed Temporary Offensive Trades – Lard Boiling Factory for a Period of 5 Years in “Industrial (Group D)” zone, Government Land in Fung Kat Heung, Yuen Long  
(RNTPC Paper No. A/YL-KTN/445B)

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### **Presentation and Question Sessions**

75.            Mr C.K. Tsang, STP/FSYLE, reported that the Planning Department (PlanD) had received clarifications and updates from the District Lands Officer/Yuen Long (DLO/YL) and the Director of Food and Environmental Hygiene (DFEH) on the application. DLO/YL clarified that they had not made a comment that their office had no objection to the application. Their comments were based on the information provided and reflected the land status of the application site. DFEH advised that if the operator intended to operate a factory for boiling of lard, an offensive trade licence should be obtained from the DFEH in accordance with the Public Health and Municipal Services Ordinance (Cap. 132); if the operator intended to manufacture any food products derived from lard for human consumption in the same premises, a separate food licence should be obtained before the operation of business; the applicant must comply with all licensing requirements and conditions imposed by the department before issue of the licence; and the issue of licence did not exempt the applicant from meeting any requirement or condition imposed by other departments or parties concerned.

76.            Mr C.K. Tsang continued to present the application and covered the following aspects as detailed in the Paper :

- (a) background to the application – the application site was the subject of three previous planning applications (No. A/YL-KTN/192, A/YL-KTN/229 and A/YL-KTN/316) for the same use and were approved for a period of 5 years by the Committee on 10.9.2004, 9.9.2005 and 27.3.2009 respectively. All applications were revoked due to non-compliance with the approval

conditions;

- (b) the proposed temporary lard boiling factory for a period of 5 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) considered that the proposed lard boiling factory was an offensive trade which required a Discharge Licence and a Specified Process (SP) Licence under the Water Pollution Control Ordinance (WPCO). As the site was located next to two other lard boiling factories, in which one was in operation and the other was still under planning, the applicant might be required to carry out a cumulative air impact assessment during the SP licence application process. DEP considered that the application could be tolerated if the applicant would implement all the proposed mitigation measures and obtain the necessary licences under WPCO and Air Pollution Control Ordinance (APCO). DFEH also commented that the proposed use required an offensive trade licence in accordance with the Public Health and Municipal Services Ordinance. Other 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 objecting to the application was received. The comment opposed the application on the ground that the proposed lard boiling factory had failed repeatedly to comply with approval conditions in the past; and
- (e) PlanD's views – PlanD considered that the temporary use could be tolerated for a period of 5 years based on the assessment in paragraph 11 of the Paper. The proposed development was generally in line with the planning intention of the “Industrial (Group D)” (“I(D)”) zone which was to redevelop the existing informal industrial uses with modern structure and facilities. The proposed development was compatible with the surrounding mixed developments including a lard boiling factory and open storage/storage yards. Another temporary lard boiling factory approved

by the Committee (application No. A/YL-KTN/350) was located to the east of the site. Under the current application, details on operation and odour and pollution control measures similar to the previously approved schemes had been provided by the applicant. Although the previous planning permissions (application No. A/YL-KTN/192, 229 and 316) granted were all revoked subsequently due to non-compliance with the approval conditions, the applicant had made efforts to comply with some of the conditions under the last approval. For the current application, the applicant had submitted drainage and landscape proposals which were considered acceptable by concerned departments. Besides, the applicant had already implemented the fire services installations on-site and submitted the relevant fire safety certificates in the current submission which were accepted by the Fire Services Department. In view of the above, sympathetic consideration could be given to the current application. Nevertheless, shorter compliance periods were recommended to closely monitor the compliance with approval conditions. The applicant should also be advised that if it failed to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given to any further application.

77. In response to a Member's query, Mr C.K. Tsang said that the effective periods of the permission granted/proposed for the previous and current applications were the same, i.e. 5 years. Since the first permission was granted (No. A/YL-KTN/192), the applicant had made submissions for compliance with the approval conditions. However, the site works were stopped due to local objections and changes in structural engineer and consultants etc. In view that the applicant had made genuine efforts and there was no major change in the planning circumstances in the area since the last planning approval, sympathetic consideration could be given to the current application.

78. In response to the Chairman's query on the condition(s) that had not been complied with which subsequently led to the revocation of the previous applications, Mr C.K. Tsang said that for application No. A/YL-KTN/192, the approval conditions on submissions relating to landscape, drainage, traffic, fire service facilities and environmental aspects had not been complied with. For application No. A/YL-KTN/229, most of the technical issues

identified in application No. A/YL-KTN/192 had been addressed by the applicant. The non-compliance part was related to the implementation of landscape and tree preservation proposals and fire service facilities and provision of drainage facilities and transport facilities. Similarly, under application No. A/YL-KTN/316, the non-compliance part was related to the implementation of landscape and tree preservation proposals and fire service facilities, and provision of parking spaces and vehicular access to the site. In response to the Chairman's further query, Mr C.K. Tsang said that the lard boiling factory had never been operated since the first permission was granted on 10.9.2004.

79. In response to a Member's query on the planning considerations for granting approval for similar offensive trade development in the area, Mr C.K. Tsang said that the proposed lard boiling factory was generally in line with the planning intention for "I(D)" zone which was primarily for industrial uses that could not be accommodated in conventional flatted factories due to extensive land and/or high ceiling requirements. Although lard boiling was an offensive trade, it was considered not incompatible with the surrounding mixed developments including a lard boiling factory and open storage/storage yards. The site was also considered suitable for such purpose with the provision of appropriate mitigation measures to keep the potential environmental impact to the minimum. Thus, the previous applications were approved based on similar considerations. Also, details on operation and odour and pollution control measures similar to the previously approved schemes had been provided by the applicant and were acceptable to DEP.

80. In response to the same Member's query on the cumulative air/odour and water quality impacts on the surroundings with lard boiling factory use, Mr K.F. Tang, Assistant Director (Environmental Assessment), Environmental Protection Department (AD/EA, EPD) said that lard boiling activity would require a Discharge Licence and SP Licence under WPCO and APCO prior to commencement of the operation. The applicant might be required to carry out a cumulative air impact assessment during the SP Licence application process. The approval of the application under the Town Planning Ordinance did not absolve the responsibility of the applicant in meeting the requirements under other relevant pollution ordinances such as WPCO and APCO. Considering the small scale of the proposed development, the application could be tolerated from the environmental planning perspective if the applicant would implement all the proposed environmental mitigation measures and obtain the necessary Discharge Licence under WPCO and SP Licence under

APCO. Mr C.K. Tsang supplemented that apart from the licensing requirements from EPD, the applicant was also required to obtain the necessary licence for the lard boiling factory from the Food and Environmental Hygiene Department (FEHD).

### Deliberation Session

81. In response to the Chairman's question on the application procedures for and the validity period of the Discharge Licence and SP Licence, Mr K.F. Tang said that the applicant had to demonstrate that the concerned factory could operate to the satisfaction of DEP. The validity period of the licences would vary on a case by case basis and would also be different for different licences.

82. A Member suggested that the Committee should defer making a decision on the application, pending provision of further information from EPD on the licensing requirements for offensive trades, and the monitoring mechanism upon issue of the licences. Another Member considered that similar information from FEHD should also be obtained. Mr K.F. Tang said that as the location for sewage disposal was not provided in the applicant's submission, Members could consider requiring the applicant to provide further information on this aspect to facilitate the consideration of the application. Another Member considered that while Members could defer making a decision on the application pending the submission of further information, the licensing requirement was a matter that should separately be dealt with by the applicant.

83. The Chairman concluded that Members generally agreed to defer making a decision on the application, pending provision of further information from EPD and FEHD on the respective licensing requirements for offensive trades, and the monitoring mechanism upon issue of the licences; and from the applicant on the proposed location for sewage disposal. The Chairman asked PlanD to liaise with EPD, FEHD and the applicant to obtain the necessary information and re-submit the application to the Committee for consideration in due course.

84. After further deliberation, the Committee agreed to defer making a decision on the application in order to seek more information from EPD and FEHD on their respective licensing requirements for offensive trades, and the monitoring mechanism upon issue of the

licences; as well as from the applicant on the proposed location for sewage disposal.

## **Agenda Item 25**

### **Section 16 Application**

[Open Meeting]

A/YL-KTS/645      Temporary Site Office, Car Park and Open Storage of Precast Units Related to the Central-Wan Chai Bypass - Tunnel (Slip Road 8 Section) Construction for a Period of 3 Years in “Other Specified Uses” annotated “Rural Use” zone, Lots 509 (Part), 510, 514 (Part) and 515 RP (Part) in D.D. 106, Kam Po Road, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-KTS/645)

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85.            The Committee noted that the applicant requested on 1.9.2014 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 landscape and drainage aspects. This was the first time that the applicant requested for deferment of the application.

86.            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 26**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/646      Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” and “Village Type Development” zones, Lot 1441 S.A  
ss.1 in D.D. 106, Tin Sam San Tsuen, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTS/646)

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**Presentation and Question Sessions**

87.      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 house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications from the agricultural point of view as the agricultural activities in the vicinity were very active and the site had high potential for agricultural rehabilitation;
- (d) during the first three weeks of the statutory publication period, two public comments were received from Kadoorie Farm & Botanic Garden Corporation and Designing Hong Kong Limited. They objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of “Agriculture” zone; the agricultural land should not be further reduced in order to safeguard the food production as well as the livelihoods of local farmers; approval of the application would set an undesirable precedent for similar applications; no



relevant assessments had been submitted; and the Town Planning Board should urge the Lands Department to complete the review on Small House Policy and for a halt to land grants and licenses for Small Houses. No local objection to/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. Although DAFC did not support the application as the agricultural activities in the vicinity were very active and the site had high potential for agricultural rehabilitation, it should be noted that the proposed development generally met with the Interim Criteria for assessing planning applications for NTEH/Small House in New Territories in that more than 50% of the footprints of the proposed Small Houses fell within the “Village Type Development” (“V”) zone of Tin Sam San Tsuen and there was insufficient land within the “V” zone of the same village to meet the Small House demand. Sympathetic consideration could be given to the application. Regarding the public comments, the assessments above were relevant and other government departments had no objection/no adverse comment on the application.

88. Members had no question on the application.

#### Deliberation Session

89. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 12.9.2018, 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 drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and

- (b) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to resolve the any land issue relating to the development with the concerned owner(s) of the site;
- (b) to note the comments of the Director of Fire Services that the applicant should observe ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by the Lands Department;
- (c) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that HyD is not and shall not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Sheung Road;
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that site formation works and drainage works for New Territories Exempted Houses are building works under the control of the Buildings Ordinance (BO). Before any new site formation and/or drainage works are to be carried out on the site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are unauthorised building works. An Authorised Person should be appointed as the co-ordinator for the proposed site formation and/or drainage works in accordance with the BO. The District Lands Officer/Yuen Long (DLO/YL) may issue a certificate of exemption from prior approval and consent of the BA in respect of site formation works and/or drainage works in the New Territories under the Buildings Ordinance (Application to the New Territories) Ordinance. The applicant may approach DLO/YL or seek the Authorised Person’s advice for details;
- (e) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition

of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans and the relevant drawings obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, prior consultation and arrangement with the electricity supplier is necessary 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. 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 prior to establishing any structure within the sites. 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 contractor when carrying out works in the vicinity of the electricity supply lines; and

- (f) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the proposed development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. Also, the applicant shall resolve any land matters (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of any sub-main within the private lots to WSD’s standards.”

