

## **TOWN PLANNING BOARD**

### **Minutes of 445th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 22.7.2011**

#### **Present**

Director of Planning  
Miss Ophelia Y.S. Wong

Chairperson

Mr. Walter K.L. Chan

Vice-chairman

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Mr. Timothy K.W. Ma

Dr. C.P. Lau

Dr. W.K. Lo

Ms. Anita W.T. Ma

Dr. W.K. Yau

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

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

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

Assistant Director/New Territories  
Lands Department  
Mr. Edwin W.K. Chan

Deputy Director of Planning/District  
Ms. Phyllis C.M. Li

Secretary

**Absent with Apologies**

Mr. B.W. Chan

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

Dr. James C. W. Lau

Mr. Stephen M.W. Yip

**In Attendance**

Assistant Director of Planning/Board  
Mr. C.T. Ling

Chief Town Planner/Town Planning Board  
Ms. Christine K.C. Tse

Town Planner/Town Planning Board  
Mr. Wallace W.K. Tang

**Agenda Item 1**

Confirmation of the Draft Minutes of the 444th RNTPC Meeting held on 8.7.2011

[Open Meeting]

1. The draft minutes of the 444th RNTPC meeting held on 8.7.2011 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

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

**Tsuen Wan and West Kowloon District**

[Mr. Y.S. Lee, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), was invited to the meeting at this point.]

**Agenda Item 3**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-MWI/42                      Proposed Temporary 'Institutional Use' (Community Service Centre)  
for a Period of 3 Years in "Village Type Development" zone,  
Public Toilet Building, Ma Wan Rural Committee Road,  
Ma Wan Main Street Village Central, Ma Wan  
(RNTPC Paper No. A/I-MWI/42)

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3. The Secretary reported that Mr. Andrew Y.T. Tsang had declared an interest in this item as he had a property at Park Island. The Committee noted that Park Island was at a distance from the application site and considered that the interest of Mr. Tsang was indirect

and he could stay in the meeting.

4. The Secretary reported that the Town Planning Board (TPB) Secretariat had just received a letter from a Ma Wan resident who requested to attend and participate in the discussion of the application.

5. The Chairperson said that consideration of a planning application submitted under section 16 of the Town Planning Ordinance (the Ordinance) was conducted in the absence of the applicant. There was also no provision for third parties to attend or participate in the discussion of the application. Such arrangement had been stipulated in the Ordinance and the 'Procedure and Practice' of the TPB. The Chairperson went on to explain that the proceedings of the TPB or its committees, except the deliberation part, would be broadcasted simultaneously and members of the public could observe the meetings in the Public Viewing Room. Besides, the minutes of the TPB and its committees, including the presentation and deliberation parts of the meeting, would also be uploaded to the TPB website for information of the public upon confirmation. Members agreed not to accede to the request from the Ma Wan resident.

#### Presentation and Question Sessions

6. Mr. Y.S. Lee, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary 'institutional use' (community service centre) for a period of three years;
- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the application;
- (d) four public comments were received from individuals during the first three weeks of the statutory publication period. While one commenter supported the application without giving any reason, the other three

commenters objected to the application on the grounds that there was a lack of public consultation, the nature of the organization and the service receivers were not known, whether the Ma Wan residents would be involved to monitor the operation of the organization was not known, and it was not known whether Government-business collusion had been involved. The commenters suggested that facilities such as library, day nursery and elderly centre should be provided. The District Officer (Tsuen Wan) (DO(TW)) advised that a Tsuen Wan District Council (TWDC) member, the Chairman of Ma Wan Rural Committee (MWRC), the Chairman and Vice-chairman of Tsuen Wan Rural Area Committee (TWRAC) and the Village Representatives (VRs) of Ma Wan Main Street had been consulted and they had no objection to the application. The VRs of Ma Wan Main Street further suggested that such temporary community service centre (CSC) use should not generate nuisance and unwelcomed impacts on the villagers, the concerned services should be reviewed after three years, and the Ma Wan Main Street Village should be consulted on the use every three years; and

[Ms. Anna S.Y. Kwong and Mr. Walter K.L. Chan arrived to join the meeting at this point.]

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper. The applicant proposed to use the subject public toilet building for temporary CSC to serve the residents of Ma Wan. The TWDC member, the Chairman of MWRC, the Chairman and Vice-chairman of TWRAC and VRs of Ma Wan Main Street had been consulted and raised no objection to the application. The temporary CSC aimed to provide community services to the local Ma Wan residents and was considered compatible with the surrounding developments. It would unlikely generate adverse impact on the traffic and infrastructure capacities in the area. Relevant Government departments had no objection to or no adverse comment on the application. Regarding the concerns raised in the public comments, the applicant had supplemented that the funding for the operation and management of the CSC would be managed by the applicant (the Yuen

Yuen Institute), and there would be no commercial activities and no service/works related to the CSC would be outsourced. The applicant also confirmed that there would not be any columbarium in the temporary CSC premises. As for the request to provide a public library, day nursery, sports facilities, and a recreation centre for the elderly at the premises, there was already a community library run by a non-governmental organization (NGO) at a location to the north-east of the site at Ma Wan Rural Committee Road. The Director of Leisure and Cultural Services also advised that there was adequate provision of library services in the district. Other facilities mentioned in the public comments had either been provided or were being planned to meet the community needs.

7. Noting that the application only involved a relatively small premises, a Member asked about the scope of community services to be provided and whether the services could meet the needs of the Ma Wan residents. In response, Mr. Y.S. Lee said that according to the applicant, different small group activities such as therapeutic group for the elderly and mutual support group to meet the educational and development needs of different age groups; health care support services, volunteer training and development services; and social gathering, visits or cultural events for the Ma Wan residents would be provided. With respect to the request for the provision of a public library, there was already a community library serving the public nearby. Regarding the request for a day nursery, there was already a childcare centre cum kindergarten in Park Island. In this connection, it was considered that the community services proposed by the applicant could in general meet the local community needs.

8. In response to another Member's question, Mr. Y.S. Lee said that apart from the residents' clubhouse for Park Island which might provide some form of social/community services for its own residents, there was currently no community service centre in Ma Wan. The Director of Social Welfare indicated that no such kind of social welfare facilities was being planned at Ma Wan but NGOs were welcomed to make use of vacant Government premises for the provision of self-financing social welfare services. Mr. Lee added that policy support had not yet been granted to the applicant for the proposed CSC at the application premises. It was understood that the issue would be dealt with at the STT stage after obtaining planning permission from the TPB.

[Ms. Anna S.Y. Kwong left the meeting temporarily at this point.]

9. A Member referred to the public comments received and asked whether public consultation had been carried out during the process of the planning application. Mr. Y.S. Lee responded that the application had been published for public comment for three weeks as required under the Ordinance and the member of public who requested to take part in the discussion of this item was one of the four commenters of the application. Mr. Lee said that according to his understanding, LandsD had posted the Notice of the proposed STT for community centre use submitted by the Yuen Yuen Institute at the notice board at Ma Wan in July 2010 for public consultation purpose.

10. The Chairperson referred Members to paragraph 8.1.9 of the Paper which reported that DO(TW) had consulted a TWDC member, the Chairman of MWRC, the Chairman and Vice-chairman of TSRAC and the VRs of Ma Wan Main Street concerning the application. All of them raised no objection to the application.

#### Deliberation Session

11. A Member opined that the application could be supported as there was a rising demand for community service to serve the elderly in the Tung Chung and Ma Wan areas, and the use of the disused public toilet building for a temporary CSC was regarded as a proper use of the vacant Government premises. This Member also considered that sufficient consultation had been undertaken during the whole process. The views were shared by another Member.

12. The Chairperson said that as explained in PlanD's presentation, the development proposal would be submitted to relevant Government departments for consideration during the STT application stage. The proposed temporary CSC at the application premises could only be implemented when policy support from the concerned Government bureau/department had been obtained.

13. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.7.2014, on the terms of the application as

submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the opening hours should be from Monday to Sunday from 9:00 a.m. to 9:00 p.m. on the application site, as proposed by the applicant, during the planning approval period;
- (b) 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 22.1.2012;
- (c) in relation to (b) 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 22.4.2012;
- (d) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.1.2012;
- (e) in relation to (d) 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 22.4.2012;
- (f) if the above planning condition (a) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (g) if any of the above planning conditions (b) to (e) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal



submission of general building plans;

- (b) to note the comments of the Chief Architect/Advisory & Statutory Compliance, Architectural Services Department that the newly proposed door/window openings on the existing walls of the community service centre should be consistent with the existing building. The applicant should also review the provision of facilities for persons with disabilities; and
- (c) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site, and carry out the necessary measures.

[The Chairperson thanked Mr. Y.S. Lee, STP/TWK, for his attendance to answer Members' enquires. Mr. Lee left the meeting at this point.]

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

#### **Agenda Item 4**

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

[Open Meeting]

A/SK-CWBN/16      Proposed Three Houses  
(New Territories Exempted Houses – Small Houses)  
in “Green Belt” zone,  
Lots 416 S.A ss.1, 416 S.B, 416 S.C ss.1, 416 S.C RP, 416 RP,  
417 S.A RP, 417 S.A ss.1, 417 S.A ss.2 S.A, 417 S.A ss.2 RP and  
417 S.B and Adjoining Government Land in DD 238, Ng Fai Tin,  
Clear Water Bay, Sai Kung  
(RNTPC Paper No. A/SK-CWBN/16A)

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15. The Committee noted that the applicant's representative requested on 15.7.2011 for a further deferment of the consideration of the application for two more months to allow more time to prepare the amendment submission of landscape proposal with photomontages of the proposed development and the surrounding environment.

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

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

### **Agenda Item 5**

#### **Section 16 Application**

[Open Meeting]

A/SK-HH/52                      Proposed Temporary 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/52)

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17. The Committee noted that the applicant's representative requested on 18.7.2011 for a deferment of the consideration of the application for one month to allow sufficient time to address comments from Government departments.

18. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the

applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that one month was allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

[Mr. C.F. Yum, Senior Town Planner/Sai Kung and Islands (STP/SKIs), was invited to the meeting at this point.]

### **Agenda Item 6**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-PK/187            Temporary Agricultural Use  
(Horticultural Garden, Storage of Landscape Materials and Tools,  
Landscape Workshop and Ancillary Office) for a Period of 3 Years  
in an Area shown as 'Road',  
56C, Tai Chung Hau, Lot 870 (Part) in D.D. 217, Sai Kung  
(RNTPC Paper No. A/SK-PK/187)

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

19.            Mr. C.F. Yum, STP/SKIs, presented the application with the aid of a powerpoint and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary agricultural use (horticultural garden, storage of landscape materials and tools, landscape workshop and ancillary office) for a period of three years;

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

- (c) departmental comments – the Chief Building Surveyor/New Territories East 2 and Rail, Buildings Department (CBS/NTE2&R, BD) had reservation on the application as the proposed vehicular access to the application site was encroaching on private lot which could not be regarded as a means of access under Building (Planning) Regulation (B(P)R) 5 and a specified street under B(P)R 18A(3);
- (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 (Sai Kung); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper. The site was designated as 'Road' on the OZP and formed part of land reservation for the future widening and junction improvement of Hiram's Highway. The Chief Engineer 3/Major Works, Major Works Project Management Office of Highways Department advised that the site was located outside the preliminary alignment of the proposed Hiram's Highway Improvement Project – Stage 2. Approval of the current application on a temporary basis would not affect the future implementation of the Project. While CBS/NTE2&R of BD had reservation on the current application as the proposed vehicular access to the site was encroaching on a private lot, the applicant indicated that consent from the owner of Lot 870 to guarantee a through vehicular access to the site had been obtained. The temporary uses under application would not have adverse impacts on the surrounding areas and other concerned departments consulted had no objection to the application.

20. Members had no question on the application.

#### Deliberation Session

21. The Chairperson said that though the application site was shown as 'Road' on the OZP, the application could be approved as the proposed temporary use would not affect the

implementation of the planned road project, it would not result in adverse impacts on the surrounding area and concerned Government departments in general had no objection to the application.

22. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.7.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of proposals for fire service installations and water supplies for fire-fighting within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.1.2012;
- (b) in relation to (a) above, the provision of fire service installations and water supplies for fire-fighting within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.4.2012;
- (c) the submission of landscaping and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.1.2012;
- (d) in relation to (c) above, the implementation of landscaping and tree preservation proposals, within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.4.2012; and
- (e) if any of the above planning conditions (a), (b), (c) or (d) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

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

(b) to note the following comments of the District Lands Officer/Sai Kung :

- (i) to effect the applied development, the owner of the lot was required to apply to his office for a short term waiver for the structures erected thereon upon obtaining planning permission from the TPB. There was no guarantee that the proposed waiver would be approved by the Government. The waiver, if eventually approved, would be subject to such terms and conditions including payment of waiver fee, as Government considered appropriate; and
- (ii) the applicant should make his own arrangement to secure the vehicular access to and from Hiram's Highway;

(c) to note the following comments of the Director of Fire Services :

- (i) if no building plan would be circulated to his department via the Central Processing System of Buildings Department and covered structures (e.g. container-converted office, temporary warehouse and temporary shed uses as workshop) were erected within the application site, the applicant was required to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval and to subsequently provide the FSIs in accordance with the approved proposal. In preparing the submission, the applicant should also be advised on the following points :
  - (1) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
  - (2) the location of where the proposed FSIs to be installed and the access for emergency vehicles should be clearly indicated on the layout plans; and

- (ii) detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (d) to note the following comments of the Chief Building Surveyor/New Territories East 2 and Rail, Buildings Department:
  - (i) removal of all unauthorized building works/structures was required; and
  - (ii) the granting of the planning approval should not be construed as an acceptance of any unauthorized structures on the site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future;
- (e) to note the comments of the Commissioner for Transport that the vehicular access leading to the site was not under his department's management. The land status of the vehicular access leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same vehicular access should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that proper vehicular access including the ingress/egress point should be provided and maintained by the applicant;
- (g) 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 might need to extend the inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the connection, operation and maintenance of the inside services within the private lots to WSD's standards;

- (h) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should implement good site practice and take proper management procedures in order to avoid adverse impacts to the trees and streamcourse in vicinity; and
- (i) to note the following comments of the Chief Town Planner/Urban Design and Landscape, Planning Department :
  - (i) at grade tree planting around the site boundary was recommended for establishment of an effective green screen to the site; and
  - (ii) the location of the toilet and garbage area should be relocated away from the stream course as far as practical.

[The Chairperson thanked Mr. C.F. Yum, STP/SKIs, for his attendance to answer Members' enquires. Mr. Yum left the meeting at this point.]

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

[Mr. W.K. Hui, District Planning Officer/Shan Tin, Tai Po and North (DPO/STN), and Mr. Anthony K.O. Luk, Mr. Otto Chan and Ms. Lisa L.S. Cheng, Senior Town Planners/Shan Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

### **Agenda Item 7**

[Open Meeting]

Proposed Amendments to the Draft Tai Po Outline Zoning Plan No. S/TP/22

(RNTPC Paper No. 7/11)

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24. The Secretary reported that Dr. W.K. Lo had declared an interest in this item as he had properties in Hong Lok Yuen. Dr. W.K. Yau had declared an interest in this item as



he had properties at Kwong Fuk Road and property/land in Cheung Shu Tan Village, Tai Po which fell within Tai Po OZP. The Committee considered that Dr. Lo could be allowed to stay in the meeting as Hong Lok Yuen was at a distance from the sites subject to amendments. As the properties of Dr. Yau at Kwong Fuk Road was in close proximity to the site of one of the amendment item, i.e. the St. Paul's Catholic Day Nursery site, the Committee agreed that Dr. Yau should leave the meeting temporarily for this item.

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

### Presentation and Question Sessions

25. With the aid of a powerpoint, Ms. Lisa L.S. Cheng, STP/STN, briefed Members on the proposed amendments to the draft Tai Po OZP as detailed in the Paper and covered the following main points :

#### Proposed Amendments to the OZP

##### Amendment Item A: Revision of the Building Height Restriction (BHR) for a "Government, Institution or Community" ("G/IC") site covering St. Paul's Catholic Day Nursery [Area: about 0.07 ha]

- (a) the St. Paul's Catholic Day Nursery site was located at the south-eastern part of Tai Po Hui. It was currently zoned "G/IC" on the Tai Po OZP with a BHR of 2 storeys, which was the height of the existing building;
- (b) the amendment item was arising from a proposed scheme presented by the Mother Superior of the Soeurs de Saint Paul de Chartres (Hong Kong) (the MSSSPC) to redevelop the St. Paul's Catholic Day Nursery site during consideration of the representations and comments on the draft Tai Po OZP No. S/TP/22 in February 2011. While the representation made by the MSSSPC was not upheld by the TPB, Members generally considered that the MSSSPC should provide more information to justify the redevelopment scheme and the OZP could be amended to make provision for the redevelopment of the day nursery if policy support for the redevelopment scheme was obtained;

- (c) in March 2011, the MSSSPC submitted additional information to justify the redevelopment scheme, which involved a 7-storey building on the site with (i) day nursery cum kindergarten on the lower six floors; and (ii) sisters' quarters and chapel on 6/F. The proposed plot ratio and building height of the redevelopment scheme were 4.95 and 35mPD respectively;
- (d) the Secretary for Education had no adverse comment on the redevelopment scheme as the subject day nursery was privately run and the redevelopment was to be undertaken on private land. The Air Ventilation Assessment Consultant of Planning Department advised that the redevelopment scheme, with a building height of 35mPD, would not have significant impact on the air ventilation in the area;
- (e) in view of the above and the fact that the proposed amendment could allow redevelopment of the day nursery to extend its service in the Tai Po District, the BHR of the site was proposed to be amended from 2 storeys to 35mPD as proposed by the MSSSPC to facilitate the redevelopment of the site;

[Ms. Anna S.Y. Kwong returned to join the meeting at this point.]

