

RNTPC Paper No. A/YL-HTF/1104
For Consideration by
the Rural and New Town
Planning Committee
on 24.4.2020

**APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. A/YL-HTF/1104

- Applicant** : Green Technology Consortium Limited represented by WONG Sun-wo William
- Site** : Lots 130, 131, 132 (Part), 260 (Part), 261, 262, 263, 264 and 268 in D.D.128 and adjoining Government Land (GL), Lau Fau Shan, Yuen Long
- Site Area** : 12,563 m² (about) (including about 376 m² of GL)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ha Tsuen Fringe Outline Zoning Plan (OZP) No. S/YL-HTF/12
- Zoning** : “Agriculture” (“AGR”) (about 86%)
“Residential (Group D)” (“R(D)”) (about 14%)
[No development including redevelopment for ‘Flat’ and ‘House’ (except ‘New Territories Exempted Houses’) uses shall result in a development and/or redevelopment in excess of a maximum plot ratio of 0.2 and a maximum building height of 2 storeys (6m).]
- Application** : Proposed Temporary Development and Learning Centre for Graphene with Ancillary Office for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary development and learning centre for graphene with ancillary office for a period of 3 years. The Site falls within an area zoned “Agriculture” (“AGR”) and “Residential (Group D)” (“R(D)”) on the Approved Ha Tsuen Fringe Outline Zoning Plan (OZP) No. S/YL-HTF/12 (**Plan A-1a**). According to the covering Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of 3 years within the zones requires planning permission from the Town Planning Board (the Board) notwithstanding that the use or development is not provided for under the Notes of the OZP. The Site is currently used as a plastic recycling centre without valid planning permission (**Plans A-2 and A-4a to 4d**).
- 1.2 The Site involves 8 previous applications (No. A/YL-HT/64, 77, 368, 391, 453, 744, A/YL-HTF/1093 and 1096) for temporary workshop for recycling plastic waste or/and open storage uses, which were all rejected by the Rural and New

Town Planning Committee (the Committee) or the Board. The last application (No. A/YL-HTF/1096) for temporary plastic bottle recycling centre with workshop and ancillary office for a period of 3 years by a different applicant was rejected by the Committee on 1.2.2019.

- 1.3 The Site is currently accessible via two local tracks, one from Deep Bay Road and one from Kai Pak Ling Road. The proposed ingress/egress is located at the south-western boundary of the Site leading to Kai Pak Ling Road (**Drawing A-1 and Plan A-2**). As shown on the proposed layout plan at **Drawing A-1**, 9 temporary structures with a total floor area of about 1,820 m² and maximum building height of 5m are proposed including 5 learning centres, 1 ancillary office, 1 staff rest room and canteen, 1 guard room and 1 toilet. Northern portion of the Site is proposed for an exhibition area of the final products. The applicant indicates that 20 private car parking spaces and 2 loading/unloading spaces for medium goods vehicles not exceeding 24 tonnes will be provided on the Site. According to the applicant, the operation hours are from 8:00 a.m. to 6:00 p.m. daily.
- 1.4 In support of the application, the applicant has submitted the following documents:
 - (a) Application form of 25.2.2020 and attachments (**Appendix I**)
 - (b) Supplementary Information (**Appendix Ia**)
- 1.5 The site layout plan, proposed landscape plan and proposed drainage plan submitted by the applicant are at **Drawings A-1 to A-3** respectively.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Part 7 of the application form (**Appendix I**). They can be summarized as follows:

- (a) The applicant aims to set up the first green and innovation technology learning centre for contribution to the development of such sector in Hong Kong.
- (b) The learning centre for graphene will provide conference area, exhibition area and laboratory facilities for technological advancement and knowledge exchange.
- (c) There will be development and teaching of the application of various types of graphene technologies (**Appendix Ia**).
- (d) The applicant will plant '*Taxus chinensis*' (紅豆杉樹) in the Site to clean the air.
- (e) The applicant will also install solar panels on the temporary structures for energy saving subject to the approval of the China Light and Power.
- (f) The applicant will cooperate with Hong Kong Polytechnic University, Hong Kong Productivity Council and Jiangnan Graphene Research Institute for the technological projects.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is not the “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by publishing notice on 3 local newspapers and sending registered post to Ha Tsuen Rural Committee. For the adjoining Government land, TPB PG-No.31A is not applicable. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

- 4.1 The Site is subject to an enforcement action against unauthorised development (UD) involving storage and workshop use. Enforcement Notice (EN No. E/YL-HTF/910) was served on 25.10.2018 and expired on 25.11.2018. The UD was not discontinued and the defendant was prosecuted and fined in 2019. Recent site inspection on 24.2.2020 revealed that UD was still not discontinued and second prosecution action would be taken against the notice recipients if no valid planning permission was granted.
- 4.2 The Site was also subject to 9 previous planning enforcement actions since 1998 for filling of pond, open storage and workshop uses.

5. Previous Applications

- 5.1 The Site involves 8 previous applications (No. A/YL-HT/64, 77, 368, 391, 453, 744, A/YL-HTF/1093 and 1096) which are all rejected by the Committee or the Board on review for various open storage and workshop uses. Details of these previous applications are summarized at **Appendix II** and their locations are shown on **Plan A-1b**.
- 5.2 Applications No. A/YL-HT/64 and 77 for temporary open storage of construction materials and construction machinery/water pipes for a period of 12 months were rejected by the Committee/the Board on review on 8.1.1999 and 9.7.1999 respectively. Applications No. A/YL-HT/368 and 391 for temporary workshop for recycling plastic waste and open storage of plastic raw materials for a period of 3 years were rejected by the Committee/the Board on review on 14.1.2005 and 16.9.2005 respectively. Application No. A/YL-HT/453 for temporary open storage of construction materials (steel and scrap metal) for a period of 3 years was rejected by the Board on review on 10.11.2006. Application No. A/YL-HT/744 for temporary open storage of used electronic appliances and parts for a period of 3 years was rejected by the Committee on 2.9.2011. Application No. A/YL-HTF/1093 for temporary plastic bottle recycling centre with workshop and ancillary office for a period of 3 years was rejected by the Committee on 1.2.2019.
- 5.3 The last application (A/YL-HTF/1096) for temporary plastic bottle recycling centre with workshop and ancillary office for a period of 3 years was rejected by the Committee on 20.9.2019.
- 5.4 The rejection reasons for these applications are similar including, amongst others, that the development was not in line with the planning intention of the “AGR” and/or “R(D)” zones; the development was not compatible with the rural

neighborhood; the development was not in line with the then TPB PG-No.13C/13D/13E that there were adverse departmental comments and insufficient information to demonstrate no environmental, traffic, drainage and/or landscape impacts; and approval of the application would set an undesirable precedent for applications for similar developments.

6. Similar Application

There is no similar application within the same “AGR” or “R(D)” zone on the OZP.