**Agenda Item 27**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

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

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Presentation and Question Sessions

91. 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 three 2-storey houses with a plot ratio of about 0.2;
- (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. The Director of Agriculture, Fisheries and Conservation advised that there were a number of mature trees on both sides of the site boundary. Should the application be approved, the applicant was advised to adopt necessary measures to prevent causing impacts to those trees as far as possible;
- (d) during the first three weeks of the two statutory publication periods of the application and further information, a public comment was received objecting to the application on *fung shui* issue. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed development was in line with the planning intention of the “Residential (Group D)” zone which was primarily for improving and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It was considered not incompatible with the surrounding areas. The site was the subject of four previous applications for residential development which were all approved by the Committee with conditions. Compared with the last application No. A/YL-PH/502, the current application involved an increase in parking spaces from 4 to 5. Concerned

government departments had no objection to or no adverse comment on the application. In this regard, the approval of the subject application was in line with the Committee's previous decisions. Regarding the public comment on *fung shui* issue, the proposed development was in line with the planning intention and not incompatible with the surrounding areas.

92. Members had no question on the application.

#### Deliberation Session

93. 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 12.9.2018, 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 access arrangement for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the submission and implementation of landscape and tree preservation proposals to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (d) the submission and implementation of proposals for emergency vehicular access, water supplies for fire-fighting and fire service installations proposal to the satisfaction of the Director of Fire Services or of the TPB.”

94. 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 could fulfill the requirements under the Sustainable

Building Design Guidelines and the relevant requirements under the lease, and that the proposed 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) and the Lands Department (LandsD) direct to obtain the necessary approval. If the building design elements and the GFA concession are not approved/granted by the BA and the Lands Authority and major changes to the current development are required, a fresh planning application to the TPB may be required;

- (b) to note the comments of the District Lands Officer/Yuen Long, LandsD that if the development parameters approved by the TPB under this planning application do not tally with those in the approved scheme under Application No. A/YL-PH/502, the lot owner has to submit revised land exchange application to LandsD for consideration. There is no guarantee that the land exchange application will be approved. Such application, if received by LandsD, will be considered by LandsD acting in the capacity as the landlord as 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 and administrative fee as may be imposed by LandsD;
- (c) to note the comments of the Commissioner for Transport that the applicant should substantiate that a vehicle can enter the proposed run-in from the near side lane without encroachment onto an adjacent lane of Fan Kam Road. The applicant should also substantiate that the proposed run-in fulfils the relevant requirements of the Transport Planning and Design Manual;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department's (HyD) that the proposed run-in should be agreed by Transport Department and the applicant should construct a run-in/out at the access point at Kam Tin Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and

H5135, whichever set is appropriate to match with the existing adjacent pavement. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. The proposed ramp will affect the existing slope no. 2SE-D/F 72. Detailed proposals should be submitted for HyD's consideration.

- (e) to note the comments of the Director of Agriculture, Fisheries and Conservation that there are a number of mature trees at the boundary of the site. The applicant is advised to adopt necessary measures to prevent causing impacts to those trees as far as possible;
- (f) to note the comments of the Director of Environmental Protection that since the site falls within the flood pumping gathering ground, the applicant should observe the Water Pollution Control Ordinance for any discharge arising from the proposed development;
- (g) 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 or referral from relevant licensing authority. The applicant is advised that the provision of emergency vehicular access shall comply with the Code of Practice for Fire Safety in Buildings 2011 which is administered by BD;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, BD that the site shall be provided with means of obtaining access thereto from a street under the Building (Planning) Regulations (B(P)R) 5 and emergency vehicular access shall be provided for all the buildings to be erected on the site in accordance with the requirements under the B(P)R 41D. An access road connecting the site to Fan Kam Road of not less than 4.5m should be provided and completed before Occupation Permit application. Otherwise, the development intensity shall be determined under B(P)R 19(3) during plan submission stage. Detailed checking of plans will be carried out upon formal submission of building plans. The applicant should observe the sustainable building design requirements

(including building separation, building setback and greenery coverage) in accordance with the Government's committed policy to implement building design to foster a quality and sustainable built environment;

- (i) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that Feature No. 2SE-D/F72 may affect or be affected by the proposed development. Presumably, details of the investigation and/or assessment of the effects of the development on this feature, and vice versa, would be submitted in conjunction with the development proposal to the relevant authorities for processing. In this regard, the proponent needs to submit site formation plans which should include details of such to the BA for approval under the Buildings Ordinance; and
  
- (j) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for requisition of cable plans to find out whether there is any underground electricity cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there is any underground electricity cable (and/or overhead electricity line) within or in the vicinity of the site, the applicant shall carry out the measures prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines."



**Agenda Item 28**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/692            Temporary Open Storage (Building Materials and Vehicles) for a  
Period of 3 Years in “Residential (Group D)” zone, Lots 9 (Part) and  
10 (Part) in D.D.111 and Adjoining Government Land, Pat Heung,  
Yuen Long  
(RNTPC Paper No. A/YL-PH/692A)

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**Presentation and Question Sessions**

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

- (a)    background to the application;

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

- (b)    the temporary open storage (building materials and vehicles) 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 sensitive receivers, i.e. residential structures were found to the east and north (the nearest being 10m from the site to the east) and in the vicinity of the site, and environmental nuisance was expected. The Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD) commented that it was unclear from the submission of how the planting of trees could mitigate the visual impact of the structures on the surrounding rural environment;
- (d)    during the first three weeks of the statutory publication period, two public

comments objecting to the application were received from Designing Hong Kong Limited and a member of the public on the grounds that the application did not comply with the planning intention of “Residential (GroupD)” zone; there was already sufficient supply of space for storage use, and the applied use was unsightly and would affect housing land supply; the approval of the application would set undesirable precedent for similar applications; the use would attract illegal overseas workers. No local objection/view was received by the District Officer (Yuen Long); and

[Mr H.F. Leung returned to join the meeting at this point.]

- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary open storage (building materials and vehicles) could be tolerated for a period of 3 years based on the assessments made in paragraph 12 of the Paper. Although DEP did not support the application, no environmental complaint had been received by DEP in the past three years and the surrounding areas were generally mixed uses with open storage/storage yards. To monitor the situation on the site and to address the concern of the DEP, approval conditions restricting the operation hours and types of vehicles and prohibiting dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities were recommended. Regarding CA/CMD2 of ArchSD’s concern on the visual impact arising from the development, approval conditions on provision of boundary fencing and submission and implementation of landscape proposal were recommended to minimise the potential impact. Regarding the public comments, the temporary nature of the development would not jeopardise long-term planning intention of the site for residential use and relevant departments had no adverse comment on/no objection to the application.

96. Members had no question on the application.

#### Deliberation Session

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

temporary basis for a period of 3 years until 12.9.2017, 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 6:00 p.m. and 8:00 a.m. from Mondays to Saturdays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and statutory holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities are allowed on the site at any time during the planning approval period;
- (d) no heavy goods vehicles exceeding 30 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) no reversing of vehicles into or out of the site are allowed at any time during the planning approval period;
- (f) the provision of boundary fencing, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 12.3.2015;
- (g) the submission 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 12.3.2015;
- (h) in relation to (g) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 12.6.2015;

- (i) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 12.3.2015;
- (j) in relation to (i) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 12.6.2015;
- (k) the provision of fire extinguisher(s) within 6 weeks with a valid fire certificate (FS 251) from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.10.2014;
- (l) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.3.2015;
- (m) in relation to (l) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.6.2015;
- (n) 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;
- (o) if the above planning conditions (f), (g), (h), (i), (j), (k), (l) or (m) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;  
and
- (p) upon 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.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issues relating to the development with the concerned owners of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department’s (LandsD) that the private lot within the site is an Old Schedule Agricultural Lot held under Block Government Lease which no structure is allowed to be erected without prior approval of LandsD. No approval has been given for the specified structures used as storeroom, restroom and hand washing, and meter room. No permission has been given for the occupation of the Government land (GL) within the site. The act of occupation of GL without Government’s prior approval should not be encouraged. The site is accessible from Fan Kam 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 need to apply to LandsD to permit any structure to be erected or to regularise any irregularities on-site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions including among others the payment of premium or fee, as imposed by LandsD;
- (d) to note the comments of the Commissioner for Transport that the site is connected to public road network via a section of local access road which is not managed by the Transport Department. The land status of the local access road should be checked with LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly. Vehicles are not allowed to reverse into or out of the site. Drivers should drive

slowly with great care, particularly when there is an opposing stream of traffic on the local road;

- (e) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise any potential environmental nuisances;
- (f) to note the comments of the Chief Engineer/Development (2), Water Supplies Department’s (WSD) that the site encroaches onto a 10m wide waterworks reserve for a WSD pipeline. No structure shall be erected over this waterworks reserve and such area shall not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority may require or authorise. Government shall not be liable for any damage whatsoever and however caused arising from burst or leakage of the public water mains within and in close vicinity of the site;
- (g) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to 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. Besides, the applicant should observe the good practice guidelines for open storage site in Appendix V of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs as prescribed by his department, he is required to provide justification to his department for consideration. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123),

detailed fire service requirements will be formulated upon receipt of formal submission of general building plans. To address the approval condition on provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS251) to his department for approval;

- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department's (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 BO and should not be designated for any use under the application. Before any new building works (including store rooms and rest rooms as temporary buildings) are to be carried out on the site, prior approval and consent of the Building Authority (BA) 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. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with 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; and
  
- (i) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings) 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 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.”

## **Agenda Item 29**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/698      Temporary Open Storage of Construction Materials and Containers with Parking of Heavy Vehicles for a period of 3 years in “Agriculture” and “Village Type Development” zones, Lots 1866, 1981, 3047 and 3048 in D.D. 111, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-PH/698)

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### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary open storage of construction materials and containers with parking of heavy vehicles 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 the applicant would make use of an access road connecting Kam Tin Road to the site, where residential dwellings were found within 40m of the access road, and noise nuisance was expected. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the proposed development was not related to agriculture; there was a watercourse running through the site and another watercourse ran along the southern boundary of the site; and there were trees within and adjacent to the site. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservation on the application from landscape planning perspective as there was inadequate information on the proposed layout and the application might involve felling of mature trees;

[Mr Peter K.T. Yuen left the meeting temporarily at this point.]