Amendment Item B: Rezoning of a site in Tai Po Area 6 from "G/IC" to "Residential (Group B)" ("R(B)") and stipulation of Building Height Restriction [Area: about 0.68 ha]

- (f) a site located to the southwest of Tai Po Market Station in Tai Po Area 6 and currently used as a car park under Short Term Tenancy was considered suitable for housing development to meet the increasing demand for housing land in the territory;
- (g) the site was currently zoned "G/IC" on the Tai Po OZP with a BHR of 8 storeys. The site was previously reserved for an indoor recreation centre (IRC) but the Director of Leisure and Cultural Services (DLCS) had indicated that there was no programme to develop the IRC at the subject site and another IRC was being actively planned in Tai Po Area 1;

- (h) having considered the site characteristics and the surrounding land uses which was an existing medium-density residential development cluster, it was proposed to rezone the site from “G/IC” to “R(B)” on the OZP with a maximum building height of 13 storeys for medium-density residential development. The development parameters for the site were proposed as follows:

Site Area :	0.68 ha
Plot Ratio :	3.3
GFA :	22,440m <sup>2</sup>
Building Height :	13 storeys (excluding basement)

Revision to the Explanatory Statement of the OZP

- (i) the Explanatory Statement of the Tai Po OZP had been revised to reflect the above proposed amendments and to update the general information of various land use zones where appropriate;

Consultation

- (j) the proposed amendments had been circulated to relevant Government departments/bureaux, and their comments had been incorporated where appropriate; and
- (k) the Tai Po District Council would be consulted on the amendments during the exhibition period of the draft Tai Po OZP No. 22A (to be renumbered to S/TP/23 upon exhibition for public inspection under section 7 of the Town Planning Ordinance).

26. A Member asked why the site under Amendment B was not required for IRC development. In response, Ms. Lisa L.S. Cheng said that the site was previously reserved for an IRC but given its relatively remote location, the IRC project had not been implemented. As there were already five public IRCs and one private IRC within the Tai Po District, DLCS

advised that the subject site could be released for other uses while another IRC would be provided in Area 1, Tai Po. Ms. Cheng said that the provision of IRC within Tai Po district was sufficient.

### Deliberation Session

27. A Member agreed that since the site concerned was no longer required for IRC use, it was appropriate to release it for other uses for better utilisation of the land resources to meet the community need.

28. Another Member shared similar view and said that the proposed amendment for Item B was supported because of the need to meet the increasing demand for housing land but the Committee had to ensure that there would still be adequate provision of the originally planned GIC facility before agreeing to the proposed amendment.

29. The Chairperson concluded that Members agreed to the proposed amendments to the Tai Po OZP as the site in Tai Po Area 6 (Amendment Item B) was no longer required for the planned IRC while the proposed revision of BHR for the St. Paul's Catholic Day Nursery site (Amendment Item A) was supported by technical assessments and concerned Government bureaux and departments had no objection to the proposed amendments.

30. After further deliberation, the Committee decided to :

- (a) agree that the proposed amendments to the draft Tai Po Outline Zoning Plan (OZP) No. S/TP/22 and the draft Amendment Plan No. S/TP/22A at Attachment II (to be renumbered to S/TP/23 upon exhibition) and its Notes at Attachment III were suitable for exhibition under section 7 of the Town Planning Ordinance; and
- (b) adopt the revised Explanatory Statement (ES) at Attachment IV for the draft Tai Po OZP No. S/TP/22A as an expression of the planning intentions and objectives of the Town Planning Board for the various land use zonings on the Plan and agree that the revised ES was suitable for exhibition together with the draft Tai Po OZP and issued under the name of the Town

Planning Board.

**Agenda Item 8**

**Section 12A Application**

[Open Meeting]

Y/NE-TKL/3

Application for Amendment to the Approved Ping Che & Ta Kwu Ling Outline Zoning Plan No. S/NE-TKL/14 from “Agriculture” to “Comprehensive Development Area”, Lots 2034, 2052 S.A (Part), 2052 S.B (Part), 2053 (Part), 2054 (Part), 2055 (Part), 2056, 2057, 2059 RP, 2060 RP, 2062, 2063 S.A RP, 2063 S.B RP, 2063 S.C RP, 2064 (Part) and 2065 RP (Part) in D.D. 76 and Adjoining Government Land, Ping Che, Fanling  
(RNTPC Paper No. Y/NE-TKL/3B)

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31. The Secretary reported that Ms. Anna S.Y. Kwong had declared an interest in this item as she had current business dealings with LLA Consultancy Ltd, one of the consultants for the applicant. The Committee considered that since the interest of Ms. Kwong in this item was indirect and the applicant had requested for a deferment of consideration of the application, Ms. Kwong was allowed to stay in the meeting.

32. The Committee noted that the applicant’s representative requested on 11.7.2011 and 13.7.2011 for a further deferment of the consideration of the application for two months in order to allow more time to resolve the drainage issues with the Drainage Services Department.

33. Upon the enquiry of the Chairperson, Mr. Otto Chan confirmed that effort had been made by the applicant to submit further information between August 2010 and May 2011 after each deferment with a view to resolving the technical issues and/or addressing the comments of relevant Government departments on the application. With respect to the current request for further deferment, it was made because additional time was needed to resolve the drainage aspect of the proposed development.

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

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

### **Agenda Item 9**

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

[Open Meeting]

Y/TP/14                      Application for Amendment to the Draft Tai Po  
Outline Zoning Plan No. S/TP/22 from “Village Type Development”  
to “Other Specified Uses” annotated “Columbarium”,  
Lots 738 S.C, 738 S.C s.s.1 in D.D. 6, 74-75 Kam Shan Road, Tai Po  
(RNTPC Paper No. Y/TP/14A)

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35. The Committee noted that the applicant’s representative requested on 15.7.2011 for a further deferment of the consideration of the application for two months to allow sufficient time to complete the Traffic Impact Assessment required by the Transport Department.

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

very special circumstances.

**Agenda Item 10**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/MOS/86                      Proposed House (New Territories Exempted House – Small House)  
in “Green Belt” and “Village Type Development” zones,  
Government Land in D.D.218, Kwun Hang Village, Sai Kung North  
(RNTPC Paper No. A/MOS/86)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the application;
- (d) two public comments from two members of the public were received during the first three weeks of the statutory publication period. The commenters objected to the application mainly on the grounds of land use incompatibility, safety, health, security, air ventilation and environmental impacts; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The proposed Small House development met the ‘Interim Criteria for

Consideration of Application for NTEH/Small House in New Territories' in that the proposed Small House footprint fell entirely within the village 'environs' and there was a general shortage of land in meeting the demand for Small House development. The District Lands Officer/Tai Po had no objection to the application. Although the proposed Small House development was not in line with the planning intention of the "Green Belt" zone for the area, it was generally compatible with the surrounding rural environment which was predominantly occupied by village houses. In this regard, both the Director of Agriculture, Fisheries and Conservation and the Chief Town Planner/Urban Design and Landscape of PlanD had no adverse comment on the application. The application site fell within the Safety Buffer Zone of Ma On Shan Water Treatment Works and the population within this zone had to be maintained at the planned 2002 level. As only 17 Small Houses had been approved from 1993 to 2011 within Kwun Hang Village, should the Committee approve the subject application, the resultant population would not exceed the 2002 planned population level. There was one similar application (No. A/MOS/71) approved by the Committee on 30.11.2007. The current application, with similar planning context and falling partly within the "V" zone, could warrant the same consideration. With respect to the public comments against the Small House with concerns on land use compatibility, safety, health, security, air ventilation and environmental impacts, relevant Government departments had no objection to or comments on the application.

38. Members had no question on the application.

#### Deliberation Session

39. 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 22.7.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :



- (a) the provision of fire-fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services 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.

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

- (a) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that the applicant should provide protective measures for the existing trees near the application site to prevent these trees from damage by the construction works of the proposed Small House;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant/owner was required to maintain his drainage system properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant/owner should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems. Public sewerage connection was not available for the application site. The Director of Environmental Protection should be consulted regarding the sewage treatment/disposal aspects of the development and provision of septic tank;
- (c) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant should carry out the following measures :
  - (i) for application site within the preferred working corridor of high

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

- (ii) prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
  - (iii) the ‘Code of Practice on Working near Electricity Supply Lines’ established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines; and
- (d) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by the Lands Department.

### **Agenda Item 11**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/753                      Shop and Services (Retail Shop) in “Industrial” zone,  
Unit K2, G/F, On Wah Industrial Building,  
41-43 Au Pui Wan Street , Fo Tan, Sha Tin  
(RNTPC Paper No. A/ST/753)

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

41.            Mr. Anthony K.O. Luk, STP/STN, presented the application and covered the

following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the shop and services (retail shop);
- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Sha Tin); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessment made in paragraph 11 of the Paper. The application premises was on the ground floor of an existing industrial building with separate access at Au Pui Wan Street. The retail shop under application was small in scale and considered not incompatible with the adjoining units on the ground floor of the same industrial building, and no adverse impacts on the surrounding areas were anticipated. It generally complied with the relevant considerations set out in the TPB Guidelines No. 25D. If the application premises (12.9m<sup>2</sup>) was included, the aggregate commercial floor area would still be within the maximum permissible limit of 460m<sup>2</sup> on the ground floor. All the Government departments consulted had no comment on or objection to the application. Based on the above, a temporary approval of three years was recommended in order not to jeopardize the long term planning intention of industrial use and to allow the Committee to monitor the supply and demand of industrial floor space in the area. Since the last approval (Application No. A/ST/718) was revoked due to non-compliance with the approval condition(s), shorter compliance periods had been proposed.

42. Members had no question on the application.

Deliberation Session

43. The Chairperson said that the application could be supported as the application was in line with the TPB Guidelines No. 25D and relevant Government departments consulted, including the Fire Services Department, had no objection to the application. If the application was approved, in line with the established practice of TPB in approving this type of application, a temporary approval of three years should be granted so as not to jeopardize the long term planning intention of the subject industrial building. Since the previous approval had been revoked, shorter compliance periods for the approval conditions should be allowed to monitor the progress of compliance.

44. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.7.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of the fire safety measures within 3 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 22.10.2011;
- (b) the implementation of the fire safety measures within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 22.1.2012; and
- (c) if any of the above planning conditions (a) or (b) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) a temporary approval of three years, with shorter compliance periods, was

given in order to allow the Committee to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long term planning intention of industrial use for the subject premises would not be jeopardized;

- (c) should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (d) to apply to the District Lands Officer/Shu Tin for a temporary waiver to permit the applied use;
- (e) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department (BD) that the proposed use should comply with the requirements under the Buildings Ordinance. For instance, the shop should be separated from adjoining workshops by compartment walls having a fire resisting period of not less than two hours;
- (f) to note the comments of the Director of Fire Services that fire service installations should be provided to his satisfaction, detailed fire service requirements would be formulated upon receipt of formal submission of general building plans and a means of escape completely separated from the industrial portion should be available. Regarding matters in relation to fire resisting construction for the subject premises, the applicant was advised to comply with the requirements as stipulated in the 'Code of Practice for Fire Resisting Construction' which was administered by BD; and
- (g) to refer to the 'Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises' for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.

**Agenda Item 12**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/754                      Shop and Services (Retail Shop) in “Industrial” zone,  
Workshop R1 (Part), G/F, Valiant Industrial Centre,  
Nos. 2-12 Au Pui Wan Street , Fo Tan, Sha Tin  
(RNTPC Paper No. A/ST/754)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the shop and services (retail shop);
- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Sha Tin); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessment made in paragraph 11 of the Paper. The shop and services (retail shop) under application was located on the ground floor of an existing industrial building and was accessible from Min Fong Street. It was considered not incompatible with the uses in the subject industrial building and the surrounding developments. Similar applications for shop and services use had been approved for other units on the lower ground

floor of the subject industrial building. If the application premises (15.8m<sup>2</sup>) was included, the aggregate commercial floor area on the ground floor and lower ground floor would still within the maximum permissible limit of 460m<sup>2</sup>. The retail shop under application generally complied with the TPB Guidelines No. 25D including the fire safety and traffic aspects. Relevant Government departments, including Fire Services Department (FSD), had no objection to the application. Based on the above, a temporary approval of three years was recommended in order not to jeopardize the long term planning intention of industrial use for the subject premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area.

47. Referring to Plan A-2 of the Paper, the Chairperson enquired why Application No. A/ST/598 was rejected upon review by the TPB in 2004. Mr. Anthony K.O. Luk drew Members' attention to Appendix 2 of the Paper and explained that the application, which involved an application premises of about 458m<sup>2</sup>, was rejected mainly because the proposal was not in line with the planning intention of the "Industrial" zone, the proposed use did not comply with the TPB Guidelines No. 25B in particular there was adverse departmental comment from FSD on the possible adverse impact on the fire safety aspect of the development proposal, and approval of the application would set an undesirable precedent for other similar applications.

#### Deliberation Session

48. The Chairperson stated that the application could be supported as the application was in line with the TPB Guidelines No. 25D and relevant Government departments consulted had no objection to the application. If the application was approved, in line with the established practice of TPB in approving this type of application, a temporary approval of three years should be granted so as not to jeopardize the long term planning intention of the subject industrial building.

49. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.7.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of the fire safety measures within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 22.1.2012;
- (b) the implementation of the fire safety measures within 9 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 22.4.2012; and
- (c) if any of the above planning conditions (a) or (b) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) a temporary approval of three years was given in order to allow the Committee to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long term planning intention of industrial use for the subject premises would not be jeopardized;
- (c) to apply to the District Lands Officer/Shu Tin for a temporary waiver to permit the applied use and to note the comment that the existing use of the subject shop and services (retail shop) at the subject premises was not permitted under the lease;
- (d) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department (BD) that the proposed use should comply with the requirements under the Buildings Ordinance. For instance, the shop should be separated from adjoining workshops by compartment walls and floors having a fire resisting period of not less than



two hours, and the means of escape of the existing adjoining workshop should not be adversely affected. The applicant was advised to engage an authorized person to co-ordinate the building works, if any;

- (e) to note the comments of the Director of Fire Services that a means of escape completely separated from the industrial portion should be available, fire service installations should be provided to the satisfaction of his department, detailed fire service requirements would be formulated upon receipt of formal submission of general building plans, and the requirements as stipulated in the 'Code of Practice for Fire Resisting Construction' should be complied with which was administered by BD regarding matters in relation to the means of escape and fire resisting construction of the subject premises; and
- (f) to refer to the 'Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises' for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.

### **Agenda Item 13**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/105      Proposed House (New Territories Exempted House – Small House)  
in “Agriculture” and “Village Type Development” zones,  
Lot 293 S.B ss.1 RP in D.D. 52, Sheung Shui Wa Shan, Sheung Shui  
(RNTPC Paper No. A/NE-FTA/105)

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

51.            Mr. Otto Chan, 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 – the Director of Agriculture, Fisheries and Conservation did not support the application as the site had high potential for agricultural rehabilitation;
- (d) three public comments were received during the first three weeks of the statutory publication period. While one public comment from a member of the public supported the application without giving any reason, the other two public comments from Designing Hong Kong Ltd and Hong Kong Bird Watching Society objected to the application on the grounds that the site was zoned “Agriculture” (“AGR”) and there was no sustainable village layout plan for the area; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The proposed Small House development complied with the ‘Interim Criteria for Consideration of Application for NTEH/Small House in New Territories’ in that the application site and the proposed Small House footprint fell entirely within the village ‘environs’ (‘VE’) of Wa Shan Village and there was a general shortage of land in the “Village Type Development” (“V”) zone for Small House development. Although a majority of the application site fell within the “AGR” zone, it was located along the periphery of the “V” zone and the proposed Small House was not incompatible with the adjacent rural and village setting. Sympathetic consideration could therefore be given as the application site fell entirely within the ‘VE’ and there were four similar applications (No. A/NE-FTA/85, 89, 90 and 95) approved by the Committee within the same “AGR” zone. Two public comments were received objecting to the application on the grounds that the application site was zoned “AGR” and

the lack of plan for a sustainable village layout might deteriorate the living environment in the village. In this regard, relevant Government departments had no major adverse comment on the application.

52. Members had no question on the application.

#### Deliberation Session

53. 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 22.7.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the provision of fire-fighting access, water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (b) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the submission and implementation of tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the TPB.

54. 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 that :
  - (i) for provision of water supply to the development, the applicant had to extend the inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and

maintenance of the inside services within the private lots to his department's standards;

- (ii) water mains in the vicinity of the application sites could not provide the standard fire-fighting flow; and
  - (iii) the application site was located within the flood pumping gathering ground; and
- (b) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

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

#### **Agenda Item 14**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/442      Proposed Temporary Plant Nursery with Ancillary Shop for Sale of Potted Plants, Flowers and Seeds for a Period of 3 Years in "Agriculture" and "Village Type Development" zones, Lot 1509 in D.D. 83, Wing Ning Wai, Lung Yeuk Tau, Fanling  
(RNTPC Paper No. A/NE-LYT/442)

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

55.            Mr. Otto Chan, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary plant nursery with ancillary shop for sale of potted plants, flowers and seeds for a period of three years;
- (c) departmental comments – the Chief Building Surveyor/New Territories West, Buildings Department (CEB/NTW, BD) objected to the application as there was unauthorized building works (UBW) within the application site and a statutory order for removal had been issued under the Buildings Ordinance (BO). The registered owner failed to comply with the said order and enforcement action was being instituted;
- (d) one public comment from a North District Councillor was received during the first three weeks of the statutory publication period indicating support to the application without giving any reason. The District Officer (North) advised that the concerned North District Councillor cum Indigenous Inhabitants Representative (IIR) of Lung Yeuk Tau and Residents Representative (RR) of Lung Yeuk Tau supported the application while the Chairman of Fanling District Rural Committee and the remaining IIRs of Lung Yeuk Tau had no comment on the application; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the applications based on the assessment made in paragraph 11 of the Paper. The proposed development was considered not incompatible with the surrounding land uses, and the nature and small scale of the proposed development would unlikely cause significant adverse impacts on the surrounding area. However, as the existing structure within the application site was found to be UBW under BO and a statutory order for removal of UBW on the subject lot had been issued to the registered owner (i.e. the applicant of the current application), there was concern that the existing structure might cause potential risk to the workers as well as the visitors of the plant nursery. In this regard, CBS/NTW of BD objected to the application as public activity would be anticipated in the existing UBW and retrospective approval to the existing UBW would not be granted.

According to the covering Notes of the OZP, use or development which was always permitted or might be permitted had to conform to any other relevant legislation, the conditions of the Government lease concerned, and any other Government requirements, as might be applicable.

56. Members had no question on the application.

#### Deliberation Session

57. The Chairperson said that according to the established practice of TPB, if BD raised objection to an application owing to the presence of UBW that might cause danger/risk to the workers/users, TPB would not approve the application. Members agreed that the current application should be rejected, noting the objection of BD on safety grounds.

