

## **TOWN PLANNING BOARD**

### **Minutes of 470th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 10.8.2012**

#### **Present**

Director of Planning  
Mr. Jimmy C.F. Leung

Chairman

Mr. Timothy K.W. Ma

Vice-chairman

Dr. C.P. Lau

Dr. W.K. Lo

Ms. Anita W.T. Ma

Dr. W.K. Yau

Dr. Wilton W.T. Fok

Mr. Ivan C.S. Fu

Mr. Lincoln L.H. Huang

Ms. Janice W.M. Lai

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

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

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

Assistant Director/New Territories,  
Lands Department  
Ms. Anita K.F. Lam

Deputy Director of Planning/District  
Miss Ophelia Y.S. Wong

Secretary

**Absent with Apologies**

Professor Edwin H.W. Chan

Professor K.C. Chau

Mr. Rock C.N. Chen

Ms. Christina M. Lee

Mr. H.F. Leung

**In Attendance**

Assistant Director of Planning/Board  
Ms. Christine K.C. Tse

Chief Town Planner/Town Planning Board  
Mr. Edward W.M. Lo

Town Planner/Town Planning Board  
Mr. K.K. Lee

**Agenda Item 1**

Confirmation of the Draft Minutes of the 469th RNTPC Meeting held on 20.7.2012

[Open Meeting]

1. The draft minutes of the 469th RNTPC meeting held on 20.7.2012 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

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

**Tuen Mun and Yuen Long District**

**Agenda Item 3**

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/TM-SKW/2            Application for Amendment to the Approved So Kwun Wat Outline  
Zoning Plan No. S/TM-SKW/11 from “Green Belt” to “Other  
Specified Uses” annotated “Columbarium”, Lots 138, 153 and 156 in  
D.D. 385, Tai Lam Chung, Tuen Mun  
(RNTPC Paper No. Y/TM-SKW/2)

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Presentation and Question Sessions

3. Mr. K.C. Kan, Senior Town Planner/Tuen Mun and Yuen Long (STP/TMYL), and the following applicants and their representatives were invited to the meeting at this point :

Mr. Wu Ting Yau	– Applicant
Mr. Wu Pang	– Applicant
Mr. Wu Wai Shing	– Applicant
Mr. Wu Yu Wai	– Applicants’ Representative
Mr. Wu Kin Shun	– Applicants’ Representative
Mr. Wu Wai Tong	– Applicants’ Representative

4. The Chairman extended a welcome and explained the procedures of the hearing. He then invited Mr. K.C. Kan, STP/TMYL, to brief Members on the background of the application. Mr. Kan did so as detailed in the Paper and made the following main points with the aid of a PowerPoint:

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

Background

- (a) the applicants proposed to amend the Approved So Kwun Wat OZP No. S/TM-SKW/11 by rezoning the application site from “Green Belt” (“GB”) to “Other Specified Uses” annotated “Columbarium” (“OU(Columbarium)”) to facilitate the development of a proposed columbarium for providing a total of 20,000 niches;
- (b) the site with an area of about 3,672 m<sup>2</sup> was located at Tai Lam Chung, Tuen Mun, with Tai Lam Chung Country Park to its east, two facilities of the Correctional Services Department to its north, Tai Lam Chung Tsuen to its west and Wong Uk, Wu Uk, some government facilities, a planned comprehensive development area for some 1,500 flats and 80 village houses to its southwest. The site was also within the 1 km radius Consultation Zone (CZ) of the Tai Lam Chung No. 2 Chlorination Station to its northwest, which was a potentially hazardous installation (PHI);
- (c) the site comprised 2 portions on a hillslope covered with vegetation. There were two permitted burial grounds to its north and south. No public transport was now serving the site. Access to the site had to pass via Tai

Lam Chung Road, a local road and the waterworks vehicular access of the Water Supplies Department which was about 3m in width. The walking distances from the nearest bus stop and green minibus stop were about 1,060m and 730m respectively;

The Proposal

- (d) according to the applicants, three buildings, each of 3 storeys (8.23m), and an incense burner of single storey (2.5m) were to be built on the northern portion of the site; and another three buildings, each of 2 storeys (6.5m), and an incense burner of single storey (2.5m) were to be built on the southern portion. The total floor area of the development was about 988 m<sup>2</sup>, of which about 35 m<sup>2</sup> was for office use. Eight parking spaces would be provided;

Applicants' Justifications

- (e) the applicants' justifications were detailed in paragraph 2 of the Paper and highlighted as follows :
  - (i) the proposed development would ease the insufficient supply of public columbarium;
  - (ii) the abandoned agricultural land of the site could be developed into beneficial uses;
  - (iii) the site was suitable for columbarium development as it was located uphill and adjacent to the Tai Lam Chung burials grounds, and would not affect the nearby residential dwellings; and
  - (iv) the applicants would submit a detailed assessment to respond to the requirements of the government departments after approval of the rezoning request;

Departmental Comments

- (f) the departmental comments were detailed in paragraph 9 of the Paper and highlighted as follows :
- (i) the Secretary of Food and Health (SFH) and the Director of Food and Environmental Hygiene (DFEH) generally supported proposals that would help boost the availability of niches provided that the private columbaria could comply with all statutory and government requirements;
  - (ii) the Director of Environmental Protection (DEP) was unable to support the application as the site fell within the CZ of the Tai Lam Chung No. 2 Chlorination Station which was a PHI but no hazard assessment on the PHI risk aspect was submitted by the applicants. Besides, the applicants had not addressed the potential smoke and odour emissions, noise and sewage issues. The applicants should solicit views of the relevant parties and nearby residents on their proposal at the early planning stage;
  - (iii) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the proposed columbarium development would need to clear the existing shrubs and trees on-site which would disturb the natural habitats. However, no submission was provided to address the potential ecological impacts;
  - (iv) the Commissioner for Transport (C for T) considered that the site was expected to attract significant traffic and pedestrian flow. The applicants should carry out a Traffic Impact Assessment (TIA), propose suitable traffic management measures on vehicular traffic and pedestrian flow, conduct a quantitative analysis for assessing the estimation of visitor numbers and predicting pedestrian flow and the impacts on the vicinity, and sort out the issues on maintenance and management of the village access and emergency vehicular access,

crowd control and the interface issues with the waterworks reserve areas and the planned CDA development;

- (v) the Commissioner of Police (C of P) raised objection to the application as there were inadequate traffic network to support the proposed columbarium and lack of transport service to cater for the influx of grave-sweepers during festive seasons. Serious traffic and crowd management issues would be created. A detailed TIA should be conducted by the applicants;
- (vi) the Chief Engineer/Mainland North of the Drainage Services Department (CE/MN of DSD) considered that the applicants had not provided information on site formation works and drainage although they stated in the Application Form that the proposed development would involve site formation;
- (vii) the Chief Town Planner/Urban Design and Landscape of the Planning Department (CTP/UD&L of PlanD) had reservation on the application from the urban design and visual impact perspective and objected to the application from the landscape planning perspective since the proposed development would not only involve the clearance of vegetation on the site itself but also on the wider area due to the need for construction of access roads. However, no tree survey for assessing the landscape impacts nor landscape proposal had been received from the applicants; and
- (viii) the District Officer (Tuen Mun) (DO(TM)) had received comments from 5 locals objecting or strongly objecting to the proposed columbarium on the grounds of traffic impact, proximity of the site to residential areas, leisure facilities and greenery, air quality impact and impacts on the landscape and property prices of the area.

[Dr. Wilton Fok joined the meeting at this point.]

Public Comments

- (g) during the first three weeks of the statutory publication period, a total of 494 public comments were received. Except one commenter, all other commenters objected or strongly objected to the application;
  
- (h) a large number of the objections were submitted by the local residents including 184 comments from the residents of Palatial Coast, 21 comments from Tai Lam Chung Tsuen/Wu Uk and 88 comments from residents living in Tuen Mun, Siu Lam and Tai Lam Chung. The main reasons of objection included :
  - (i) the proposed columbarium was adjacent to residential areas. The site shared the same access road with the nearby residents which would create nuisance to the residents;
  
  - (ii) the proposed columbarium was not compatible with the surrounding areas including the green belt and the leisure facilities of the Tai Lam Country Park;
  
  - (iii) approval of this application would set a precedent, encouraging similar developments in the area and changing the original setting of the area;
  
  - (iv) the burning of incense, joss paper and holding of ceremonies would have adverse air, noise and environmental impacts on the surrounding area, and would pose fire hazard to the nearby Country Park;
  
  - (v) the proposed columbarium with 20,000 niches would generate adverse traffic impact on the local road network, especially during Ching Ming/Chung Yeung Festivals, and would cause parking problem;



- (vi) the proposed development would have adverse landscape and visual impacts on the surrounding areas;
- (vii) the proposed columbarium would have adverse impact on public hygiene, would generate nuisance to the nearby residents, and would cause adverse psychological impact on the nearby residents, the patients living in the Siu Lam Hospital and the inmates in the Tai Lam Correctional Institution; and
- (viii) the rezoning and proposed columbarium would affect the property and rental values of the area, *fung shui* and community harmony;
- (i) a resident of Palatial Coast supported the application on the ground that the proposal could increase the provision of columbarium without affecting the environment. The commenter also suggested increasing the number of storeys and blocks of the proposed columbarium in order to substantially increase the supply of columbarium to ease the significant shortage of columbarium in Hong Kong;

PlanD's Views

- (j) PlanD did not support the application based on the assessments made in paragraph 11 of the Paper, which were summarized as follows :
  - (i) the current rezoning application to facilitate a private columbarium development would significantly affect the natural environment and integrity of the existing "GB" zone. The site was located in a relatively remote and tranquil part of So Kwun Wat and was currently covered and surrounded by dense vegetation. The proposed development was incompatible with the natural setting and the Country Park;
  - (ii) the applicants had not submitted any information to address the vehicular and pedestrian traffic impacts nor resolved the crowd

management issue. The site shared the same vehicular and pedestrian access with the existing and planned residential developments in the area, including Tai Lam Chung Tsuen, Luen On San Tsuen, Wong Uk, Wu Uk and a planned comprehensive residential development. The vehicular and pedestrian traffic to/from the proposed columbarium, in particular during Ching Ming and Chung Yeung Festivals, would generate nuisance to the nearby residents;

- (iii) the applicants had not submitted any hazard assessment and failed to demonstrate that the proposed rezoning for columbarium development would comply with the risk guidelines for the PHI. They had also not addressed the potential smoke and odour emissions, noise and sewage aspects;
- (iv) the construction of the proposed columbarium at the site and the construction/improvement of road for accessing the site would involve vegetation clearance beyond the site boundary. The works might also disturb the natural habitats. The applicants however had not submitted information to address the potential ecological impact, nor submitted any tree survey or landscape proposal;
- (v) the construction of buildings of up to 3 storeys at the site amid the vegetated area would have visual impacts but the applicants had not submitted any visual impact assessment;
- (vi) the approval of the rezoning application would set an undesirable precedent for other similar applications, the cumulative effect of approving such applications would result in degradation of the rural character and greenery of the area; and
- (vii) there were strong public objections to the application on the grounds of adverse environmental, traffic, visual and landscape impacts.