- (d) during the first three weeks of the statutory publication period, two public comments were received from a member of the Yuen Long District Council and Designing Hong Kong Limited. They objected to the application on the grounds that frequent traffic flow of heavy vehicles would pose danger to the residents in the area; the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone; no traffic and sewerage impact assessment had been submitted; supply of open storage space were sufficient; and the proposed development would lead to degradation of the land and environment. No local objection/view was received by the District Officer (Yuen Long); and
- (e) PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. No strong planning justification had been given for a departure from the planning intentions of the “Village Type Development” and “AGR” zones, even on a temporary basis. There were adverse departmental comments, including comments from DAFC, DEP and CTP/UD&L on the application. The applicant failed to demonstrate that the proposed development would not generate

adverse environmental, landscape and drainage impacts. The development was not in line with the Town Planning Board Guidelines No. 13E in that applications for open storage and port back-up use in Category 4 areas would normally be rejected except under exceptional circumstances. Besides, for the majority of the site, no previous approval for open storage use had been granted; and that existing and approved open storage use should be contained within the Category 3 areas and further proliferation of such use was not acceptable. Also, two public comments objecting to the application were received during the statutory publication period.

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

100. Members had no question on the application.

#### Deliberation Session

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

- “(a) the development is not in line with the planning intentions of the “Village Type Development” (“V”) and “Agriculture” (“AGR”) zones. The “V” zone is intended to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within the “V” zone is primarily intended for development of Small Houses by indigenous villagers. The “AGR” zone is intended to retain and safeguard good agricultural land for agricultural purposes. This zone is also intended to retain fallow arable land with good potential for rehabilitation. No strong planning justification has been given in the submission for a departure from the planning intentions, even on a temporary basis;
- (b) the application does not comply with the Town Planning Board Guidelines No. 13E in that the development is not compatible with the surrounding

land uses which are predominated by residential structures/dwellings and vacant/unused land. There is also no previous approval granted at the site and there are adverse departmental comments and public objections against the application;

- (c) the applicant fails to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for other similar uses to proliferate into this part of the “V” and “AGR” zones. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.”

[A short break of 5 minutes was taken and Mr Lincoln L.H. Huang left the meeting at this point.]

### **Agenda Item 30**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NSW/232 Proposed Temporary Education Kiosks for “Hong Kong Got Fishpond - Eco-fishpond Management Agreement Scheme 2013-2015” for a Period of 6 Months in “Other Specified Uses” annotated “Comprehensive Development and Wetland Enhancement Area 1” zone, Government Land in D.D.123, Nam Sang Wai, Yuen Long  
(RNTPC Paper No. A/YL-NSW/232)

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

102. 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 proposed temporary education kiosks for “Hong Kong Got Fishpond - Eco-fishpond Management Agreement Scheme 2013-2015” (the MA Project) for a period of 6 months. The temporary kiosks would operate until February 2015;
- (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, two public comments were received. The Village Representative of Shan Pui Tsuen objected to the application on the ground that the cumulative effect of similar applications, if approved, would have undesirable impact on the Wetland Conservation Area. The other commenter, a Yuen Long District Council member stated that he had no comment on the application. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The two proposed temporary education kiosks were under the MA Project and the objectives of the kiosks were to raise public awareness on the conservation value of fishpond. The proposed education kiosks were therefore in line with the planning intention of the “Other Specified Uses” annotated “Comprehensive Development and Wetland Enhancement Area” (“OU(CDWEA)”) zone. They were also in line with the Town Planning Board Guidelines No. 12C in that they helped to support the conservation of the ecological value of the fishponds which formed an integral part of the wetland ecosystem in the Deep Bay Area through public education. Adverse landscape, environmental, traffic, fire safety and drainage impacts were not envisaged. Regarding the adverse public comment received, the proposed temporary education kiosks for a period of six months was considered acceptable as concerned departments had no objection to or no

adverse comments on the application.

103. Members had no question on the application.

#### Deliberation Session

104. After deliberation, the Committee decided to approve the application on a temporary basis from 12.9.2014 until 28.2.2015, 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 site to the original state to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to note the comments of the District Lands Officer/Yuen Long that the land under the application site comprises only Government land (GL). No permission has been given for the proposed use and/or occupation of the GL (about 144m<sup>2</sup> subject to verification) included into the sites. The occupation of GL without Government’s prior approval should not be encouraged. The sites are accessible to Nam Sang Wai Road via GL. His office provides no maintenance work to the GL involved and does not guarantee right-of-way. Such application will be considered by Lands Department (LandsD) acting in the capacity as landlord at its sole discretion and it is emphasised that there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD; and
- (b) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that for site A, the existing water main should not be affected by the propose kiosk. No structure shall be erected over the proposed area and such area shall not be used for storage purposes. The

Water Authority (WA) and his officers and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the WA may require or authorise.”

**Agenda Item 31**

**Section 16 Application**

[Open Meeting]

A/YL-NSW/233 Proposed Residential Development with Filling and Excavation of Land in “Undetermined” zone, Lots 592 S.C ss.1 S.A, 592 S.C ss.4 and 1252 S.C in D.D. 115, Nam Sang Wai, Yuen Long  
(RNTPC Paper No. A/YL-NSW/233)

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106. The Secretary reported that the application was submitted by Richduty Development Ltd., which was a subsidiary of Sun Hung Kai Properties Ltd. (SHK). Environ Hong Kong Ltd. (Environ), AECOM Asia Co. Ltd. (AECOM) and Urbis Ltd. were the consultants of the applicant. The following Members had declared interests in this item:

- |                     |   |   |
|---------------------|---|---|
| Mr Ivan C.S. Fu     | - | having current business dealings with SHK, Environ, AECOM and Urbis Ltd.  |
| Ms Janice W.M. Lai  | - | having current business dealings with SHK, AECOM and Urbis Ltd.   |
| Professor S.C. Wong | - | having current business dealings with AECOM   |
| Dr Eugene K.K. Chan | - | being the convenor of the Hong Kong Metropolitan Sports Events Association which had solicited sponsorship from SHK |

Ms Christina M. Lee - being a committee member of the HKMSEA which had solicited sponsorship from SHK

107. The Committee noted that Professor S.C. Wong had tendered apologies for being unable to attend the meeting. As the applicant had requested for deferment of consideration of the application and Mr Ivan C.S Fu, Ms Janice W.M. Lai, Dr Eugene K.K. Chan and Ms Christina M. Lee had no involvement in the application, Members agreed that they could stay in the meeting but Mr Ivan C.S Fu and Ms Janice W.M. Lai should refrain from participating in the discussion.

108. The Committee noted that the applicant requested on 28.8.2014 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 relevant Government departments. This was the first time that the applicant requested for deferment of the application.

109. 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 32**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/307      Renewal of Planning Approval for Temporary “Public Vehicle Park (including Container Vehicles) and Ancillary Tyre and Repairing Use” for a Period of 3 Years in “Open Storage” zone, Lots 2781RP, 2782RP, 2783RP, 2785RP, 2786RP, 2787RP, 2788RP, 2789, 2791, 2792, 2793 S.A, 2793 S.B, 2794, 2795, 2962RP and 2963RP in D.D. 102 and Adjoining Government Land, Ngau Tam Mei, Yuen Long  
(RNTPC Paper No. A/YL-NTM/307)

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**Presentation and Question Sessions**

110.      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 “public vehicle park (including container vehicles) and ancillary tyre and repairing use” under previous application No. A/YL-NTM/266 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 in the vicinity of the site (the closest one being about 40m away) and environmental nuisance was expected;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the



temporary “public vehicle park (including container vehicles) and ancillary tyre and repairing use” could be tolerated for a further period of 3 years based on the assessments made in paragraph 12 of the Paper. Although DEP did not support the application, DEP had not received any environmental complaints about the site in the past 3 years. To mitigate any potential environmental impacts, approval conditions restricting the operation hours had been proposed. Non-compliance with these approval conditions would result in revocation of the planning permission and unauthorised development on-site would be subject to enforcement action by the Planning Authority. Besides, the applicant would be advised to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise the possible environmental impacts on the adjacent areas.

111. Members had no question on the application.

#### Deliberation Session

112. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years as proposed by the applicant, from 20.9.2014 until 19.9.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) vacation of the site at the time of the Northern Link railway development;
- (b) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) in addition to (b) above, no operation between 7:00 a.m. and 10:00 a.m. and between 5:00 p.m. and 11:00 p.m. on Sundays or public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (d) the existing landscape planting on the site shall be maintained at all times

during the planning approval period;

- (e) the existing drainage facilities implemented shall be maintained at all times during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.12.2014;
- (g) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.3.2015;
- (h) in relation to (g) above, the provision of fire service installations proposed within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.6.2015;
- (i) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (j) if any of the above planning conditions (f), (g), or (h) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands

Department (DLO/YL, LandsD) that the land under the application site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government. The structures erected on Lots 2794 & 2963 RP in DD 102 are covered by a Short Term Waiver No. 2796 for the applied purposes. However, no permission has been given for the proposed use/and or occupation of the Government land (GL) (about 800m<sup>2</sup> subject to verification) included into the site. It is noted that the act of occupation of GL without Government's prior approval should not be encouraged. The site is accessible to Kwu Tung Road via private land and GL. His office provides no maintenance work to the GL and does not guarantee right-of-way. Should planning approval be given, the lots owner(s) concerned will need to apply to his office to permit structures to be erected or regularise any irregularities on site. The applicant has to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application(s) will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;

- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his office is not/shall not be responsible for the maintenance of any existing vehicular access connecting the site and Kwu Tung Road;
- (d) to comply with the environmental mitigation measures recommended in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" as issued by the Environmental Protection Department in order to minimise the possible environmental nuisance;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage

Services Department (CE/MN, DSD) that the applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas. No public sewerage maintained by CE/MN, DSD is currently available for connection. For sewage disposal and treatment, agreement from the Director of Environmental Protection shall be obtained. The applicant is reminded that the proposed drainage proposal/works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction. The applicant should consult DLO/YL regarding all the proposed drainage works outside the lot boundary in order to ensure the unobstructed discharge from the site in future;

- (f) to note the comments of the Director of Agriculture, Fisheries and Conservation that the site is surrounded by mature trees and the applicant should avoid damaging the trees in the vicinity during operation;
- (g) to note the comments of the Director of Fire Services that the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and the location of where the proposed FSI to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (h) to note the comments of the Chief Building Surveyor/New Territories West of Buildings Department (BD) that (i) if the existing structure are erected on leased land without approval of the BD (not being New Territories Exempted Houses), they are unauthorised under the BO and should not be designated for any approved use under the application; (ii) before any new building works (including site offices and workshops as temporary buildings) are to be carried out on the site, prior approval and consent of the Building Authority (BA) 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 the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be constructed as an acceptance of any existing building works or UBW on the site under the BO; and 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. 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; and

- (i) to note the comments of the Director of Electrical and Mechanical Services that there is a high pressure town gas pipeline running along San Tin Highway, which is in the vicinity of the site. The project proponent should maintain liaison/coordination with the Hong Kong and China Gas Company Limited in respect of the exact location of existing or planned gas pipe routes/gas installations in the vicinity of the site and the minimum setback distance away from the gas pipes/gas installations if any excavation works are required during the design and construction stages of the development. The project proponent shall also note the requirements of the Electrical and Mechanical Services Department's Code of Practice on Avoiding Danger from Gas Pipes."