7. The Site and Its Surrounding Areas (Plan A-2 to Plans A-4a to 4c)

7.1 The Site is:

- (a) currently being used as a plastic recycle workshop without valid planning permission; and
- (b) accessible via two local tracks from Deep Bay Road and Kai Pak Ling Road.

7.2 The surrounding areas have the following characteristics:

- (a) to its north and northeast are suspected unauthorized open storage yards for construction materials and machinery, parking of heavy vehicles and metal wares;
- (b) to its east are a residential structure (the closest one is about 10 m away), some graves, vacant land and suspected unauthorized warehouses;
- (c) to its south and southeast are suspected unauthorized warehouses and workshops, suspected unauthorized open storage yards for construction materials/machinery and vehicles and some residential structures; and
- (d) to its west and northeast are suspected unauthorized warehouse and open storage of construction materials and workshop; and to its further northwest across Deep Bay Road is the village cluster of Sha Kong Tsuen (**Plan A-3**).

8. Planning Intentions

- 8.1 The planning intention of the “AGR” zone is to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.
- 8.2 The planning intention of the “R(D)” zone is intended primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.

9. Comments from Relevant Government Departments

9.1 The following Government departments have been consulted and their views on the application are summarized as follows:

Land Administration

9.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The 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 the prior approval of the Government.
- (b) There are three modifications of tenancy (MoTs) within the Site, MoT No. 10184 and 17090 for accommodation and porch in Lot 263 in D.D. 128 and MoT No. M18667 for residential and porch in Lot 132 in D.D. 128.
- (c) No permission is given for occupation of Government Land (GL) (about 376 m² subject to verification) included in the Site. The act of occupation of GL without Government's prior approval is not allowed.
- (d) Should planning approval be given to the planning application, the lot owner(s) of the lot(s) without Short Term Waiver (STW) will need to apply to his office for permitting the structures to be erected or regularize any irregularities on site, if any. The applicant has to either exclude the GL from the Site or apply for a formal approval prior to the actual occupation of the GL. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Application(s) for any of the above will be considered by LandsD acting in the capacity of the landlord or lessor 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.

Traffic

9.1.2 Comments of the Commissioner for Transport (C for T):

- (a) The traffic of the Site would be through Kai Pak Ling Road which is a single track road. On the basis of documents provided by the applicant, the proposed development would provide parking spaces for 20 private cars and loading/unloading bays for 2 medium goods vehicles.
- (b) The applicant is requested to conduct traffic analysis to justify that the nearby public road network has adequate capacity to accommodate the traffic induced by the proposed development. In particular, the traffic impact on Kai Pak Ling Road should be well assessed as a result of

the proposed development. It is highly likely that vehicles in opposite directions need to negotiate with each other where passing bay is not available.

9.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) The applicant should mark on the drawing the proposed vehicular access arrangement to nearby public road.
- (b) The access arrangement should be commented by Transport Department (TD).
- (c) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to the nearby public roads/drains.
- (d) HyD shall not be responsible for the maintenance of any access connecting to the Site.

Agriculture

9.1.4 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) Although the Site is currently occupied by temporary structures, it has high potential for agricultural rehabilitation in terms of greenhouse cultivation and nursery. In this connection, he does not support the application from agricultural point of view.
- (b) It is noted that '*Taxus chinensis*' (紅豆杉樹) is proposed to be planted along the boundary of the Site. Since this species is an exotic species, it is preferable to plant native species instead, should the application be approved due to other consideration and landscape planning is considered necessary.

Environment

9.1.5 Comment of the Director of Environmental Protection (DEP):

- (a) DEP does not support the application as the application involves the use of medium goods vehicle and there are sensitive receivers of residential use in the vicinity (with the nearest one situated about 10 m to its east) (**Plan A-2**), thus environmental nuisance is expected.
- (b) Should the planning application be approved, the applicant is advised to follow the relevant mitigation measures and requirements in the latest "Code of Practice (COP) on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites".

Landscape

9.1.6 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) The Site is located to the east of Deep Bay Road and lies mainly in the area of “AGR” zone and partly in “R(D)” zone. The Site is subject to 8 previous rejected planning applications (No. A/YL-HT/64, 77, 368, 391, 453, 744, A/YL-HTF/1093 and 1096) for various temporary open storage and recycling workshop uses. The last application No. A/YL-HTF/1096 for temporary plastic bottle recycling centre with workshop use to which he had reservation from landscape planning perspective. The current application seeks planning approval for temporary development and learning centre for graphene with ancillary office for a period of 3 years.
- (b) With reference to the aerial photo taken in 2018, most of the site area is hard paved and used as open storage of construction machinery with some large temporary structures. Existing trees are generally along the boundary outside the Site. Some existing trees are located at the eastern and south-eastern end of the Site. The Site is situated in an area of rural landscape character disturbed by open storage yards and temporary structures. The proposed use is not entirely compatible with the surrounding landscape character.
- (c) Since the planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, approval of the application would set an undesirable precedent to encourage other similar applications to modify the site prior to obtaining planning permission. The cumulative impact of which would result in a general degradation of the surrounding rural environment. Hence, he has reservation on the application from the landscape planning perspective.
- (d) In view that the Site is not facing any prominent public frontage and there are existing trees along the site boundary, it is considered that the approval condition to maintain all existing vegetation within the Site in good condition for the duration of the approval period is adequate should the application be approved by the Board.

Drainage

9.1.7 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) He has no objection in principle to the application from a drainage point of view.
- (b) Should the Board consider that the application is acceptable from planning point of view, a condition should be stipulated in the approval requiring the applicant to submit a revised drainage proposal, to implement and to maintain the proposed drainage facilities to the satisfaction of the Director of Drainage Services or of the Board.

Building Matters

9.1.8 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of BD, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application.
- (b) For UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO.
- (c) Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling) are to be carried out on Site, prior approval and consent of BD should be obtained, otherwise they are UBW. An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (d) 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.
- (e) 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.

Fire Safety

9.1.9 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the proposal subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, 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.
- (c) 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.
- (d) 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.

Others

9.1.10 Comments of the Director of Food and Environmental Hygiene (DFEH):

- (a) No Food and Environmental Hygiene Department's (FEHD) facilities will be affected and such work and operation shall not cause any environmental nuisance, pest infestation and obstruction to the surrounding.
- (b) Proper licence / permit issued by FEHD is required if there is any catering service / activities regulated by DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public.
- (c) For any waste generated from such work / operation, the applicant should arrange disposal properly at their own expenses.

District Officer's Comments

9.1.11 Comments of the District Officer (Yuen Long), Home Affairs Department (DO/YL, HAD):

His office has not received any comment from the locals on the application.