58. Members then went through the reason for rejection as stated in paragraph 12.1 of the Paper and considered that it was appropriate. After deliberation, the Committee decided to reject the application. The reason was :

- the existing structure within the application site, which would be used for plant nursery, ancillary shop and office, was found to be unauthorized building works under the Buildings Ordinance (BO) and a statutory order for removal of the unauthorized building works on the subject lot had been issued under Section 24(1) of the BO. The proposed temporary plant nursery with ancillary shop and office use at the existing structure within the application site was considered not acceptable due to the building safety concern.

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

**Agenda Item 15**

**Section 16 Application**

[Open Meeting]

A/NE-LYT/443      Proposed Columbarium (within a Religious Institution or Extension of Existing Columbarium Only) and Proposed Ancillary Open-air Carpark for Visitors in “Green Belt” zone, Lot 672, 673 and 675 in D.D. 85, Lung Yeuk Tau, Fanling (RNTPC Paper No. A/NE-LYT/443)

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59.            The Committee noted that the applicant’s representative requested on 7.7.2011 for a deferment of the consideration of the application for two months in order to allow time to address comments of relevant Government departments.

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

**Agenda Item 16**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

Further Consideration of Application No. A/NE-TKL/347  
Proposed Farm House in “Agriculture” zone,  
Lot 1113 S.A (Part) in D.D. 82, Ping Che Road, Ta Kwu Ling  
(RNTPC Paper No. A/NE-TKL/347A)

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**Presentation and Question Sessions**

61.            Mr. Otto Chan, STP/STN, presented the application and covered the following

aspects as detailed in the Paper :

- (a) background to the application – the application had been considered by the Committee on 28.1.2011. Members noted that the proposed development, with a building height of 7.83m and a total roofed-over area of 58.5m<sup>2</sup>, did not comply with the definition of ‘On-Farm Domestic Structure’ as specified in the Definition of Terms used in statutory plans. As such, the proposed farm house could not be accepted as a Column 1 use within the “Agriculture” (“AGR”) zone. Members also noted the District Lands Officer/North’s (DLO/N’s) advice that ‘On-Farm Domestic Structure’ would only be considered if it was related to agricultural re-site where the existing domestic structure was affected by a Government project and required to be cleared. As the applicant was not applying for agricultural re-site, DLO/N did not support the application. Besides, the application was not supported by the Director of Agriculture, Fisheries and Conservation (DAFC). Noting that the applicant had also claimed that the proposed development was a ‘New Territories Exempted House’ (‘NTEH’) and that consideration of whether the proposed development was a ‘NTEH’ might involve complex issues rather than its dimensions only, the Committee decided to defer consideration of the application pending clarification by DLO/N on whether the proposed development was considered as a ‘NTEH’. The applicant had subsequently submitted further information on 23.3.2011, 11.5.2011 and 30.5.2011 to DLO/N regarding the proposed development;
- (b) further consideration of the proposed farm house;

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

- (c) departmental comments – after examining the application and taking into account the further information submitted by the applicant on 23.3.2011 (claiming that the proposed farm house would be a non-industrial structure and governed by the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121) (the Ordinance)), on 11.5.2011 (stating



that the proposed development could and would be developed in accordance with the Ordinance and would meet all the conditions including thickness of load-bearing wall at individual floors as stipulated in the Ordinance) and on 30.5.2011 (indicating that the technical requirements for critical structural elements in construction of the proposed farm house would follow those listed in Lands Department's (LandsD's) publication 'Building NTEH' and DLO/N could assess whether all relevant technical requirements were met in the later stage when the Certificate of Compliance was applied) respectively, DLO/N noted that the proposed farm house would be a non-industrial structure but there was no information on the thickness of each load-bearing wall for each storey of the proposed structure and whether the proposed load-bearing walls would be with reinforced concrete or brick wall. In this regard, he could not advise whether the proposed development could be considered as a 'NTEH';

- (d) the Planning Department (PlanD)'s views – based on the assessment made in paragraph 3 of the Paper, PlanD considered that the proposed development was neither an 'On-Farm Domestic Structure' nor a 'NTEH' and there was no provision for the Committee to consider the proposed development under the current application. Since the last RNTPC meeting, the applicant had provided further information on 23.3.2011, 11.5.2011 and 30.5.2011 respectively. Based on the applicant's further submissions, DLO/N advised that the application did not contain the required information on the thickness of each load-bearing wall for each storey of the proposed structure and whether the proposed load bearing walls would be with reinforced concrete or brick wall. He therefore could not advise whether the proposed development was a 'NTEH'. According to the Notes for the "AGR" zone of the Ping Che and Ta Kwu Ling OZP, 'On-Farm Domestic Structure' was a Column 1 use and 'House (NTEH only, other than rebuilding of NTEH or replacement of existing domestic building by NTEH permitted under the covering Notes)' was a Column 2 use which required planning permission from the TPB. In the deliberation of the last RNTPC meeting, the proposed farm house had been considered

not acceptable as an 'On-Farm Domestic Structure' as it was not in line with the definition of 'On-Farm Domestic Structure' and the application did not accord with the prevailing policy of LandsD for agricultural re-site. Furthermore, the proposed farm house could not be confirmed to be a 'NTEH'. Pursuant to section 16(4) of the Town Planning Ordinance, the TPB could only grant planning permission to the extent shown or provided for or specified in the OZP. There was however no provision for the Committee to consider the application, which was neither a Column 1 nor Column 2 use within the "AGR" zone on the Ping Che and Ta Kwu Ling OZP.

62. In response to a Member's question, Mr. W.K. Hui referred to paragraph 1.2 of the Paper and explained that according to DLO/N, 'On-Farm Domestic Structure' would only be considered if it was related to agricultural re-site where the existing domestic structure was affected by a Government project and had to be cleared. DLO/N had pointed out that the proposed farm house did not meet the requirements for agricultural re-site under the prevailing policy and hence the application was not supported. Based on the drawing submitted by the applicant (Drawing A-1 of the Paper refers), Mr. Hui further stated that the proposed farm house, which was installed with solar panels on its roof and with internal layout with both living/dining room and bedrooms, appeared to be a development for general residential use. In accordance with the advice of DLO/N, Mr. Hui said that the proposed development also could not be considered as a 'NTEH'.

#### Deliberation Session

63. The Chairperson said that since the proposed development was neither an 'On-Farm Domestic Structure' nor a 'NTEH', it could only be considered as a 'house'. However, according to the Notes for the "AGR" zone of the OZP, there was no provision for the Committee to consider the proposed 'house' development. Members agreed.

64. After deliberation, the Committee decided to advise the applicant that the proposed development was neither an 'On-Farm Domestic Structure' nor a 'New Territories Exempted House'. There was no provision for the Committee to consider the proposed development under the current application which was neither a Column 1 nor Column 2 use

under the “Agriculture” zone on the Ping Che and Ta Kwu Ling Outline Zoning Plan.

**Agenda Items 17 & 18**

**Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/364      Proposed House (New Territories Exempted House – Small House)  
in “Agriculture” zone, Lot 1188 (Part) in D.D.77,  
Ha Shan Kai Wat Village, Ta Kwu Ling  
(RNTPC Paper No. A/NE-TKL/364 & 365)

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A/NE-TKL/365      Proposed House (New Territories Exempted House – Small House)  
in “Agriculture” zone,  
Lots 1160 and 1188 (Part) in D.D. 77, Ha Shan Kai Wat Village,  
Ta Kwu Ling  
(RNTPC Paper No. A/NE-TKL/364 & 365)

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65.            Noting that the two applications were similar in nature and the application sites were located next to each other and within the same “Agriculture” (“AGR”) zone, Members agreed that they could be considered together.

**Presentation and Question Sessions**

66.            Mr. Otto Chan, STP/STN, said that replacement pages 1, 2, 8 and 9 and page 2 of Appendix IV for the Paper had been sent to Members before the meeting. He then 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 application site;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications as the sites had high

potential for agricultural rehabilitation. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the applications as the rural landscape character of the area would be undermined and approval of the proposed Small Houses would set an undesirable precedent;

- (d) three public comments were received during the first three weeks of the statutory publication period. While a member of the general public indicated support to the applications without giving any reason, Hong Kong Bird Watching Society and Designing Hong Kong Ltd objected to the applications for reasons of land use incompatibility, the lack of a sustainable village layout plan for the area and a bad precedent set by approval of the applications. The District Officer (North) advised that the Chairman of Ta Kwu Ling District Rural Committee and Indigenous Inhabitants Representative of Ha Shan Kai Wat had no comment on the applications; and

[Professor Paul K.S. Lam arrived to join the meeting at this point.]

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessment made in paragraph 11 of the Paper. The two proposed Small Houses under the two applications generally met the 'Interim Criteria for Consideration of Application for NTEH/Small House in New Territories' (the Interim Criteria) in that not less than 50% of footprint of each of the proposed Small Houses fell inside the village 'environs' ('VE') and there was insufficient land within the "Village Type Development" ("V") zone for Small House development. The applications were not in line with the planning intention of the "AGR" zone and DAFC did not support the applications. However, it was noted that the application sites were located to the south of the "V" zone of Ha Shan Kai Wat Village and were compatible with other village houses in the vicinity. In addition, similar application for Small House development within the same "AGR" zone had been approved with conditions by the Committee. Relevant Government departments consulted in general had

no objection to the applications as the proposed developments would not have significant adverse impacts on the surrounding area. Although CTP/UD&L of PlanD had reservation on the applications, it was noted that the sites were located close to the “V” zone and within the ‘VE’ and not incompatible with the surrounding village setting. Regarding the two public comments objecting to the applications, the two proposed Small House developments were not considered incompatible with other village houses in the vicinity and would not cause significant adverse impacts on the surrounding area.

67. Members had no question on the application.

#### Deliberation Session

68. The Chairperson stated that the applications could be supported as they complied with the Interim Criteria, there was insufficient land for Small House development in the area and the applications would not have adverse impact on the surrounding area.

69. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each permission should be valid until 22.7.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. Each permission was subject to the following conditions :

- (a) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the provision of fire-fighting access, water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the TPB.

70. The Committee also agreed to advise each applicant of the following :
- (a) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by the Lands Department;
  - (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 might need to extend the inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to his department's standards;
    - (ii) the application site was within the flood pumping gathering ground;  
and
    - (iii) water mains in the vicinity of the application site could not provide the standard pedestal hydrant;
  - (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site was in an area where no public sewerage connection was available. Environmental Protection Department should be consulted regarding the sewage treatment/disposal facilities for the proposed development;
  - (d) to note the comments of the Commissioner for Transport that the proposed vehicular access was not under Transport Department's management. The applicants were advised to check the land status of the proposed access with the lands authority. The management and maintenance responsibilities of the access should also be clarified with the relevant lands and

maintenance authorities accordingly; and

- (e) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and 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/DPA/NE-TKP/1 Proposed Three Houses (New Territories Exempted Houses – Small Houses) in areas designated as “Unspecified Use”,  
Lots 134 S.C, 135 RP and 140 RP, Lots 135 S.G and 140 S.C, and  
Lots 111 S.A and 134 S.B in D.D. 255, Pak Tam Au, Sai Kung North  
(RNTPC Paper No. A/DPA/NE-TKP/1)

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71. The Secretary reported that Ms. Anna S.Y. Kwong had declared an interest in this item as she was the Authorized Person responsible for a residential development project in the To Kwa Peng area which fell within the same DPA Plan. As the application site was at a distance from To Kwa Peng, the Committee considered that the interest was indirect and Ms. Kwong was allowed to stay in the meeting.

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

72. Ms. Lisa L.S. Cheng, STP/STN, reported that replacement page 12 of the Paper was tabled at the meeting for Members’ reference. She then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed three houses (New Territories Exempted Houses (NTEHs) - Small Houses);
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as the proposed Small Houses would impose adverse impact on the landscape character of the area. The Chief Engineer/Development (2), Water Supplies Department (CE/Dev(2), WSD) objected to the application as the application sites were located in Upper Indirect Water Gathering Grounds. However, noting that the special circumstances of the case as the Certificates of Exemption (C of E) had been issued before the DPA Plan was gazetted and the application could be considered as an exception under the ‘Interim Criteria for Consideration of Application for NTEH/Small House in New Territories’ (the Interim Criteria), he had no objection to the application subject to the stipulation of an approval condition on sewerage and drainage works. The Director of Environmental Protection (DEP) had no objection to the application on condition that the applicant should provide wastewater treatment facilities to the satisfaction of the Director of Water Supplies;

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

- (d) 20 public comments were received from World Wide Fund for Nature Hong Kong, two members of Green Animals Education Foundation Ltd and 17 members of the public during the first three weeks of the statutory publication period. All the commenters raised objection to the application mainly on the grounds of possible adverse impacts of the proposed development on the landscape and the surrounding environment. One of the commenters further suggested that the subject application should be deferred pending the publication of an OZP for the area; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessment made in paragraph 12 of the Paper. The Small Houses development was located entirely within the village



'environs' ('VE') of Pak Tam Au Village. The District Lands Officer/Tai Po (DLO/TP) advised that as C of E of the proposed three Small Houses, which was equivalent to a building status under the lease, had been issued, the grantee had the right to commence the construction works. Noting the special circumstances of the application, concerned Government departments consulted, including DEP, CE/Dev (2) of WSD, the Director of Agriculture, Fisheries and Conservation, and the Commissioner for Transport, had no adverse comment on or objection to the application. CTP/UD&L of PlanD had reservation on the application and recommended that an approval condition on submission and implementation of a landscape proposal with tree preservation plan could be imposed should the Committee decide to approve the application. The application was considered generally in compliance with the Interim Criteria in that the sites were located entirely within the 'VE' and there was outstanding demand for Small House for that village, and the proposed Small Houses were not incompatible with the adjacent rural environment. Since C of E for the Small Houses had already been issued and both CE/Dev (2) of WSD and DEP raised no objection to the application, relevant approval conditions on sewerage and drainage works were recommended. Regarding the public comments expressing concerns on the possible adverse impacts on the landscape and the environment of the surrounding area, it should be noted that this was an exceptional case involving only three Small Houses which had already been approved by the Lands Department with C of E issued prior to the gazetting of the DPA Plan. Concerned Government departments had no objection to the application. Regarding the proposal to defer all planning applications until the OZP was prepared, it should be noted that the intention of the DPA Plan was not to prohibit development but to establish planning control for the area pending detailed analysis and studies to establish land uses in the course of preparing an OZP. Applications for development could be considered under the DPA Plan on a case-by-case basis, having regard to the relevant guidelines and departmental comments.

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

73. A Member noted that all public comments raised objection to the application and asked whether the application sites had been involved in any unauthorized clearance. Ms. Lisa L.S. Cheng, by referring to Plan A-3 of the Paper, explained that the site was currently a piece of vacant land overgrown with grass and shrubs. Based on the aerial photos taken in the past few years, there was no evidence to prove that illegal site formation works had been carried out on the site by the applicants. Ms. Cheng also stated that C of E for the three Small Houses had already been issued in 2005, which was about six years before the gazetting of the To Kwa Peng and Pak Tam Au DPA Plan in 2011.

74. Mr. W.K. Hui supplemented that the application site at Pak Tam Au was overgrown with vegetation and the illegal site formation/clearance works as reported by the media sometime ago were found at To Kwa Peng.

#### Deliberation Session

75. The Chairperson said that at the hearing of the representations and comments to the draft To Kwa Peng and Pak Tam Au DPA Plan on 15.7.2011, a representer had indicated that a communal waste water treatment plant, instead of septic tanks, would be provided for the Small House development at Pak Tam Au. She asked why septic tanks were still used in the subject application. Ms. Lisa L.S. Cheng explained that the subject application was submitted before the hearing of the representations and comments, the communal treatment plant proposal was not included in the planning application. According to her recent discussion with the representer, a comprehensive development plan would be prepared for the whole Pak Tam Au Village, including the three Small Houses under application, and it would be submitted to the Government for consideration very soon. However, the representer hoped that approval from the Committee for the three Small Houses could be obtained first.

76. The Chairperson said that given the special circumstances of the case, where C of E for the three Small Houses had been issued six years ago, concerned Government departments particularly WSD and DEP had no objection to the application subject to imposing relevant approval conditions. However, noting that a communal waste water treatment plant might be adopted, Members discussed and agreed that approval condition (d) in the Paper should be amended so as not to confine the effluent disposal facilities to the use

of septic tanks and soakaway pits.

77. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 22.7.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of landscape proposal and tree preservation plan to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of fire-fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (c) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (d) the submission of the proposal for and the provision of septic tanks and soakaway pits or a more effective facility for effluent disposal to the satisfaction of the Director of Environmental Protection or of the TPB.

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

- (a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that there were no existing DSD maintained public stormwater drains available for connection in the area. The proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the site as well as overland flow from the surrounding areas. The applicant was required to maintain such systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of

damage or nuisance caused by a failure of the systems;

- (b) to note the comments of CE/MN, DSD that for works to be undertaken outside the lot boundary, the applicant should consult the District Lands Officer/Tai Po and seek consent from the relevant lot owners before commencement of the drainage works;
- (c) to note the comments of CE/MN, DSD that the applicant should note that public sewerage connection was currently not available for the site. Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the proposed development and the provision of septic tank;
- (d) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (in paragraph 9 of Appendix III of the RNTPC Paper) as follows :
  - (i) the drainage design of the development should be forwarded to his department for prior approval;
  - (ii) the septic tanks and soakaway pit had to be located not less than 30m from any existing water courses. The whole system of the septic tanks and soakaway pit should be properly maintained and desludged of at a regular interval. The sludge should be carried away and disposal of outside the gathering ground; and
  - (iii) a joint site inspection would be required upon completion of the drainage works;
- (e) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by the Lands Department;
- (f) to note the comments of the Commissioner for Transport that the existing

village access leading from Pak Tam Road was not under Transport Department's management. The land status of the village access should be checked with the lands authority. The management and maintenance responsibilities of the village access should be clarified with the relevant lands and maintenance authorities accordingly; and

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

[Mr. Timothy K.W. Ma and Dr. C.P. Lau left the meeting temporarily at this point.]

**Agenda Item 20**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

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

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79. The Secretary reported that Ms. Anna S.Y. Kwong had declared an interest in this item as she was the Authorized Person responsible for a residential development project in the To Kwa Peng area. The Committee considered that the interest was direct and Ms. Kwong should leave the meeting temporarily for this item.