### **Agenda Item 33**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/448            Temporary Public Vehicle Park (for Private Cars Only) and Landscaped Area for a Period of 3 Years in “Green Belt” and “Undetermined” zones, Lots 207 RP (Part), 208 S.B RP and 209 RP (Part) in D.D.99 and Adjoining Government Land, Lok Ma Chau Road, San Tin, Yuen Long  
(RNTPC Paper No. A/YL-ST/448)

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

114.        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 temporary public vehicle park (for private cars only) and landscaped area 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 receivers, i.e. residential structures located to the west and northwest (the nearest one about 17.5m to the northwest) and in the vicinity of the site, and environmental nuisance was expected.
- (d)    during the first three weeks of the statutory publication period, four public comments objecting to the application were received. Two objections were submitted by the San Tin Rural Committee (STRC) and Lok Ma Chau village representatives mainly on the grounds of adverse impacts on traffic and *fung shui*, and illegal occupation of the adjoining Government land. Another objection was submitted by the Hong Kong Bird Watching Society

on the grounds that the use of vehicle park and its vehicular access had facilitated illegal dumping activities at the nearby fish ponds. The remaining public objection was submitted by the Kadoorie Farm & Botanic Garden Corporation on the grounds that the temporary car park should not encroach onto the “Green Belt” (“GB”) zone;

- (e) the District Officer (Yuen Long) (DO/YL) received an objection letter from STRC which was also received by the Board as public comment; and
- (f) the Planning Department (PlanD)’s views – PlanD considered that the temporary public vehicle park (for private cars only) and landscaped area could be tolerated for a period of 3 years based on the assessments made in paragraph 12 of the Paper. Although DEP did not support the application, approval conditions forbidding vehicle workshop activities, and requiring maintenance of the existing trees and provision of boundary fencing were recommended to mitigate potential environmental impacts on the surrounding area. Any non-compliance with these approval conditions would result in revocation of the planning permission and unauthorised development on-site would be subject to enforcement action by the Planning Authority. Besides, the applicant would be advised to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise the possible environmental impacts on the adjacent areas. Regarding the public comments, Concerned government departments had no objection to or no adverse comment on the application and it should be noted that the illegal dumping activities at the concerned fish ponds were about 640m to the southwest of the site, which were subject to enforcement actions by the Planning Authority. Also, only a small part of the site (about 22.23 m<sup>2</sup> or about 6.28%) encroached onto the “GB” zone. The applicant had indicated that the concerned area would be used for landscaped area which would mitigate the visual impact of the vehicle park.

115. Members had no question on the application.

Deliberation Session

116. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 12.9.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no vehicle without valid licences issued under the Road Traffic Ordinance is allowed to be parked/stored on the site at any time during the planning approval period;
- (b) only private car as defined in the Road Traffic Ordinance is allowed to be parked/stored on the site at all times during the planning approval period;
- (c) no car washing, vehicle repair, dismantling, paint spraying or other workshop activity is allowed on the site at any time during the planning approval period;
- (d) the existing trees within the site should be maintained at all times during the planning approval period;
- (e) the implementation of accepted drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 12.3.2015;
- (f) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.3.2015;
- (g) in relation to (f) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.6.2015;
- (h) provision of boundary fencing within 6 months from the date of planning



approval to the satisfaction of the Director of Planning or of the TPB by 12.3.2015;

- (i) 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;
- (j) if any of the above planning conditions (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
- (k) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) prior planning permission should have been obtained before commencing the applied development/use at the site;
- (b) to resolve any land issues relating to the temporary use with the concerned owner(s) of the site;
- (c) the 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;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the private land under the site comprises Old Schedule Agricultural Lots held under Block Government

Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. No permission has been given for the proposed use and/or occupation of the Government land (GL) (about 120m<sup>2</sup> subject to verification) included into the site. The act of occupation of GL without Government's prior approval should not be encouraged. The site is accessible to Lok Ma Chau Road via GL. His Office provides no maintenance works for this GL involved and does not guarantee right-of-way. Should the application be approved, the lot owner will need to apply to his Office to permit structure to be erected or regularise any irregularities on site. Such application(s) will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;

- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that subject to C for T's and his agreement on the proposed run-in/out, the applicant should construct the run-in/out in accordance with the latest version of Highways Standard Drawings No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is applicable to match the existing adjacent pavement;
- (f) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The applicant should also be advised that (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and (ii) the location of where the proposed FSI to be installed should be clearly marked on the layout plans. 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 (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (g) 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 BO and should not be designated for any approved use under the application. Before any new building works (including containers and shelters as temporary buildings) are to be carried out on the site, the prior approval and consent of the Building Authority (BA) 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. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO. If the proposed use under application is subject to the issue of a licence, the applicant should be reminded that any existing structures on the site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority. 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;
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the

flooding risk of the adjacent areas. No public sewerage maintained by his Department is currently available for connection. For sewage disposal and treatment, agreement from the Director of Environmental Protection shall be obtained. The applicant is reminded that the proposed drainage proposal/works as well as the site boundary shall not cause encroachment upon areas outside the applicant's jurisdiction. The applicant should consult DLO/YL, LandsD regarding all the proposed drainage works outside the lot boundary in order to ensure the unobstructed discharge from the application site in future. All the proposed drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant should ensure and keep all drainage facilities on site under proper maintenance during occupancy of the site; and

- (i) 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 areas."

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

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

[Mr Vincent T.K. Lai, Mr C.C. Lau, Ms Polly O.F. Yip 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 34**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/914          Temporary Open Storage of Vehicle with Site Office, Storage of Vehicle Parts, Vehicle Inspection and Repairing Workshop for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 823 S.B RP (Part), 826 S.B ss.1 RP (Part), 829 S.A (Part), 829 S.B (Part), 830 RP (Part), 831, 832, 833 RP, 834, 837 S.B RP (Part), 838 (Part) and 839 (Part) in D.D. 125, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/914)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary open storage of vehicle with site office, storage of vehicle parts, vehicle inspection and repairing workshop 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 receivers in the vicinity of the site (the closest residential dwelling being about 3m away) and along the Ping Ha Road and environmental nuisance was expected.
- (d) during the first three weeks of the statutory publication period, a public comment was received from Designing Hong Kong Limited, objecting the application on the grounds that the proposed use was not in line with the planning intention of the “Comprehensive Development Area” (“CDA”) zone. The approval of the application would limit the opportunity for

putting the site for better use and ample sites had already been approved to satisfy the current and future demand. 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 open storage of vehicle with site office, storage of vehicle parts, vehicle inspection and repairing workshop could be tolerated for a period of 3 years based on the assessment in paragraph 12 of the Paper. Although DEP did not support the application, the site had been used for various open storage uses and vehicle park since 1999 with planning approvals and there was no environmental complaint against the site over the past 3 years. The applicant had indicated that the vehicle inspection and repairing workshop were proposed within the covered part of the site which was located about 20m away from the adjoining residential dwelling. Approval conditions on restrictions of operation hours, restricting vehicle inspection and repairing workshop activities only within the proposed structure, maintenance of existing trees and provision of fencing had been recommended to mitigate any potential environmental impacts. Any non-compliance with these approval conditions would result in revocation of the planning permission and unauthorised development on-site would be subject to enforcement action by the Planning Authority. Regarding the public comment, the approval of the application on a temporary basis would not frustrate the planning intention of the “CDA” zone since there was not yet any known programme to implement the zoned use on the Outline Zoning Plan.

119. Members had no question on the application.

#### Deliberation Session

120. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 12.9.2017, 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 7:00 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 cutting, dismantling, repairing, melting, compaction, cleansing activity is allowed on the site, except within the vehicle inspection and repairing workshop, as proposed by the applicant, at any time during the planning approval period;
- (d) no vehicle queuing back to public road and reverse onto/from the public road is allowed at any time during the planning approval period;
- (e) the existing trees should be maintained in good condition at all times during the planning approval period;
- (f) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (g) the submission of a condition record of existing drainage facilities within 3 months to the satisfaction of the Director of Drainage Services or of the TPB by 12.12.2014;
- (h) the submission of a run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 12.3.2015;
- (i) in relation to (h) above, the implementation of the run-in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 12.6.2015
- (j) the provision of the fire extinguisher(s) and the submission of a valid fire certificate (FS 251) within 6 weeks from the date of planning approval to

the satisfaction of the Director of Fire Services or of the TPB by 24.10.2014;

- (k) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.3.2015;
- (l) in relation to (k) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.6.2015;
- (m) the provision of fencing of the site, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 12.3.2015;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) 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;
- (o) if any of the above planning conditions (g), (h), (i), (j), (k), (l) or (m) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (p) 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.”

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

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



- (b) the site should be kept in a clean and tidy condition at all times;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site is situated on Old Schedule Agricultural Lots granted under the Block Government Lease upon which no structure is allowed to be erected without the prior approval of the Government. Short Term Waiver No. 3168 was granted on Lot 837 S.B RP in D.D. 125 for the purpose of ancillary use to open vehicle park. The site is accessible to Ping Ha Road. His office provides no maintenance to the Government Land involved and does not guarantee right-of-way. Should the application be approved, the lot owner concerned will need to apply to his office to permit structures to be erected or regularise the irregularities on site. Such application would be considered by the 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;
- (e) 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;
- (f) to note the comments of the Commissioner for Transport that sufficient manoeuvring spaces shall be provided within the subject site and the local track leading to the subject site is not under the Transport Department's purview. Its land status should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note the comments of the Chief Highway Engineer/New Territories West,

Highways Department to construct the run-in/out at the access point at Ping Ha Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114 or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement; and to provide adequate drainage measures to prevent surface water running from the site to the nearby public roads and drains through the run-in/out;

- (h) to note the comments of the Director of Fire Services that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted 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. The applicant is advised to submit a valid fire certificate (FS 251) to his Department for approval. 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 BO and should not be designated for any approved use under the planning application. Before any new building works (including site offices and storage sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the coordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with 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. 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.”

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

### **Agenda Item 35**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/450 Columbarium (within a Religious Institution or extension of existing Columbarium only) in “Green Belt” Zone, Lots 294 S.A and S.B and 351 (Part) in D.D. 376, Tuen Mun  
(RNTPC Paper No. A/TM/450B)

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122. The Secretary reported that LWK & Partners (HK) Ltd. (LWK) and RHL Surveyors Ltd. (RHL) were the consultants of the applicant. The following Members had declared interests in this item:

- |                 |   |  |
|-----------------|---|--|
| Mr Ivan C.S. Fu | - | the director and a shareholder of LWK  |
| Ms H.F. Leung   | - | RHL had made a donation to the Department of Real Estate and Construction in the Faculty of Architecture of the University of Hong Kong, of which Mr Leung was working |

123. The Committee noted that Mr Ivan C.S. Fu had left the meeting temporarily. As Mr H.F. Leung had no involvement in the application, Members agreed that he could stay in

the meeting.