9.2 The following Government departments have no comment on the application:

- (a) Commissioner for Innovation and Technology (C for IT);
- (b) Antiquities and Monuments Office, Development Bureau (AMO, DEVB);
- (c) Project Manager/New Territories West, Civil Engineering and Development Department (PM/NTW, CEDD);
- (d) Chief Engineer/Sewerage Projects, DSD (CE/SP, DSD);
- (e) Director of Electrical and Mechanical Services (DEMS);
- (f) Director of Leisure, Cultural and Services (DLCS);
- (g) Commissioner of Police (C of P); and
- (h) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

10. Public Comments Received During Statutory Publication Period

On 3.3.2020, the application was published for public inspection. During the first three weeks of the statutory public inspection period, 6 public comments were received from Kadoorie Farm & Botanic Garden Corporation (KFBG), the Hong Kong Bird Watching Society (HKBWS), World Wide Fund for Nature Hong Kong (WWF), Designing Hong Kong (DHK) and 2 individuals objecting to the application (**Appendix III**). The main objecting reasons are summarized below:

- (a) The proposed use is not in line with the planning intention of the "AGR" zone.
- (b) No previous approval has been granted for the Site.

- (c) The proposed use is incompatible with rural neighborhood and associated with unauthorized development. The Board should not encourage “develop first, apply later”.
- (d) There were numerous complaints from the residents of nearby Sha Kong Tsuen on the air pollution from the previous occupant of the plastic recycling workshop at the Site.
- (e) There is insufficient information in the submission to demonstrate that the proposed use will not have significant impacts on the environment, ecology, sewerage and traffic in the area.
- (f) Approval of the application would set an undesirable precedent for similar applications and cumulative effect of which would result in general degradation of the environment of the area.

11. Planning Considerations and Assessments

- 11.1 The subject application is for proposed temporary development and learning centre for graphene with ancillary office for a period of 3 years at the Site mainly zoned “AGR” (about 86%) with a portion straddling on the adjacent “R(D)” zone (about 14%) on the OZP. The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. The planning intention of “R(D)” zone is intended primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board. The proposed temporary development and learning centre for graphene with ancillary office use is not in line with the planning intentions of the “AGR” and “R(D)” zones. The applicant did not provide any justifications on the suitability of the Site for the proposed development. In this regard, DAFC does not support the application from the agricultural point of view as the Site is considered having high potential for agricultural rehabilitation in terms of greenhouse cultivation and nursery. There is no strong planning justification in the submission for a departure from such planning intentions, even on a temporary basis.
- 11.2 The Site is situated in an area of rural landscape character disturbed by open storage yards and temporary structures (**Plan A-3**). Besides, village cluster of Sha Kong Tsuen is located to its further north and northwest. The proposed use is not entirely compatible with the surrounding landscape character. The approval of the application would set an undesirable precedent to encourage other similar applications with site modification prior to planning permission is obtained. The cumulative impact of which would result in a general degradation of the surrounding rural environment. In this regard, CTP/UD&L, PlanD has reservation on the application from the landscape planning perspective.
- 11.3 DEP does not support the application as it involves the use of medium goods vehicles and there are sensitive receivers of residential use in the vicinity of the Site, with the nearest one located about 10m to its east (**Plan A-2**), and environmental nuisance is expected. C for T also raised concerns over the traffic impact of the proposed development with 20 private car parking spaces and 2

loading / unloading bays for medium goods vehicles on Kai Ping Ling Road (a single track road) and the nearby public road network. The applicant has yet to address C for T's concerns. In this regard, the applicant fails to demonstrate that the proposed use would not have adverse environmental and traffic impacts on the surrounding areas.

- 11.4 The Site is subject of 8 previous applications (No. A/YL-HT/64, 77, 368, 391, 453 744, A/YL-HTF/1093 and 1096) for various open storage and workshop uses which were rejected by the Committee/the Board on review from 1999 to 2019 mainly on the grounds, inter alia, that the development was not in line with the planning intentions of the "AGR" and "R(D)" zones; the development was not compatible with the rural neighborhood; there were adverse departmental comments and insufficient information to demonstrate no environmental, traffic, drainage and/or landscape impacts. Rejecting the current application is in line with the Committee's previous decisions.
- 11.5 There were 6 public comments objecting to the application mainly on grounds stated in paragraph 10. The planning considerations and assessments in paragraphs 11.1 to 11.4 are relevant.

12. Planning Department's Views

12.1 Based on the assessment made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, the Planning Department does not support the application for proposed temporary development and learning centre for graphene with ancillary office for a period of 3 years for the following reasons.

- (a) the proposed development is not in line with the planning intentions of the "AGR" and "R(D)" zones. The planning intention of the "AGR" zone is to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and also to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. The planning intention of the "R(D)" zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. There is no strong planning justification in the submission for a departure from such planning intentions, even on a temporary basis;
- (b) the applicant fails to demonstrate that the proposed development would not generate adverse environmental and traffic impacts on the surrounding areas; and
- (c) approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the "AGR" zone, the cumulative effect of which will result in a general degradation of the rural environment.

12.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3

years until **24.4.2023**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no operation from 6:00 p.m. to 8:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no vehicle exceeding 24 tonnes, as proposed by the applicant, is allowed to enter/exit or to be parked/stored on the Site at any time during the planning approval period;
- (c) the submission of the revised drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **24.10.2020**;
- (d) in relation to (c) above, the implementation of the revised drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **24.1.2021**;
- (e) in relation to (d) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (f) the existing trees within the Site shall be maintained in good condition at all times during the planning approval period;
- (g) 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 Town Planning Board by **24.10.2020**;
- (h) in relation to (g) 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 Town Planning Board by **24.1.2021**;
- (i) if any of the above planning conditions (a), (b), (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;
- (j) if any of the above planning conditions (c), (d), (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; and
- (k) upon expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory Clauses

The recommended advisory clauses are attached at **Appendix IV**.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.

13.2 Should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

13.3 Alternatively, should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.

14. Attachments

Appendix I	Application Form received on 25.2.2020 with attachments
Appendix Ia	Supplementary Information
Appendix II	Previous Applications covering the Site
Appendix III	Public Comments
Appendix IV	Advisory Clauses
Drawing A-1	Proposed Layout Plan
Drawing A-2	Proposed Drainage Plan
Drawing A-3	Proposed Landscape Plan
Plans A-1a and 1b	Location Plans
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4d	Site Photos