5. The Chairman then invited the applicants' representatives to elaborate on the application. Mr. Wu Kin Shun made the following main points :

- (a) PlanD had not consulted nor notified the applicants when their site was zoned "GB". Their private land should not be zoned "GB". If the applicants were aware of the zoning of the site to "GB" at the outset, they would have taken appropriate actions to object;
- (b) the area around the site had been used by the indigenous villagers as a burial ground for over a hundred years. The proposed columbarium was compatible with its surrounding settings. The proposed columbarium would be a beneficial use of their private fallow agricultural land, instead of leaving their land fallow and unmanaged. The applicants committed to take good management of their proposed development;
- (c) there was a shortage of columbarium niches in Hong Kong. Although the Government proposed to develop columbaria in all the 18 districts, there were local objections to those proposed columbaria in every district. The use of the applicants' private land for columbarium development could avoid a lot of problems including strong local objection. In the instant case, only some 400 objections were received. The proposed columbarium would help increase the supply of niches to meet the community needs, and yet would not have significant impact on the surrounding environment;
- (d) although the site was within the 1 km radius from the Chlorination Station, it was separated from the Station by a hill. Furthermore, chlorine was heavier than air so that it would sink in the atmosphere. As such, the alleged risk of the site in relation to the PHI some distance away was doubtful;
- (e) he was of the view that the normal average pedestrian traffic generated from the planned CDA development for some 1,500 flats and 80 village houses to the southwest should be much more than that of the proposed

columbarium development. Taking the cases of Tseung Kwan O Cemetery and Tsuen Wan Cemetery for example, not many people would visit those places in normal days, except during Ching Ming and Chung Yeung Festivals; and

- (f) as regards the requirements for various assessments to justify the proposed development, the applicants committed to provide all detailed assessments required to meet departmental concerns (including the requirement of the licensing authority) should the proposal be approved by the Board;

6. Mr. Wu Yu Wai made the following main points :

- (a) there were no advice from government departments on the requirement of submitting technical assessments at the outset when they submitted the application. It was until early August that PlanD convey the comments and requirements of the government departments on technical assessments to them. As they were not aware of the criteria of the Board in assessing their application, they did not put resources to do the assessments. There was not enough time to conduct such assessments when they were aware of such requirements at the later stage. If the Board rejected their application on the ground that they had not submitted the necessary supporting assessments, it would be unfair to them; and
- (b) the applicants noted from recent newspapers that the number of deaths in Hong Kong was around 50,000 persons per year. Although the Government was closely monitoring the issue, only around 120,000 public niches could be supplied in the coming years. The applicants hoped that the proposed columbarium could help ease the high demand for niches in Hong Kong.

7. The Vice-chairman asked the applicants if they had ever thought of engaging consultants to help them on the required technical assessments. In response, Mr. Wu Kin Shun indicated that they would conduct detailed assessments to the satisfaction of the relevant departments and comply with the requirements of licensing authority if the

application was approved by the Board. The Chairman said that the proposed licensing system for private columbarium was not yet set up in Hong Kong.

8. A Member asked the applicants if they had given any thought on how to address the concerns raised by the 400 objections to their proposal. In response, Mr. Wu Yu Wai said that people in Hong Kong tended to raise objections to almost all kind of matters. The government departments and the Board should consider whether the objections were reasonable.

9. Another Member said that, in view of the various technical concerns from the government departments, the applicants should consider engaging consultants to undertake the necessary technical assessments. Having said that, this Member asked the applicants whether they would be able to address the departmental concerns at the meeting.

10. On the traffic issue, Mr. Wu Kin Shun said that public transport was available along the Castle Peak Road – Tai Lam section and the proposed columbarium was only some 1,000m away from the public transport facilities. Most visitors would take public transport and then walk to the proposed columbarium. They would not allow visitors to drive their private cars to the proposed columbarium during Ching Ming and Cheung Yeung Festivals. Compared with the daily traffic generated by the existing and proposed residential developments to the south of the application site, Mr. Wu was of the view that the proposed columbarium would not create significant traffic impact as visitors would only come during festival times. Mr. Wu further said that it should be the responsibility of the Transport Department, and not the applicant, to undertake traffic impact assessment (TIA).

11. The Chairman clarified that the applicant should be responsible for submitting the necessary supporting technical assessments at the planning application stage for the consideration of the concerned government departments and the Board. When the application for the proposed residential development to the south of the application site was submitted, TIA was included in the submission for the consideration of the Board.

12. Noting the applicants' claim that the risk posed to the application site by the PHI would not be significant as the site was separated from the PHI by a hill, the Vice-chairman asked the representative of Environmental Protection Department (EPD) to give comment on

such assertion. Mr. H.M. Wong said that there was no information from the applicants which could demonstrate whether or not the risk level of the application site would be acceptable. He pointed out that other than topographical consideration, there were factors in risk assessment such as the prevailing wind direction which might have an implication on the risk level.

13. Mr. Wu Kin Shun asked if there was any reported incident on leakage of chlorine from the Chlorination Station in the past 20 years. Mr. H. M. Wong said that the safety level of the PHI was not proved by the number of incidents. The primary purpose of the risk assessment was to examine the level of off-site risk associated with a PHI. The assessment was a probability analysis to identify the risk level within the CZ posed by a PHI on the existing and planned population, both permanent and transient, and to determine whether such risk level was acceptable in meeting the safety standards and guidelines. Since there was no such information from the applicants, EPD would not be in a position to comment on the risk level of the proposed columbarium. To support their application, the applicants should have conducted a risk assessment on the level of risk that the permanent and transient population of the area would be exposed to. Mr. Wu said that he was willing to conduct the required risk assessment.

14. As the applicants and their representatives had no further points to raise and there were no further questions from Members, the Chairman informed them that the hearing procedures for the application had been completed and the Committee would deliberate on the application in their absence and inform the applicants of the Committee's decision in due course. The Chairman thanked the applicants and their representatives and PlanD's representative for attending the hearing. They all left the meeting at this point.

#### Deliberation Session

15. The Chairman said that it was the applicants' responsibility to demonstrate to the Board that their proposed development would not generate adverse impacts on the surrounding areas by conducting the required technical assessments. The Vice-chairman further said that the technical assessments should be submitted prior to the approval of the application so that the Board could have a thorough understanding of the impacts of the proposed development before making a decision. He noted that it was apparent that the applicants themselves did not have the professional competence to formulate a professionally

sound and feasible development proposal. He said that it would be useful to advise the applicants on the requirements in making planning applications. The Secretary said that in the subject case, DPO/TMYL had informed the applicants of the comments of the concerned government departments and advised the applicants to address the technical concerns of departments. However, the applicants decided to continue with the application without the necessary technical assessments.

16. Noting the comments of government departments on the application and the justifications provided by the applicants, Members generally considered that the application should not be approved.

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

- (a) the area where the site was located had dense vegetation and trees and was in proximity to Tai Lam Country Park. The proposed rezoning for columbarium development would significantly affect the natural environment of the site and the proposed development was incompatible with the surrounding area. The “Green Belt” (“GB”) zone was appropriate for the area and there were insufficient justifications for the proposed zoning to columbarium use;
- (b) the proposed columbarium with 20,000 niches would pose potential adverse vehicular and pedestrian traffic impacts on the surrounding road network, in particular during the Ching Ming and Chung Yeung Festivals. The applicants failed to demonstrate that the road access, traffic impact and crowd management issues associated with the proposed columbarium could be satisfactorily addressed;
- (c) the application site was within the 1 km Consultation Zone (CZ) of the Tai Lam Chung No. 2 Chlorination Station, which was a potentially hazardous installation (PHI). The applicants failed to demonstrate that the proposed rezoning for columbarium development resulting in significant increase in visitors and workers in the CZ would comply with the risk guidelines for

the PHI;

- (d) the proposed development would pose adverse environmental, ecological, drainage, sewerage, visual and landscape impacts on the surrounding area and/or at the application site. The applicants failed to demonstrate that the adverse impacts created by the proposed development could be satisfactorily addressed; and
- (e) the approval of the application would set an undesirable precedent for similar rezoning applications within the “GB” zone. The cumulative effect of approving such applications would result in degradation of the natural character and greenery of the area.

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

#### **Agenda Item 4**

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

[Open Meeting (Presentation and Question Sessions only)]

Y/I-CC/1                      Application for Amendment to the Approved Cheung Chau Outline Zoning Plan No. S/I-CC/5 from “Other Specified Uses” annotated “Shipyard and Ship Repairing Workshop” to “Commercial (3)”, No. 6 Ping Chong Road, Cheung Chau Lot 1768, Cheung Chau  
(RNTPC Paper No. Y/I-CC/1)

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

18.            Mr. Ivan M.K. Chung, District Planning Officer/Sai Kung and Islands (DPO/SKIs), Mr. Tim T.Y. Fung, Senior Town Planner/Sai Kung and Islands (STP/SKIs), and the following representatives of the applicant were invited to the meeting at this point :



Ms. Yip Siu Kwan, Sandra

Mr. Leung Tak Shun

Mr. Tang Yiu Pang

19. The Chairman extended a welcome and explained the procedures of the hearing. He then invited Mr. Tim T.Y. Fung, STP/SKIs, to brief Members on the background of the application. Mr. Fung did so as detailed in the Paper and made the following main points with the aid of a PowerPoint:

Background

- (a) the applicants proposed to amend the Approved Cheung Chau Outline Zoning Plan (OZP) No. S/I-CC/5 by rezoning the application site from “Other Specified Uses” annotated “Shipyard and Ship Repairing Workshop” (“OU(Shipyard and Ship Repairing Workshop)”) to “Commercial (3)” (“C(3)”) to facilitate the conversion of an existing 2-storey commercial building on the site from shop and store use to restaurant use;

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

- (b) the site was located at the north-western side of Cheung Chau. It was occupied by an existing 2-storey commercial building which was currently vacant. It took about 10 to 15 minutes to walk from Cheung Chau Ferry Pier to the site and some village type houses with eating places/shops at G/F were found along the road. To the immediate west of the site was a piece of vacant land zoned “Government, Institution or Community (4)” (“G/IC(4)”) on the OZP. To the immediate south and to the southwest were some existing industrial buildings and shipyards falling within the “OU(Shipyard and Ship Repairing Workshop)” zone. To the east were some government, institution or community (GIC) facilities, including a fire station and a pumping station. To the further east were mainly village type housing with G/F eating places/shops;

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

- (c) the applicant intended to make use of the existing commercial building on the site for restaurant use. The use and development parameters under the current scheme, including the site area of about 696.69 m<sup>2</sup>, building height of 2 storeys (7.62m), total gross floor area (GFA) of about 1,018 m<sup>2</sup>, plot ratio (PR) of about 1.461 m<sup>2</sup> and site coverage (SC) of 75%, were in line with the parameters permitted under lease and the approved building plans of 1991. The existing building was designed for shop use on G/F and storage use on 1/F under the approved building plans. Such type of commercial building was quite common in Cheung Chau;
- (d) the proposed conversion works involved mainly changes in the internal layout of the existing building, with the GFA, SC and building height remained unchanged;
- (e) the Schedule of Uses for the “C(3)” zone was the same as that of the existing “C” zone under the OZP. A maximum building height restriction of 2 storeys (7.62m) was proposed for the “C(3)” zone which was same as the height restriction under the current “OU(Shipyards and Ship Repairing Workshop)” zone, the government lease and the approved building plans;

Departmental Comments

- (f) the departmental comments were detailed in paragraph 9 of the Paper. Government departments consulted, including the District Lands Officer/Islands of the Lands Department, the Chief Building Surveyor/New Territories East(1) & Licence, Buildings Department, the Chief Town Planner/Urban Design and Landscape of the Planning Department and the Director of Fire Services, had no adverse comment on the application;
- (g) the Director of Environmental Protection had no objection to the proposed restaurant development but had reservation on the proposal to rezone the site to “C” since sensitive uses, such as religious institution and hotel,

might be allowed on the “C” zone without any planning control, which could lead to ‘industrial/residential’ interface problem with the adjacent “OU(Shipyard and Ship Repairing Workshop)” zone and industrial buildings.