### Presentation and Question Sessions

124. Mr C.C. Lau, STP/TMYLW, reported that further information (FI) from the applicant was received on 10.9.2014 to address the comments from the Commissioner for Transport (C for T) and the Commissioner of Police (C of P). The Supplementary Paper to RNTPC Paper No. A/TM/450B was tabled at the meeting. As the FI and the comments on the FI from the Concerned government departments were just clarification of their own standpoints, the Committee agreed that the Planning Department (PlanD) could present the Supplementary Paper regarding the FI together with the Paper.

125. Mr C.C. Lau continued to present the application and covered the following aspects as detailed in the Paper and the Supplementary Paper :

- (a) background to the application;
- (b) the conversion of an existing 2-storey building structure (at the western fringe of the Sam Shing Temple (the temple) complex) with a new external staircase for columbarium (within a religious institution or extension of existing columbarium only), with not more than 2,580 niches or not more than 3,150 urns for the temple followers and their family members;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper and were summarised as follows: -
  - (i) the Commissioner for Transport (C for T) advised that he had received complaint cases about illegal parking at Sam Shing Street, and Tuen Mun District Council members had raised grave concerns over the current insufficient temporary parking spaces in Sam Shing areas. He considered that the applicant's proposed pick-up and drop-off points would further worsen the existing traffic congestion at Sam Shing Street. The traffic condition was even worse in some occasions with tailing back of traffic occurred at Castle Peak Road-Castle Peak Bay

(CPR-CPB);

- (ii) whilst the Commissioner of Police (C of P) had similar concerns regarding the proposed pick-up and drop-off points as C for T given above, he also had concerns on the traffic flow on the CPR-CPB (westbound) near the junction of CPR-CPB and Hoi Wing Road. He considered that grave sweepers would alight or take taxi thereat. Traffic congestion was foreseen. He did not agree with the presumption of the applicant on parking;
- (iii) C of P advised that the width of the staircases (about 1.1m to 1.4m) was not of capacity to accommodate 3,036 – 4,356 pedestrians as claimed by the applicant. He had concern on potential hazards that would pose to pedestrians as the staircases were barely sufficient for a single person to walk through, in particular in Ching Ming and Chung Yeung Festivals. Regarding the routing of the pedestrians, C of P considered that bottle-neck of the crowd would be formed on the pavement of CPR-CPB (west bound) during peak hours when incoming and outgoing visitors were using the same section of pavement. He considered that the proposed crowd management plan was not precise. He also had concerns on safety measures, and emergency services for rescue. Also, C of P and C for T had doubt on the assumption of 15 minutes' worshipping time by the applicant;
- (iv) the existing structure had been converted for columbarium use with a new external staircase connecting the G/F and 1/F during renovation in 2011 and 2012. However, the Chief Building Surveyor/New Territories West, Buildings Department pointed out that there was no record of approval for the structures at the application site. The conversion of the existing premises for use as a columbarium would likely constitute a material change in use of the building in the context of section 25(1) of the Buildings Ordinance;
- (v) the Director of Fire Services considered that as no solid proposal of

enhanced fire safety provisions had been submitted by the applicant at the present stage, it was considered premature to conclude whether non-provision of emergency vehicular access under the captioned planning application was acceptable or not; and

- (vi) regarding sewerage disposal, the applicant had proposed connection to public sewer at Castle Peak Road. The District Lands Officer/Tuen Mun, Lands Department commented that the tentative connection to public sewers and proposed drainage connection works would be carried out on Government land outside the subject application site and no works should be carried out on Government land without his prior written approval/consent;
- (d) during the first three weeks of the four statutory publication periods, a total of 2,001 public comments were received, of which 1,121 comments objected to the application, while 846 supported and 34 were neutral. The objections were on the grounds that the proposed columbarium was in close proximity to residential developments and would cause adverse traffic, environmental and psychological impacts on the surrounding areas; the narrow footpaths to the site posed safety concerns to visitors; the columbarium was illegally built and operated before approval had been given, and such practice would set an undesirable precedent and should not be condoned; the proposed pick-up and drop off points would cause disturbance to traffic in the Sam Shing area and adversely affect the seafood street at Castle Peak Bay; and there would be adverse impact on air quality with ashes generated by the proposed eco-furnace. Those in support of the application commented that the proposal could cater for strong demand for columbarium and that it was a suitable location for columbarium as it was within an existing temple complex with easy access to public transport;
- (e) the District Officer (Tuen Mun) (DO/TM) had consulted the locals regarding the application. An objection to the application from a Tuen Mun District Council Member was received; and

- (f) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper and paragraph 4 of the Supplementary Paper and highlighted as follows:
- (i) although the structure under application had existed before the first Tuen Mun Outline Zoning Plan, the application was not in line with the Town Planning Board Guidelines No.10 in that the applied use involved a new development through conversion of the existing building for columbarium use without strong planning justifications;
  - (ii) the columbarium use might create nuisances to the area, and was considered not compatible with the surrounding residential uses;
  - (iii) regarding traffic aspect, as the site was at an uphill position without vehicular access, no car parking spaces, pick-up and drop-off points and loading/unloading bays could be provided. The pick-up and drop-off points proposed by the applicant were at Sam Shing Street, and C for T considered that the proposal would further worsen the existing traffic congestion at Sam Shing Street which would be even worse in some occasions with tailing back of traffic occurring at CPR-CPB. C of P had similar concerns as C for T regarding the pick-up and drop-off points and had concerns on the traffic flow on the CPR-CPB (westbound) near the junction of CPR-CPB and Hoi Wing Road;
  - (iv) regarding pedestrian safety, the C of P advised that the width of the staircases (about 1.1m to 1.4m) was not of capacity to accommodate 3,036 – 4,356 pedestrians as claimed by the applicant. He had concern on the potential hazards that would pose to pedestrians as the staircases were barely sufficient for a single person to walk through, in particular during Ching Ming and Chung Yeung Festivals. Regarding the routing of the pedestrians, C of P considered that bottle neck of the crowd would be formed on the pavement of CPR-CPB (west bound) during peak hours. He also had concerns on safety measures, emergency services for rescue, and the proposed 15 minutes' worshipping time;

- (v) having taken into account the applicant's FI submitted on 10.9.2014, both C of P and C for T maintained their stance that the columbarium under application would have potential impacts on traffic conditions, result in illegal parking activities and traffic congestion, and that the crowd control management plan was doubtful;
- (vi) the suitability of the structures for columbarium use and fire safety of the columbarium could not be ascertained;
- (vii) regarding the public comments, the assessments above were relevant.

126. The Chairman invited Mr C.C. Lau to elaborate on the FI received on 10.9.2014. In response, Mr C.C. Lau said that regarding illegal parking, the applicant pointed out that C for T and C of P had wrongly assumed that future visitors of the columbarium would induce illegal parking problems at Sam Shing Street or CPR-CPB. The car park utilisation survey had demonstrated that there were sufficient hourly parking spaces in the vicinity to accommodate the parking demand during the Ching Ming and Chung Yeung Festivals. Besides, the illegal parking activities at Sam Shing Street and CPR-CPB could be mitigated through enforcement by Police. Regarding the footpath, staircase and railings, the applicant stressed that the footpath connecting to the western staircases had an hourly capacity to accommodate 3,034 to 4,356 pedestrians. The capacity of the footpath was calculated based on the Transport Planning and Design Manual published by the Transport Department. The staircases were sufficient to serve the Ching Ming Festival peak hour demand of 313 visitors as surveyed in the submitted Traffic Impact Assessment. The applicant also stated that there were railings erected along the junction of CPR-CPB and Hoi Wing Road and at the section near the foundation of Tuen Mun Road. The railings were temporarily removed due to road works but could be installed once the road works were completed. Regarding crowd management measure, to allow visitors to have 15 minutes' worshipping time was considered sufficient by the applicant and staff would be arranged to make announcements to remind visitors of the crowd control measure during festival days and shadow periods.

127. In response to the Chairman's query on the public transportation in the vicinity of the site, Mr C.C. Lau said that there was a Light Rail Transit station outside Hanford Garden.



Also, bus and minibus services were available along the Castle Peak Road. Drawing A-12 submitted by the applicant indicated the public transport services provided in the vicinity of the site.

128. Members had no question on the application.

### Deliberation Session

129. 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 columbarium use is not in line with the Town Planning Board Guidelines No.10 in that the applied use involves a new development through building conversion for columbarium use. There is a general presumption against development in “Green Belt” (“GB”) zone. There is no strong planning justification for a departure from the planning intention;
- (b) the applicant fails to demonstrate that the use would not have adverse traffic and pedestrian circulation impacts on the area. The narrow staircases would be a potential hazard to the heavy pedestrian flows;
- (c) the means of escape of the premises for columbarium use are not satisfactory and no solid proposal of enhanced fire safety provisions is provided in the submission; and
- (d) approval of the application would set an undesirable precedent for similar applications in the “GB” zone, generating adverse cumulative impacts on traffic and pedestrian circulation in the local area.”

[Ms Janice W.M. Lai and Ms Christina M. Lee left the meeting at this point.]

**Agenda Item 36**

**Section 16 Application**

[Open Meeting]

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

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130.            The Committee noted that the applicant requested on 28.8.2014 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 various government departments. This was the first time that the applicant requested for deferment of the application.

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

[Mr Peter K.T. Yuen left and Mr Ivan C.S. Fu returned to join the meeting at this point.]

**Agenda Item 37**

**Section 12A Application**

[Open Meeting]

Y/YL/8

Application for Amendment to the Approved Yuen Long Outline Zoning Plan No. S/YL/21, To rezone the application site from “Other Specified Uses” annotated “Public Car Park with Ground Floor Retail Shops” to “Other Specified Uses” annotated “Residential Development and Public Car Park with Ground Floor Retail Shops”, Yuen Long Town Lot 405, 28 Shui Che Kwun Street, Yuen Long  
(RNTPC Paper No. Y/YL/8)

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132. The Secretary reported that the application was submitted by Beauty Plaza Ltd., which was a subsidiary of Sino Land Company Ltd. (Sino). MLA Architects (HK) Ltd. (MLA), MVA Hong Kong Ltd. (MVA) and Environ Hong Kong Ltd. (Environ) were the consultants of the applicant. The following Members had declared interests in this item:

- |                     |   |   |
|---------------------|---|---|
| Dr Eugene K.K. Chan | - | being the convenor of the Hong Kong Metropolitan Sports Events Association (HKMSEA) which had solicited sponsorship from Sino |
| Ms Christina M. Lee | - | being a committee member of HKMSEA which has solicited sponsorship from Sino  |
| Mr Ivan C.S. Fu     | - | having current business dealings with MVA and Environ   |
| Ms Janice W.M. Lai  | - | having current business dealings with MLA   |

133. The Committee noted that Ms Christina M. Lee and Ms Janice W.M. Lai had left the meeting already. As the applicant had requested for deferment of consideration of the application and Dr Eugene K.K. Chan and Mr Ivan C.S Fu had no involvement in the application, Members agreed that they could stay in the meeting.

134. The Committee noted that the applicant requested on 15.8.2014 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 relevant government departments. This was the first time that the applicant requested for deferment of the application.

135. 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 no further deferment would be granted unless under very special circumstances.

[Mr F.C. Chan left the meeting temporarily at this point.]