**PLANNING DEPARTMENT
APRIL 2020**

Previous s.16 Application covering the Application Site

Rejected Application

	<u>Application No.</u>	<u>Applied Use(s)/Development(s)</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejected Reason(s)</u>
1.	A/YL-HT/64	Temporary open storage of construction materials and construction machinery for a period of 12 months	“AGR” on OZP No. S/YL-HT/1	8.1.1999	1-4
2.	A/YL-HT/77	Temporary Open Storage of Water Pipes for 12 Months	“AGR” on OZP No. S/YL-HT/1	9.7.1999 (on review)	1,2,4,5
3.	A/YL-HT/368	Temporary Workshop for Recycling Plastic Waste and Open Storage of Plastic Raw Materials for a Period of 3 Years	“AGR” on OZP No. S/YL-HT/5	14.1.2005	1,4,6
4.	A/YL-HT/391	Temporary Workshop for Recycling Plastic Waste and Open Storage of Plastic Raw Materials for a Period of 3 Years	“AGR” on OZP No. S/YL-HT/6	16.9.2005 (on review)	1,4,6
5.	A/YL-HT/453	Temporary Open Storage of Construction Materials (Steel and Scrap Metal) for a Period of 3 Years	“AGR” on OZP No. S/YL-HT/7	10.11.2006 (on review)	1,4,7
6.	A/YL-HT/744	Temporary Open Storage of Used Electronic Appliances and Parts for a Period of 3 Years	“AGR” on OZP No. S/YL-HT/10	2.9.2011	1,4,8,9
7.	A/YL-HTF/1093	Proposed Temporary Plastic Bottle Recycling Centre with Workshop and Ancillary Office for a Period of 3 Years	“AGR” and “R(D)” on OZP No. S/YL-HTF/12	1.2.2019	3,4,10
8.	A/YL-HTF/1096	Temporary Plastic Bottle Recycling Centre with Workshop and Ancillary Office for a Period of 3 Years	“AGR” and “R(D)” on OZP No. S/YL-HTF/12	20.9.2019	4,10,11

Rejected Reason(s):

- 1 The development is not in line with the planning intention of the "Agriculture" zone which is to retain and safeguard good agricultural land for agricultural purposes and to retain fallow arable land with good potential for rehabilitation.
- 2 The development is not compatible with the land uses of the surrounding areas which include village houses and agricultural uses.
- 3 There is insufficient information in the submission to demonstrate that the development would not have adverse environmental and traffic impacts on the surrounding areas
- 4 The approval of the application would set an undesirable precedent for other similar applications. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.
- 5 Deep Bay Road is not suitable for the open storage use under application and the curve radii and sight distance for the S-bend at the access track leading to the site are substandard. There is insufficient information in the submission to demonstrate that the development would not have

significant traffic impact on the surrounding area.

- 6 The development was not in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses No. TPB PG-No.13C, in that there were adverse comments from Government departments and there was insufficient information in the submission to demonstrate that the development would not have adverse environmental, traffic, drainage and landscape impacts on the surrounding area.
- 7 The development was not in line with the Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up Uses in that there were adverse comments from the Government departments, there was no previous planning approval, and that there was insufficient information in the submission to demonstrate that the development would not have adverse environmental, traffic, drainage and landscape impacts on the surrounding areas.
- 8 The development was not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that no previous approval had been granted for the site, there were adverse departmental comments on the application, and the development would have adverse traffic, drainage, landscape and environmental impacts on the surrounding areas. No technical assessment had been included in the submission to address such adverse impacts.
- 9 The development was not compatible with the rural neighborhood.
- 10 The development is not in line with the planning intentions of the “AGR” and “Residential (Group D)” (“R(D)”) zones. The planning intention of the “AGR” zone is to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and also to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. The planning intention of the “R(D)” zone is intended primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. There is no strong planning justification in the submission for a departure from such planning intentions, even on a temporary basis.
- 11 The applicant fails to demonstrate that the proposed development would not generate adverse environmental impact on the surrounding areas.

Advisory clauses

- (a) to resolve any land issues 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 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 the prior approval of the Government. There are three modifications of tenancy (MoTs) within the Site, MoT No. 10184 and 17090 for accommodation and porch in Lot 263 in D.D. 128 and MoT No. M18667 for residential and porch in Lot 132 in D.D. 128. No permission is given for occupation of Government Land (GL) (about 376 m² subject to verification) included in the Site. The act of occupation of GL without Government's prior approval is not allowed. The lot owner(s) of the lot(s) without Short Term Waiver (STW) will need to apply to his office for permitting the structures to be erected or regularize any irregularities on site, if any. The applicant has to either exclude the GL from the Site or apply for a formal approval prior to the actual occupation of the GL. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Application(s) for any of the above will be considered by LandsD acting in the capacity of the landlord or lessor 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 (CHE/NTW, HyD) that adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to the nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting to the Site;
- (d) to note the comments of the Director of Agriculture, Fisheries and Conservation that it is noted that '*Taxus chinensis*' (紅豆杉樹) is proposed to be planted along the boundary of the Site. Since this species is an exotic species, it is preferable to plant native species instead.
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the applicant is required to demonstrate with hydraulic calculation whether the proposed drainage facilities are adequate to collect, convey and discharge the surface runoff accrued on the Site and the overland flow intercepted from the adjacent lands. The ground to the south and east of the Site are hilly. External catchment shall be taken into account in the assessment of proposed drainage facilities. It is required to indicate clearly the full alignment of the discharge path from the Site all the way down to the ultimate discharge point (e.g. a well-established stream course/public drainage system). In the case that local village drains are involved, District Officer/Yuen Long should be consulted. The gradients and the sizes of the proposed U-channels should be shown on the drainage plan. The proposal should indicate how the runoff (the flow direction) within the site would be discharged to the proposed u-channel. Consideration should be given to provide grating for the surface channels. The cover levels and invert levels of the proposed u-channels, catchpits/sand traps should be shown on the drainage plan. Cross sections showing the existing and proposed ground levels of the captioned site with respect to the adjacent areas should be given. Sand trap or provision alike should be provided before the collected runoff is discharged to the public drainage facilities. Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit/sand

trap. Where walls or hoarding are erected are laid along the site boundary, adequate opening should be provided to intercept the existing overland flow passing through the site. 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 District Lands Officer/Yuen Long, Lands Department and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works.

- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of BD, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application. For UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO. Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling) are to be carried out on application site, prior approval and consent of BD should be obtained, otherwise they are UBW. An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO. The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the (B(P)R) at the building plan submission stage;
- (g) to note the comments of the Director of Fire Services (D of FS) that the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs 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;
- (h) to follow the relevant mitigation measures and requirements in the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Environmental Protection Department; and
- (i) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that no Food and Environmental Hygiene Department's (FEHD) facilities will be affected and such work and operation shall not cause any environmental nuisance, pest infestation and obstruction to the surrounding. Proper licence / permit issued by FEHD is required if there is any catering service / activities regulated by DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public. For any waste generated from the such work / operation, the applicant should arrange disposal properly at their own expenses.