Public Comments

- (h) during the first three weeks of the statutory publication period, 2 public comments were received. One commenter, who was a Member of the Peng Chau/Cheung Chau/Lamma Area Committee, had no objection to the application. The other commenter who was a private individual agreed to the rezoning proposal as the site had been left vacant for many years, the proposal of the applicant could improve employment and provide a sizable eating place.

PlanD's Views

- (i) PlanD partially supported the application for rezoning the site from “OU(Shipyard and Ship Repairing Workshop)” to an appropriate zone to facilitate the proposed restaurant use, subject to a maximum PR of 1.5 and a maximum building height of 2 storeys (7.62m), but considered that the Notes of the “C(3)” zone as proposed by the applicant had to be refined in consultation with departments concerned, based on the assessments made in paragraph 11 of the Paper, which were summarized as follows :
  - (i) the site had gone through lease modification in 1990 to permit ‘godown or non-industrial (excluding residential, hotel and hostel)’ purposes. Building plans for a 2-storey commercial building with G/F used for shops and 1/F for storage was approved by the Building Authority in 1991 and the building was completed in 1992. The building had been left vacant since then;
  - (ii) concerned departments had no objection to the proposed restaurant use at the site. The proposed restaurant would not generate

significant adverse impacts on the surrounding areas in terms of environment, drainage and traffic;

- (iii) the current “OU(Shipyard and Ship Repairing Workshop)” zoning might no longer be appropriate for the site. As the site was located in a transitional area between industrial/infrastructural uses to the west and GIC and village type developments to the east, the current rezoning application to facilitate restaurant use could help put the site to a better alternative use;
- (iv) although there was no in-principle objection to the proposed restaurant use at the site, the applicant’s proposed Notes for the “C(3)” zone would include a wide range of uses which were not related or ancillary to restaurant use (e.g. hotel, school, religious institution, flat, residential institution) and might not be compatible with the surrounding industrial workshops. DEP had reservation on the proposed “C” zone as it might allow sensitive uses at the site and lead to ‘industrial/residential’ interface problem. As such, the proposed “C(3)” zone and its Notes as proposed by the applicant would need to be refined in consultation with relevant government departments; and
- (v) taking into consideration the proposed development parameters, the existing building in the surrounding areas, the lease entitlement of the site and the development restrictions of surrounding land use zones, it was suggested that a maximum PR of 1.5 and a maximum building height of 2 storeys (7.62m) be specified for the site upon rezoning;

20. The Chairman then invited the applicant’s representative to elaborate on the application. Ms. Yip Siu Kwan, Sandra said that she had nothing to supplement as their proposed restaurant use at the site was agreed in-principle by PlanD.

21. As the applicants' representatives had no further points to raise and there were no further questions from Members, the Chairman informed them that the hearing procedures for the application had been completed and the Committee would deliberate on the application in their absence and inform the applicant of the Committee's decision in due course. The Chairman thanked the applicants' representatives and PlanD's representative for attending the hearing. They all left the meeting at this point.

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

### Deliberation Session

22. A Member said that restaurant was a suitable use at the site, but the proposed Notes of the "C(3)" zone had included uses that might not be compatible with the surrounding land uses. The Secretary said that it was why PlanD agreed to the proposed restaurant use but not the proposed Notes for the "C(3)" zoning. Should the Committee agree to the proposed restaurant use, PlanD would propose an appropriate zoning and Note for the consideration of the Committee in due course.

23. Another Member agreed that restaurant was a suitable use at the site to serve the need of the local residents and tourists. He asked if the applicant could use the site for restaurant if the subject application was not approved. In response, the Chairman said that while restaurant use was permitted under lease, the proposed restaurant was not permitted under the current zoning on the OZP and hence the zoning had to be amended to allow for the proposed restaurant use.

24. After deliberation, the Committee decided to partially agree to the application by rezoning the application site from "Other Specified Uses" annotated "Shipyard and Ship Repairing Workshop" to an appropriate zoning to cater for the proposed restaurant use. The Committee decided not to agree to the proposed Notes for the "C(3)" zone as it would include a wide range of uses which were not related or ancillary to restaurant use (e.g. hotel, school, religious institution, flat, residential institution) and might not be compatible with the surrounding industrial workshops, and DEP had reservation on the proposed "C" zone as it might allow sensitive uses at the site and lead to 'industrial/residential' interface problem. The Chief Executive in Council would be requested to refer the approved Cheung Chau OZP

No. S/I-CC/5 to the Board for amendments. The proposed amendments to the OZP would be submitted to the Committee for agreement prior to publication under section 5 of the Town Planning Ordinance.

[Mr. Ivan M.K. Chung, DPO/SKIs, and Mr. Charles C.F. Yum, STPs/SKIs, were invited to the meeting at this point.]

### **Agenda Item 5**

[Open Meeting]

Proposed Amendments to the

Approved Sai Kung Town Outline Zoning Plan No. S/SK-SKT/4

(RNTPC Paper No. 5/12)

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25. Ms. Janice W.M. Lai had declared an interest in this item as her spouse owned a shop in Sai Kung. The Committee noted that Ms. Lai had left the meeting at this point.

26. With the aid of a PowerPoint, Mr. Charles C.F. Yum, STPs/SKIs, briefed Members on the proposed amendments to the approved Sai Kung Town Outline Zoning Plan (OZP) as detailed in the Paper and covered the following main points:

#### **Background**

- (a) the 2011-2012 Policy Address had put forward various measures for expanding land resources in Hong Kong, including identification of suitable sites for housing use;
- (b) On 6.12.2011, the Chief Executive in Council (CE in C) referred the approved Sai Kung Town OZP No. S/SK-SKT/4 to the Board for amendment. The proposed amendments involved mainly the rezoning of two government, institution or community (GIC) sites at Hong Tsuen Road and Hong Kin Road respectively for residential use;

- (c) the two sites were within the Consultation Zone (CZ) of the potentially hazardous installation (PHI) of Pak Kong Water Treatment Works (PKWTW) to the west. A Hazard Assessment (HA) for proposed residential development at the sites had been carried out. The findings of the HA revealed that residential development at the two sites would not result in unacceptable fatal risk impact with respect to the operation of PKWTW;

*The Site at Hong Tsuen Road*

- (d) the site at Hong Tsuen Road was about 0.87 ha in area. It was currently zoned “Government, Institution or Community (4)” (“G/IC(4)”) on the OZP. The site was occupied by some temporary uses including workshop and open storage of recycling materials, works area for sewerage project and contractor’s depot. To the southwest of the site were an electricity substation, a waterworks depot and the Sai Kung Fire Station which was 3 storeys in height. To the west was an area zoned “Residential (Group D)” (“R(D)”) on the Pak Kong and Sha Kok Mei OZP which was mainly occupied by village houses of 3 storeys. To the northeast was a cluster of godown and industrial buildings and to the further east was the residential development of Lakeside Garden which was 8 to 13 storeys in height;
- (e) residential use at the site was considered compatible with the surrounding land uses, which comprised the residential development of Lakeside Garden and the village houses on the “R(D)” zone in the vicinity. Although there were some industrial uses to the northeast, the area was zoned “Residential (Group E) 1” (“R(E)1”) on the OZP and was intended for residential use in the long term. As the industrial buildings were mainly used as godowns and for non-polluting industries, the potential industrial/residential interface problem should not be significant. The Environmental Protection Department (EPD) did not raise objection to the proposed residential use at the site;

- (f) being situated adjacent to Hiram's Highway, residential development at the site might be susceptible to noise and emission from the traffic of Hiram's Highway. Whilst there was no objection to residential development at the site, EPD advised that the noise and emission problems could be dealt with by building setback and noise barrier or other options/mitigation measures at the detailed design stage;
- (g) both Transport Department (TD) and Highways Department (HyD) had no objection to the proposed residential development at the site as the access to the site was at Hong Tsuen Road and adverse traffic impact was not envisaged;
- (h) although there were some vegetation at the site, there were no old and valuable trees. Residential development at the site would replace the existing temporary uses on-site and enhance the environment of the area;
- (i) the site was proposed to be rezoned from "G/IC(4)" to "Residential (Group B) 4" ("R(B)4") with a maximum plot ratio (PR) of 2, a maximum site coverage (SC) of 40% and a maximum building height of 8 storeys (excluding basements);

*The Site at Hong Kin Road*

- (j) the site at Hong Kin Road was about 0.35 ha in area. It was currently zoned "G/IC" on the OZP. The site was being used as a plant nursery by Leisure and Cultural Services Department (LCSD);
- (k) the areas to the east and south of the site, including Tui Min Hoi New Village, Kwun Mun Fishermen Village, Fishermen Housing Estate and Tui Min Hoi Chuen, were for residential use with buildings of 3 to 5 storeys;
- (l) the site was flat, located at a secluded area and served by Hong Kin Road. Residential use at the site would be compatible with the surrounding low-rise residential buildings. Although there were some trees at the sites,



they were located at the site periphery which could be protected through design of the development;

- (m) the site was proposed to be rezoned from “G/IC” to “Residential (Group B) 5” (“R(B)5”) with a maximum PR of 1.4, a maximum SC of 40% and a maximum building height of 5 storeys (excluding basements);

Proposed Amendments to the OZP

- (n) the proposed amendments to the OZP included:
  - (i) Amendment Item A – to rezone the site at Hong Tsuen Road from “G/IC(4)” to “R(B)4” with a maximum PR of 2, a maximum SC of 40% and a maximum building height (BH) of 8 storeys (excluding basements);
  - (ii) Amendment Item B – to rezone the site at Hong Kin Road from “G/IC” to “R(B)5” with a maximum PR of 1.4, a maximum SC of 40% and a maximum building height (BH) of 5 storeys (excluding basements); and
  - (iii) to revise the Explanatory Statement (ES) of the OZP to reflect the amendments and to update the general information of various land use zones where appropriate.

Consultation

- (o) Government departments consulted raised no objection to and no insurmountable problem for the two proposed rezoning sites;
- (p) the Sai Kung District Council would be consulted on the proposed amendments during the exhibition period of the draft OZP for public inspection under section 5 of the Ordinance.

27. After deliberation, the Committee decided to :
- (a) agree that the proposed amendments to the approved Outline Zoning Plan (OZP) No. S/SK-SKT/4 as shown on the draft OZP No. S/SK-SKT/4A (to be renumbered as S/SK-SKT/5 upon exhibition) at Appendix II of the Paper and the draft Notes at Appendix III of the Paper were suitable for exhibition for public inspection under section 5 of the Ordinance; and
  - (b) adopt the revised Explanatory Statement (ES) at Appendix IV of the Paper for the draft OZP No. S/SK-SKT/4A (to be renumbered as S/SK-SKT/5) as an expression of the planning intentions and objectives of the Board for various land use zonings on the Plan and the revised ES would be published together with the draft Plan.

[Mr. Frankie W.P. Chou left and Ms. Janice W.M. Lai returned to the meeting at this point.]