### **Agenda Item 38**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL/204	Proposed Public Utility Installation (Package Substation) in “Green Belt” Zone, Government Land in D.D. 115, Tsoi Uk Tsuen, Yuen Long (RNTPC Paper No. A/YL/204A)
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136. The Secretary reported that the application was submitted by CLP Power Hong Kong Ltd. (CLP). Dr Eugene K.K. Chan and Ms Christina M. Lee had declared interests in this item as the Hong Kong Metropolitan Sports Events Association (HKMSEA) had solicited sponsorship from CLP, of which Dr Eugene K.K. Chan and Ms Christina M. Lee were the convenor and committee member of HKMSEA respectively. The Committee noted that Ms Christina M. Lee had left the meeting already. As Dr Eugene K.K. Chan had no involvement in the application, Members agreed that he could stay in the meeting.

Presentation and Question Sessions

137. Ms Polly O.F. Yip, STP/TMYLW, 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 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;

[Mr F.C. Chan returned to join the meeting at this point.]

- (d) during the first three weeks of the two statutory publication periods of the application and further information, a total of six public comments were received. Two commenters supported the application. Two commenters objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of “Green Belt” zone and approval of the application would set an undesirable precedent for future applications. The remaining two commenters expressed concerns on the proposed location, details of the development proposal, the possible impacts on environment, visual, traffic, fire safety and *fung shui* etc., as well as on the arrangement of posting site notices and there was no discussion with the local villagers on the proposed location. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. As the proposed package substation only involved an area of 12m<sup>2</sup>, it was not expected that the proposed development would generate significant impact on the surrounding areas. The proposed development was

generally in line with the relevant criteria of the Town Planning Board Guidelines No. 10. Regarding the public comments, according to the applicant, the proposed package substation was an essential public utility facility and was agreed by the village representatives of the five villages, and the relevant government departments consulted had no adverse comment on the application. With regard to the public comment expressing concerns on improper arrangement of posting site notice, it should be noted that relevant procedures on posting site notice for public inspection under the Town Planning Board Guidelines had been closely followed.

138. Members had no question on the application.

#### Deliberation Session

139. 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 12.9.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

“the design and provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.”

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

“(a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that LandsD does not provide maintenance works for such track nor guarantee right-of-way. Should the application be approved by the Board, the applicant will need to apply to his office to permit the structure to be erected or regularise any irregularities on site. Such application will be considered by LandsD acting in the capacity as landlord as its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to

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

- (b) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant is advised to limit the extent of vegetation clearance to the minimum necessity and adopt good site practices to avoid affecting the nearby woodland and trees during the works period. Any temporarily affected area should also be reinstated as appropriate;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant is reminded that the development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc. The applicant should consult DLO/YL, LandsD and seek consent from the relevant owners for any drainage works to be carried out outside the site before commencement of the drainage works;
- (d) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that water mains in the vicinity of the site cannot provide the standard pedestal hydrant;
- (e) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. 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;
- (f) to note the comments of the Director of Electrical and Mechanical Services

that 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 substation as far as possible. 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; and

- (g) to note the comments of the Director of Health that the project proponent must ensure that the installation complies with the relevant International Commission on Non-Ionising Radiation Protection guidelines or other establish international standards. World Health Organization also encourages effective and open communication with stakeholders in the planning of new electrical facilities.”

### **Agenda Item 39**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL/208                      Proposed Temporary Institutional Use and Religious Institution for a Period of 5 Years in “Residential (Group B)” zone, Government Land in D.D. 116, Tai Kei Leng, Shap Pat Heung Road, Yuen Long  
(RNTPC Paper No. A/YL/208)

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

141.            Ms Polly O.F. Yip, 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 previous applications No. A/YL/166 and AYL/199 for the same applied use on



largely the same site. The latter application was submitted by the same applicant as the current application. Both applications were approved with conditions by the Committee on a temporary basis for a period of 1 year on 22.5.2009 and for a period of 5 years on 16.8.2013 respectively. However, application No. A/YL/166 was revoked on 22.11.2009 due to non-compliance with approval conditions in relation to fire safety aspect and application No. A/YL/199 was revoked on 16.2.2014 due to non-compliance with approval conditions in relation to drainage, fire safety and landscaping aspects;

- (b) the proposed temporary institutional use and religious institution for a period of 5 years;
- (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, 20 public comments were received including one supporting comment, 14 objecting comments and five comments expressing concerns on the application. The commenters objected to/express concerns on the application mainly on the grounds that the proposed development was not in line with the planning intention of “Residential (Group B)” (“R(B)”) zone and it might affect land supply on residential development and more leisure and recreational facilities were needed. The proposed development would have adverse impacts on traffic, environmental, landscape, drainage, building safety, security and *fung shui* aspects and might block the existing footpath. The commenters also expressed concerns on the organisation and the operation mode of the proposed development. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. As there was currently no programme for residential development at the

site, approval of the application on a temporary basis would not frustrate the long-term planning intention of the “R(B)” zone. The proposed development was not likely to cause adverse environmental, traffic, landscape, drainage and fire safety impacts on the surrounding areas. Regarding the public comments, relevant government departments consulted had no adverse comment on the application and that the proposed development would only occupy the existing vacant school site which was fenced off. The applicant also stated that the existing footpath would not be blocked by the proposed development. With regard to the public concerns on the possible security impact on the surrounding areas, an approval condition on the restriction of the operation hours was recommended.

142. Members had no question on the application.

#### Deliberation Session

143. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 12.9.2019, 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. daily, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) the maintenance of the existing drainage facilities on the site at any time during the planning approval period;
- (c) the submission of record of the existing drainage facilities at the site within 3 months from the date of approval to the satisfaction of the Director of Drainage Services or of the TPB by 12.12.2014;
- (d) the submission of fire service installations within 3 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 12.12.2014;

- (e) the implementation of fire service installations proposal within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 12.3.2015;
- (f) the submission of tree preservation proposal within 3 months from the date of approval to the satisfaction of the Director of Planning or of the TPB by 12.12.2014;
- (g) the implementation of tree preservation proposal within 6 months from the date of approval to the satisfaction of the Director of Planning or of the TPB by 12.3.2015;
- (h) if any the above planning conditions (a) or (b) 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
- (i) if any the above planning conditions (c), (d), (e), (f) or (g) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.”

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

- “(a) shorter compliance periods are imposed so as to monitor the situation and the progress on compliance with approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration would not be given by the Committee to any further application;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site is only accessible to and from Shap Pat Heung Road via an existing village footpath. His office gives no guarantee of any right-of-way for the site. The applicant is required to apply to LandsD for occupation of the Government land by way of direct

grant with relevant policy support. However, there is no guarantee that the application for such direct grant will be approved. Such application with relevant policy support will be dealt with by LandsD acting in the capacity as the landlord at our discretion, and if it is approved under such discretion, the approval would be subject to such terms and conditions including, among others, the payment of rental and administration fee as may be imposed by LandsD. Although the site appears to have withdrawn from affecting the existing village footpaths and the applicant's clarification (Appendix Ia of the Paper) that the site would not affect the existing rights of way of the local people is noted, his office still reserves the right to revise the application site in case such right-of-way of the nearby lots or the local people is found affected;

- (c) to note the comments of the Commissioner for Transport that the land status should be checked with the lands authority. The management and maintenance responsibilities of the access road/path/track leading to the site from Shap Pat Heung Road should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note the comments of the Director of Social Welfare that his department shall have no financial commitment of any form;
- (e) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant legible layout plans incorporated with the proposed FSIs to his department for approval. The applicant should also be advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and the location of where the proposed FSI to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that if the site is leased out to the applicant in the future, any building alternation works carried out thereafter is subject to the control under the BO. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
  
- (g) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the site is located within the Scheduled Area No. 2 and may be underlain by cavernous marble. For any new development in the proposed area, 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;
  
- (h) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within or in the vicinity of the site. Based on the cable plans and the relevant drawings obtained; if there is underground cable and/or overhead line within or in the vicinity of the site, the applicant shall carry out measures for site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier is necessary. Prior to establishing any structure within the site, the applicants 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 its contractor when

carrying out works in the vicinity of the electricity supply lines.”

**Agenda Item 40**

**Section 16 Application**

[Open Meeting]

A/YL-TYST/693      Temporary Warehouse for Storage of Exhibition Materials for a Period of 3 Years in “Undetermined” zone, Lots 777 (Part) and 778 (Part) in D.D. 119 and Adjoining Government Land, Pak Sha Tsuen, Yuen Long (RNTPC Paper No. A/YL-TYST/693)

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145.            The Committee noted that the applicant requested on 27.8.2014 for deferment of the consideration of the application for one month in order to allow time to prepare further information to address the comments of the Chief Town Planner/Urban Design and Landscape of the Planning Department. This was the first time that the applicant requested for deferment of the application.

146.            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 41**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/407            Proposed Residential Development in “Undetermined” Zone, Lot 636  
S.B ss.5 in D.D. 124, Kiu Tau Wai, Ping Shan, Yuen Long  
(RNTPC Paper No. A/YL-PS/407D)

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147.            The Secretary reported that the application was submitted by Beautiglory Investment Ltd., which was a subsidiary of Sun Hung Kai Properties Ltd. (SHK). Environ Hong Kong Ltd. (Environ) and MVA Hong Kong Ltd. (MVA) were the consultants of the applicant. The following Members had declared interests in this item:

- |                     |   |  |
|---------------------|---|--|
| Mr Ivan C.S. Fu     | - | having current business dealings with SHK, Environ and MVA   |
| Ms Janice W.M. Lai  | - | having current business dealings with SHK  |
| Dr Eugene K.K. Chan | - | being the convenor of the Hong Kong Metropolitan Sports Events Association (HKMSEA) which had solicited sponsorship from SHK |
| Ms Christina M. Lee | - | being a committee member of HKMSEA which had solicited sponsorship from SHK  |

148.            The Committee noted that Ms Christina M. Lee and Ms Janice W.M. Lai had left the meeting already and considered that the interest of Mr Ivan C.S. Fu was direct and agreed that he should leave the meeting temporarily. As Dr Eugene K.K. Chan’s interest was indirect, Members agreed that he could stay in the meeting.

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

**Presentation and Question Sessions**

149. 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 residential development (flats);

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

- (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 five statutory publication periods of the application and further information, 192 comments were received, of which six comments objected to and 182 comments supported the application, and 4 comments expressing concerns/giving suggestions. The supporting comments were mainly on the grounds that the proposed development would be served with well-developed transport infrastructure; the proposal was compatible with the surrounding areas; and the proposed development would increase the housing supply and job opportunities in the area. The objectors commented that the proposed development would cause impacts on environmental, air quality, air ventilation, traffic, security and visual aspects to the surrounding areas; affected the *fung shui* of the villages; and jeopardised the ongoing Hung Shui Kiu New Development Area (HSK NDA). The District Officer (Yuen Long) noted that the Village Representatives of Ping Shan Heung had given their written comments to the Town Planning Board; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. Since the West Rail had been constructed, long-term land uses within the “Undetermined” zone could be considered and the Chief Town



Planner/Studies and Research, PlanD had advised that the proposed use on the site should be considered in accordance within the provision of the extant Ping Shan Outline Zoning Plan and existing infrastructure capacities. Although the proposed development abutted on the West Rail and industrial uses in the vicinity, the applicant had proposed mitigation measures to address the environmental issues. The Director of Environmental Protection had no objection to the application. Moreover, the proposed development would phase out the open storage of containers and vehicle repair workshop at the site. The development intensity, with a maximum plot ratio of 3 and a maximum building height of 120mPD, was not incompatible with the residential developments in the vicinity. Regarding the public comments, as concerned government departments had no objection to/no adverse comment on the application and the Committee had previously approved a residential development to the east of the site (application No. A/YL-PS/440), approval of this application was in line with the previous decision of the Committee.