此展視區域只在有須要時才擺放展品，
其他時間開放給學員作為休閒之用

開設臨時(石墨烯應用技術學習中心)連附屬辦公室

合共20個私家車位
每個2.5米X 5米

研究成果臨時展視
區域

2個中型貨車
上落客貨車位

保安室

員工休息室及飯堂

流動式臨時洗手

進入學習中心行車路

車輛掉頭處

此段通道闊8米

學習中心出入口大
門闊7米

構築物說明	面積(平方米)	高度	層數
R1 石墨烯鋁空氣電池之 研發及教學工作室	225	5米	1
R2 液態金屬及微量元素之 應用研究及教學工作室	225	5米	1
R3 超級水耕系統與微量元素 之應用研究及教學工作室	225	5米	1
R4 石墨烯污水處理系統 之研發及教學工作室	225	5米	1
R5 石墨烯加塑料之新物 料開發及教學工作室	225	5米	1
R6 行政中心及辦公室	225	5米	1
R7 保安室	120	5米	2
R8 員工休息室及飯堂	320	5米	2
R9 臨時洗手間	30	3.5米	1

2個中型貨車上落客貨
車位每個3.5米X11米

20個私家車位每個2.5米X 5米

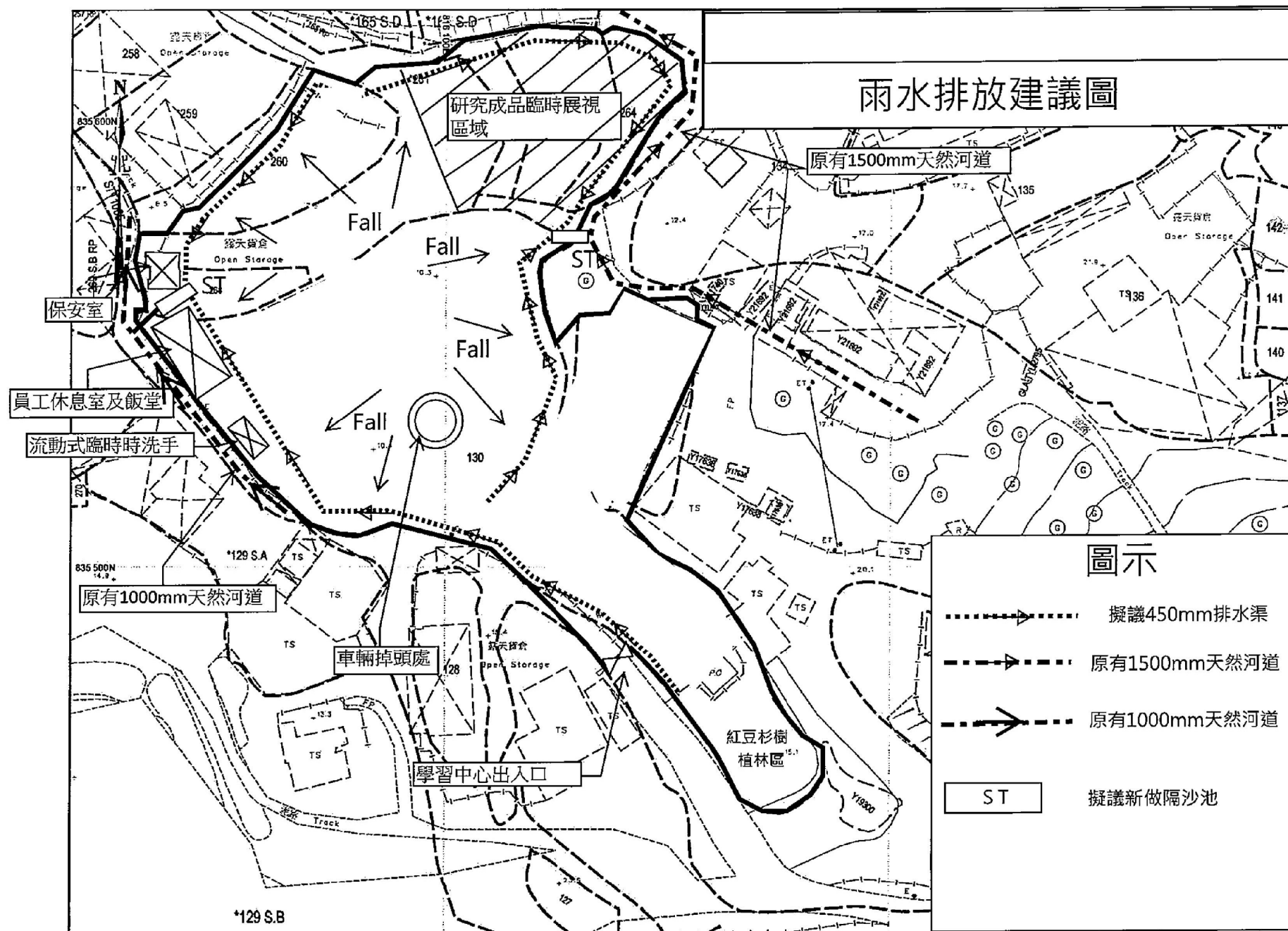
進入學習中心行車路線

此段路經由雞伯嶺路進入

(摘錄自申請人於 25. 2. 2020 呈交的申請書)
(Extract from Applicant's
Submission of 25.2.2020)