### **Agenda Item 6**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/DPA/SK-PL/2      Proposed Redevelopment of 5 Houses (New Territories Exempted Houses) in “Unspecified Use” area, Lots 78 S.A, 78 RP, 79, 82, 83 S.A, 83 RP, 84 and 85 in D.D. 368, Pak Lap Village, Sai Kung  
(RNTPC Paper No. A/DPA/SK-PL/2)

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

28. Mr. Charles 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 proposed redevelopment of 5 houses (New Territories Exempted Houses (NTEHs));

- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The District Lands Officer/Sai Kung of the Lands Department (DLO/SK of LandsD) advised that the subject lots were Old Scheduled Lots for “House” use under the Block Government Lease. He had granted approval for rebuilding 14 NTEHs including the subject 5 NTEHs on 20 lots on 30.1.2007 prior to the first publication of the Development Permission Area (DPA) Plan. Certificates of Exemption (CoEs) in respect of Building Works, Drainage Works and Site Formation Works were issued for the 5 NTEHs on 16.2.2012. The footprints of the proposed NTEHs also fell entirely within the village environs (‘VE’) of the recognized village;
  
- (d) eighteen public comments were received during the first three weeks of the statutory publication period. Five comments were submitted by environmental concern groups, including Kadoorie Farm & Botanic Garden Corporation, the Hong Kong Bird Watching Society, World Wide Fund for Nature Hong Kong, Designing Hong Kong Ltd. and Green Animals Education Foundation Ltd. The other thirteen comments were submitted by members of the public, twelve of them were submitted in the form of standard letters. All the commenters objected to the application as they considered that the site involved “destroy first, build later” activities, there was an illegally formed access road within Country Park and approval of the application could affect the environment nearby. No local objection/view was received by the District Officer (Sai Kung); and
  
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments made in paragraph 12 of the Paper. The application should be treated as an exceptional case as the site had building status and there were no adverse impacts on the surrounding areas. Regarding the public comments on “destroy first, build later” activities, it should be noted that the excavation works in the northern and eastern parts of Pak Lap in 2009 took place prior to the publication of the draft DPA Plan on 30.9.2010. Since the publication of the DPA Plan, there had been no change to the existing condition of the site and there was also no

planning enforcement case related to the site. It was not appropriate to consider the application as “destroy first, build later”. As to the illegally formed access road within Country Park, the Director of Agriculture, Fisheries and Conservation (DAFC) would follow up under the Country Parks Ordinance (Cap. 208). Besides, the current application did not involve tree felling and concerned government departments consulted, including DAFC, the Chief Town Planner/Urban Design and Landscape of the Planning Department (CTP/UD&L of PlanD) and the Director of Environmental Protection (DEP), had no objection to the application.

29. Members had no question on the application.

#### Deliberation Session

30. The Chairman asked if the other 9 NTEHs which were approved together with the subject 5 NTEHs by DLO/SK of LandsD in 2007 had commenced construction. In response, Mr. Charles C.F. Yum replied that the other 9 NTEHs had not commenced construction and they were required to obtain planning permission from the Board before commencement of construction.

31. A Member noted that the site for the rebuilding of the 14 NTEHs, as approved by LandsD, was currently not occupied by any building structures and the existing village houses were concentrated at a distance to the southwest of the application site. In reply, Mr. Ivan M.K. Chung said that the application site comprised Old Scheduled Lots for “House” use, though building structures were no longer found there. LandsD had approved the rebuilding of 14 NTEHs in the application site and the surrounding area. As the NTEHs fell within an area designated as “Unspecified Use” on the DPA Plan, all new NTEHs which had not yet been built, including the 5 NTEHs under application, required planning permission from the Board.

32. Another Member said that planning applications for the remaining 9 NTEHs would likely be submitted separately to the Board by batches. The same Member was concerned that the individual submissions would result in an un-coordinated and un-orderly layout and disposition of houses which was undesirable. The Chairman said that according

to Plan A-2b of the Paper, the approved location for the rebuilding of the 14 NTEHs by LandsD had followed an orderly pattern that they were arranged in 2 rows of developments.

33. In response to another Member's question on the 'VE' boundary, Mr. Ivan M.K. Chung said the 'VE' of Pak Lap was shown by a hatched line on Plan A-1 of the Paper and it covered nearly the whole planning scheme area of the Pak Lap DPA Plan. There was no "Village Type Development" ("V") zone on the DPA Plan. The boundary of "V" zone would be worked out in the preparation of OZP stage. The Secretary added that the DPA Plan provided an interim planning control and guidance for development and enabled enforcement action to be taken against any unauthorized development. Detailed land use zonings would be worked out by PlanD during the OZP preparation stage taking account of relevant studies and assessments required.

34. 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 10.8.2016, 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;
- (b) the submission of stormwater drainage proposal and the provision of drainage facilities identified therein to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the submission of sewerage proposal and the provision of sewage disposal facilities identified therein to the satisfaction of the Director of Drainage Services or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Sai Kung, Lands Department (LandsD) that the applicant should seek consent from the TPB and relevant departments before commencement of any works on the adjoining lots. Besides, it was noted that the areas of the lots as shown on the application were slightly different from the approved built-over areas of the lots. The applicant should be reminded that the area of each house to be rebuilt should not exceed its approved built-over area;
- (b) to note the comments of the Director of Agriculture, Fisheries and Conservation that there were some trees close to the proposed site for House 1, the applicant should ensure that no tree in the vicinity would be affected by any necessary site formation works of the subject lot. In addition, Pak Lap Village could only be accessed via existing footpaths that pass through the Sai Kung East Country Park and there was no vehicular road access to the village. The applicant should be reminded that any vehicle entry into the Country Parks and/or any proposed works that encroach onto Country Park areas require prior permission from the Country and Marine Parks Authority. In any circumstance, any proposed widening of the existing footpaths for bringing in vehicles to facilitate the proposed works would not be favoured from the Country Parks perspective;
- (c) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that for provision of fresh water supply to the proposed development, the applicant might need to extend his/her 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 satisfaction;
- (d) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department (DSD) that the application site was within an area

where there was no DSD's sewerage connection available in the vicinity at present. The applicant was required to provide sewage disposal facilities;

- (e) to note the comments of the Chief Building Surveyor/New Territories East 2 & Rail, Buildings Department that all non-exempted ancillary site formation and/or communal drainage works were subject to compliance with Buildings Ordinance. Authorized Persons and Registered Geotechnical Engineers must be appointed for the site formation and communal drainage works; and
- (f) 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 LandsD.

### **Agenda Item 7**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-TMT/36            Proposed House (New Territories Exempted House – Small House) in  
“Green Belt” zone, Lots 160 and 161 RP in D.D. 216, O Tau Village,  
Tai Mong Tsai, Sai Kung  
(RNTPC Paper No. A/SK-TMT/36)

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

36.            Mr. Charles 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 proposed House (New Territories Exempted House – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. The Chief Engineer/

Development (2) of the Water Supplies Department (CE/D(2) of WSD) objected to the application as the site was within the upper indirect water gathering grounds and there was no sewerage connection of the Drainage Services Department (DSD) available in the vicinity at present. To prevent contamination of waters which were designated by statute for potable supply, the Director of Environmental Protection (DEP) also objected to the application as the site was located within water gathering ground where no public sewer was available;

- (d) six public comments were received during the first three weeks of the statutory publication period from World Wild Fund (WWF) Hong Kong, Kadoorie Farm and Botanic Garden Corporation (KFBGC) and members of the public. WWF and KFBGC opposed to the application mainly on grounds of not being in line with the planning intention of “Green Belt” (“GB”) zone, adverse landscape impact, proximity to “Conversation Area” (“CA”) zone and undesirable precedent case for similar applications in the area. Four members of the public were against the applicant as an outsider to buy land and erect Small House in their village. No local objection/view was received by the District Officer (Sai Kung); and
  
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments made in paragraph 12 of the Paper. The site and its immediate areas were covered by grass and shrubs with some native trees. There was a general presumption against development within the “GB” zone. The proposed development was not in line with the planning intention of “GB” zone and there were no exceptional circumstances and strong planning grounds to justify a departure from the planning intention. The proposed development did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories and was not in line with the Town Planning Board Guidelines No. 10 for Application for Development within “Green Belt” Zone under Section 16 of the Town Planning Ordinance (TPB-PG No. 10). Although the site was within the village environs (‘VE’), close to O Tau Village and there was a general



shortage of land within the “V” zone of O Tau Village to meet the 10-year Small House demand forecast, the proposed development would involve site formation and vegetation clearance. The Chief Town Planner/Urban Design and Landscape of the Planning Department (CTP/UD&L of PlanD) objected to the application as no tree survey, tree preservation nor site formation proposal was provided in the submission. The impact of the development on the existing landscape resource and adjacent woodland could not be fully ascertained. Although DLO/SK of LandsD had no objection to the cross-village application, the applicant, being an indigenous villager of Tai Wan Village, had not demonstrated in the submission why suitable site within the “V” zone of Tai Wan Village could not be made available for the proposed development. The site also fell within the upper indirect water gathering grounds and there was no sewerage connection available in the vicinity at present. CE/Dev(2) of WSD and DEP objected to the application as there was no information in the submission to demonstrate that the proposed development within the water gathering ground would not pose adverse impact on the water quality of the area. Moreover, the approval of the application would set an undesirable precedent for similar applications within “GB” zone. The cumulative effect of approving such applications would result in village sprawl into the woodland and a general degradation of the natural environment of the area.

37. Members had no question on the application.

#### Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the “Green Belt” (“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. There was a general presumption against development in the “GB” zone. There were no exceptional circumstances and strong planning grounds for the proposed development in the submission which justify a departure from the planning intention;

- (b) the proposed development did not comply with the Interim Criteria For Assessing Planning Applications for New Territories Exempted House/Small House Development in the New Territories and was not in line with Town Planning Board Guidelines No. 10 for Application for Development within “Green Belt” Zone under Section 16 of the Town Planning Ordinance (TPB-PG No. 10) in that it would involve vegetation clearance and cause adverse impacts on the landscape of the surrounding area. No tree survey, tree preservation nor site formation proposal was provided in the submission;
- (c) the proposed development fell within the upper indirect water gathering grounds. There was no sewerage connection available in the vicinity at present. There was no information in the submission to demonstrate that the proposed development within the upper indirect water gathering grounds would not pose adverse impact on the water quality of the area; and
- (d) approval of the application would set an undesirable precedent for similar applications within “GB” zone. The cumulative effect of approving such applications would result in village sprawl into the woodland and a general degradation of the natural environment of the area.

**Agenda Item 8**

**Section 16 Application**

[Open Meeting]

A/DPA/SK-TA/1      Proposed House in “Unspecified Use” area, Lots 201 (Part) and 207 (Part) in D.D. 362 and Adjoining Government Land, Chau Tsai, Sai Kung  
(RNTPC Paper No. A/DPA/SK-TA/1B)

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39.            The Secretary reported that on 17.7.2012, the applicant requested the Board to further defer making a decision on the application for two months in order to allow sufficient time to prepare a landscape impact assessment.

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

**Agenda Item 9**

**Section 16 Application**

[Open Meeting]

A/I-CC/15            Proposed Religious Institution and Columbarium (within a Religious Institution) in “Green Belt” zone, D.D. Cheung Chau Lot 4, Cheung Chau  
(RNTPC Paper No. A/I-CC/15)

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41.            The Secretary reported that Mr. Ivan C.S. Fu had declared an interest in this item as he had current business dealings with Ove Arup & Partners Hong Kong Ltd., one of the consultants of the applicant. As the item was for deferral of the consideration of the application, the Committee agreed that Mr. Fu could stay in the meeting.

42. The Secretary also reported that on 20.7.2012, the applicant requested the Board to defer making a decision on the application for two months in order to allow more time to prepare supplementary information to address government department's comment on the application.

43. 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 the further information, and no further deferment would be granted unless under very special circumstances.

[The Chairman thanked Mr. Ivan M.K. Chung, DPO/SKIs, and Mr. Charles C.F. Yum, STP/SKIs, for their attendance to answer Members' enquires. Mr. Chung and Mr. Yum left the meeting at this point.]