[Ms. Anna S.Y. Kwong left the meeting temporarily at this point.]

**Presentation and Question Sessions**

80. Ms. Lisa L.S. Cheng, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed 16 houses (New Territories Exempted Houses (NTEHs) - Small Houses);
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as the proposed development would cause adverse impact on the landscape character of the area and approval of the application would set an undesirable precedent for other similar applications in the area. The cumulative effect of approving these applications would result in general degradation of the environment. The Director of Environmental Protection

(DEP) inclined not to support the application and had concern on the potential undesirable water quality impact arising from the proposed 16 Small Houses on the nearby water bodies, unless demonstrably effective means to ensure that the effluent water quality was acceptable, such as a communal treatment facility, could be provided. The District Lands Officer/Tai Po (DLO/TP) had no objection to the application as the application sites were within the village 'environs' ('VE') of To Kwa Peng Village. The Director of Agriculture, Fisheries and Conservation (DAFC), had no objection to the application, albeit reluctantly, and was concerned that the proposed Small Houses would affect adversely the ecology and visual quality of the Country Park and strongly recommended that appropriate measures should be put in place to minimize the adverse impact on the natural habitats nearby in the course and after development of the Small Houses to protect the sensitive aquatic environment from possible pollution;

- (d) a total of 793 public comments were received during the first three weeks of the statutory publication period. Apart from one public comment from the Indigenous Inhabitant Representative who indicated support to the application, the remaining 792 public comments from 10 green groups (World Wide Fund for Nature Hong Kong, Kadoorie Farm and Botanic Garden Corporation, two members of Designing Hong Kong Ltd, the Conservancy Association, Green Animals Education Foundation Ltd, Association for Tai O Environment and Development, Green Lantau Association, Hong Kong Bird Watching Society and Friends of Sai Kung) and 782 members of the public, raised objection to the application and expressed concerns on the possible adverse impacts of the proposed developments on the landscape and natural environment in the surrounding area. Some commenters said that approval of the application would set a bad precedent for other similar applications. The TPB should not allow such kind of 'destroy first, develop later' development, and should defer consideration of the application until the DPA Plan was replaced by an OZP; and

[Mr. Timothy K.W. Ma and Dr. C.P. Lau returned to join the meeting at this point.]

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The proposed Small Houses fell entirely within the 'VE' of To Kwa Peng Village. Noting that the development of these 16 Small Houses had already been approved by the Tai Po District Lands Office Conference on 27.1.2010 before the DPA Plan was gazetted in 2011, concerned Government departments, including the Water Supplies Department, Lands Department (LandsD), Drainage Services Department and Commissioner for Transport, in general had no objection to the application. DAFC, while raising no objection to the application, was concerned that the Small Houses would adversely affect the ecology and visual quality of the Country Park, and pointed out that any proposal to widen the footpath to an EVA for the Small Houses development would require consent of the Country and Marine Parks Authority. CTP/UD&L of PlanD objected to the application as the proposed 16 Small Houses would result in haphazard development in a coastal setting and further degrade the landscape quality of the area. While the applicants had proposed to use septic tanks for their houses, DEP was concerned about the potential undesirable water quality impact created by this scale of the development on the nearby water bodies and required the submission of a detailed proposal of demonstrably effective means to ensure that the effluent water quality was acceptable as an approval condition. The application generally complied with the 'Interim Criteria for Consideration of Application for NTEH/Small House in New Territories' in that the application site was located entirely within the 'VE' of To Kwa Peng and there was outstanding demand for Small Houses. Given the special circumstances of the case, it was considered that DEP's concern could be addressed by imposing an approval condition on the submission and implementation of detailed proposals of demonstrably effective means to ensure the acceptability of the effluent water quality. A condition on the submission and implementation of a landscape proposal would also be stipulated in the planning permission to address CTP/UD&L of PlanD's concern. On the 793 public comments on



the application, it should be noted that this was an exceptional case involving 16 Small Houses already approved by LandsD. For the comments to defer all planning applications until an OZP had been prepared, it should be noted that it was not the intention of the DPA Plan to prohibit development but to establish planning control of the area pending the completion of detailed analysis and studies to establish land uses in the course of preparing an OZP. Applications for development in this period could be considered on a case-by-case basis, having regard to the relevant guidelines and departmental comments.

81. Noting that the application involved the construction of 16 Small Houses at the application site, a Member asked whether there was any concern when there was only a narrow footpath serving the future residents. This Member said that if upgrading of the access to the development was an important issue, it should be included as an approval condition rather than an advisory clause as proposed in the Paper.

82. In response, Ms. Lisa L.S. Cheng said that the provision of a vehicular access was not essential for Small House development and hence it might not be necessary to impose such an approval condition in the planning permission. Besides, the access/footpath fell outside the DPA Plan boundary but inside the Sai Kung East Country Park. Any proposal to widen/upgrade the footpath would require the consent of the Country and Marine Parks Authority. An advisory clause would be appropriate. Ms. Cheng added that the approval of the application for Small Houses did not imply that any footpath widening proposal would be approved by the Authority.

#### Deliberation Session

83. The Chairperson explained that the 16 Small Houses under application was approved by LandsD in 2010 before the DPA Plan was gazetted in 2011. No Certificate of Exemption (C of E) had been issued yet. The applicants were a group of indigenous villagers of Tap Mun and not To Kwa Peng Village. They bought the land in To Kwa Peng with a view to building their Small Houses there. There were signs of excavation at some part of the area in To Kwa Peng before the DPA Plan was published but there was no evidence that the excavation works were done by the applicants. Taking into account the

special circumstances of the case, DAFC had no objection to the application, albeit reluctantly, and was concerned that there should be no more material damage to the natural environment and no impact on the adjacent Sai Kung East Country Park and strongly recommended that appropriate measures should be put in place to minimize the adverse impact on the natural environment. DEP also considered that should the application be approved, a detailed proposal of demonstrably effective means for effluent disposal would be required to ensure that the effluent water quality was acceptable and would not adversely affect the nearby water bodies. In this connection, an approval condition on the submission and implementation of an effective means for effluent disposal had been recommended. The Chairperson continued to explain that in the past, an EVA would need to be provided for a development with more than ten Small Houses but nowadays the Director of Fire Services accepted the provision of fire service installations for Small House developments instead of an EVA.

84. Whilst noting the right of indigenous villagers to develop Small Houses and despite the LandsD's approvals were given before the DPA Plan was gazetted in 2011, a Member opined that the sites were not suitable for Small House developments in view of their remoteness and the lack of infrastructure provision, in particular vehicular access, which would render it difficult to meet the daily and emergency needs of the future residents. This Member noted that the subject application had aroused grave concern of both the green groups and members of the public in view of its possible adverse landscape, environmental and ecological impacts on the surrounding areas. The site was surrounded by the Sai Kung East Country Park. The provision of a vehicular access would unavoidably need to pass through the Country Park area and any footpath upgrading would affect the Country Park. In view of the above, this Member considered that a balance between protection of the environment and Small House development should be struck in making a decision on the application.

85. Another Member was concerned that the approval of the subject application would set a bad precedent for other similar cases in the area, and the cumulative effect of approving such applications would create adverse impact on the natural environment. It was noted that while the applicants had proposed to use septic tanks for the 16 proposed Small Houses, DEP had raised concern on the use of septic tanks due to the potential undesirable water quality impact on the nearby water bodies and required the submission of a more

effective facility for effluent disposal as an approval condition. This Member asked whether the Committee could defer consideration of this application pending the identification of alternative sites for the applicants.

86. A Member considered that the application should not be supported as the sites were not suitable for Small House developments given their remoteness and the lack of a proper access. It took at least 30 minutes to walk from the application site to reach Pak Tam Road. Upgrading the access would affect the Sai Kung East Country Park. This Member said that the To Kwa Peng area was predominantly rural in nature and of high ecological value, with a natural stream, mudflat and mangroves in the surroundings. This Member was of the view that no sympathetic consideration should be given to the application. This Member said that the relevant Government departments should have considered the access and environmental problems in approving the applications for the 16 Small Houses in the District Lands Office Conference.

87. The Chairperson said that the TPB had to decide whether the current application should be approved or rejected by taking into account the planning circumstances, the landscape, ecological and environmental impacts on the surrounding area, the views of relevant Government departments, the public comments received, whether the approval of the current application would set precedent for similar applications in the area as well as the special circumstances of the application.

88. In response to a Member's question, the Chairperson said that the Committee could decide independently whether the application should be approved or rejected despite the fact that the Small House applications had been approved by LandsD. If the current application was rejected by the Committee, the applicants could apply for a review of the decision of the Committee by the TPB under section 17 of the Town Planning Ordinance. The applicants would not be able to build the Small Houses if the application was rejected by the TPB.

89. Mr. Edwin W.K. Chan, in response to the enquiry of the Chairperson, advised that no C of E would be granted to the 16 Small Houses if the current application was rejected by the TPB.

90. A Member asked whether the applicants could be asked to resolve the access problem before the Committee would consider the application. The Chairperson explained that such a requirement might give the public a false impression that the applicants were encouraged to widen or upgrade the existing footpath which passed through the Country Park.

91. Mr. H.M. Wong said that apart from seeking the consent of the Country and Marine Parks Authority, the applicant might need to submit an Environmental Impact Assessment (EIA) to Environmental Protection Department and the Advisory Council on Environment in accordance with the EIA Ordinance as an access road within the Country Park was regarded as a 'Designated Project'.

92. Noting that there were planning applications for another 21 Small Houses (under applications No. A/DPA/NE-TKP/3 and 5) in the same area pending consideration by the Committee, a Member considered that the subject application should not be supported as approval of the application would set an undesirable precedent, and the cumulative effect of approving these applications would result in a degradation of the surrounding natural environment which was unacceptable.

93. In response to the enquiry of a Member, the Chairperson said that the two applications for a total of 21 Small Houses which had been deferred by the TPB were submitted by another group of indigenous villagers of Yung Shue O and Tap Mun. Those Small Houses had not been approved by the LandsD.

94. A number of Members considered that the application should not be supported taking into account the high landscape value of the sites, their close proximity to the Sai Kung East Country Park, and the adverse impact on the existing natural habitats in the area that were of high ecological importance.

95. The Chairperson concluded that Members had come to a consensus that the application should be rejected as it would generate adverse impacts on the surrounding natural environment and the ecology, especially potential undesirable water quality impact on the nearby water bodies and the ecology. Besides, there was no proper access to the application sites and there was doubt on how the future residents could be served by the

existing narrow footpath. Approval of the application would set an undesirable precedent for other similar applications in the area.

96. Members then went through the reason for rejecting the application as stated in paragraph 13.3 of the Paper and agreed that the reason should be suitably amended to reflect Members' views as expressed at the meeting. After further deliberation, the Committee decided to reject the application and the reasons were :

- (a) the proposed Small House developments were not compatible with the existing natural environment in the area;
- (b) the proposed effluent disposal arrangement by septic tanks was considered unacceptable due to the adverse water quality impact on the nearby water bodies;
- (c) the proposed developments would affect the natural environment and ecology of the area which was in close proximity to the mudflat and mangroves, and surrounded by the Sai Kung East Country Park. The applicant failed to demonstrate that the proposed Small Houses would not cause adverse environmental and ecological impacts on the area;
- (d) the sites were remote. The applicant failed to demonstrate that proper access arrangement could be provided for the proposed Small Houses; and
- (e) the approval of the application would set an undesirable precedent for similar applications in the area, and the cumulative impact on the landscape, ecology and environment would result in a degradation of the natural environment.

[Mr. Walter K.L. Chan left the meeting and Ms. Anita W.T. Ma left the meeting temporarily at this point. Ms. Anna S.Y. Kwong returned to join the meeting at this point.]

**Agenda Item 21**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/430            Proposed House (New Territories Exempted House – Small House)  
in “Agriculture” zone,  
Lot 1325 S.A ss.1 in D.D.19, Pak Tin Kong, Lam Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/430)

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**Presentation and Question Sessions**

97.            Ms. Lisa L.S. Cheng, 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 – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the application site had high potential for agricultural rehabilitation;
- (d) one public comment was received during the first three weeks of the statutory publication period. Designing Hong Kong Ltd objected to the application as the site was zoned “Agriculture”, there was no sustainable village layout plan and approval of the application would affect the surrounding environment; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The proposed Small House was generally in line with the ‘Interim Criteria for Consideration of Application for NTEH/Small House in New Territories’ in that more than 50% of the proposed house footprint was

within the village 'environs' ('VE') of Chuen Shui Tseng, there was a general shortage of land in meeting the Small House demand and it would be able to be connected to the planned sewerage system in the area. Regarding DAFC's reservation on and one public comment against the application both on agricultural ground, it should be however noted that the site was vacant with no vegetation and there were already a number of similar Small House developments approved by the Committee to the south of the site. The approval of the subject application was in line with the previous decisions of the Committee. Other Government departments consulted had no objection to or adverse comment on the application.

98. Members had no question on the application.

#### Deliberation Session

99. 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 22.7.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the provision of fire-fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (d) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and

- (e) the provision of protective measures to ensure no pollution or siltation occurs to the water gathering ground to the satisfaction of the Director of Water Supplies or of the TPB.

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

- (a) the construction of the proposed Small House should only begin after the completion of the public sewerage network;
- (b) adequate space should be provided for the proposed Small House to be connected to the public sewerage network;
- (c) the applicant was required to register, before execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan of construction, operation and maintenance of sewerage pipes and connection points on the lots concerned in the Land Registry against all affected lots;
- (d) to note the comments of the Director of Environmental Protection that the applicant should take up full ownership and construction and maintenance responsibility of the sewerage connection system and connect the proposed house to the future public sewer at his own cost. The construction of house should not be commenced before the completion of the planned sewerage system. The sewerage connection point should be within the application site and adequate land should be reserved for the future sewer connection work;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that both public stormwater drainage system and public sewerage system were not available for connection in the vicinity of the application site. For public stormwater drainage system, the applicant was required to provide proper stormwater drainage facilities for the proposed development to the satisfaction of his department, and to submit the drainage proposal to his department for comment. The



applicant was also required to maintain the drainage system properly, to rectify the system if it was found inadequate or ineffective during operation, and to indemnify the Government against claims and demands arising out of damage or nuisance caused by failure of the system. For public sewerage system, sewerage connection would likely be available upon completion of the sewerage works under the project of 'Lam Tsuen Valley Sewerage' tentatively in 2016/2017. Environmental Protection Department and Water Supplies Department (WSD) should be consulted on the acceptability of the proposed septic tank and the requirements on sewage treatment and disposal;

- (f) to note the comments of the Chief Engineer/Project Management, DSD that the applicant should be vigilant on the latest situation of the sewerage project works, for which the Village Representatives would be kept informed by DSD;
- (g) to note the comments of the Chief Engineer/Development (2), WSD regarding the laying of the sewer pipes to the planned sewerage system and the extension of the inside services to the nearest suitable Government water mains for provision of water supply to the proposed development (paragraph 4 of Appendix IV of the RNTPC Paper refers);
- (h) to note the comments of the Commissioner for Transport that the existing nearby village access was not under his management and the applicant should check with the lands authority on the land status of the village access nearby and clarify with the relevant lands and maintenance authorities on the management and maintenance responsibilities of the village access accordingly;
- (i) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by the Lands Department;
- (j) to note the comments of the Director of Electrical and Mechanical Services

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

- (i) for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary;
  - (ii) prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
  - (iii) the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and/or his contractors when carrying out works in the vicinity of electricity supply lines; and
- (k) to note that the permission was only given to the development under the application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

**Agenda Item 22**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/435            Proposed Two Houses  
                              (New Territories Exempted Houses – Small Houses)  
                              in “Agriculture” zone,  
                              Lot 1025 (Part) in D.D. 19, Lam Tsuen San Tsuen, Tai Po  
                              (RNTPC Paper No. A/NE-LT/435)

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**Presentation and Question Sessions**

101.        Ms. Lisa L.S. Cheng, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed two houses (New Territories Exempted Houses (NTEHs) – Small Houses);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the application site had high potential for agricultural rehabilitation. The Chief Engineer/Development (2), Water Supplies Department (CE/Dev (2), WSD) objected to the application as the subject site might not be able to be connected to the planned sewerage system. The Director of Environmental Protection (DEP) had reservation on the application as the sewerage discharge from the proposed Small Houses would cause potential water pollution to the water gathering ground (WGG) in the vicinity;
- (d) one public comment was received during the first three weeks of the statutory publication period. Designing Hong Kong Ltd objected to the application as the site was zoned “Agriculture” (“AGR”), there was no sustainable village layout plan and approval of the application would affect

the surrounding environment; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. Although the application site was entirely within the village 'environs' of Lam Tsuen San Tsuen, the application did not meet the 'Interim Criteria for Consideration of Application for NTEH/Small House in New Territories' (the Interim Criteria) in that there was no general shortage of land in meeting the Small House demand and the proposed houses might not be able to be connected to the planned public sewers in the area. One of the applicants had not made any Small House application to the District Lands Officer/Tai Po before and his identity of indigenous villager was in question. The site was located within the WGG but the applicants failed to demonstrate in the submission that the proposed houses would be able to be connected to the planned sewerage system in the area and the owner(s) of adjoining private lot(s) would provide an easement for a sewer connection of the proposed houses. In this regard, both DEP and CE/Dev(2) of WSD did not support the application and raised concern on the potential water quality impact on the WGG. DAFC also did not support the application from agricultural point of view. The applicants claimed that most of land in Lam Tsuen San Tsuen was held by private owners and it was not available to use for Small House development. However, from the town planning point of view, the ownership of land was not a material consideration of Small House application. Given that the application site was located at Lam Tsuen San Tsuen and there was no general shortage of land in meeting the demand for Small House development, Small Houses should be developed within the "Village Type Development" zone first. There was a public comment from Designing Hong Kong Ltd raising concerns that the application site fell within the "AGR" zone and there was no sustainable village layout plan.

102. Members had no question on the application.

Deliberation Session

103. The Chairperson said that the application should not be supported as it was not in line with the Interim Criteria, the applicants failed to demonstrate that the proposed houses would be able to be connected to the planned sewerage system, and there were adverse departmental comments on the application.