參考編號
REFERENCE No.
A/YL-HTF/1104

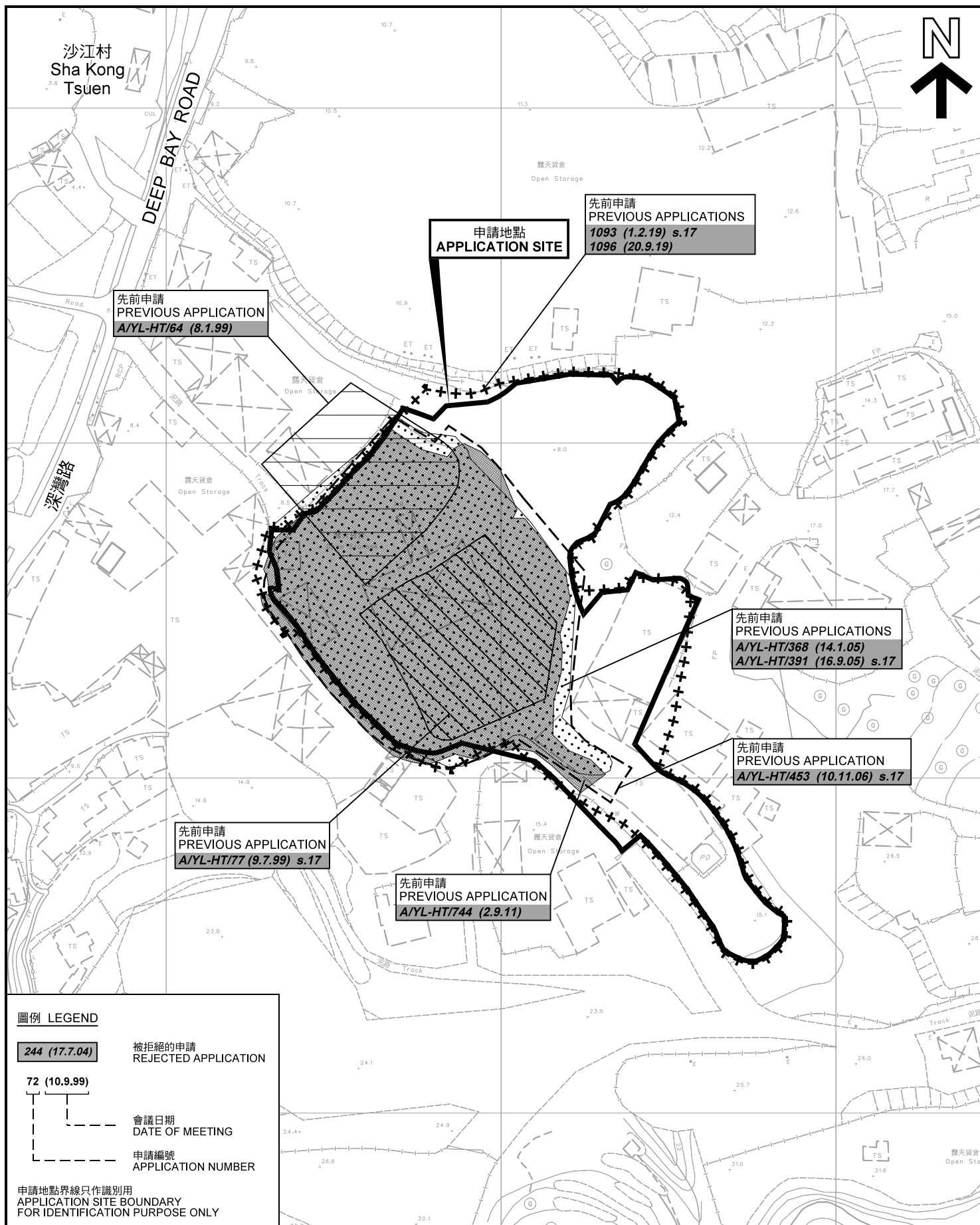
繪圖 DRAWING
A-1



(摘錄自申請人於 25. 2. 2020 呈交的申請書)
(Extract from Applicant's
Submission of 25.2.2020)

參考編號
REFERENCE No.
AYL-HTF/1104

繪圖 DRAWING
A-3



先前申請圖 PREVIOUS APPLICATIONS PLAN

擬議臨時石墨稀應用技術發展及學習中心連附屬辦公室（為期3年）
新界元朗丈量約份第128約地段第130號、第131號、第132號（部分）、
第260號（部分）、第261號、第262號、第263號、第264號及第268號和毗連政府土地
PROPOSED TEMPORARY DEVELOPMENT AND LEARNING CENTRE
FOR GRAPHENE WITH ANCILLARY OFFICE FOR A PERIOD OF 3 YEARS
LOTS 130, 131, 132 (PART), 260 (PART), 261, 262, 263, 264
AND 268 IN D.D. 128 AND ADJOINING GOVERNMENT LAND,
YUEN LONG, NEW TERRITORIES

SCALE 1:1 500 比例尺
米 20 0 20 40 60 米
METRES

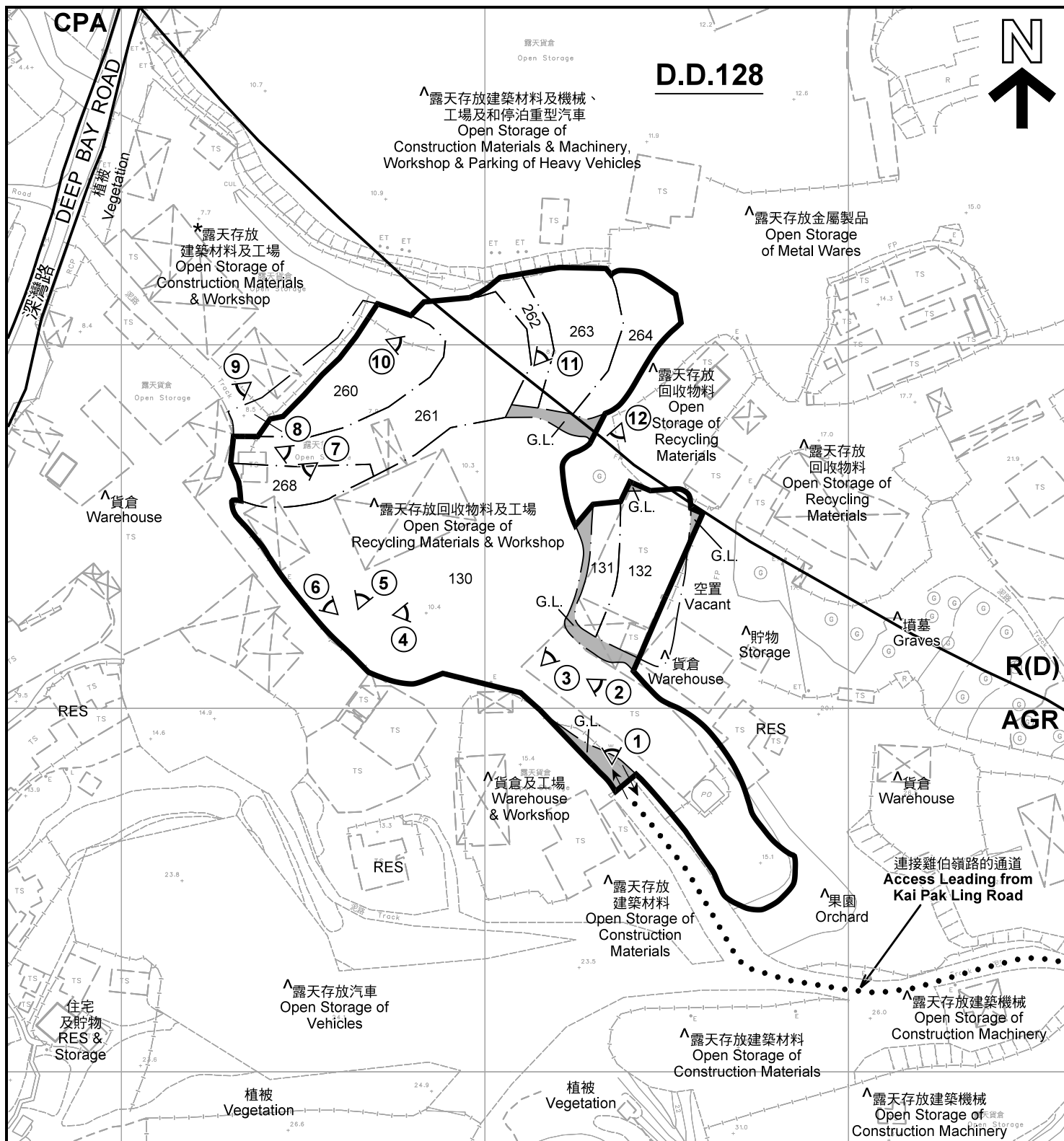
規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/YL-HTF/1104