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

#### **Agenda Item 10**

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

[Open Meeting]

A/NE-KTN/159 Proposed Comprehensive Low-Density Residential Development in "Comprehensive Development Area" zone, Lots 391 S.B, 392 S.C RP, 394 S.D, 1941 S.A, 1941 S.B ss.1, 1941 RP, 2030 S.A, 2030 RP, 2054 and 2106 in D.D. 95, Lot 675 (Part) in D.D. 96 and Adjoining Government Land, Kwu Tung North, Sheung Shui  
(RNTPC Paper No. A/NE-KTN/159)

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44. The Secretary reported that the following Members had declared interests in this item:

Mr. Ivan C.S. Fu – had current business dealings with Urbis Ltd., one of the consultants of the applicant

Ms. Janice W.M. Lai – had current business dealings with Scott Wilson Ltd. and Urbis Ltd., two of the consultants of the applicant

45. As the item was for deferral of the consideration of the application, the Committee agreed that Mr. Fu and Ms. Lai could stay in the meeting.

46. The Secretary also reported that on 25.7.2012, the applicant requested the Board to defer making a decision on the application for one month in order to allow more time to liaise with the concerned government departments for resolving the outstanding issues in relation to the application.

47. 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 the further information, and no further deferment would be granted unless under very special circumstances.

### **Agenda Item 11**

#### **Section 16 Application**

[Open Meeting]

A/NE-LT/457      Proposed 6 Houses (New Territories Exempted Houses - Small Houses) in “Agriculture” and “Village Type Development” zones, Lots 1323 S.B ss.1, 1323 S.B ss.3, 1323 S.B ss.4, 1323 S.B ss.5, 1323 S.B ss.6 and 1323 S.B ss.7 in D.D. 8, San Tong Village, Lam Tsuen, Tai Po (RNTPC Paper No. A/NE-LT/457)

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48. The Secretary reported that on 21.7.2012, the applicant requested the Board to defer making a decision on the application for one month in order to allow more time to prepare supplementary information on drainage and sewerage connection to address the comment of the concerned departments.

49. 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 the further information, and no further deferment would be granted unless under very special circumstances.

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

## **Agenda Item 12**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-SSH/81            Proposed House (New Territories Exempted House – Small House) in  
“Green Belt” zone, Government Land in D.D. 209, Kei Ling Ha San  
Wai, Sai Kung North  
(RNTPC Paper No. A/NE-SSH/81)

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### **Presentation and Question Sessions**

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

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

- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. The Chief Town Planner/Urban Design and Landscape of the Planning Department (CTP/UD&L of PlanD) had strong reservation on the application as there appeared to have continual piecemeal vegetation removal for Small House developments encroaching toward the woodland buffer including a *fung shui* woodland to the east of the site. There was a mature tree at a distance of 0.4m to 0.6m from the site and a part of the tree’s crown fell within the site. Tree pruning work and temporary construction access might be required during the development of the proposed Small House and the tree might be affected, but tree preservation proposal had not been provided by the applicant. Besides, the proposal would set an undesirable precedent, encouraging development in the “GB” zone and woodland, defeating the intention of having a green buffer to contain urban sprawl. The cumulative and incremental impact of the Small House developments in the area would lead to degradation of the adjacent woodland;
  
- (d) three public comments were received during the first three weeks of the statutory publication period, including a comment from Kadoorie Farm & Botanic Garden (KFBG) and the comments from two members of the public. KFBG objected to the application mainly on the ground that the proposed Small House development fell within “GB” zone which was for conservation. The two members of the public objected to the application mainly on the grounds of traffic safety. No local objection/view was received by the District Officer (Tai Po); and
  
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments made in paragraph 12 of the Paper. The proposed Small House development met the Interim Criteria for Assessing Planning Application for NTEH/Small House Development in the New Territories (the Interim Criteria) in that the proposed Small House footprint fell entirely within the village environs (‘VE’) of Kei Ling Ha San Wai and there was a general shortage of land in the “Village Type Development” (“V”) zone of Kei Ling Ha San Wai to meet the demand for

Small House development. The site was located just outside the “V” zone and village cluster of Kei Ling Ha San Wai. The proposed Small House was generally compatible with the surrounding environment which were predominantly rural in character. Sympathetic consideration could be given to the application. The concerns of CTP/UD&L of PlanD could be addressed by an approval condition requiring the applicant to submit and implement tree preservation proposal. Regarding the objection from KFBG mainly on the grounds that the site was within “GB” zone which was intended for conservation; the application was in compliance with the Interim Criteria and the Town Planning Board Guidelines No. 10 for Application for Development within “GB” Zone under Section 16 of the Town Planning Ordinance (TPB-PG No. 10); and DAFC had no comment on the application from nature preservation point of view. As regards the objections raised by two members of the public on traffic safety grounds, the Commissioner for Transport (C for T) had no adverse comment on the application from traffic point of view.

51. Members had no question on the application.

#### Deliberation Session

52. 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 10.8.2016, 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 tree preservation proposal to the satisfaction of the Director of Planning or of the TPB; and
- (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.



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

- (a) no existing trees in the vicinity of the application site should be affected by the proposed development;
- (b) to note the comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) that after planning approval had been given by the Board, LandsD would process the Small House application. If the Small House application was approved by 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;
- (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 his 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 Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by LandsD;
- (e) 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/TP, LandsD to verify the site satisfied the criteria for the exemption for site formation works as stipulated in PNAP No. APP-56. If such exemption was not granted, the applicant should submit site formation plans to the Buildings Department in accordance with the provisions of the Buildings Ordinance; and

- (f) to note the comments of the Director of Electrical and Mechanical Service 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, 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.

**Agenda Item 13**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-SSH/82            Renewal of Planning Approval for Temporary “Car Park (Private Car and Light Goods Vehicle)” Use for a Period of 3 Years in “Village Type Development” zone, Lots 205 S.A ss.1, 205 S.A RP (Part), 231 (Part), 235 (Part), 236 (Part), 240 (Part), 241, 245 (Part), 1497 S.A (Part) and 1497 RP (Part) in D.D. 165 and Adjoining Government Land, Tai Tung Village, Shap Sz Heung, Sai Kung North  
(RNTPC Paper No. A/NE-SSH/82)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary “car park (private car and light goods vehicle)” use under Application No. A/NE-SSH/64, which would be valid until 21.8.2012, for a period of three years;
- (c) departmental comments – concerned departments had no objection to or adverse comment on the application as detailed in paragraph 10 of the Paper;
- (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 considered that the temporary use could be tolerated for a further period of three years based on the assessments made in paragraph 12 of the Paper.

55. Members had no question on the application.

### Deliberation Session

56. The Chairman asked if the subject car park was to serve the local villagers noting that no local objection had been received. Mr. C.T. Lau replied that the car park was mainly to serve the needs of the villagers.

57. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 22.8.2012 to 21.8.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicles other than private car and light good vehicle were allowed to be parked within the application site;
- (b) no vehicle repairing, car washing/fuelling, vehicle dismantling and workshop activities should be permitted within the site during the planning approval period;
- (c) the submission of landscape proposal including tree preservation 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 21.2.2013;
- (d) in relation to (c) above, the implementation of the landscape proposal including tree preservation 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 21.5.2013;
- (e) if any of the above planning conditions (a) or (b) was not complied with at any time during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;

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

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

- (a) to resolve any land issue relating to the development with the concerned owner of the application site;
- (b) to note the comments of the District Lands Officer/Tai Po, Lands Department (LandsD) that :
  - (i) if ancillary structures were to be erected for the car park, the owners of the lots would have to apply to LandsD for necessary approval by way of a Short Term Waiver (STW). The occupier of the concerned government land within the site was also required to apply for a Short Term Tenancy (STT) if the application was approved. If the STW and/or STT be approved by LandsD at its discretion, such approval might be subject to such terms and conditions, including payment of fee/rental, as imposed by LandsD. Otherwise, LandsD would take lease enforcement and land control action respectively as appropriate. There was no guarantee the application for STW/STT would ultimately be approved; and
  - (ii) should any excavation work be carried out on government land, the applicant had to apply to LandsD for an excavation permit;
- (c) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant might need to extend his/her 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 Director of Electrical and Mechanical Services that :
  - (i) if the site was within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier 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; and
- (e) to note the comment of the Chief Highway Engineer/New Territories East of the Highways Department that the access road from Sai Sha Road adjoining the site was not maintained by his Department.

**Agenda Item 14**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/400            Proposed Rural Committee/Village Office in “Green Belt” and  
                                 “Village Type Development” zones, Government Land in D.D. 26,  
                                 Shuen Wan Chan Uk, Tai Po  
                                 (RNTPC Paper No. A/NE-TK/400)

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**Presentation and Question Sessions**

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

- (a)    background to the application;
- (b)    the proposed rural committee/village office;
- (c)    departmental comments – concerned departments had no objection to or adverse comment on the application as detailed in paragraph 10 of the Paper;
- (d)    three public comments were received during the first three weeks of the statutory publication period. The Kadoorie Farm & Botanic Garden Corporation objected to the application on grounds that the site was partly within “Green Belt” (“GB”) which was intended for conservation and to act as a buffer between urban setting and natural landscape, and such principle should be adhered to; as the “Village Type Development” (“V”) zone at Shuen Wan Chan Uk and Sha Lan had not been fully occupied by development, there should be enough space within the “V” zone for development of village office, and thus the green belt area should be left untouched; and the Board should consider the potential cumulative impact that would be caused by approving the application. The other two commenters, who were two private individuals, objected to the development of the site for Small House for reasons that the site was on

government land and should not be used for private purpose; the site was the only piece of land used by the villagers for leisure and resting; and the proposed development would affect the trees and *fung shui* of the village. No local objection/view was received by the District Officer (Tai Po); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. While there were public comment from the Kadoorie Farm & Botanic Garden Corporation raising concerns on the adverse impacts caused by the proposed development on the subject “GB” zone, in view of the small-scale of the proposed development and the fact that the site was hard paved with no existing tree, the proposed development would unlikely cause adverse impacts on the landscape resources in the surrounding areas. The applicant would be advised to minimize the potential impact of the proposed development on those trees at the periphery of the site. As regards the comments from two private individuals, the nature of the application was for a proposed rural committee/village office development rather than Small House development. The proposed rural committee/village office could provide an essential community facility and gathering place for passive recreational use for the local villagers.

60. By referring to the site photos on Plan A-3 of the Paper, a Member asked why there were sampans and miscellaneous items on the site which was zoned “GB”. Mr. C.T. Lau said that as the site was near the coast and had been paved, some villagers had used the site for temporary storage.

61. Another Member asked whether a rural committee/village office which was for the benefit of the villagers would merit sympathetic consideration, noting the fact that the site fell within a “GB” zone. Mr. C.T. Lau replied that PlanD had no objection to the application for rural committee/village office use as the proposal complied with the Town Planning Board Guidelines No. 10 for Application for Development within “GB” Zone under Section 16 of the Town Planning Ordinance (TPB-PG No. 10). The Secretary supplemented that the application was recommended for approval mainly on the grounds that the site had been paved, the proposed development was not incompatible with the character of the



surrounding areas and the application met the assessment criteria as laid down in TPB-PG No. 10. The nature of the proposed rural committee/village office was not a material consideration in recommending approval of the application.

### Deliberation Session

62. The Chairman said that each planning application would be considered on its own merits. For this case, he noted that the application site had been hard paved with no trees or dense vegetation on the site and the proposed rural committee/village office development would not affect the integrity of the “GB” zone.