150. In response to Chairman's query on the proposed use of the site in the HSK NDA Planning and Engineering Study (the Study), Mr K.C. Kan said that the site fell within the proposed "Eastern Residential Neighbourhood cum Commercial Centre" of the HSK NDA which was earmarked for "Other Specified Uses (Mixed Use – Residential, Commercial)" on the Preliminary Outline Development Plan (PODP). The PODP was being reviewed, and the final recommendations of the Study were yet to be formulated.

151. Members had no question on the application.

#### Deliberation Session

152. 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 12.9.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission and implementation of a revised Master Layout Plan taking into account conditions (b) and (d) to (f) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the design and provision of noise mitigation measures for the proposed development to the satisfaction of the Director of Environmental Protection or of the TPB;
- (c) the provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (d) the submission and implementation of Landscape Master Plan including tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (e) the submission and implementation of run-in/out proposal to the satisfaction of the Director of Highways or of the TPB;
- (f) the design and provision of vehicular access, parking and loading/unloading facilities for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (g) the implementation of the accepted drainage proposal including the mitigation measures identified therein to the satisfaction of the Director of Drainage Services or of the TPB; and
- (h) the submission of a risk assessment related to the high pressure town gas pipelines in the vicinity and implementation of the mitigation measures identified therein to the satisfaction of the Director of Electrical and Mechanical Services or of the TPB.”

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

- “(a) the approval of the application does not imply that any proposal on building

design elements to fulfil the requirements under the Sustainable Building Design Guidelines, and any proposal on bonus plot ratio and/or gross floor area (GFA) concession for the proposed development 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 the Building Authority and major changes to the current scheme are required, a fresh planning application to the TPB may be required;

- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site involves a private Lot No. 636 S.B ss.5 in D.D. 124 which is an Old Schedule Agricultural Lot held under Block Government Lease. A majority part of the site is covered by Short Term Waiver No. 2879 for storage and repair of container boxes purposes for a term of one year from 1.4.2002 and thereafter quarterly. The lot owner would still need to apply to the LandsD for a land exchange for implementation of the proposed residential development. It is advised that the land exchange will only be considered upon receipt of formal application to his office by the lot owner but there is no guarantee that the application for a land exchange will be approved. Such application would be considered by the 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. The actual site area of the private lot involved will be subject to verification in the land exchange stage if any land exchange is applied by the lot owner to the LandsD. The preliminary land status check reveals that the site falls within the protection boundary of the West Rail;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, BD that the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Building (Planning) Regulations (B(P)R) 5 and 41D respectively. If the site does

not abut on a specified street having a width of not less than 4.5m, its permitted development intensity shall be determined under B(P)R 19(3) at the building plan submission stage. In the view of the size of the site, the area of any internal streets/roads required under section 16(1)(p) of the Buildings Ordinance (BO) should be deducted from the site area for the purpose of plot ratio and site coverage (SC) calculations under the BO. Recreational facilities, unless exempted, are accountable for GFA while acoustic fins, unless exempted, are accountable for gross floor area (GFA) and SC calculations under BO. In this regard, the applicant's proposed GFA exemption of 1,326m<sup>2</sup> (>1,250m<sup>2</sup>) for the recreational facilities is not acceptable under the BO PNAP APP-104. Quality and Sustainable Built Environment requirements and the new GFA concession policy are applicable to the site;

- (d) to note the comments of the Commissioner for Transport, Transport Department (TD) 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;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the proposed access arrangement of the site from Kiu Cheong Road should be commented and approved by TD. If the proposed run-in is agreed by TD, the applicant should construct a run-in/out at the access point at Kiu Cheong Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114 or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. The HyD shall not be responsible for maintenance of any access connecting the site and Kiu Cheong Road;
- (f) to note the comments of the Chief Highway Engineer/Railway Development 2-2, Railway Development Office, Highways Department that as the site is within the administration route protection boundary of the

West Rail, the applicant should consult the Mass Transit Railway Corporation Limited on full details of the proposal and comply with their requirements with respect to the further construction, operation, maintenance and safety of the West Rail;

- (g) 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;
- (h) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that the applicant should maximise the provision of greening, especially at-grade tree and shrub planting to improve the landscape and visual amenity of the residential development. Sufficient soil depth and volume should also be provided to ensure the feasibility and sustainability of the proposed soft landscape elements. In view of the single-aspect building design, special attention is required to avoid creation of long continuous monotonous blank walls;
- (i) to note the comments of the Chief Architect/Advisory and Statutory Compliance, Architectural Services Department that the applicant may wish to review whether the disposition of Towers 1 and 2 may block the summer prevailing wind. The disposition of the resident blocks should be designed in such a way as to avoid overlooking and west facing problem as far as possible. The residential blocks are V-shaped and may incur long corridor. The applicant may wish to review whether the efficiency of those residential blocks would be affected. Tower 1, 2 and the club house of about 9m high may create a continuous podium structure that may pose visual impact to open space around those residential blocks. The applicant should indicate the two breezeways provided in drawings. Tower 3 is isolated from the rest of the development by the internal access road, in particular for access to the green open space and recreation facilities, which is not desirable from connectivity point of view;
- (j) to note the comments of the Director of Electrical and Mechanical Services

that the applicant shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the 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 PlanD, prior consultation and arrangement with the electricity supplier is necessary. Prior to establishing any structure within the site, the applicant and/or the applicant's contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and the applicant's contractors when carrying out works in the vicinity of the electricity supply lines. Furthermore, it is noted that there are existing high pressure town gas pipelines running along Hung Tin Road and Ping Ha Road. The high pressure gas pipelines is classified as a Notifiable Gas Installations (NGI) under the Gas Safety Ordinance (Cap. 51), and its construction and use are required to undergo an approval system. The increase in population brought in by the proposed development to the above high pressure town gas pipelines would be a concern. According to the applicant's responses submitted in August 2013, a risk assessment on the concerned high pressure gas pipelines would be conducted by the applicant at the detailed design stage. The project proponent 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 works area and the minimum set back distance away from the gas pipelines if any excavation works is required during the design and construction stages of the development. The project proponent shall also note the requirements of the Electrical and Mechanical Services Department's 'Code of Practice on Avoiding Danger from Gas Pipes'; and

- (k) to note the comments of the Head of the Geotechnical Engineering Office,

Civil Engineering and Development Department that the site is located within Scheduled Area No. 2 and may be underlain by cavernous marble. For any development at the proposed area, 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.”

**Agenda Item 42**

**Section 16 Application**

[Open Meeting]

A/YL-PS/445 Proposed Commercial Development including ‘Shop and Services’, ‘Eating Place’ and ‘Place of Entertainment’ and ‘Office’ Uses in “Undetermined” zone, Lot 636 S.B ss.5 in D.D. 124 and adjoining Government land, Kiu Tau Wai, Ping Shan  
(RNTPC Paper No. A/YL-PS/445A)

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154. The Secretary reported that the application was submitted by Beautiglory Investment Ltd., which was a subsidiary of Sun Hung Kai Properties Ltd. (SHK). Environ Hong Kong Ltd. (Environ) and MVA Hong Kong Ltd. (MVA) were the consultants of the applicant. The following Members had declared interests in this item:

- |                     |   |  |
|---------------------|---|--|
| Mr Ivan C.S. Fu     | - | having current business dealings with SHK, Environ and MVA   |
| Ms Janice W.M. Lai  | - | having current business dealings with SHK  |
| Dr Eugene K.K. Chan | - | being the convenor of the Hong Kong Metropolitan Sports Events Association (HKMSEA) which had solicited sponsorship from SHK |

Ms Christina M. Lee - being a committee member of HKMSEA which had solicited sponsorship from SHK

155. The Committee noted that Ms Christina M. Lee and Ms Janice W.M. Lai had left the meeting already and Mr Ivan C.S. Fu and Dr Eugene K.K. Chan had left meeting temporarily.

156. The Committee noted that the applicant requested on 29.8.2014 for deferment of the consideration of the application for two months to allow time for the applicant to address the comments of relevant Government departments. This was the applicant's second request for deferment. Since the last deferment, the applicant had submitted further information to respond to departmental comments. As Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) and Chief Architect/Central Management Division 2, Architectural Services Department (ArchSD) had further comments regarding the design of the proposal, the applicant needed more time for the preparation of submission of further information to respond to comments from PlanD and ArchSD.

157. 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 and a total of four months had been allowed for preparation of the submission of the further information, no further deferment would be granted unless under very special circumstances.

[Mr Ivan C.S. Fu and Dr Eugene K.K. Chan returned to join the meeting and Mr H.F. Leung left the meeting at this point.]



**Agenda Item 43**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/281 Temporary Public Vehicle Park (For Private Cars Only) for a Period of 3 Years in “Village Type Development” Zone, Lot 1506 RP (Part) in D.D. 130, Tsing Chuen Wai, Tuen Mun  
(RNTPC Paper No. A/TM-LTY Y/281A)

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158. The Committee noted that replacement pages (page 6 and 15) of the Paper updating the comments from the District Lands Officer/Tuen Mun, Lands Department regarding the seeking of prior consent of the owner of an existing kennel at the site and the relevant advisory clause (f) were tabled at the meeting.

**Presentation and Question Sessions**

159. 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 application site was the subject of a previous application for the same use for a period of 3 years by the same applicant. It was approved by the Committee on 3.5.2013, but permission was revoked on 3.8.2013 due to failure to comply with approval condition on implementation the accepted run-in/run-out proposal.;
- (b) the temporary public vehicle park (for private cars only) 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, a public comment supporting the application was received from a member of Tuen

Mun District Council without giving 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 public vehicle park (for private cars only) could be tolerated for a period of 3 years based on the assessment in paragraph 11 of the Paper. Significant adverse environmental, drainage and landscape impacts on the surrounding area were not envisaged. The relevant departments' concerns could be addressed through imposing approval conditions on restriction of operation hours, drainage, fire service installations and landscaping. Non-compliance with any of the approval conditions would result in revocation of the planning permission and unauthorised development on-site would be subject to enforcement action by the Planning Authority. A public comment supporting the application but without giving reason was received.