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

- (a) the proposed development did not comply with the ‘Interim Criteria for Consideration of Application for NTEH/Small House in New Territories’ in that there was no general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of Lam Tsuen San Tsuen and the proposed houses might not be able to be connected to the planned public sewers in the area;
- (b) the proposed Small Houses fell within the upper indirect water gathering ground (WGG). The applicants failed to demonstrate in the submission that the proposed development would be able to be connected to the existing or planned sewerage system in the area and not have the potential to cause water pollution to the WGG; and
- (c) Small Houses should be developed within the “V” zone so as to ensure an orderly development pattern, efficient use of land and provision of infrastructures and services.

**Agenda Item 23**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/361            Proposed Public Utility Installation (Electricity Substation)  
                                 in “Green Belt” zone,  
                                 Lot 452 RP in D.D. 28, Tai Mei Tuk, Tai Po  
                                 (RNTPC Paper No. A/NE-TK/361)

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**Presentation and Question Sessions**

105.            Ms. Lisa L.S. Cheng, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a)    background to the application;
- (b)    the proposed public utility installation (electricity substation);
- (c)    departmental comments – concerned Government departments had no objection to or adverse comments on the application;
- (d)    no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Tai Po); and
- (e)    the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The application was basically the same as the previous application (No. A/NE-TK/348 approved with conditions by the Committee on 15.4.2011) except that it had proposed to adopt a different model of electricity substation (ESS) with different dimensions. The increase in floor area from 43.5m<sup>2</sup> to 50.8m<sup>2</sup> (i.e. +16.8%) and building height from 2m to 4.35m (i.e. +118%) of the proposed ESS would unlikely cause additional adverse impacts on the surrounding landscape character and existing landscape

resources. The proposed ESS was required to provide electricity supply for new Small Houses in the nearby villages. It was considered not incompatible with the surrounding village and rural setting. The existing trees within the northern portion of the site would be retained and protected on site while screen tree plantings would be provided at the eastern, southern and western portions of the site. Concerned government departments had no objection to or no adverse comment on the application.

106. Members had no question on the application.

#### Deliberation Session

107. 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 22.7.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of landscape and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the provision of fire-fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to apply to the Tai Po District Lands Office for an excavation permit if excavation works was to be carried out on Government land. The applicant had to make his own arrangement for the access to the site;

- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that there was no public drain in the vicinity of the site. The applicant was required to submit and implement a drainage proposal for the site to ensure that it would not cause adverse drainage impact on the adjacent area. The applicant was also required to maintain such systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems. There was no existing public sewerage in the vicinity of the site currently. Nevertheless, the proposed public sewerage system in the vicinity of the site would be implemented under the 'Tolo Harbour Sewerage of Unsewered Areas Stage 1 Phase 2C' project and the sewerage works at about 100m away from the site were tentatively scheduled for completion in 2012/13. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the proposed development;
  
- (c) 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 might need to extend the inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
  
- (d) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant was reminded to make necessary submission to the Buildings Department in accordance with the provisions of the Buildings Ordinance;
  
- (e) to note the comments of the Director of Health that according to the World Health Organization (WHO), it was important to comply with the relevant International Commission on Non-Ionising Radiation Protection (ICNIRP)



guidelines (1998). With the compliance with the guidelines, exposure to extremely low frequency electromagnetic fields such as those generated by electrical facilities would not pose any significant adverse effects to workers and the public. WHO also encouraged effective and open communication with stakeholders in the planning of new electrical facilities and exploration of low-cost ways of reducing exposures when constructing new facilities. Moreover, upon commissioning of the electricity substation, the applicant should verify the actual compliance with the ICNIRP guidelines with direct on-site measurements and submit the report for consideration by the Director of Electrical and Mechanical Services (DEMS); and

- (f) to note the comments of DEMS that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, the applicant should carry out the following measures :
  - (i) for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary;
  - (ii) prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
  - (iii) the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors

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

### **Agenda Items 24 & 25**

#### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/362      Proposed House (New Territories Exempted House – Small House)  
in “Green Belt” zone,  
Lot 139 S.A in D.D. 28, Lung Mei, Tai Po  
(RNTPC Paper No. A/NE-TK/362 & 363)

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A/NE-TK/363      Proposed House (New Territories Exempted House – Small House)  
in “Green Belt” zone,  
Lot 139 S.B in D.D. 28, Lung Mei, Tai Po  
(RNTPC Paper No. A/NE-TK/362 & 363)

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109.      Noting that the two applications were similar in nature and the application sites were located next to each other and within the same “Green Belt” (“GB”) zone, Members agreed that they could be considered together.

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

110.      Ms. Lisa L.S. Cheng, 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 application site;
- (c) departmental comments – noting that recent clearance of vegetation had been carried out on the adjacent slope, the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD)

objected to the applications and commented that approval of the applications would set an undesirable precedent to other similar applications in the area;

- (d) one public comment was received during the first three weeks of the statutory publication period. Designing Hong Kong Ltd objected to both applications on the grounds of land use incompatibility and the lack of a sustainable village layout for the area; and
  
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessment made in paragraph 12 of the Paper. The two proposed Small Houses were considered in compliance with the 'Interim Criteria for Consideration of Application for NTEH/Small House in New Territories' (the Interim Criteria) in that more than 50% of the footprints of the two proposed Small Houses fall within the village 'environs' and there was a general shortage of land in meeting the Small House demand in the "Village Type Development" ("V") zone. Although the proposed development was not in line with the planning intention of the "GB" zone, the two proposed Small Houses were considered not incompatible with the existing village setting with existing village houses located to the south of the sites. There was no existing tree within the site boundaries, and neither cutting of slopes nor felling of trees in the adjacent hillside slopes would be required for development of the proposed Small Houses. There was also no record of unauthorized clearance reported in the vicinity. As there were a number of previously approved applications with similar site circumstances in the vicinity, sympathetic consideration could be given to the applications. Approval condition on landscape planting would be stipulated to minimize the potential impacts on the surrounding area and to address the concern raised by CTP/UD&L of PlanD and the public comment.

111. Members had no question on the application.

Deliberation Session

112. The Chairperson stated that the applications could be supported as they complied with the Interim Criteria and there was a general shortage of land in the “V” zone for Small House development.

113. After deliberation, the Committee decided to approve the application, on the terms of the applications as submitted to the Town Planning Board (TPB). Each permission should be valid until 22.7.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. Each permission was subject to the following conditions :

- (a) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the provision of fire-fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that there was no public drain in the vicinity of the site. The applicant was required to submit and implement a drainage proposal for the site to ensure that it would not cause adverse drainage impact to the adjacent area. The applicant was also required to maintain such systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by failure of the systems. Public sewerage was available but was far away from the site (about 80m). The Director of

Environmental Protection should be consulted regarding the sewage treatment/disposal aspects of the proposed development. The applicant was reminded that there should be a clearance of 3.5m between the development site and the top of the embankment of the existing natural stream course in the vicinity of the site;

- (b) 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 might need to extend the inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (c) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant was reminded to make necessary submission to the District Lands Officer to verify if the site satisfied the criteria for the exemption for site formation works as stipulated in PNAP APP-56. If such exemptions were not granted, the applicant should submit site formation plans to the Buildings Department in accordance with the provision of the Buildings Ordinance; and
- (d) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

**Agenda Item 26**

**Section 16 Application**

[Open Meeting]

A/TP/461 Columbarium in “Government, Institution or Community” zone,  
Lot 1006 R.P. in D.D. 5, No. 2 Mui Shu Hang Village, Tai Po  
(RNTPC Paper No. A/TP/461B)

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115. The Secretary reported that Ms. Anna S.Y. Kwong had declared an interest in this application as she had current business dealings with Environ Hong Kong Ltd, one of the consultants for the applicant. The Committee considered that the interest was indirect and Ms. Kwong was allowed to stay.

116. The Committee noted that the applicant’s representative requested on 15.7.2011 for a further deferment of the consideration of the application for two months as some salient points in the Traffic Impact Assessment report had yet to be clarified between his traffic and transport consultant and the Transport Department.

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

**Agenda Item 27**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/482                      Proposed House (New Territories Exempted House – Small House)  
in “Green Belt” zone,  
Lot 101 S.A ss.5 in D.D. 14, Tung Tsz, Tai Po  
(RNTPC Paper No. A/TP/482)

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**Presentation and Question Sessions**

118.        Ms. Lisa L.S. Cheng, 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 – the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application and had concern that the cumulative impact of Small House developments in the area would lead to disintegration of the “Green Belt” (“GB”) zone and intensify development on the rural hillsides, thus degrading the existing landscape quality;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 13 of the Paper. The site was located in the “GB” zone on the western side of Tung Tsz Road where planning applications for Small Houses development had been

previously rejected by TPB for reason of being not in line with the planning intention of the “GB” and contravening the then planning policy of TPB to confine village expansion to the east of Tung Tsz Road. On 27.5.2011, the TPB noted the finding of the review on the “GB” zoning to the west of Tung Tsz Road and agreed that Small House development might be permitted in the portion of the “GB” area subject to compliance with TPB Guidelines No. 10 and the ‘Interim Criteria for Consideration of Application for NTEH/Small House in New Territories’ (the Interim Criteria). Although the proposed Small House development was not in line with the planning intention of the “GB” zoning for the area and CTP/UD&L of PlanD objected to the application, the subject application could meet the Interim Criteria in that more than 50% of the proposed Small House footprint fell within the village ‘environs’ of Tung Tsz and Tseng Tau Village and there was a general shortage of land for Small House development. As the site was already hard paved, no clearance of vegetation was required for development of the proposed Small House. Concerned Government departments had no objection to or adverse comment on the application.

119. Members had no question on the application.

#### Deliberation Session

120. The Chairperson remarked that the application could be supported as, though the site was within “GB” zone, the application was in line with the Interim Criteria, the proposed Small House did not involve any felling of trees, and there was a general shortage of land within the “Village Type Development” zone for Small House developments.

121. 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 22.7.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :



- (a) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the submission and implementation of landscaping proposal to the satisfaction of the Director of Planning or of the TPB; and
- (c) the provision of fire-fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Tai Po that if and after planning approval had been given by the TPB, his office would process the Small House application. If the Small House application was approved by Lands Department (LandsD) acting in the capacity as landlord at its sole discretion, such approval would be subject to the terms and conditions as imposed by LandsD;
- (b) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (CE/Dev(2),WSD) that for provision of water supply to the proposed development, the applicant might need to extend the inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply, and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (c) to note the comments of CE/Dev(2),WSD that water mains in the vicinity of the application site could not provide the standard fire-fighting flow;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that there was no public drain maintained by DSD in the vicinity of the site. The proposed development

should have its own stormwater collection and discharge system to cater for the runoff generated within the site as well as overland flow from the surrounding areas. The applicant was required to maintain such systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems;

- (e) to note the comments of CE/MN, DSD that there was existing public sewerage in the vicinity of the site. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the subject development;
- (f) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated by Fire Services Department upon formal referral from LandsD;
- (g) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that the section of Tung Tsz Road outside the subject site was not maintained by his office; and
- (h) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant should carry out the following measures :
  - (i) prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and

- (ii) the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

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

### **Agenda Item 28**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/491                      Proposed House (New Territories Exempted House - Small House)  
in "Green Belt" zone,  
Lot 311 RP in D.D. 14, Tung Tsz, Tai Po  
(RNTPC Paper No. A/TP/491)

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

123.        Ms. Lisa L.S. Cheng, 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 – the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as approval of the application would further encourage development encroaching into the predominantly rural area and further deteriorate the landscape quality of the area;

- (d) nine public comments against the application were received during the first three weeks of the statutory publication period. The commenters, including Designing Hong Kong Ltd, Hong Kong Bird Watching Society and seven members of the public, raised objection to the application mainly on the grounds that the proposed development was not in line with the planning intention of “Green Belt” (“GB”), incompatible with the character of the surrounding land uses, and would adversely affect the landscape quality of the area; and

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

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 13 of the Paper. The site was the subject of a previous application (No. A/TP/406) for a NTEH which was rejected on review by TPB on 31.10.2008. On 27.5.2011, the TPB noted the finding of the review on the “GB” zoning to the west of Tung Tsz Road and agreed that Small House development might be permitted in the portion of the “GB” area subject to compliance with the TPB Guidelines No. 10 and the ‘Interim Criteria for Consideration of Application for NTEH/Small House in New Territories’ (the Interim Criteria). Although the proposed Small House development was not in line with the planning intention of the “GB” zoning and was not supported by CTP/UD&L of PlanD, the subject application could meet the Interim Criteria in that more than 50% of the proposed Small House footprint fell within the village ‘environs’ of Tung Tsz and Tseng Tau Village and there was a general shortage of land in meeting the Small House demand. Concerned Government departments generally had no objection to or adverse comment on the application. Approval condition on landscape planting had been stipulated to minimize the potential adverse impacts on the surrounding areas. There were nine public comments on the possible adverse impacts of the proposed Small House on the natural environment and wildlife of the “GB”. In this regard, the Director of Agriculture, Fisheries and Conservation had been consulted and had no further

comments on the public comments.

124. Members had no question on the application.

#### Deliberation Session

125. The Chairperson stated that the application could be supported as it complied with the Interim Criteria, it did not involve felling of trees, and there was a general shortage of land in the “Village Type Development” zone for Small House development.

126. 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 22.7.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the submission and implementation of landscaping proposal to the satisfaction of the Director of Planning or of the TPB; and
- (c) the provision of fire-fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Tai Po (DLO/TP) that if and after planning approval had been given by the TPB, his office would process the Small House application. If the Small House application was approved by Lands Department (LandsD) acting in the capacity as landlord at its sole discretion, such approval would be subject to the terms and conditions as imposed by LandsD;

- (b) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) that the applicant should follow the Buildings Department Practice Note for Authorized Persons and Registered Structural Engineers No. 295 'Protection of natural streams/rivers from adverse impacts arising from construction works' in particular the Appendix B 'Guidelines on Developing Precautionary Measures during the Construction Stage' so as to avoid disturbance to the stream and causing water pollution. As the proposed Small House would be equipped with septic tank for disposal of sewage, the Environmental Protection Department (EPD) should be consulted on the sewage disposal arrangement;
- (c) to note the comments of DAFC that there was a semi-mature Ficus elastic to the east of the application site. The applicant should minimize disturbance to this tree as far as possible;
- (d) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (CE/Dev(2), WSD) that for provision of water supply to the proposed development, the applicant might need to extend the inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply, and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (e) to note the comments of CE/Dev(2), WSD that water mains in the vicinity of the application site could not provide the standard pedestal hydrant;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that there was no public drain maintained by DSD in the vicinity of the site. The proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the site as well as overland flow from the

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

- (g) to note the comments of CE/MN, DSD that the proposed development should maintain a clear distance of 3.5m from the top of the embankment of existing natural stream course;
- (h) to note the comments of CE/MN, DSD that there was existing public sewerage available for connection in the vicinity of the site. EPD should be consulted regarding the sewage treatment/disposal aspects of the captioned development. The applicant might send an accredited representative, bringing along a letter signed by the Authorized Person/lot owner, to inspect the relevant drainage record drawing in the drawing office of his Division during office hours at Kowloon Government Offices, 13th Floor, 405 Nathan Road, Kowloon;
- (i) to note the comments of CE/MN, DSD that the applicant should follow the established procedures and requirements for connecting sewers from the proposed site to the public sewerage system. A connection proposal should be submitted to his department via DLO/TP for approval beforehand. Moreover, the sewerage connection would be subject to their technical audit, for which an audit fee would be charged. The relevant guidelines could be downloaded from the DSD's website at <http://www.dsd.gov.hk>;
- (j) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated by the Fire Services Department upon formal referral from LandsD;
- (k) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant should make necessary submission to DLO to verify if the site satisfied the criteria

for the exemption for site formation works as stipulated in the Practice Note for Authorized Persons APP-56. If such exemption was not granted, the applicant should submit site formation plans to the Buildings Department in accordance with the provision of the Buildings Ordinance;

- (l) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that the section of Tung Tsz Road next to the application site was not maintained by his office; and
  
- (m) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant should carry out the following measures :
  - (i) for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kv and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary;
  
  - (ii) prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
  
  - (iii) the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.



[Mr. Timothy K.W. Ma left the meeting temporarily at this point.]

**Agenda Item 29**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/500                      Proposed House (New Territories Exempted House – Small House)  
   in “Green Belt” zone,  
   Lot 418 S.B in D.D. 22, Sheung Wun Yiu, Tai Po  
   (RNTPC Paper No. A/TP/500)

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Presentation and Question Sessions

128.            Ms. Lisa L.S. Cheng, 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 – the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as approval of the application would lead to more Small House developments in the area, resulting in urban sprawl and piecemeal development further encroaching into the “Green Belt” (“GB”) zone;
- (d)    one public comment was received during the first three weeks of the statutory publication period. Designing Hong Kong Ltd objected to the application on the grounds of land use incompatibility and the lack of a sustainable village layout for the area; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The application site fell entirely within the “GB” zone and the proposed Small House development was not in line with the planning intention of the “GB” zone, which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. CTP/UD&L of PlanD did not support the application as construction of the proposed house would likely affect the *Celtis sinensis* located at the boundary of the site, and there was no tree preservation/protection proposal. The application did not meet the ‘Interim Criteria for Consideration of Application for NTEH/Small House in New Territories’ (the Interim Criteria) in that there was no general shortage of land in meeting the demand for Small House development. The proposed Small House should thus be developed within the “Village Type Development” (“V”) zone first to ensure a more orderly development pattern, efficient use of land and provision of infrastructures in the “V” zone. The applicant failed to demonstrate why suitable sites could not be made available within the “V” zone for the proposed Small House.

129. Members had no question on the application.

#### Deliberation Session

130. The Chairperson said that the application could not be supported as the proposed Small House did not comply with the Interim Criteria, involved felling of trees and there was sufficient land within the “V” zone for Small House development.

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

- (a) the proposed development was not in line with the planning intention of the “Green Belt” zone, for defining the limits of urban and sub-urban

development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was no strong planning justification in the current submission for a departure from the planning intention;

- (b) the proposed development did not comply with the ‘Interim Criteria for Consideration of Application for NTEH/Small House in New Territories’ in that there was no general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of Wun Yiu/Cheung Uk Tei/San Uk Ka; and
- (c) Small Houses should be developed within the “V” zone so as to ensure an orderly development pattern, efficient use of land and provision of infrastructures and services.