63. 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 10.8.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

64. 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 (DSD) that there was no existing public drain available for connection in the area. The applicant was required to submit and implement a drainage proposal for the site to the satisfaction of DSD to ensure that it would not cause adverse drainage impact to the adjacent area. The applicant/owner 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/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. There was currently no existing public sewerage in the vicinity of the site. Nevertheless, public sewerage system in the vicinity of the site would be implemented under the project "Tolo Harbour Sewerage of Unsewered Areas Stage 2". The Director of Environmental Protection should be consulted regarding the sewage treatment/disposal aspects of the proposed development;

- (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 his 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 Director of Agriculture, Fisheries and Conservation that the applicant was advised to minimize impact of the proposed development on those trees at the periphery of the site; and
- (d) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant was reminded to make submissions in respect of site formation works to the Lands Department/Buildings Department in accordance with the provisions of the Buildings Ordinance.

**Agenda Item 15**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/387      Renewal of Planning Approval for Temporary “Warehouse and Container Vehicle Repair Yard” Use for a Period of 3 Years in “Open Storage” zone, Lots 2158 and 2159 (Part) in D.D. 76 and Adjoining Government Land, Wang Leng, Ping Che  
(RNTPC Paper No. A/NE-TKL/387)

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**Presentation and Question Sessions**

65.      Ms. Doris S.Y. Ting, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the renewal of planning approval for temporary “warehouse and container vehicle repair yard” use under Application No. A/NE-TKL/321, which would be valid until 21.8.2012, for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the site and environmental nuisance was expected;
- (d) one public comment from a North District Council member was received during the first three weeks of the statutory publication period indicating no specific comment on the application and advised that it was important for the relevant departments to consult the nearby residents. The District Officer (North) (DO(N)) had received an objection from one of the Indigenous Inhabitants Representatives (IIR) of Kwan Tei who objected to the application on the grounds that the development scheme would cause environmental pollution, noise nuisance and traffic congestion in the vicinity and affect the living environment of local residents;

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of three years based on the assessments made in paragraph 12 of the Paper. Although DEP did not support the application on the grounds that there were some domestic structures scattered in the areas to the south and further southeast of the application site, the potential impacts on surrounding villagers could be alleviated through imposing appropriate approval condition to restrict the operation hours as proposed by the applicant and to maintain the existing peripheral fencing and paving on the site. Moreover, the applicant would be advised to undertake environmental mitigation measures as set out in the revised 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites'. As regards the local concern on the environmental pollution, noise nuisance and traffic congestion in the vicinity conveyed by DO(N), DEP had not received any environmental complaints concerning the site in the past 3 years and the other concerned departments had no objection to or no adverse comment on the application. The local concern could be addressed by imposing relevant approval conditions.

66. Members had no question on the application.

#### Deliberation Session

67. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 22.8.2012 until 21.8.2015, 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. 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 and public holidays was allowed, as proposed by the applicant, on the application site during the planning approval period;

- (c) the peripheral fencing and paving of the application site should be maintained during the planning approval period;
- (d) to maintain the existing drainage facilities properly and rectify those facilities if it was found inadequate/ineffective during the planning approval period;
- (e) the submission of condition record of the existing drainage on site as previously implemented on the same site in the planning application No. A/NE-TKL/321 within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.11.2012;
- (f) the submission of landscape and tree preservation 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 21.2.2013;
- (g) in relation to (f) above, the implementation of landscape and tree preservation 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 21.5.2013;
- (h) the submission of proposals on fire-fighting access, water supplies for fire-fighting and fire service installations 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 21.2.2013;
- (i) in relation to (h) above, the provision of fire-fighting access, water supplies for fire fighting and fire service installations 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 21.5.2013;

- (j) if any of the above planning conditions (a), (b), (c) or (d) 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
- (k) if any of the above planning conditions (e), (f), (g), (h) or (i) 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.

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

- (a) to note the comments of the District Lands Officer/North, Lands Department that the owner of the lots should be advised to apply to his office for Short Term Waiver (STW) and Short Term Tenancy (STT) for the regularization of the existing structures and occupation of government land. There was no guarantee that the STW and STT would be granted to the applicant. If the STW and STT were granted, the grants would be made subject to such terms and conditions to be imposed as the government should deem fit to do so including the payment of STW and STT fees/rent;
- (b) to note the comments of the Director of Fire Services that if no building plan would be circulated to his Department via the Centralized Processing System of Buildings Department and covered structures (e.g. container-converted office, temporary warehouse and temporary shed used 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) for his approval and to subsequently provide the FSIs in accordance with the approved proposal. In preparing the submission for FSIs for his approval, the applicant was advised that :
  - (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and

- (ii) the location of the proposed fire services installations should be clearly marked on the layout plans;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Building Department (BD) that :
- (i) if the existing structures were erected on leased land without approval of BD, they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the captioned application; and
  - (ii) for unauthorized building works (UBW) erected on leased land, enforcement action might be taken by the BD to effect their removal in accordance with BD's enforcement policy against unauthorized building works (UBW) as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO.
- (d) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that :
- (i) all spoils arising from site formation works should be contained and protected to prevent all nearby watercourses from being polluted or silting up;
  - (ii) the applicant should comply with the latest effluent discharge requirements stipulated in the "Water Pollution Control Ordinance";
  - (iii) surface run-off from within the site should be collected into an oil interceptor before being discharged into the public storm water drainage system. The oil interceptor should be designed to Highways Department's standard;

- (iv) the applicant should prepare an action plan to prevent flood pumping gathering grounds from being contaminated by fuel or lubricating oil leaks from vehicles to the satisfaction of WSD; and
- (v) for provision of water supply to the development, the applicant might need to extend his/her 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;
- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that it was observed that 2 trees were found dead and some trees were affected by climbers. In addition, objects were dumped on the tree planting areas. The applicant was advised to replace the dead trees and maintain the trees in good condition at all time; and
- (f) to follow the environmental mitigation measures as set out in the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection in order to minimize any possible environmental nuisances.

**Agenda Item 16**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/769                      Proposed 2 Houses in "Village Type Development" zone, Lot 304 RP  
(Part) in D.D. 177, Lok Lo Ha Village, Sha Tin  
(RNTPC Paper No. A/ST/769B)

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Presentation and Question Sessions

69. The Secretary reported that Ms. Janice W.M. Lai had declared an interest in this item as she had current business dealings with Katherine Y. W. Or & Co., the consultant of the applicant. As Ms. Lai had no direct involvement in the subject application, Members agreed that the interest of Ms. Lai was indirect and could be allowed to stay in the meeting.

70. 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 2 houses;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The District Lands Officer/Shu Tin of the Lands Department (DLO/ST of LandsD) advised that Lot 304 RP in D.D. 177 was an agricultural lot with a site area of 3,667 square feet without any building entitlement. The “Lot No. 304 RP in D.D. 177” referred in the Building Licence No. 714 dated 15.12.1958 was not the same piece of land as described as the Lot No. 304 RP in D.D. 177 on the current land status plan. The applicant had argued in the further information for the building entitlement by referring to the Land Registry records. However, the justification was irrelevant as registration of document with Land Registry did not confer ownership. The justification by referring to the valuation report prepared by the applicant’s appointed surveyor was also irrelevant in considering the matter. The further information provided by the applicant could not help substantiate the claim of building entitlement for Lot 304 RP in the planning application. The Chief Town Planner/Urban Design and Landscape, of the Planning Department (CTP/UD&L of PlanD) had reservation on the application from the landscape planning point of view as pruning treatment for the mature tree with extensive crown near the east corner of the site might be required. As no tree survey along the site periphery was provided, the impact of proposed development on the surrounding environment could not be fully ascertained. Besides, noting

that the site was located on a raised platform/existing retaining wall, the applicant should clarify with visual illustrations on any proposed boundary treatment for the development and demonstrate that it would not generate any significant visual impact to the surroundings;

- (d) twelve public comments from the villagers of Lok Lo Ha were received during the first three weeks of the statutory publication period. The commenters objected to the application on the grounds that there were insufficient supporting facilities (such as car parks and places for leisure and recreational uses); the proposed development would induce adverse landscape impact and slope safety problem; the existing footpath was narrow and the drainage capacity could not cater for the proposed development; and the proposed houses would affect the *fung shui* of the Lok Lo Ha village. No local objection/view was received by the District Officer (Sha Tin); and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments made in paragraph 10 of the Paper and were summarized below.
  - (i) the proposed development of 2 houses was not in line with the planning intention of the “V” zone which was primarily for the development of Small Houses by indigenous villagers. According to DLO/ST of LandsD, there was insufficient land in the “V” zone of Lok Lo Ha to meet the demand of Small Houses;
  - (ii) the application site was located on a raised platform built on slope to the southwest of the village proper of Lok Lo Ha. CTP/UD&L of PlanD had reservation on the application from landscape planning point of view as pruning treatment for the mature tree with extensive crown near the east corner of the site might be required but no tree survey along the site periphery was provided. CTP/UD&L also considered that clarification on boundary treatment for the proposed development with visual illustrations was required to demonstrate

that there would be no adverse visual impact on the surrounding areas;

- (iii) the subject lot was an agricultural lot with no building entitlement. DLO/ST of LandsD had advised that the justifications provided by the applicant were irrelevant and could not substantiate the claim of building entitlement for the lot. For “V” zone, it was the established practice of the Board that sympathetic consideration might only be given to ‘House’ development on site with building entitlement under the respective lease, but there was insufficient information in the application to justify that sympathetic consideration could be given in this application;
- (iv) there were public comments objecting to the application on the possible slope safety and ‘fung shui’ problems, adverse landscape impact and the lack of infrastructural support in the area; and
- (v) the approval of the application would set an undesirable precedent for similar applications within the “V” zone, the cumulative effect of which would reduce the land available for Small House development in the “V” zone.

71. Members had no question on the application.

#### Deliberation Session

72. Given the various letters and documents on the building entitlement of the site as attached to the Paper, the Chairman invited Ms. Anita K.F. Lam to explain the subject. Ms. Lam explained that although a Building Licence in respect of Lot 304 RP (Remaining Portion) in D.D. 177 had been granted in 1958, several lot sections were later subdivided from that Remaining Portion by the landowner. The entitlement of the Building Licence had already been materialized in one of the lot sections (i.e. Lot 304 S.C) that was subdivided from the parent Remaining Portion. As such, the current Remaining Portion of the lot (i.e. Lot 304 RP) no longer carried any building entitlement.

73. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 11.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) the proposed development was not in line with the planning intention of the “Village Type Development” (“V”) zone which was to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone was primarily intended for development of Small Houses by indigenous villagers. There was no strong justification in the submission for a departure from such planning intention;
- (b) there was no information in the submission to demonstrate that the proposed development would not have any adverse visual and landscape impacts on the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for similar applications within the “V” zone. The cumulative effect of approving such similar applications would reduce the land available for Small House development.

### **Agenda Item 17**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/784                      Shop and Services (Barber Shop) in “Industrial” zone, Unit I4, G/F,  
Century Industrial Centre, 33-35 Au Pui Wan Street, Fo Tan, Sha Tin  
(RNTPC Paper No. A/ST/784)

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

74. 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 (barber shop);
- (c) departmental comments – the Director of Fire Services (D of FS) objected to the application from the fire safety point of view as the means of escape from the application premises was not totally separated from the industrial portion of the building;
- (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 did not support the application based on the assessments made in paragraph 11 of the Paper. According to the Town Planning Board Guidelines No. 25D for Use/Development within “Industrial” Zone’ (TPB PG-No. 25D), the Fire Services Department (FSD) should be satisfied on the risks likely to arise or increase from the proposed commercial use under application. The subject premises had no direct street frontage but was accessible through a doorway leading from the corridor within the industrial building. There were existing industrial uses which shared the same corridor within the building. FSD did not support the application as means of escape separated from the industrial portion was not available for the application premises. The application was therefore not in line with TPB PG-No. 25D.