160. Members had no question on the application.

#### Deliberation Session

161. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 12.9.2017, 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., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) only private cars as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to be parked on the site at all times during the planning approval period;
- (c) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the site at any time during the planning approval period;

- (d) a notice should be posted at a prominent location of the site to indicate that only private cars as defined in the Road Traffic Ordinance are allowed to be parked on the site at all times during the planning approval period;
- (e) no vehicle washing, vehicle repair, dismantling, paint spraying or other workshop activity, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (f) 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 12.12.2014;
- (g) in relation to (f) 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 12.3.2015;
- (h) the submission of fire service installations proposal within 3 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.12.2014;
- (i) in relation to (h) above, the implementation of fire service installations proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.3.2015;
- (j) 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 12.12.2014;
- (k) in relation to (j) 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 12.3.2015;
- (l) the submission of proposal on provision of pedestrian access within the site

to the area to the south of 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 12.12.2014;

- (m) in relation to (l) above, the implementation of pedestrian access within the site to the area to the south of the site within 6 months from the date of the planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 12.3.2015;
- (n) in relation to (m) above, the maintenance of the implemented pedestrian access at the site at all times during the planning approval period;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e) or (n) 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;
- (p) if any of the above planning conditions (f), (g), (h), (i), (j), (k), (l) or (m) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (q) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

162. 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 application site;
- (b) prior planning permission should have been obtained before commencing the development on site;

- (c) shorter compliance periods are imposed in order to closely monitor the progress of compliance with approval conditions;
- (d) should the applicant fail to comply with any of the approval conditions again resulting in the revocation of planning permission, sympathetic consideration may not be given to any further application;
- (e) 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;
- (f) to note the comments of the District Lands Officer/Tuen Mun, Lands Department (LandsD) that the lot under application is an Old Schedule Agricultural Lot held under the Block Government Lease. According to his site inspection on 15.4.2014, structures have been found erected on the lot and its adjoining Government land (GL). It is noted that the dimensions of the existing shroff (i.e. the converted container) and rain shelter are different from the proposed dimensions as shown in Figures 2 and 6 of the application proposal. An existing kennel straddling the lot and the adjoining GL is omitted from the application proposal. Besides, planters on GL outside the site have been found overlapping with the proposed access as shown in Figure 5 of the application proposal. In respect of the proposed vehicular access on a short strip of GL as shown in Figure 5 of the application proposal, the shaded area is found much larger than its quoted dimensions. His Office does not provide maintenance works for this strip of GL. No construction works should be carried out on GL without his prior written approval/consent. It is noted on the proposed drainage plan in Figure 4 of the application proposal that portions of the proposed 375mm surface channel would be laid on GL and the adjoining private lots outside the site. In this regard, no drainage works should be carried out on GL without his prior written approval/consent. In

considering granting such approval/consent to the drainage works on GL, his Office would rest upon whether the drainage proposal is accepted by Drainage Services Department in due course. The applicant is also required to obtain the necessary consent(s) from the relevant lot owner(s) for the proposed drainage works on the other private lots. The lot owner will need to apply to his Office for a Short Term Waiver for erection of the structures on the lot, prior permission to construct the paved vehicular access on GL and prior approval/consent to the proposed drainage works on GL. The application will only be considered by his Office upon receipt of formal application from the owner of the lot. He should also advise that there is no guarantee that the application will be approved and he reserves his comment on such. The application will be considered by the LandsD acting in the capacity as the landlord at its sole discretion. In the event that the application is approved, they would be subject to such terms and conditions as the Government shall deem fit to do so, including charging of waiver fee, deposit and administrative fees, etc;

- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of the 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 the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the 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;

- (h) 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;
- (i) to note the comments of the Director of Environmental Protection that there is no public sewer available in the vicinity of the site. Nonetheless, car park is not a major wastewater generator as no car washing activities is allowed on site. The applicant is reminded that all wastewater arising from the site should be collected, treated and disposed of in accordance with the Water Pollution Control Ordinance. The applicant is also required to discharge sewage arising from the site to sewer when village sewerage becomes available in future;
- (j) to note the comments of the Commissioner for Transport, Transport Department (TD) that the access road adjacent to the site is not managed by the TD. The applicant should satisfy the requirements by the relevant maintenance department. The access road might not be up to current design standard, in particular, the headroom under the viaduct is very low. In this regard, the applicant should bear the applicant’s own risk and responsibility for using the access road for the operation of a public car park for private cars. The applicant should allow a safe pedestrian walkway, with a minimum footpath width of 1.5m, for the real estate agency or other nearby users to pass through, probably along one side of the lot;
- (k) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the applicant should be responsible for the applicant’s own access arrangement and the road connecting to the

proposed access of the site is not maintained by his department; and

- (1) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to 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 as prescribed, the applicant is required to provide justifications to his department for consideration.”

### **Agenda Items 44 to 46**

#### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/283 Proposed House (New Territories Exempted House - Small House) in “Residential (Group E)” zone, Lot 223 RP in D.D. 130, San Hing Tsuen, Lam Tei, Tuen Mun  
(RNTPC Paper No. A/TM-LTY Y/283 to 285)

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A/TM-LTY Y/284 Proposed House (New Territories Exempted House - Small House) in “Residential (Group E)” zone, Lot 223 S.C in D.D. 130, San Hing Tsuen, Lam Tei, Tuen Mun  
(RNTPC Paper No. A/TM-LTY Y/283 to 285)

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A/TM-LTY Y/285 Proposed House (New Territories Exempted House - Small House) in “Residential (Group E)” zone, Lot 223 S.B in D.D. 130, San Hing Tsuen, Lam Tei, Tuen Mun  
(RNTPC Paper No. A/TM-LTY Y/283 to 285)

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163. The Committee noted that the three applications were similar in nature and the application sites (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.

#### Presentation and Question Sessions

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

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. The Director of Environmental Protection (DEP) did not support the applications as the applicants had not yet demonstrated that the proposed developments could comply with the established air quality standards. The applicants had not yet provided information on whether there was/were any nearby industrial chimney in operation, and a scaled plan/drawing indicating the actual dimensions of the sites of the proposed NTEHs and the shortest horizontal separation distance between the sites and the nearby San Hing Road;
- (d) during the first three weeks of the statutory publication period of these applications, a total of nine public comments were received. Among them, three supporting comments (one for each application) were submitted by a member of the Tuen Mun District Council cum Vice-Chairman of the Tuen Mum Rural Committee without stating any reason. The remaining comments were submitted by indigenous villagers of San Hing Tsuen, Tuen Tsz Wai and Tsing Chuen Wai, and Designing Hong Kong Limited. They objected to the applications mainly on grounds that the proposed developments were not in line with the planning intention to provide land to meet public demand for housing; no environmental, traffic, drainage, sewage assessments were provided; and the objective of most Small House developments were for financial gain. No local objection/view was

received by the District Officer (Tuen Mun); and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the applications based on the assessments set out in paragraph 12 of the Paper. Although the proposed developments were in line with the planning intention of “Residential (Group E)” (“R(E)”) zone for phasing out of the existing industrial uses through redevelopment for residential use and the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories (the Interim Criteria), the applicants failed to demonstrate the proposed developments would not be susceptible to adverse air pollution impacts or suitable mitigation measures, if required, would be implemented. In an area zoned “R(E)”, the applicant should demonstrate that the residential developments would be environmentally acceptable and not subject to industrial-residential interface and air pollution problems.

165. In response to the Chairman's query on the locations of the chimneys near the sites and the status of the existing NTEHs in the surroundings, Mr K.C. Kan said that according to the site inspection conducted by PlanD, there were two chimneys around the site, one was located to the east of the sites which was operated by a Chinese roasted meat factory; and the other to the south of the sites which was not in operation during the site inspection. As for the six houses to the west of the sites, they were approved by the Committee in 1994/1995 when the Lam Tei & Yick Yuen Development Permission Area Plan No. DPA/TM-LTY/1 was in force, and at that time, these sites were covered by the “Unspecified Use” area.

166. A member asked if the application could be approved if the applicants could resolve the air quality issue and enquired on the rationales of allowing village type developments in “R(E)” zone. In response, Mr K.C. Kan said that the sites and its surrounding areas were zoned as “R(E)” in the Lam Tei & Yick Yuen OZP in 1999 because at that time the area was intermixed with structures for residential use, open storage, rural industrial use and workshops. Whilst existing industrial uses would be tolerated, the area was zoned “R(E)” in order to phase out the existing industrial uses through redevelopment for residential uses on application to the Board. As the sites were currently occupied by

temporary structures for car repair workshops, the applications for residential development including NTEH on these sites were considered in line with the planning intention of the “R(E)” zone. All residential developments in the “R(E)” zone had to comply with the same environmental standards.

#### Deliberation Session

167. The Chairman noted that the chimneys identified by PlanD were far away from the proposed Small Houses and many existing houses in the surroundings were indeed closer to the chimneys. In response, Mr K.F. Tang, Assistant Director (Environmental Assessment), Environmental Protection Department (AD/EA, EPD) explained that EPD requested the applicants to provide information to confirm whether the nearby industrial chimney(s) was/were in operation, and if affirmative, the applicants should prove the adequacy of the separation distance between the sites and the chimney(s). Also, the applicants should also provide a scaled plan/drawing indicating the actual dimensions of the sites of the proposed NTEHs and the shortest horizontal separation distance between the application sites and San Hing Road. Such information was crucial to ensure that the residential developments would be environmentally acceptable and not subject to industrial/residential (I/R) interface and other air pollution problems within the “R(E)” zone. Generally, a 200m distance between the chimneys and the residential developments sites was considered adequate. In response to the Chairman’s further query on the distance between the two chimneys identified and the application sites, Mr K.F. Kan said that the estimated distance was about 200m to 300m.

168. A Member queried if village type developments should be allowed in “R(E)” zone as the sites were reserved for residential development rather than for expansion of the “Village Type Development” (“V”) zone. The cumulative effect of approving Small House/village type developments in the “R(E)” zone would lead to a loss of the land reserved for residential development. Members however noted that there was provision for NTEH development under the “R(E)” zone and that NTEH development was not subject to the maximum plot ratio, building height and site coverage restrictions for the “R(E)” zone.

169. The Chairman summarised that while the planning intention of the “R(E)” zone was for residential development, NTEH development was considered as a type of residential

development and provision for NTEH development had been made in the “R(E)” zone. Whether the NTEH development was a Small House development for indigenous villagers was under the ambit of the Lands Department. Members generally agreed that for the subject three applications, EPD’s concerns on I/R interface were yet to be resolved and further information from the applicant on the compliance with the air quality standards was required.

170. After further deliberation, the Committee decided to defer making a decision on the application, pending the provision of further information from the applicant on whether the nearby industrial chimney(s) was/were in operation, and if affirmative, the adequacy of the separation distance between the sites and the chimney(s), as well as a scaled plan/drawing indicating the actual dimensions of the sites of the proposed NTEHs and the shortest horizontal separation distance between the application sites and San Hing Road.

[The Chairman thanked Mr Vincent T.K. Lai, Mr C.C. Lau, Ms Polly O.F. Yip and Mr K.C. Kan, STPs/TMYLW, for their attendance to answer Members’ enquires. They left the meeting at this point.]

**Agenda Item 47**

**Any Other Business**

171. There being no other business, the meeting closed at 5:45 p.m.