[The Chairperson thanked Mr. W.K. Hui, DPO/STN, and Mr. Anthony K.O. Luk, Mr. Otto Chan and Ms. Lisa L.S. Cheng, STPs/STN, for their attendance to answer Members’ enquires. Mr. Hui, Mr. Luk, Mr. Chan and Ms. Cheng left the meeting at this point.]

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

[A short break of 3 minutes was taken.]

**Tuen Mun and Yuen Long District**

**Agenda Item 30**

**Section 16 Application**

[Open Meeting]

A/TM/415                      Proposed Columbarium Use  
in “Government, Institution or Community” zone,  
Lot No. 667 in D.D. 131, Yeung Tsing Road, Tuen Mun  
(RNTPC Paper No. A/TM/415)

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132.            The Secretary reported that Ms. Anna S.Y. Kwong had declared an interest in this item as she had current business dealings with Environ Hong Kong Ltd, one of the consultants for the applicant. The Committee considered that the interest of Ms. Kwong in this item was indirect and noted that Ms. Kwong had left the meeting temporarily.

133.            The Committee noted that the applicant’s representative requested on 7.7.2011 for a further deferment of the consideration of the application for one month so as to allow sufficient time to address the departmental comments and public comments on various issues regarding the application.

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

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

**Agenda Item 31**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTYYY/216 Proposed Temporary 'Shop and Services', 'Eating Place',  
'Institutional Use' and 'Educational Institution' for a Period of 5 Years  
in "Comprehensive Development Area" zone,  
Part of G/F, Retail Podium, The Sherwood, 8 Fuk Hang Tsuen Road,  
Lot 2860 RP (Part) in D.D. 130, Lam Tei, Tuen Mun  
(RNTPC Paper No. A/TM-LTYYY/216)

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135. The Secretary reported that the application was made by a subsidiary of Henderson Land Development Company Ltd. (Henderson). Dr. James C.W. Lau, having current business dealings with Henderson, and Dr. C.P. Lau, having a relative working as a consultant for Henderson, had declared interests in this application. Ms. Anna S.Y. Kwong, having current business dealings with PlanArch Consultants Ltd which was the consultant for the applicant, had also declared an interest in this application. The Committee noted that Dr. James C.W. Lau had tendered an apology for being unable to attend the Meeting. The Committee considered that the interest of Dr. C.P. Lau and Ms. Kwong in this item was indirect as they had no direct involvement in the subject application, and they could be allowed to stay in the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary 'shop and services', 'eating place', 'institutional use' and 'educational institution' for a period of five years;

- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the application;
- (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 (Tuen Mun); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary uses under application could be tolerated for a period of five years based on the assessment made in paragraph 11 of the Paper. The proposed temporary uses were not contrary to the planning intention of the “Comprehensive Development Area” zone of the OZP and could provide supporting facilities to the nearby residential developments. According to the applicant, the premises had been left vacant since its completion due to insufficient demand from the local for kindergarten and nursery services. Making use of the vacant premises for the proposed temporary uses for a period of five years would not frustrate the long term planning intention of the premises and the premises could be reverted back to kindergarten and nursery uses in future. In this regard, the Secretary for Education (SED) had no comment on the application. Other Government departments consulted also had no objection to or adverse comment on the application. Although the previous application (No. A/TM-LTY/187) for proposed temporary social welfare facility (social service centre) for a period of three years at the premises was revoked on 7.8.2010 due to non-compliance with the approval conditions, it was submitted by a different applicant. The approved temporary uses had never commenced in view of the concerns of local residents.

137. Members had no question on the application.

#### Deliberation Session

138. In response to the Chairperson's question, Mr. K.C. Kan explained that The Sherwood was completed in 2007. According to the approved Master Layout Plan, the

application premises was planned for kindergarten and nursery uses but the premises had been left vacant since its completion due to insufficient demand for kindergarten and nursery services. Mr. Kan also confirmed that there was no objection from SED on the proposed temporary use as the premises could be converted back to kindergarten and nursery uses when there was sufficient demand for the purposes in future.

139. A Member, by referring to the elongated-shape of the application premises, asked whether the applicant had included the public corridors of the retail podium into the proposed use. In response, Mr. K.C. Kan said that the premises was originally designed for kindergarten and nursery uses and the corridor areas on the two sides of the premises were designed as circulation space connecting the classrooms inside the kindergarten and nursery. The corridors were virtually part of the subject premises.

140. In conclusion, the Chairperson said that the application could be supported but to be in line with the established practice of TPB in approving this type of applications, a temporary approval of three years should be granted, instead of the five years sought, so as not to jeopardize the long term provision for kindergarten and nursery in the locality. Members agreed.

141. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.7.2014, instead of the period of 5 years sought, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 10:00 p.m. and 10:00 a.m., as proposed by the applicant, was allowed on site during the planning approval period;
- (b) the submission of fire services installations proposal including water supplies for fire-fighting within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.1.2012;
- (c) in relation to (b) above, the provision of water supplies for fire-fighting and fire service installations within 9 months from the date of planning

approval to the satisfaction of the Director of Fire Services or of the TPB by 22.4.2012;

- (d) if the above planning condition (a) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (e) if any of the above planning conditions (b) or (c) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) a temporary approval of three years was given in order to allow the Committee to monitor the supply and demand of kindergarten and nursery places in the area to ensure that the long term provision for kindergarten and nursery in the area would not be jeopardized;
- (b) to note the comments of the District Lands Officer/Tuen Mun that if planning approval was given, the applicant would need to apply to the Lands Department (LandsD) for a temporary waiver for the proposal. The proposal would only be considered upon his receipt of formal application from the applicant. There was no guarantee that the application, if received by LandsD, would be approved and he reserved his comment on such. The application would be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event that the application was approved, it would be subject to such terms and conditions as the Government should deem fit to do so, including, among others, charging of waiver fee and administrative fee;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that if non-exempted works were involved, plans should be submitted by an Authorized Person to the Building Authority for approval and to apply consent to commence works under the provisions of



the Buildings Ordinance. The applicant was reminded to comply with the means of escape requirements under the Building (Planning) Regulation (B(P)R) 41 and the fire resisting construction under Building (Construction) Regulation 90. The applicant was reminded to comply with Barrier Free Access provisions in accordance with B(P)R 72. Detailed comments would be given upon building plans submission stage; and

- (d) to follow the latest ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas.

[Mr. Timothy K.W. Ma left the meeting at this point.]

### **Agenda Item 32**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL/181                      Temporary Shop and Services (Real Estate Agency and Grocery Store)  
for a Period of 6 Years in “Comprehensive Development Area” zone,  
Lot 455 S.C RP (Part) in D.D. 116, Yuen Long  
(RNTPC Paper No. A/YL/181)

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

143.            Ms. S.H. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary shop and services (real estate agency and grocery store) for a period of six years;

- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) did not support the application since no information had been submitted to demonstrate that the design of the proposed development could integrate with the adjoining approved comprehensive development within the “Comprehensive Development Area” (“CDA”) zone;

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

- (d) one public comment from a member of the public was received during the first three weeks of the statutory publication period. The commenter objected to the application mainly on the grounds that the structures on the site was unauthorized structure and the applied uses would create nuisance and pollution to the nearby residents; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. While the applied use was considered not incompatible with the residential uses and vacant land in the surrounding areas, and could serve the nearby residents, the planning intention of the “CDA” zone was for comprehensive development/redevelopment. Since land within this zone was primarily intended for comprehensive development and there was already an approved scheme covering the site under application No. A/YL/151, there were no strong justifications provided by the applicant to deviate from the planning intention. The approval of the application for six years up to 2017 would frustrate the implementation of Phase III of the approved comprehensive development at the site. Besides, there was no information in the submission to demonstrate that the proposed development could integrate with the approved comprehensive development within the “CDA” zone and was technically feasible. In this regard, CTP/UD&L of PlanD did not support the application from the urban design perspective. The District Lands Officer/Yuen Long (DLO/YL) informed that no approval had been given for the one-storey structure within the site and the Chief Building Surveyor/New Territories West of Buildings Department (BD)

advised that enforcement action might be taken to effect the removal of all unauthorized works. There was a public comment objecting to the application mainly on the grounds that no prior approval from Lands Department and BD had been given to the structure erected on the site.

144. Members had no question on the application.

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

### Deliberation Session

145. In response to a Member's question, Ms. S.H. Lam said that according to the applicant, the application was made upon the request of DLO/YL in the processing of the short term waiver for the temporary uses. According to the covering Notes of the OZP, temporary use over five years had to conform to the zoned use or the Notes.

146. A Member referred to paragraph 5.1 of the Paper and asked why there were so many previous applications relating to the subject site. Ms. S.H. Lam stated that all the 18 previous applications were for the comprehensive residential development at the "CDA" zone, i.e. the Yoho Midtown, Phases II and III of which would be implemented from 2012 to 2015 and from 2015 to 2018 respectively.

147. The Chairperson said that it was not uncommon for a large number of planning applications involving amendments to the approved Master Layout Plan for development within a "CDA" zone.

148. In conclusion, the Chairperson said that the application should not be supported as there were no strong justifications in the application to deviate from the planning intention of the "CDA" zone and approval of the application for six years would frustrate the implementation of the approved comprehensive development at the site.

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

- (a) the development was not in line with the planning intention of the “Comprehensive Development Area” (“CDA”) zone which was intended for comprehensive development/redevelopment of the area for residential and/or commercial uses with the provision of open space and other supporting facilities. There was no strong planning justification in the submission for a departure from such planning intention; and
- (b) the development would frustrate the implementation of the approved comprehensive development at the site. The applicant failed to demonstrate that the proposed development could integrate with the approved comprehensive development within the “CDA” zone and was technically feasible.

### **Agenda Item 33**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL/182                      Proposed Comprehensive Residential Development  
  (Amendments to Approved Master Layout Plan)  
  in “Comprehensive Development Area” zone,  
  A site to the north of West Rail Long Ping Station at Kwong Yip Street,  
  Tung Tau, Yuen Long  
  (RNTPC Paper No. A/YL/182)

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150.           The Secretary said that the application was submitted by the Kowloon-Canton Railway Corporation (KCRC) represented by Mass Transit Railway Corporation Ltd. (MTRCL) and Environ Hong Kong Ltd was a member of the consultancy team for the application. The following Members had declared interests on this item:

- Mr. K.C. Siu                   -     being an assistant to the Commissioner for Transport  
  who was a Non-executive Director of MTRCL
- Ms. Anna S.Y. Kwong         -     having current business dealings with Environ Hong

Kong Ltd

151. The Committee agreed that Mr. Siu's interest was direct and he should leave the meeting temporarily for the item. As Ms. Kwong had no direct involvement in the subject application, the Committee agreed that the interest of Ms. Kwong was indirect. The Committee noted that Ms. Kwong had not yet returned to join the meeting.

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

Presentation and Question Sessions

152. Ms. S.H. Lam, STP/TMYL, presented the application with the aid of a powerpoint and covered the following aspects as detailed in the Paper :

- (a) background to the application – the application was made to seek planning permission from the TPB for amendments to the approved Master Layout Plan (MLP) under planning application No. A/YL/74 (which was approved with conditions by the Committee on 22.9.2000) for comprehensive residential development at the application site to comply with the Sustainable Building Design (SBD) Guidelines and to increase the supply of small- and medium-sized flats. The validity of the permission was subsequently extended twice until 22.9.2009. The building plans for the development were approved on 30.7.2009 and the development was regarded as commenced. The major amendments included, among others, the deletion of one residential block, building setback, improvement in the breezeways/visual corridors, reduction in building height and decrease in domestic GFA;
- (b) the proposed comprehensive residential development (amendments to approved master layout plan);
- (c) departmental comments – the Director of Environmental Protection (DEP) had raised concern on the possible road traffic and railway noise impact on the future residents and on the timely relocation of the two bus depots in

the Tung Tau industrial area, which might otherwise create adverse environmental problems to the future residents. Nevertheless, with the noise mitigation measures proposed by the applicant and Government actions being undertaken for relocation of the bus depots, DEP considered that the noise issues could be tolerated. Other Government departments consulted, including the Commissioner for Transport, the District Lands Officer/Yuen Long (DLO/YL), the Chief Building Surveyor/New Territories East 2 and Rail, Buildings Department, the Director of Social Welfare, the Chief Engineer/Development (2), Water Supplies Department, and the Chief Town Planner/Urban Design and Landscape, Planning Department, had no adverse comment on/objection to the application;

- (d) one public comment was received from a member of the public during the first three weeks of the statutory publication period. The commenter objected to the application and raised a number of comments relating to the environment, air ventilation, visual, building height, pedestrian circulation and provision of bus terminus aspects. The District Officer (Yuen Long) advised that the proposed development was discussed at the Town Planning and Development Committee of Yuen Long District Council (YLDC) meeting held on 13.7.2011 and YLDC members were generally in support of the revised scheme. Some YLDC members even urged for the early implementation of the development proposal; and

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

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper which were summarized below :
  - (i) the application was made at the request of the Government aiming to comply with the SBD Guidelines, to increase the supply of small- to medium-sized flats, and to take the opportunity to further improve the development scheme;

- (ii) as compared with the approved scheme (Application No. A/YL/74), a number of improvements had been proposed in the current scheme, including the reduction in development bulk, deletion of one residential block, removal of the podium by relocating the car park to basement, the bus terminus to the north of the site and the social welfare facilities and club house to two separate buildings, reduction in building height and widening/introduction of breezeways/visual corridors, etc. Although the domestic PR had been increased from 4.5 to 5, it still complied with the OZP restriction. The proposed building height was considered comparable with the building height restriction of 85mPD in the “Residential (Group E)1” zone in the vicinity under the same OZP and the stepped height profile could be maintained;
  
- (iii) regarding DEP’s concern on the relocation of the two bus depots in Tung Tau industrial area, actions were being taken by the Government in collaboration with the bus operator with a view to relocating the bus depots prior to the population in-take of the future development at the site. DLO/YL had identified possible replacement sites for consideration of relevant bureaux/departments. An approval condition requiring the design and provision of noise mitigation measures to address DEP’s concern on traffic noise from the nearby roads and railway had also been recommended;
  
- (iv) the comments raised by other Government departments on the technical aspects of the development proposal would be addressed by imposing relevant approval conditions. In this regard, concerned departments generally had no objection to or adverse comment on the application; and
  
- (v) as regards the public comment relating to the environment, air ventilation, visual, building height, pedestrian circulation and provision of bus terminus aspects, they had been taken into account in assessing the revised scheme. Concerned government

departments in general had no objection to the application. Regarding the issue on odour, the Chief Engineer/Mainland North of Drainage Services Department advised that it could be alleviated when pollution at source was eliminated by the enforcement action of the relevant departments. DEP also informed that his department would continue to take enforcement action against illegal discharges.

153. Members had no question on the application.

#### Deliberation Session

154. The Chairperson concluded that Members considered that the amendment scheme an improvement to the previously approved scheme and could be supported.

155. 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 22.7.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of a revised Master Layout Plan to take into account conditions (b), (d), (e), (f), and (g) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a Landscape Master Plan, including tree preservation scheme, to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission of an implementation programme to the satisfaction of the Director of Planning or of the TPB;
- (d) the design and provision of footbridge and associated pedestrian facilities, vehicular access, car parking and loading/unloading facilities to the



satisfaction of the Commissioner for Transport or the TPB;

- (e) the design and provision of emergency vehicular access, water supplies for fire-fighting and fire services installations to the satisfaction of the Director of Fire Services or of the TPB;
- (f) the design and provision of noise mitigation measures, as proposed by the applicant, to the satisfaction of the Director of Environmental Protection or of the TPB;
- (g) the design and provision of a Residential Care Home for the Elderly with a Day Care Unit, with Net Operational Floor Area of not less than 1,376m<sup>2</sup>, and a Day Care Centre for the Elderly, with Net Operational Floor Area of not less than 358m<sup>2</sup>, in the proposed development, to the satisfaction of the Director of Social Welfare or of the TPB;
- (h) the submission of a revised Drainage Impact Assessment and implementation of drainage facilities identified therein, as necessitated by the proposed development, to the satisfaction of the Director of Drainage Services or of the TPB; and
- (i) the provision of waterworks reserve areas for protection of existing water mains and any diversion required by the proposed development to the satisfaction of the Director of Water Supplies or of the TPB.

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

- (a) to note that the approved Master Layout Plan (MLP), together with the set of approval conditions, would be certified by the Chairman of the TPB and deposited in the Land Registry (LR) in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into the revised MLP for deposition in LR as soon as practicable;

- (b) the approval of the application did not imply that any proposal on building design elements to fulfill the requirements under the Sustainable Building Design Guidelines, and any proposal on bonus plot ratio and/or gross floor area (GFA) concession for the proposed development would be approved/granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval. If the building design elements and the GFA concession were not approved/granted by the Building Authority and major changes to the current scheme were required, a fresh planning application to the TPB might be required;
- (c) to note the comments of the Chief Estate Surveyor/Railway Development, Lands Department (LandsD) that LandsD might impose terms and conditions as he sees fit as his sole discretion at the land grant stage. Besides, the applicant should seek prior agreement from Transport Department, Highways Department or other relevant Government departments on the management and maintenance responsibility of the reprovisioned bus terminus, footbridge, staircases, escalator and passenger lift;
- (d) to note the comments of the Chief Building Surveyor/New Territories East 2 & Rail, Buildings Department that the GIC facilities, the covered bus terminus and the covered footbridge within the lot were accountable for GFA under the Building (Planning) Regulations. Besides, the compliance with Sustainable Building Design Guidelines under PNAP APP-152 and GFA concessions would be assessed when building plans were submitted to his department for approval;
- (e) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant should be reminded that the site fell within Scheduled Area No. 2, where marble with cavities might be present underneath the site. Extensive geotechnical investigations would be required. Experienced geotechnical engineers should be involved both in the design and in the supervision of

geotechnical works that were related to the proposed development; and

- (f) to consider the Yuen Long District Council Members' suggestions on the scheme design raised at the Town Planning and Development Committee meeting held on 13.7.2011.

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

### **Agenda Item 34**

#### **Section 16 Application**

[Open Meeting]

A/YL-PS/347            Proposed Dangerous Goods Godown (Cat. 5 Dangerous Goods)  
in "Industrial (Group D)" zone,  
Lots 856 RP, 857 RP, 858 RP, 859 RP and 860 RP in D.D. 124  
and Lots 238, 239 and 367 in D.D. 127, Hung Tin Road,  
Ping Shan, Yuen Long  
(RNTPC Paper No. A/YL-PS/347)

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157.            The Committee noted that the applicant's representative requested on 7.7.2011 for a deferment of the consideration of the application for two months in order to allow time for him to prepare technical information and report on the issues raised by the Environmental Protection Department.