75. Members had no question on the application.

#### Deliberation Session

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

- the proposed development did not comply with the ‘Town Planning Board (TPB) Guidelines for Use/Development within “Industrial” Zone’ (TPB PG-No. 25D) in that means of escape separated from the industrial portion was not available for the application premises. The proposed barber shop was unacceptable from fire safety point of view.

[The Chairman thanked Mr. C.T. Lau, Ms. Doris S.Y. Ting and Mr. Anthony K.O. Luk, STPs/STN, for their attendance to answer Members’ enquires. Mr. Lau, Ms. Ting and Mr. Luk left the meeting at this point.]

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

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

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

#### **Agenda Item 18**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTYYY/221 Proposed Flat Development in “Residential (Group E)” zone, Lots 464 S.A ss.1, 464 S.B, 465, 472 S.A RP and 472 S.B RP in D.D. 130, San Hing Road, Lam Tei, Tuen Mun  
(RNTPC Paper No. A/TM-LTYYY/221C)

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

77. 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 proposed flat development;
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape of the Planning Department (CTP/UD&L of PlanD) had concerns on the potential visual impact arising from the proposed noise barriers of 12.6m in height at portions along the site boundary. The proposed noise barrier structures together with the 15m high residential blocks, which essentially fenced off the development would appear massive and overpowering, and impose adverse visual impact on the surroundings, including impacts on the existing/future settlements within the adjacent “Village Type Development” (“V”) zone and the future developments within the same “Residential (Group E)” (“R(E)”) zone. Alternatives should be examined to reduce the scale of and need for such high noise barriers. It was noted that the applicant had proposed mitigation treatments for the proposed noise barriers in the north, west and southwest of the site, but no such treatment had been proposed for the more substantial noise barrier structures of over 50m in length at the south-eastern boundary of the site due to lack of maintenance access for green panel on noise barrier as advised by the applicant. The proposed high noise barriers were incompatible with the current setting of the locality and this was not acceptable from urban design and visual perspectives. Besides, the Director of Housing (D of H) had strong objection to the application as the site had been identified for potential public housing development. The proposed development would adversely affect the flat production, layout and associated works currently under study by the Government;
- (d) public comments : –
  - (i) three public comments were received during the first three weeks of the statutory publication period. The San Hing Tsuen Rural Committee strongly objected to the application on the grounds that

the proposed development was adjacent to their village arch. The construction works of the proposed development would seriously affects the *fung shui* of the village. Two individuals expressed views on the application. Their main concerns included the impact of the proposed development on *fung shui*, traffic problem, insufficient parking space, noise problem, environmental pollution and insufficient social facilities in the village. Moreover, three local residents strongly objected to the application on the grounds that there were inadequate transport facilities, lack of consideration on the needs of local residents, geographical limitation and constraints and the impacts on local schools, nurseries, elderly care centers and health centers;

- (ii) two public comments were received during the first three weeks of the statutory publication period of the further information on 16.12.2011. The San Hing Tsuen Village Committee strongly objected to the application on the grounds that increased traffic due to the proposed development would seriously increase traffic risk. There were also concern on *fung shui*, “screen effect” of the development, shortage of community facilities, serious noise problem and pollution on the surrounding environment;
- (iii) no public comment was received during the first three weeks of the statutory publication period of the further information on 23.3.2012;
- (iv) one public comment was received during the first three weeks of the statutory publication period of the further information on 15.5.2012. An individual representing the village firmly objected to the application on the grounds of *fung shui*, the lack of information in the submission regarding pedestrian flow, traffic problems, sewerage problems and the lack of environmental assessments and mitigation measures;
- (v) one public comment was received during the first three weeks of the



statutory publication period of the further information on 19.6.2012. The commenter who had raised comments previously reinstated his village's stance on firmly objecting to the application on similar grounds as stated previously; and

- (vi) no local objection/view was received by the District Officer (Tuen Mun).
  
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments made in paragraph 11 of the Paper and were summarized below :
  - (i) the site was surrounded by storage/warehouse sites, vehicle repair workshop and factory. Lorries and trucks going to those sites had to pass through San Hing Road, which might cause environmental nuisance to the proposed residential development under application. Since it might not be possible to phase out the industrial uses all at once, it was important to ensure that the proposed residential development would be environmentally acceptable and not subject to industrial/residential (I/R) interface problems. Given the relatively small size of the site (about 3,573 m<sup>2</sup>), there was very limited scope for the proposed development to address the I/R interface problems. The proposed development had adopted an inward-looking courtyard layout with 6 blocks of 5-storey buildings packed closely together around the internal vehicular access and footway. To address the I/R interface problem, the applicant proposed noise mitigation measures including noise barriers up to 12.6m of height, setback of building blocks from site boundary, single-aspect building design and fixed glazing windows. The noise barriers were tall and massive, and the overall design and layout of the proposed development was not satisfactory. Having regard to the existing site condition within the “R(E)” zone, there would be better scope for a bigger site to address the industrial/residential interface problem by providing a better layout;

- (ii) the visual impact arising from the noise barriers was of concern. The proposed noise barrier structures of 12.6m high and about 6m to 57m long together with the buildings of 15m high which essentially surrounding the residential development were massive structures which imposed adverse visual impact on the surrounding areas. The proposed high noise barriers of the proposed residential development were incompatible with the rural setting of the locality which included mainly clusters of village houses;
  
- (iii) the “R(E)” zone, within which the site was located, was at the fringe of the Tuen Mun New Town adjacent to the existing public housing Siu Hong Court to the south and an area zoned “Residential (Group A)” in Area 54 of Tuen Mun near Siu Hong Court. In view of the pressing demand for public housing, the area covered by the “R(E)” zone including the application site might have the potential to be an extension of the public housing cluster at the north of Tuen Mun by making use of the existing and planned infrastructure. The D of H was carrying out a study with a view to developing the whole “R(E)” zone area in a comprehensive manner for public housing development. The D of H raised strong objection to the application as the proposed development would adversely affect the flat production, layout and associated works currently under study by the Housing Department (HD); and
  
- (iv) there were a total of seven public comments received during the statutory publication periods. Six of the public comments strongly/firmly objected to the application on similar grounds, such as the impact on *fung shui*, traffic and environmental impacts and the lack of local facilities.

78. The Vice-chairman enquired about the land status of the site as he noted that HD was interested in examining the feasibility of the surrounding areas for public housing development. Mr. K.C. Kan replied that the site comprising five lots was private land and the applicant was the sole landowner. HD’s study to explore the suitability of the area

currently zoned “R(E)” for public housing development was only at a preliminary stage. Should the site be required for public housing development, there would be land resumption mechanism under the relevant legislation.

79. Noting the recommended rejection reason (a) in paragraph 12.1 of the Paper, a Member questioned if the applicant would be required to resolve the I/R interface problem generated by the uses which were outside the application site. In response, Mr. K.C. Kan said although the applicant had proposed noise mitigation measures in the subject application, such as noise barriers up to 12.6m high and setback of building blocks from site boundary, to address the I/R interface problem, the implementation of such measures on a small site like the application site would result in a congested and compact development with an undesirable layout design and adverse visual impact.

#### Deliberation Session

80. The Chairman said that HD’s study on the suitability of the area zoned “R(E)” for public housing development was a piece of background information which should not be a material consideration for the planning application. The planning application should be considered based on its own merits.

81. The Vice-chairman said that the relatively tall and long noise barriers together with the 5-storey residential blocks would result in a “wall-liked” structure enclosing the entire development, thus causing adverse visual impact.

82. Members generally considered that the application could not be supported in view of the unsatisfactory layout design and disposition of buildings as well as adverse visual impact of the noise barriers. The Secretary supplemented that though the proposed development was in line with the planning intention, the applicant failed to propose satisfactory layout design and disposition of buildings. The small size of the site was a significant constraint for incorporating the necessary mitigation measures in a satisfactory way.

83. A Member suggested that the recommended rejection reason (a) in paragraph 12.1 of the Paper should give more emphasis on the unsatisfactory layout design and

disposition of buildings of the proposed development, instead of requiring the applicant to address the I/R interface problem. Mr. H.W. Wong also agreed that the rejection reason (a) should reflect the unsatisfactory design and layout of the scheme. The Secretary asked Members to consider whether the rejection reason should first focus on the undesirable visual impact of the noise barriers and secondly the unsatisfactory layout design and disposition of buildings.

84. Another Member asked why there were so many incompatible industrial uses within a residential zone which would impede the implementation of residential use. The Chairman explained that areas with mixed uses including temporary uses were very common in the New Territories, and the “R(E)” zoning was intended to provide incentive for the landowners to upgrade and to develop their land to improve the general environment. The Secretary added that the planning intention of the “R(E)” zone was to phase out the non-conforming industrial uses through redevelopment for residential use, provided that the I/R interface problem could be satisfactorily resolved. For the subject case, Members were of the view that while the proposed residential development was in line with the planning intention of the “R(E)” zone, the design and layout of the proposed development were not satisfactory.

85. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 12.1 of the Paper and agreed that they should be suitably amended to reflect Members’ views as expressed at the meeting. The reasons were :

- (a) the proposed noise barriers of 12.6m in height and about 6m to 57m in length were not compatible with the rural setting and would generate adverse visual impact on the surrounding area; and
- (b) the applicant failed to provide a satisfactory design and layout for the proposed development and there was room for improvement on these aspects.

**Agenda Item 19**

**Section 16 Application**

[Open Meeting]

A/YL-MP/202

Proposed House Development, Minor Relaxation of Building Height Restriction and Filling of Pond in “Residential (Group D)” zone, Lots 3207 RP, 3209 RP, 3220 RP, 3221 RP, 3224 RP, 3225 S.A RP, 3225 S.C RP, 3225 RP, 3226 S.A RP, 3226 RP, 3228, 3229, 3230 RP, 3250 S.B ss.21 RP, 3250 S.B ss.33 S.B, 3250 S.B ss.40 S.A (Part), 3250 S.B ss.40 RP (Part) and 4658 RP (Part) in D.D. 104 and Adjoining Government Land, Mai Po, Yuen Long  
(RNTPC Paper No. A/YL-MP/202)

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86. The Secretary reported that the application was submitted by a subsidiary of Henderson Land Development Co. Ltd. and AECOM, Westwood Hong & Associates Ltd. and ADI Ltd. were three of the consultants of the applicant. The following Members had declared interests in this item:

Mr. Ivan C.S. Fu – had current business dealings with Henderson, AECOM, Westwood Hong & Associates Ltd. and ADI Ltd

Ms. Janice W.M. Lai – had current business dealings with Henderson and AECOM.

87. As the item was for deferral of the consideration of the application, the Committee agreed that Mr. Fu and Ms. Lai could stay in the meeting.

88. The Secretary also reported that on 20.7.2012, the applicant requested the Board to defer making a decision on the application for two months in order to allow more time to address comments of the concerned government departments.