圖 PLAN
A-1b

本摘要圖於2020年4月8日擬備，所根據的
資料為測量圖編號 6-NW-1B 及 6-NW-1D
EXTRACT PLAN PREPARED ON 8.4.2020
BASED ON SURVEY SHEETS No.
6-NW-1B & 6-NW-1D



註釋 Notes :

- (1) 2020年3月13日勘測的土地用途
Land uses shown on this plan are in accordance with the land use survey conducted by the Planning Department on 13.3.2020
- (2) * 土地用途跟1992年3月勘測的土地用途一致
Indicates that the use is the same as that revealed by the land use survey conducted by the Planning Department in Mar 1992
- (3) ^ 土地用途跟1992年3月勘測的土地用途有別
Indicates that the use is different from that revealed by the land use survey conducted by the Planning Department in Mar 1992

圖例 LEGEND



申請地點(界線只作識別用)
APPLICATION SITE
(BOUNDARY FOR IDENTIFICATION
PURPOSE ONLY)

R(D) 住宅(丁類)
RESIDENTIAL (GROUP D)

AGR 農業
AGRICULTURE

CPA 海岸保護區
COASTAL PROTECTION AREA

G.L. 政府土地
GOVERNMENT LAND

RES 住用構築物
RESIDENTIAL STRUCTURES

① 實地照片的觀景點
VIEWING POINT OF SITE PHOTO

↔ 入口/出口
INGRESS / EGRESS

平面圖 SITE PLAN

擬議臨時石墨應用技術發展及學習中心連附屬辦公室 (為期3年)
新界元朗丈量約份第128約地段第130號、第131號、第132號(部分)、
第260號(部分)、第261號、第262號、第263號、第264號及第268號和毗連政府土地
PROPOSED TEMPORARY DEVELOPMENT AND LEARNING CENTRE
FOR GRAPHENE WITH ANCILLARY OFFICE FOR A PERIOD OF 3 YEARS
LOTS 130, 131, 132 (PART), 260 (PART), 261, 262, 263, 264
AND 268 IN D.D. 128 AND ADJOINING GOVERNMENT LAND,
YUEN LONG, NEW TERRITORIES

本摘要圖於2020年4月6日擬備，所根據的
資料為測量圖編號 6-NW-1B 及 6-NW-1D
EXTRACT PLAN PREPARED ON 6.4.2020
BASED ON SURVEY SHEETS No.
6-NW-1B & 6-NW-1D

SCALE 1 : 1 500 比例尺
米 20 0 20 40 60 米
METRES

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/YL-HTF/1104

圖 PLAN
A-2



圖例 LEGEND



申請地點(界線只作識別用)
APPLICATION SITE
(BOUNDARY FOR IDENTIFICATION
PURPOSE ONLY)

本摘要圖於2020年4月3日擬備，所根據的資料為地政總署於2018年1月3日拍得的航攝照片編號 E033635C
EXTRACT PLAN PREPARED ON 3.4.2020
BASED ON AERIAL PHOTO No.
E033635C TAKEN ON 3.1.2018
BY LANDS DEPARTMENT

航攝照片 AERIAL PHOTO

擬議臨時石墨烯應用技術發展及學習中心連附屬辦公室(為期3年)
新界元朗丈量約份第128約地段第130號、第131號、第132號(部分)、
第260號(部分)、第261號、第262號、第263號、第264號及第268號和毗連政府土地
PROPOSED TEMPORARY DEVELOPMENT AND LEARNING CENTRE
FOR GRAPHENE WITH ANCILLARY OFFICE FOR A PERIOD OF 3 YEARS
LOTS 130, 131, 132 (PART), 260 (PART), 261, 262, 263, 264
AND 268 IN D.D. 128 AND ADJOINING GOVERNMENT LAND,
YUEN LONG, NEW TERRITORIES

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/YL-HTF/1104

圖 PLAN
A-3



實地照片 SITE PHOTOS

擬議臨時石墨應用技術發展及學習中心連附屬辦公室（為期3年）
新界元朗丈量約份第128約地段第130號、第131號、第132號（部分）、
第260號（部分）、第261號、第262號、第263號、第264號及第268號和毗連政府土地
PROPOSED TEMPORARY DEVELOPMENT AND LEARNING CENTRE
FOR GRAPHENE WITH ANCILLARY OFFICE FOR A PERIOD OF 3 YEARS
LOTS 130, 131, 132 (PART), 260 (PART), 261, 262, 263, 264
AND 268 IN D.D. 128 AND ADJOINING GOVERNMENT LAND,
YUEN LONG, NEW TERRITORIES

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/YL-HTF/1104

圖 PLAN
A-4a

本圖於2020年4月6日擬備，所根據的
資料為攝於2020年3月13日的實地照片
PLAN PREPARED ON 6.4.2020
BASED ON SITE PHOTOS TAKEN
ON 13.3.2020



申請地點
APPLICATION SITE



申請地點
APPLICATION SITE



申請地點
APPLICATION SITE

實地照片 SITE PHOTOS

擬議臨時石墨烯應用技術發展及學習中心連附屬辦公室（為期3年）
新界元朗丈量約份第128約地段第130號、第131號、第132號（部分）、
第260號（部分）、第261號、第262號、第263號、第264號及第268號和毗連政府土地
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FOR GRAPHENE WITH ANCILLARY OFFICE FOR A PERIOD OF 3 YEARS
LOTS 130, 131, 132 (PART), 260 (PART), 261, 262, 263, 264
AND 268 IN D.D. 128 AND ADJOINING GOVERNMENT LAND,
YUEN LONG, NEW TERRITORIES

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/YL-HTF/1104

圖 PLAN
A-4b

本圖於2020年4月6日擬備，所根據的
資料為攝於2020年3月13日的實地照片
PLAN PREPARED ON 6.4.2020
BASED ON SITE PHOTOS TAKEN
ON 13.3.2020

7



8



9



實地照片 SITE PHOTOS

本圖於2020年4月6日擬備，所根據的資料為攝於2020年3月13日的實地照片
PLAN PREPARED ON 6.4.2020
BASED ON SITE PHOTOS TAKEN ON 13.3.2020

擬議臨時石墨烯應用技術發展及學習中心連附屬辦公室（為期3年）
新界元朗丈量約份第128約地段第130號、第131號、第132號（部分）、
第260號（部分）、第261號、第262號、第263號、第264號及第268號和毗連政府土地
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FOR GRAPHENE WITH ANCILLARY OFFICE FOR A PERIOD OF 3 YEARS
LOTS 130, 131, 132 (PART), 260 (PART), 261, 262, 263, 264
AND 268 IN D.D. 128 AND ADJOINING GOVERNMENT LAND,
YUEN LONG, NEW TERRITORIES