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

**Agenda Item 35**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/735            Temporary Open Storage of Construction Materials  
for a Period of 3 Years  
in “Comprehensive Development Area” zone,  
Lots No. 3268 (Part), 3272 (Part), 3273 (Part), 3274 (Part),  
3275, 3276 (Part), 3277, 3278, 3279, 3280 (Part), 3282 (Part),  
3283 (Part), 3284 (Part) and 3285 (Part) in D.D. 129 and  
Adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/735)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary open storage of construction materials for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site 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 use under application could be tolerated for a period of three years based on the assessment in paragraph 12 of the Paper. The site fell

within Category 1 areas under the TPB Guidelines No. 13E where favourable consideration would normally be given to applications within these areas. The applied use was not incompatible with the surrounding uses within the subject “Comprehensive Development Area” (“CDA”) zone which was predominantly occupied by open storage yards. Approval of the application on a temporary basis for a period of three years would not frustrate the planning intention of the “CDA” zone since there was not yet any programme/known intention to implement the zoned use on the OZP. The development was in line with the TPB Guidelines No. 13E in that the technical concerns of relevant departments could be addressed by way of approval conditions, there was no objection from locals, and no adverse comment from concerned Government departments had been received. DEP did not support the application as there were sensitive uses in the vicinity but there was no pollution complaint against the site over the past three years. To address DEP’s concern and mitigate any potential environmental impacts, approval conditions stipulating that no night-time operation and no operation on Sundays or public holidays were allowed, and limiting the stacking height of materials stored on-site could be imposed. The Committee had approved seven previous applications for various temporary open storage uses under Applications No. A/YL-HT/35, 95, 177, 256, 377, 437 and 605 on the site since 1997. Since granting the previous approval, there had been no material change in the planning circumstances. The Committee had also recently approved similar applications No. A/YL-HT/597, 598, 616, 653 and 689 for various temporary open storage and port back-up uses in the vicinity of the site. Approval of the subject application was thus in line with the Committee’s previous decisions.

160. Members had no question on the application.

#### Deliberation Session

161. The Chairperson said that the application could be supported as it fell within Category 1 areas, the site had previously been approved for similar open storage uses and no

environmental complaint against the site had been received in the past few years.

162. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.7.2014, 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 7:00 a.m., as proposed by the applicant, was allowed on the site during the approval period;
- (b) no operation on Sundays or public holidays was allowed on the site during the planning approval period;
- (c) the stacking height of materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence during the planning approval period;
- (d) the existing drainage facilities implemented under the previous approved Application No. A/YL-HT/605 should be maintained during the planning approval period;
- (e) the submission of a condition record of the existing drainage facilities approved under Application No. A/YL-HT/605 within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.1.2012;
- (f) the submission of a landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.1.2012;
- (g) in relation to (f) above, the implementation of the landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.4.2012;
- (h) the submission of 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 22.1.2012;

- (i) in relation to (h) above, the implementation of 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 22.4.2012;
- (j) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 22.1.2012;
- (k) in relation to (j) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 22.4.2012;
- (l) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (m) if any of the above planning conditions (e), (f), (g), (h), (i), (j) or (k) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (n) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

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

owner(s) of the application site;

- (c) to note the comments of the District Lands Officer/Yuen Long that the land under application comprised Old Scheduled agricultural lots held under the Block Government Lease, which contained the restriction that no structure was allowed to be erected without his prior approval. The lot owner was required to apply to him for his approval to allow erection of any structure. The occupier would also need to apply to him for occupation of the Government Land (GL) involved. He might, acting in the capacity as landlord, approve such application at his discretion and if such approval was granted, it would be subject to such terms and conditions including the payment of premium or fees as he might impose. The site was accessible to Ping Ha Road via a short stretch of GL. Vehicular access also required traversing through Government Land Allocation No. TYL825 granted to the Chief Engineer/Land Works, Civil Engineering and Development Department for 'Ping Ha Road Improvement – Remaining Works'. He did not provide maintenance works to the said GL nor guarantee right-of-way;
- (d) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (e) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the run-in/out at the access point at Ping Ha Road should be constructed in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114 or H5133, H5134 and



H5135, whichever set was 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;

- (g) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of layout plan(s). The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed fire service installations (FSIs) were to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant was required to provide justifications to him for consideration; and
  
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of planning approval should not be construed as an acceptance of the unauthorized structures on the site under the Buildings Ordinance (BO). Enforcement action might be taken to effect the removal of all unauthorized works should circumstances require. The existing structures that apparently had not obtained approval under the BO should be removed. The toilets and covered store were considered as temporary buildings which were subject to control under Building (Planning) Regulations (B(P)R) Part VII. Formal submission under the BO was required for any proposed new works, including any temporary structures. The site should be provided with means of obtaining access thereto from a street under B(P)R 5 and emergency vehicular access should be provided under B(P)R 41D. If the site was not abutting a specified street having a width not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at building plan submission stage.

[Dr. C.P. Lau left the meeting temporarily and Ms. Anna S.Y. Kwong returned to join the meeting at this point.]

**Agenda Item 36**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/737            Temporary Container Vehicle Park for a Period of 3 Years  
in “Comprehensive Development Area” zone,  
Lots No. 80 (Part) and 81 (Part) in D.D. 125, Lots No. 3239 (Part),  
3240 (Part), 3241 (Part), 3242, 3243, 3246, 3248, 2350 (Part),  
3251 S.A (Part), 3271 (Part), 3272 (Part), 3273 (Part),  
3274 (Part), 3280 (Part), 3281 (Part) and 3442 (Part) in D.D. 129  
and Adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/737)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary container vehicle park for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected;
- (d) one public comment was received from a Yuen Long District Council (YLDC) member during the first three weeks of the statutory publication period. The commenter objected to the application on the grounds that the access road leading to the site was narrow and unsuitable/unsafe for heavy vehicular use; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use under application could be tolerated for a period of three

years based on the assessment made in paragraph 12 of the Paper. The site fell within Category 1 areas under the TPB Guidelines No. 13E where favourable consideration would normally be given to applications within these areas. The applied use was not incompatible with the surrounding uses within the subject “Comprehensive Development Area” (“CDA”) zone which was predominantly occupied by open storage yards. Approval of the application on a temporary basis for a period of three years would not frustrate the planning intention of the “CDA” zone since there was not yet any programme/known intention to implement the zoned use on the OZP. The development was in line with the TPB Guidelines No. 13E in that the technical concerns of relevant departments could be addressed by way of approval conditions, there was no objection from locals, and no adverse comment from concerned Government departments had been received. DEP did not support the application as there were sensitive uses in the vicinity but there was no pollution complaint against the site over the past three years. To address DEP’s concern and mitigate any potential environmental impacts, approval conditions restricting that no night-time operation, and no operation on Sundays and public holidays were allowed could be imposed. The Committee had approved seven previous applications for various temporary open storage uses under Applications No. A/YL-HT/35, 95, 177, 256, 377, 437 and 605 on the site since 1997. Since granting the previous approval, there had been no material change in the planning circumstances. The Committee had also recently approved similar applications No. A/YL-HT/597, 598, 616, 653 and 689 for various temporary open storage and port back-up uses in the vicinity of the site. Approval of the subject application was in line with the Committee’s previous decisions. There was one objection from a YLDC member against the application on road safety ground. In this regard, it was noted that the site was accessible from Ping Ha Road via an adjoining logistics yard. The Commissioner for Transport, the Chief Highway Engineer/New Territories West of Highways Department and the Commissioner of Police had no comment on the application.

165. Members had no question on the application.

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

Deliberation Session

166. In response to the enquiry of the Chairperson, Mr. Ernest C.M. Fung said that application No. A/YL-HT/605, which had been revoked on 17.4.2011, was submitted by a different applicant for temporary open storage of construction machinery and construction materials with ancillary repair workshop, which was a different use as compared with the current application. Hence no shorter compliance periods were recommended.

167. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.7.2014, 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 (i.e. no vehicular movement in/out/within the site) between 7:00 p.m. to 7:00 a.m., as proposed by the applicant, was allowed on the site during the approval period;
- (b) no operation (i.e. no vehicular movement in/out/within the site) on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no vehicle without valid licences issued under the Traffic Regulations was allowed to be parked/stored on the site during the approval period;
- (d) the existing drainage facilities implemented under the previous approved Application No. A/YL-HT/605 should be maintained during the planning approval period;
- (e) the submission of a condition record of the existing drainage facilities approved under Application No. A/YL-HT/605 within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.1.2012;

- (f) the submission of a tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.1.2012;
- (g) in relation to (f) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.4.2012;
- (h) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 22.1.2012;
- (i) in relation to (h) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 22.4.2012;
- (j) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning conditions (e), (f), (g), (h) or (i) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (l) 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.

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

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

- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the comments of the District Lands Officer/Yuen Long that the land (except Lot No. 3442) under the site comprised Old Scheduled agricultural lots held under the Block Government Lease which contained the restriction that no structure was allowed to be erected without prior approval from the Government. Lot No. 3442 in D.D. 129 was a New Grant lot held under New Grant No. 635 which contained the restrictions that no structure should be erected on the lot and the grantee should only use the lot for the purpose of agriculture. The lot owner was required to apply to him for his approval to allow erection of any structure and the occupier was required to apply to him for occupation of the Government Land involved. Such application would be considered by Lands Department acting in the capacity as landlord at its sole discretion. If such approval was granted, it would be subject to such terms and conditions including the payment of premium or fees as he might impose. He did not guarantee right-of-way of the site's access from Ping Ha Road via other private land;
- (d) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (e) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly; and
- (f) to note the comments of the Director of Fire Services that portable hand-operated approved appliances should be provided as required by

occupancy and should be clearly indicated on plans for open storages. Detailed fire safety requirements would be formulated upon receipt of formal submission of layout plan(s). The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed fire service installations (FSIs) were to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant was required to provide justifications to him for consideration.

**Agenda Item 37**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/739            Renewal of Planning Approval for Temporary Convenience Store  
under Application No. A/YL-HT/560 for a Period of 3 Years  
in “Village Type Development” zone,  
Lot No. 1046 RP (Part) in D.D. 125 and Adjoining Government Land,  
Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/739)

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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary convenience store under Application No. A/YL-HT/560 for a period of three years;
- (c) departmental comments – the District Lands Officer/Yuen Long (DLO/YL) had reservation on the application as subsequent to the previous planning

approval, an offer of Short Term Tenancy No. 2184 to regularize the occupation of Government land (GL) had been issued to the occupier but the offer was not accepted, and enforcement action was being contemplated;

- (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 use under application could be tolerated for a further period of three years based on the assessment made in paragraph 12 of the Paper. The site was zoned “Village Type Development” on the OZP. As there was no Small House application on the site, the temporary use under application would not affect the long term planning intention of the site. Given the temporary nature and the small scale of the convenience store, it was not incompatible with the surrounding village settlements, and the development would not cause significant adverse environmental, visual or landscape impacts on the surrounding areas. In this regard, relevant Government departments had no objection to the application. With regard to DLO/YL's reservation on the application, the applicant would be reminded to make the necessary application for occupation of the GL. The Committee had approved two previous applications No. A/YL-HT/418 and 560 for the same use on the same site for a total period of six years with conditions on 29.7.2005 and 18.7.2008 respectively. The application was for renewal of the last approval under application No. A/YL-HT/560, and all conditions of the previous approval had been complied with. As there had been no significant change in the planning circumstances since the last planning approval, approval of the subject application was in line with the Committee's previous decisions.

170. Members had no question on the application.



Deliberation Session

171. The Chairperson remarked that the application could be supported as it was for renewal of a previously approved temporary use at the site and the applicant had complied with all the approval conditions.

172. After deliberation, the Committee decided to approve the application on a temporary basis for a further period of 3 years, from 30.7.2011 to 29.7.2014, 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 10:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) the drainage facilities implemented on the site under Application No. A/YL-HT/560 should be maintained during the planning approval period;
- (c) the submission of a condition record of the existing drainage facilities within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 29.1.2012;
- (d) the submission of a tree preservation and landscape proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 29.1.2012;
- (e) in relation to (d) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 29.4.2012;
- (f) the submission of a 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 29.1.2012;

- (g) in relation to (f) above, the implementation of the fire service installations proposal 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 29.4.2012;
- (h) if any of the above planning conditions (a) or (b) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (i) if any of the above planning conditions (c), (d), (e), (f) or (g) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (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.

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

- (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 (DLO/YL) that the land under application was part of an Old Scheduled agricultural lot held under the Block Government Lease, which contained the restriction that no structure was allowed to be erected without prior approval from the Government. The applicant should apply to him for a Short Term Waiver (STW) to permit structures to be erected or regularize any irregularities on-site, and re-apply to him for a Short Term Tenancy (STT) for the occupation of the Government land involved. Such application would be considered by Lands Department (LandsD) acting in the capacity as landlord at its sole discretion. If the application was approved, it would

be subject to such terms and conditions, including among others, the payment of premium/fees, as might be imposed by LandsD. Should the applicant decline to accept DLO/YL's offer of STT/STW to regularize the said irregularities, favourable consideration might not be given to any renewal application unless under exceptional circumstances;

- (c) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (d) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of the Director of Fire Services that the applicant should submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to him for approval. Detailed fire safety requirements would be formulated upon receipt of formal submission of layout plan(s). The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs were to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant was required to provide justifications to him for consideration; and
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of planning approval should not be construed as an acceptance of the unauthorized structures on-site under the Buildings Ordinance (BO). Enforcement action might be taken to effect the removal of all unauthorized works should circumstances require. The applicant should remove the existing structures that apparently had not

obtained approval under the BO. The temporary shelter, store room and convenience store were considered as temporary buildings which were subject to control under Building (Planning) Regulations (B(P)R) Part VII. Formal submission under the BO was required for any proposed new works, including any temporary structures. The site should be provided with means of obtaining access thereto from a street under B(P)R 5 and emergency vehicular access should be provided under B(P)R 41D. If the site was not abutting a specified street having a width not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage.

### **Agenda Item 38**

#### **Section 16 Application**

[Open Meeting]

A/YL-HT/741            Proposed Temporary Place of Recreation, Sports or Culture  
for a Period of 3 Years in “Green Belt” zone,  
Lots No. 1373, 1374, 1375, 1376, 1377, 1378 (Part), 1380 (Part),  
1381 (Part), 1382, 1383, 1384, 1385, 1386, 1387, 1389, 1390, 1391,  
1392 and 1393 (Part) in D.D.125 and Adjoining Government Land,  
Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/741)

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174.            The Committee noted that the applicant requested on 16.7.2011 for a deferment of the consideration of the application for two months in order to allow additional time to address the comments from the Chief Town Planner/Urban Design and Landscape, Planning Department.

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

for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

**Agenda Item 39**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/220      Temporary Sales of Vehicles with Ancillary Vehicle Repair Workshop for a Period of 3 Years in “Commercial/Residential” zone, Lot No. 2157 S.A ss.2 (Part), 2182 RP (Part) and 2183 RP (Part) in D.D. 129 and Adjoining Government Land, Lau Fau Shan, Yuen Long (RNTPC Paper No. A/YL-LFS/220)

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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary sales of vehicles with vehicle repair workshop for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected;
- (d) one public comment was received during the first three weeks of the statutory publication period. Designing Hong Kong Ltd objected to the application on the grounds that the development was incompatible with the planning intention of the “Commercial/Residential” (“C/R”) zone and Lau Fau Shan was a tourist spot of seafood market; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the temporary use under application based on the assessment made in paragraph 11 of the Paper. The site was zoned “C/R” on the Lau Fau Shan and Tsim Bei Tsui OZP. While the sales of vehicles was a kind of ‘shop and services’ use which was always permitted under the “C/R” zone, the temporary vehicle repair workshop under application was not in line with the planning intention of the “C/R” zone which was primarily for commercial and/or residential development. No strong justification had been given in the submission for a departure from the planning intention, even on a temporary basis. The temporary vehicle repair workshop was also incompatible with the surrounding residential/tourism developments to its southwest, west and northwest. The open storage uses in the vicinity of the site in the subject “C/R” zone were either existing uses tolerated under the Ordinance or suspected unauthorized developments which would be subject to enforcement action by the Planning Authority. There was no information in the submission or the submitted layout plan on the size and location of the vehicle repair workshop, and the types of vehicles being repaired. There was also no information in the submission to demonstrate that the development would not have adverse environmental impacts on the surrounding area. In this regard, DEP did not support the application. Since 2001, the Committee had rejected all five previous applications No. A/YL-LFS/70, 143, 147, 152 and 160 for various open storage and workshop uses at the subject site. The Committee had also rejected a similar application No. A/YL-LFS/140 involving the same temporary vehicle repair workshop use to the immediate south of the site. Since there had been no material change in the planning circumstances since the rejection of these applications, rejection of the current application was in line with the Committee's previous decisions. There was one public comment from Designing Hong Kong Ltd objecting to the application on the grounds that the development was incompatible with the planning intention of the “C/R” zone and Lau Fau Shan was a tourist spot.

177. Members had no question on the application.

Deliberation Session

178. The Chairperson stated that the application could not be supported as the application was not in line with the planning intention of “C/R” zone, the temporary use was not compatible with the surrounding land uses, all the five previous applications since 2001 had been rejected by the Committee and there had been no material change in the planning circumstances since the rejection of these applications.

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

- (a) the temporary vehicle repair workshop use was not in line with the planning intention of the “Commercial/Residential” zone, which was primarily for commercial and/or residential development. There was no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the temporary vehicle repair workshop was not compatible with the surrounding residential/tourism developments to its southwest, west and northwest; and
- (c) the temporary vehicle repair workshop would generate environmental nuisance on the surrounding areas, and there was no information in the submission on the size and location of the workshop, and to demonstrate that the development would not have adverse environmental impacts on the surrounding areas.

**Agenda Item 40**

**Section 16 Application**

[Open Meeting]

A/YL-NSW/204 Proposed Columbarium  
in “Government, Institution or Community” and “Undetermined” zones,  
Lots 879, 880 S.A ss1, 880 S.B ss1, 881 to 885,  
889 RP (Part), 891 (Part), 1318, 1326, 1344 (Part) in D.D. 115 and  
Adjoining Government Land, Au Tau, Nam Sang Wai, Yuen Long  
(RNTPC Paper No. A/YL-NSW/204)

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180. The Secretary reported that Ms. Anna S.Y. Kwong had declared an interest in this item as she had current business dealings with Environ Hong Kong Ltd, one of the consultants for the applicant. The Committee considered that since the interest of Ms. Kwong in this item was indirect and the applicant had requested for a deferment of consideration of the application, Ms. Kwong was allowed to stay in the meeting.

181. The Secretary continued to report that a missing page (page 2) for the Paper had been sent to Members before the meeting.

182. The Committee noted that the applicant’s representative requested on 7.7.2011 for a further deferment of the consideration of the application for two months as comments from several Government departments particularly the Environmental Protection Department (EPD) on the further information submitted on 1.6.2011 had been received and they needed more time to make detailed responses and further environmental assessments.

183. The Chairperson stated that the application had been deferred twice before to address the concerns of relevant Government departments on the application and the large number of public comments received. Further information had subsequently been submitted by the applicant on the technical aspects of the application but there were still outstanding issues that needed to be resolved.

184. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the



applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that a further period of two months were allowed for preparation of the submission of further information, and as a total period of six months had been allowed, no further deferment would be granted unless under very special circumstances.

[Professor Paul K.S. Lam returned to join the meeting at this point.]

#### **Agenda Item 41**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NSW/208      Temporary ‘Eating Place’ (Restaurant) for a Period of 5 Years  
in “Other Specified Uses” annotated “Comprehensive Development to  
include Wetland Restoration Area” zone,  
Lots No. 3719 S.G ss. 9 RP (Part) and 3719 S.G ss.10 (Part)  
in D.D. 104, Nam Sang Wai, Yuen Long  
(RNTPC Paper No. A/YL-NSW/208)

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

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

- (a) background to the application;
- (b) the temporary ‘eating place’ (restaurant) for a period of five years;
- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the application;
- (d) one public comment was received during the first three weeks of the

statutory publication period. The Fairview Park Property Management Ltd objected to the application mainly on traffic and environmental grounds; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary restaurant could be tolerated for a period of three years, instead of five years as proposed by the applicant, based on the assessment made in paragraph 12 of the Paper. The site was zoned “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” on the OZP and no residential development proposal had been approved by the Committee for the site or in its vicinity. The Committee had approved six previous applications No. A/YL-NSW/20, 40, 66, 111, 174 and 193 for temporary restaurant on the site for a period of three years since 1997. Since the previous application (No. A/YL-NSW/193) for temporary restaurant was approved by the Committee on 18.12.2009, there had been no change in planning circumstances. Hence, approval of the application on a temporary basis would not frustrate the planning intention of the area. The development was considered not incompatible with the surrounding land uses including residential developments at Man Yuen Chuen and Fairview Park as well as the commercial/residential developments along Fairview Park Boulevard. In addition, the development could provide catering services to local residents, workers as well as visitors in the area. According to TPB Guidelines No. 12B, the site fell within the Wetland Buffer Area (WBA). Since the applied use was local and minor in nature, the requirement of an ecological impact assessment could be exempted. As the site was located at a significant distance from the fish ponds and wetlands in the Deep Bay area and separated by the Fairview Park, the envisaged off-site impacts on the wetlands and fish ponds would be insignificant. In this regard, the Director of Agriculture, Fisheries and Conservation had no adverse comment on the application. In view of the nature and small-scale of the restaurant, it would unlikely cause adverse environmental, drainage and landscape impacts on the area, and relevant Government departments had no objection to the application. Nevertheless, as the site was located

within the WBA, a shorter period of three years, instead of five years sought, was recommended so that the Committee could closely monitor the situation. Since the previous application No. A/YL-NSW/193 had been revoked due to non-compliance with the approval conditions, shorter compliance periods were recommended to monitor the progress of compliance. One objecting comment had been received mainly on traffic and environmental grounds. In this regard, both the Commissioner for Transport and Director of Environmental Protection had no comment on the application.

186. Members had no question on the application.

#### Deliberation Session

187. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 22.7.2014, instead of 5 years sought, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the maintenance of the existing landscape planting on the site during the planning approval period;
- (b) the maintenance of the existing drainage facilities on the site during the planning approval period;
- (c) the submission of a condition record of the existing drainage facilities on site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.10.2011;
- (d) the submission of a fire service installations proposal within 3 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 22.10.2011;
- (e) in relation to (d) above, the provision of fire service installations proposed

within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 22.1.2012;

- (f) if any of the above planning conditions (a) or (b) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (g) if any of the above planning conditions (c), (d) or (e) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (h) 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.

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

- (a) as the site was located within the Wetland Buffer Area for the protection of the Deep Bay wetlands, a shorter approval period of 3 years, instead of 5 years sought, was given to closely monitor the situation to ensure that the temporary restaurant use would not have adverse impact on the environment and ecology of the area;
- (b) shorter compliance periods were given to monitor the progress of 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 might not be given by the Committee to any further application;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) the granting of the planning approval should not be construed as an

acceptance of the unauthorized structures on the site under Buildings Ordinance. Enforcement action might be taken to effect the removal of all the unauthorized works in the future;

- (e) to note the comments of the District Lands Officer/Yuen Long that the land within the site were Old Scheduled Agricultural Lots held under Block Government Lease under which no structures were allowed to be erected without prior approval of the Government. Short Term Waiver (STW) No. 2568 was granted permitted structures with built-over area not exceeding  $6\text{m}^2$  on Lot 3719 S.G ss.9 RP and  $550.81\text{m}^2$  on 3719 S.G ss.10 with a height not exceeding 5.18m for the purpose of a restaurant. A Building Licence (BL) No. 3636 was also granted for erecting a 3-storey New Territories Exempted House of 8.23m in height for non-industrial purpose with a roof-over area not exceeding  $65.03\text{m}^2$  and a gross floor area of not exceeding  $195.09\text{m}^2$ . His office would take enforcement action against any irregularities found in breach of the said STW and BL. The site was accessible to Man Yuen Road via a short stretch of Government land (GL). His office provided no maintenance work for the GL and did not guarantee right-of-way;
- (f) to note the comments of the Commissioner for Transport that the site abutted onto Man Yuen Road which was a private road and was not managed by the Transport Department. Therefore, the right-of-way was not guaranteed. The applicant should obtain consents from the owners of the private road for the access to the site;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his office was not responsible for the maintenance of any existing vehicular access connecting the site and Fairview Park Boulevard;
- (h) to follow the environmental mitigation measures as recommended in the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection

in order to minimize the potential environmental impacts on the adjacent area; and

- (i) to note the comments of the Director of Fire Services that the proposed fire hose reel system was not part of the licensing requirements of the general restaurant on G/F of the building.

#### **Agenda Item 42**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/539      Temporary Port Back-up Use and Cargo Handling Station  
for a Period of 3 Years in “Agriculture” zone,  
Lots 587 (Part), 589 RP (Part), 591 RP (Part), 592 RP (Part) and  
593 RP (Part) in D.D. 103, Ko Po San Tsuen, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTS/539)

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

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

- (a) background to the application;
- (b) the temporary port back-up use and cargo handling station for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as sensitive receivers were found in the vicinity of the site and environmental nuisance was expected;
- (d) two public comments against the application were received during the first three weeks of the statutory publication period. While a Yuen Long District

Council (YLDC) member objected to the application for adverse dust and noise nuisance to the local residents, a lot owner in the vicinity complained that the application site had encroached on his lot; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The site fell within Category 3 areas under the TPB Guidelines No. 13E where applications would normally not be favourably considered unless the applications were on sites with previous planning approvals. The development which required the operation of container vehicles (or heavy goods vehicles) was not compatible with the surrounding land uses which were predominated by residential structures/dwellings and agricultural land/ponds. Although applications for similar temporary open storage uses had been approved by the Committee, they were either subject to previous approvals (Application No. A/YL-KTS/355 and 460) granted by the Committee since 2000/2002 or the subject of a previous approval (Application No. A/YL-KTS/517) and no adverse comment had been received from DEP on that application. The application did not comply with the TPB Guidelines No. 13E in that there were residential dwellings/structures in the vicinity, and there was adverse comment from DEP on the application, and three environmental complaints against the site had been received in 2009 and 2010. There were two previous applications No. A/YL-KTS/484 and 504 for the same/similar port back-up and cargo handling-related uses rejected by the TPB on review on 16.4.2010 and 21.1.2011 mainly due to the concern on environmental nuisance on the nearby residential dwellings. There was no major change in planning circumstances that warranted a departure from the TPB's previous decisions. Besides, there were two public comments from a YLDC member and a member of the public against the application.

190. Members had no question on the application.

Deliberation Session

191. The Chairperson stated that the application could not be supported as the site fell within Category 3 areas and the temporary uses under application did not comply with the TPB Guidelines No. 13E as the development was not compatible with the nearby residential use.

192. Members then went through the reason for rejection as stated in paragraph 13.1 of the Paper and considered that it was appropriate. After deliberation, the Committee decided to reject the application. The reason was :

- the application did not comply with the Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ in that the development was not compatible with the surrounding land uses which were predominated by residential structures/dwellings, agricultural land, ponds and vacant land. The residential dwellings/structures located to the immediate east and north of the site and in the vicinity would be susceptible to adverse environmental nuisance generated by the development and there were adverse comments from the relevant Government department and local objections were received.

**Agenda Item 43**

Section 16 Application

[Open Meeting ]

A/YL-SK/164      Temporary Shop and Services (Real Estate Agency) and Ancillary Office for a Period of 3 Years in “Agriculture” and “Village Type Development” zones, Lot 1289 RP (Part) in D.D. 114 and Adjoining Government Land, Kam Sheung Road, Yuen Long  
(RNTPC Paper No. A/YL-SK/164)

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193. The Committee noted that the applicant’s representative requested on 6.7.2011



for a deferment of the consideration of the application for two months so as to allow time for him to address the public comments on the application.

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

#### **Agenda Item 44**

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

[Open Meeting]

A/YL-TT/284            Proposed Houses  
                              in “Residential (Group D)” zone,  
                              Lots 4989 RP, 4990 and 4991 (Part) in D.D. 116,  
                              Shung Ching San Tsuen, Tai Tong Road, Yuen Long  
                              (RNTPC Paper No. A/YL-TT/284)

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195. The Committee noted that the applicant’s representative requested on 8.7.2011 for a deferment of the consideration of the application for two months in order to allow him to have more time to prepare development plans of the proposed houses for addressing comments from Government departments on the application.

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

**Agenda Item 45**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/287            Proposed House (New Territories Exempted House – Small House)  
                                 in “Agriculture” zone,  
                                 Lot 1832 in D.D. 116, Chuk San Tsuen, Shap Pat Heung, Yuen Long  
                                 (RNTPC Paper No. A/YL-TT/287)

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Presentation and Question Sessions

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

- (a)    background to the application;
- (b)    the proposed house (New Territories Exempted House (NTEH) - Small House)
- (c)    departmental comments – the District Lands Officer/Yuen Long (DLO/YL) did not support the application as the application site was neither within “Village Type Development” (“V”) zone nor any “recognized village” in a DPA Plan/OZP and the subject application was not in line with the current Small House Policy. The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application as the site had high potential for agricultural rehabilitation;
- (d)    two public comments from Designing Hong Kong Ltd and Hong Kong Bird Watching Society were received during the first three weeks of the statutory publication period. The commenters 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 would

generate adverse environmental impacts on the surroundings; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. The proposed development was not in line with the planning intention of the “AGR” zone and DAFC did not support the application. DLO/YL also did not support the application as the proposed Small House was not in line with the current Small House Policy. The applicant had not demonstrated in the submission why land within the “V” zone of his own Tai Wai Tsuen or other recognized villages could not be made available for Small House development. Regarding the applicant's claim that two nearby Small Houses within the same “AGR” zone had been approved by the TPB, it should be noted that one of these two lots was related to redevelopment of the then existing building according to current NTEH standards which was always permitted under the OZP, and the other was related to the resiting of the house lot of the relevant licensee affected by the previous project ‘NWNT Development – Yuen Long Southern Bypass’. In this regard, the approval of the current application would set an undesirable precedent for similar applications within the “AGR” zone. Besides, two public comments against the application had been received mainly on land use incompatibility with the planning intention of the “AGR” zone and adverse environmental impact on the surrounding area.

198. Members had no question on the application.

#### Deliberation Session

199. The Chairperson stated that the application could not be supported as it was not in line with the planning intention of the “AGR” zone, adverse departmental comments on had been received and approval of the application would set an undesirable precedent for other applications.

200. Members then went through the reasons for rejecting the application as stated in paragraph 12.1 of the Paper and considered that they were appropriate. After deliberation,

the Committee decided to reject the application and the reasons were :

- (a) the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone which was to reserve land for agricultural purposes;
- (b) the applicant failed to demonstrate why land within the “V” zone of his own Tai Wai Tsuen or other recognized villages in Shap Pat Heung could not be made available for Small House development; and
- (c) the approval of the application would set an undesirable precedent for other similar applications within the “AGR” zone. The cumulative effect of approving such applications would result in the continued loss of good agricultural land.

#### **Agenda Item 46**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/539      Temporary Open Storage of Construction Materials, Machinery and Scrap Metal with Ancillary Site Office for a Period of 3 Years in “Undetermined” and “Village Type Development” zones, Lots 322 S.A (Part), 323 (Part), 324 (Part) and 1421 (Part) in D.D. 119, Tong Yan San Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/539)

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

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

- (a) background to the application;

- (b) the temporary open storage of construction materials, machinery and scrap metal with ancillary site office for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the site 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 uses under application could be tolerated for a period of one year based on the assessment made in paragraph 12 of the Paper. According to TPB Guidelines No.13E, the site fell largely within Category 1 areas (i.e. about 89.3% of the site in the “Undetermined” (“U”) zone) where favourable consideration would normally be given to applications within these areas, and partly within Category 4 areas (i.e. about 10.7% of the site in the “Village Type Development” zone) where applications would normally be rejected except under exceptional circumstances. The application was generally in line with the TPB Guidelines No.13E in that the concerns of relevant departments were technical in nature, and there were similar applications in this part of the “U” zone that had been approved with conditions. The “U” zone on the OZP was generally intended for open storage use but was designated with this zoning mainly due to concerns of the capacity of Kung Um Road. In this regard, approval of the application on a temporary basis would not frustrate the long term use of the area. The development was in general not incompatible with the surrounding mixed open storage yards, warehouses and workshops uses. Although DEP did not support the application, there had not been any environmental complaint in the past three years. To address DEP's concern, approval conditions restricting the operation hours, prohibiting the carrying out of workshop activities, prohibiting the storage of electronic waste and restricting the use of heavy goods vehicles could be

stipulated. Other than DEP, Government departments consulted generally had no adverse comment on the application. The last planning approval under Application No. A/YL-TYST/486 was revoked due to non-compliance with the approval condition which prohibited the storage of electronic waste. In this regard, a shorter approval period of one year had been recommended to monitor the situation.

202. Members had no question on the application.

### Deliberation Session

203. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year until 22.7.2012, instead of the period of 3 years sought, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no dismantling, repairing, cleansing or other workshop activities, as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (d) no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste was allowed on the application site at any time during the planning approval period;
- (e) no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance were allowed to

enter/exit the application site at any time during the planning approval period;

- (f) the existing drainage facilities implemented under Application No. A/YL-TYST/352 on the application site should be maintained at all times during the planning approval period;
- (g) the submission of a record of the existing drainage facilities on the application site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.10.2011;
- (h) the submission of tree preservation and landscape proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.10.2011;
- (i) in relation to (h) above, the implementation of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.1.2012;
- (j) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.10.2011;
- (k) in relation to (j) above, the implementation of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.1.2012;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (m) if any of the above planning conditions (g), (h), (i), (j) or (k) was not

complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and

- (n) 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.

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

- (a) the permission was given to the use/development under application. It did not condone any other use/development including the storage of recycling materials and used computer/electronic parts 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;
- (b) prior planning permission should have been obtained before commencing the applied use at the site;
- (c) a shorter approval period was allowed to monitor the situation on the site and shorter compliance periods for approval conditions were given correspondingly;
- (d) sympathetic consideration might not be given to any further application if the planning permission was revoked again due to non-compliance of approval conditions;
- (e) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (f) to note the comments of the District Lands Officer/Yuen Long that the site comprised Old Scheduled Agricultural Lots held under Block Government Lease which contained the restriction that no structures were allowed to be



erected without prior approval of the Government. No approval had been given for the specified structures as open shed, storeroom and office. Short Term Waiver No. 3225 had been issued to allow the erection of structures on Lot 323 in D.D. 119 for the purpose of ancillary use to storage of scrap metal and construction materials with a permitted site coverage of not more than 89.31m<sup>2</sup> and permitted height of not more than 5.2m. However, the lot owners concerned would still need to apply to his office to regularize any irregularities on-site. Such application would be considered by the Lands Department (LandsD) acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as imposed by LandsD. Besides, the site was accessible through an informal track on Government land and other private land extended from Shan Ha Road. His office provides no maintenance works for this track nor guarantees right-of-way;

- (g) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (h) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department should not be responsible for the maintenance of any access connecting the site and Shan Ha Road;
- (i) to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (j) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that 7 numbers of dead trees were found on-site that replacement planting was required. All the

existing and proposed trees should be clearly marked and differentiated on a landscape plan by using two different symbols in order to avoid confusion;

- (k) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that water mains in the vicinity of the site could not provide the standard pedestal hydrant;
- (l) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant 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 FSIs to be installed should be clearly marked on the layout plans. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority. Should the applicant wish to apply for exemption from the provision of certain FSIs as required, the applicant should provide justifications to his department for consideration;
- (m) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the unauthorized structures on-site, which were liable to action under section 24 of the Buildings Ordinance (BO), should be removed. The granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the BO and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structure, for approval under the BO was required. Container used as storage was considered as temporary building and subject to control under Building (Planning) Regulations (B(P)R) Part VII. If the site did not abut a specified street having a width of not less than 4.5m, the development

intensity should be determined under B(P)R 19(3) at the building plan submission stage. The applicant should also note the requirements on provision of emergency vehicular access to all buildings under B(P)R 41D; and

- (n) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. 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 PlanD, prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

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

#### **Agenda Item 47**

##### **Any Other Business**

205. There being no other business, the meeting closed at 6:00 p.m..