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/YL-HTF/1104

圖 PLAN
A-4c



申請地點界線只作識別用 APPLICATION SITE BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

實地照片 SITE PHOTOS

本圖於2020年4月6日擬備，所根據的資料為攝於2020年3月13日的實地照片
PLAN PREPARED ON 6.4.2020
BASED ON SITE PHOTOS TAKEN ON 13.3.2020

擬議臨時石墨烯應用技術發展及學習中心連附屬辦公室（為期3年）
新界元朗丈量約份第128約地段第130號、第131號、第132號（部分）、
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FOR GRAPHENE WITH ANCILLARY OFFICE FOR A PERIOD OF 3 YEARS
LOTS 130, 131, 132 (PART), 260 (PART), 261, 262, 263, 264
AND 268 IN D.D. 128 AND ADJOINING GOVERNMENT LAND,
YUEN LONG, NEW TERRITORIES

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/YL-HTF/1104

圖 PLAN
A-4d

Agenda Item 36

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HTF/1104 Proposed Temporary Development and Learning Centre for Graphene with Ancillary Office for a Period of 3 Years in “Agriculture” and “Residential (Group D)” Zones, Lots 130, 131, 132 (Part), 260 (Part), 261, 262, 263, 264 and 268 in D.D.128 and Adjoining Government Land, Yuen Long
(RNTPC Paper No. A/YL-HTF/1104)

Presentation and Question Sessions

152. Ms Bonnie K.C. Lee, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) proposed temporary development and learning centre for graphene with ancillary office for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper;
- (d) during the first three weeks of the statutory publication period, six objecting comments were received from Kadoorie Farm & Botanic Garden Corporation, the Hong Kong Bird Watching Society, World Wide Fund for Nature Hong Kong, Designing Hong Kong Limited and two individuals.

Major objection grounds were set out in paragraph 10 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the applications based on the assessments set out in paragraph 11 of the Paper. The proposed temporary development and learning centre for graphene with ancillary office use was not in line with the planning intentions of the “Agriculture” and “Residential (Group D)” zones and the applicant did not provide any justifications on the suitability of the site for the proposed development. The Director of Agriculture, Fisheries and Conservation did not support the application as the site had high potential for agricultural rehabilitation. There was no strong planning justification for a departure from the planning intentions, even on a temporary basis. The Chief Town Planner/Urban Design and Landscape, PlanD had reservation on the application. The proposed use was not entirely compatible with the surrounding landscape character and the approval of the application would set an undesirable precedent to encourage other similar applications with site modification prior to obtaining planning permission. The cumulative impact of which would result in a general degradation of the surrounding rural environment. The Director of Environmental Protection did not support the application as it involved the use of medium goods vehicles and there were sensitive receivers of residential use in the vicinity. Besides, the Commissioner for Transport raised concerns over the traffic impact of the proposed development which were not addressed by the applicant. The site was the subject of eight previous applications rejected by the Committee or on review by the Board. Rejecting the current application was in line with the Committee's previous decisions. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

153. Members had no question on the application.

Deliberation Session

154. After deliberation, the Committee decided to reject the application. The reasons

were:

- “(a) the proposed development is not in line with the planning intentions of the “Agriculture” (“AGR”) and “Residential (Group D)” (“R(D)”) zones. The planning intention of the “AGR” zone is to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and also to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. There is no strong planning justification in the submission for a departure from such planning intentions, even on a temporary basis;
- (b) the applicant fails to demonstrate that the proposed development would not generate adverse environmental and traffic impacts on the surrounding areas; and
- (c) approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone, the cumulative effect of which will result in a general degradation of the rural environment of the area.”

Advisory clauses

- (a) to resolve any land issues 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 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 the prior approval of the Government. There are three modifications of tenancy (MoTs) within the Site, MoT No. 10184 and 17090 for accommodation and porch in Lot 263 in D.D. 128 and MoT No. M18667 for residential and porch in Lot 132 in D.D. 128. No permission is given for occupation of Government Land (GL) (about 376 m² subject to verification) included in the Site. The act of occupation of GL without Government's prior approval is not allowed. The lot owner(s) of the lot(s) without Short Term Waiver (STW) will need to apply to his office for permitting the structures to be erected or regularize any irregularities on site, if any. The applicant has to either exclude the GL from the Site or apply for a formal approval prior to the actual occupation of the GL. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Application(s) for any of the above will be considered by LandsD acting in the capacity of the landlord or lessor 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 (CHE/NTW, HyD) that adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to the nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting to the Site;
- (d) to note the comments of the Director of Agriculture, Fisheries and Conservation that it is noted that '*Taxus chinensis*' (紅豆杉樹) is proposed to be planted along the boundary of the Site. Since this species is an exotic species, it is preferable to plant native species instead;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the applicant is required to demonstrate with hydraulic calculation whether the proposed drainage facilities are adequate to collect, convey and discharge the surface runoff accrued on the Site and the overland flow intercepted from the adjacent lands. The ground to the south and east of the Site are hilly. External catchment shall be taken into account in the assessment of proposed drainage facilities. It is required to indicate clearly the full alignment of the discharge path from the Site all the way down to the ultimate discharge point (e.g. a well-established stream course/public drainage system). In the case that local village drains are involved, District Officer/Yuen Long should be consulted. The gradients and the sizes of the proposed U-channels should be shown on the drainage plan. The proposal should indicate how the runoff (the flow direction) within the site would be discharged to the proposed u-channel. Consideration should be given to provide grating for the surface channels. The cover levels and invert levels of the proposed u-channels, catchpits/sand traps should be shown on the drainage plan. Cross sections showing the existing and proposed ground levels of the captioned site with respect to the adjacent areas should be given. Sand trap or provision alike should be provided before the collected runoff is discharged to the public drainage facilities. Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit/sand trap. Where walls or

hoarding are erected are laid along the site boundary, adequate opening should be provided to intercept the existing overland flow passing through the site. 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 District Lands Officer/Yuen Long, Lands Department and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works;

- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of BD, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application. For UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO. Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling) are to be carried out on application site, prior approval and consent of BD should be obtained, otherwise they are UBW. An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO. The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the (B(P)R) at the building plan submission stage;
- (g) to note the comments of the Director of Fire Services (D of FS) that the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs 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;
- (h) to note the comments of the Director of Environmental Protection that the applicant is advised to follow the relevant mitigation measures and requirements in the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Environmental Protection Department; and
- (i) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that no Food and Environmental Hygiene Department's (FEHD) facilities will be affected and such work and operation shall not cause any environmental nuisance, pest infestation and obstruction to the surrounding. Proper licence / permit issued by FEHD is required if there is any catering service / activities regulated by DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public. For any waste generated from the such work / operation, the applicant should arrange disposal properly at their own expenses.