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

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

**Agenda Item 20**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/385            Temporary Rural Communal Public Vehicle Park for Private Cars, 5.5 Tonnes Goods Vehicles, Coaches and 24 Tonnes Goods Vehicles for a Period of 3 Years in “Village Type Development” zone, Lots 429, 431 (Part), 436 (Part), 437, 438 S.A, 446 (Part), 447 (Part) and 449 RP (Part) in D.D. 122, Hang Mei Tsuen, Ping Shan  
(RNTPC Paper No. A/YL-PS/385)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary rural communal public vehicle park for private cars, 5.5 tonnes goods vehicles, coaches and 24 tonnes goods vehicles 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 of residential uses in the vicinity of the site, with the nearest one located to its eastern and northern side and environmental nuisance was expected;
- (d) one public comment was received during the first three weeks of the statutory publication period from a Yuen Long District Council member objecting to the application on the ground that the vehicle park use would generate noise and dust nuisances to nearby residents. 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 the application could be tolerated for a period of one year based on the assessments made in paragraph 11 of the Paper. Although DEP did not support the application as there were sensitive receivers in the vicinity of the site and environmental nuisance was expected, approval conditions restricting heavy vehicles, limiting the operation hours and the requirements to adhere to the parking layout arrangement were recommended to mitigate any potential environmental impact. As regards the objection from a Yuen Long District Council member on noise and dust nuisance grounds, approval conditions on environmental mitigation had been recommended and a shorter approval period of 1 year, instead of 3 years sought, would also be recommended to closely monitor the situation on-site.

91. Members had no question on the application.

#### Deliberation Session

92. The Chairman noted that the planning approval under the last application (No. A/YL-PS/340) was revoked due to non-compliance with condition which prohibited parking of heavy goods vehicles. He asked why the current application was recommended for approval again. In response, Mr. Vincent T.K. Lai said that the last planning approval was revoked due to non-compliance with three approval conditions, namely, a condition prohibited parking of heavy goods vehicles exceeding 24 tonnes; a condition required the erection of notice to indicate that no heavy goods vehicles exceeding 24 tonnes (including container tractor/trailer) be allowed to park/store on or enter/exit the site; and a condition required the adherence to the parking layout. The current application however was submitted by a different applicant and departments consulted generally had no adverse comment on the application except DEP.

93. Despite the application was submitted by a different applicant, the Vice-chairman asked whether there were effective measures to ensure that the applicant would follow the

requirement of no parking of heavy goods vehicles over 24 tonnes. Mr. Lai replied that the current application only included the parking of heavy goods vehicles of not exceeding 24 tonnes, and an approval condition prohibiting the parking of heavy goods vehicles exceeding 24 tonnes would be recommended.

94. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year until 10.8.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on-site at any time during the planning approval period;
- (b) no heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, was allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (c) a notice should be posted at a prominent location of the site to indicate that no heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, was allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (d) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (e) the parking layout arrangement, as proposed by the applicant, should be adhered to during the planning approval period;
- (f) the existing drainage facilities implemented under Application No. A/YL-PS/340 should be maintained at all times during the planning approval period;



- (g) the submission of the 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 10.11.2012;
- (h) the paving of the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 10.11.2012;
- (i) the provision of peripheral fencing within 3 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 10.11.2012;
- (j) the submission and implementation of 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 10.2.2013;
- (k) the submission and implementation 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 10.2.2013;
- (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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) shorter approval period was allowed and shorter compliance periods for approval conditions were given correspondingly to monitor the situation on the site ;
- (c) sympathetic consideration would not be given to any further application if the planning permission was revoked again due to non-compliance of approval conditions;
- (d) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (e) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the private land involved under the application 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 specific structures including converted containers as site office, guard room and meter rooms on the application site. The application site was accessible through an informal village track on government land (GL) extended from Ping Ha Road. His office did not provide maintenance works for such GL nor guarantee right-of-way to the site. Should planning approval be given to the subject planning application, the lot owners and the lot owners concerned would still need to apply to his office to permit structures to be erected or regularize any irregularities on-site. Such application would be considered by 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 might be imposed by LandsD;

- (f) to note the comments of the Commissioner for Transport that sufficient manoeuvring spaces should be provided within the subject site. No vehicle was allowed to queue back to public road or reverse onto/from the public road; the local track leading to the subject site was not under Transport Department (TD)'s purview. Its land status should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly; and the above issues should be sorted out before the application was processed further;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the proposed access arrangement of the application site from Ping Ha Road should be commented and approved by TD. Adequate drainage measures should be provided at the site entrance to prevent surface water running from the application site to the nearby public roads and drains. The applicant should note that HyD should not be responsible for the maintenance of any access connecting the application site and Ping Ha Road;
- (h) to note the comments of the Director of Environmental Protection (DEP) that the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by DEP should be followed to minimize any potential environmental nuisances;
- (i) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant was advised to implement necessary measures to avoid causing disturbance and water pollution to the nearby ponds at the west of the site;
- (j) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, 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 office for approval. In formulating FSIs proposal for the

proposed structure, the applicant was advised to make reference to the requirements that portable hand-operated approved appliance should be provided as required by occupancy and should be clearly indicated on plans. The applicant should also be advised to ensure the layout plans be drawn to scale and depicted with dimensions and nature of occupancy; and the location of where the proposed FSI to be installed should be clearly marked on the layout plans; and

- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that before any new building works were to be carried out on the application site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they were unauthorized building works (UBW). An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the Buildings Ordinance (BO). For UBW erected on leased land, enforcement action might be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO; temporary structures/containers used for offices / storages were considered as temporary buildings that were subject to the control of the BO. Formal submission under the BO was required for any proposed new works, including the temporary structures; and the site should be provided with means of obtaining access thereto from a street under the Building (Planning) Regulations (B(P)R) 5 and emergency vehicular access should be provided under the B(P)R 41D. If the site was not abutting on a specified street having a width not less than 4.5m, the development intensity should be determined under the B(P)R 19(3) at building plan submission stage.

**Agenda Item 21**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL/190                      Eating Place in “Other Specified Uses” annotated “Public Car Park to Include Retail and Residential Uses” zone, Shops No. 6 and 7, G/F, Springdale Villas, 80 Ma Tin Road, Yuen Long  
(RNTPC Paper No. A/YL/190)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the eating place at the G/F of an existing commercial/residential development cum public car park;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper;
- (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 had no objection to the application based on the assessments made in paragraph 10 of the Paper.

97.            Members had no question on the application.

Deliberation Session

98. 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 10.8.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

- the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

99. 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 premises;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department that the applicant (i.e. the owner of the subject property) should apply to his office for a waiver so as to permit the proposed use. However, there was no guarantee that the temporary waiver application would be approved;
- (c) 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 or referral from licensing authority; and
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the layout of the premises should tally with the one under the General Restaurant Licence and all building safety requirements imposed under the Licence were fulfilled.

**Agenda Item 22**

**Section 16 Application**

[Open Meeting]

A/YL-HT/782

Proposed Temporary Logistic Transport Transit Centre for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 51 (Part), 54 (Part), 55, 56 (Part), 57 (Part), 58, 60, 61, 62, 63, 64, 65, 66 (Part), 67 (Part), 71, 140 (Part), 141 (Part), 142 (Part), 143 (Part), 144, 145, 146, 148 (Part), 149 (Part), 150 (Part), 151 and 152 (Part) in D.D. 125, Lots 3220 (Part), 3221 S.B (Part), 3222 (Part), 3223 (Part), 3224 (Part), 3226 (Part), 3227, 3228, 3229, 3230, 3231, 3232, 3234 (Part) and 3235 (Part) in D.D. 129 and Adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/782)

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100. The Secretary reported that on 21.7.2012, the applicant requested the Board to further defer making a decision on the application for two months in order to allow more time to carry out a detailed traffic assessment to address the comments of the Transport Department.

101. 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, resulting in a total of four months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

**Agenda Item 23**

**Section 16 Application**

[Open Meeting]

A/YL-HT/804            Temporary Open Storage of Recyclable Materials (Plastic, Paper and Metal) with Ancillary Workshop for a Period of 3 Years in “Undetermined” zone, Short Term Tenancy No. 1869 (Part), Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/804)

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102.            The Secretary reported that on 20.7.2012, the applicant requested the Board to defer making a decision on the application for two months in order to allow more time to prepare a fire service installations proposal.

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

**Agenda Item 24**

**Section 16 Application**

[Open Meeting]

A/YL-HT/806            Temporary Recycling of Used Electrical Appliances (Storage with Ancillary Workshop and Office) for a Period of 3 Years in “Undetermined” zone, Short Term Tenancy No. 1869 (Part), Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/806)

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104. The Secretary reported that on 25.7.2012, the applicant requested the Board to defer making a decision on the application for two months in order to allow more time to prepare a fire service installations proposal.

105. 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 the further information, and no further deferment would be granted unless under very special circumstances.

## **Agenda Item 25**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/807      Renewal of Planning Approval for Temporary “Open Storage of Used Paper Product with Ancillary Packaging Workshop” Use for a Period of 3 Years in “Comprehensive Development Area” and “Residential (Group D)” zones, Lots 48 S.A (Part), 48 S.B (Part) and 49 (Part) in D.D. 128 and Adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/807)

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### **Presentation and Question Sessions**

106. 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 “open storage of used paper product with ancillary packaging workshop” use under Application No. A/YL-HT/642, which would be valid until 18.9.2012, for a period of three years;

- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix VI of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site (the nearest being about 30m away) and along the access road (Fung Kong Tsuen Road) and environmental nuisance was expected;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a further period of three years based on the assessments made in paragraph 12 of the Paper. Although DEP did not support the application as there were sensitive receivers in the vicinity of the site and along the access road and environmental nuisance was expected, approval conditions restricting the operation hours and the types of vehicles used were recommended to mitigate any potential environmental impacts.

107. Members had no question on the application.

#### Deliberation Session

108. A Member commented that in general, the continual approval of temporary use on a site repeatedly on a 3-year term would affect the implementation of the long-term planned use on the site to enable a better use of the land resources. The Chairman said that the subject application site was private land and the “CDA” zoning of the site would provide an incentive for development of the site into permanent use. Nevertheless, the landowner of a private land might not be able to implement the planned use at this stage for various reasons. The mechanism to allow temporary use of a site would enable a better utilization of the land resources in the interim. On the other hand, if the site was government land, the Government would have a better control on the timing of implementation of the site for its optimal and beneficial uses.

109. The Secretary added that the subject site fell within the boundary of the Planning and Engineering Study for the Hung Shui Kiu New Development Area and its future use would be examined under the study. Members had previously been briefed on the findings of the Stage I the Study, and briefing on the findings of the Stage II Study to the Board would be arranged when ready.

110. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 19.9.2012 to 18.9.2015, 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 8:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no heavy vehicle (i.e. over 24 tonnes), including container trailer and tractor, as proposed by the applicant, was allowed for the operation of the site during the planning approval period;
- (d) the existing drainage facilities on-site should be maintained at all times during the planning approval period;
- (e) 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 18.3.2013;
- (f) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 31.10.2012;

- (g) 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 18.3.2013;
- (h) in relation to (g) 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 18.6.2013;
- (i) the submission of a 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 18.3.2013;
- (j) in relation to (i) above, the implementation of the 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 18.6.2013;
- (k) 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;
- (l) if any of the above planning conditions (e), (f), (g), (h), (i) or (j) 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
- (m) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

111. 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 site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site was situated on Old Scheduled Agricultural Lots held under the Block Government Lease which contains the restriction that no structure was allowed to be erected without the prior approval of the Government, and to apply to him to regularize any irregularities on-site and for occupation of additional government land (GL) involved. Such application would be considered by the LandsD acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. 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. He did not guarantee right-of-way for access to the site from Fung Kong Tsuen Road and provides no maintenance works for the GL of the access track;
- (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. Sufficient manoeuvring spaces should be provided within the site. No vehicle was allowed to queue back to public road or reverse onto/from public road;

- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
  
- (f) to note the comments of the Director of Fire Services in Appendix VI of the Paper and to 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
  
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of this planning permission should not be construed as condoning to any unauthorized structures existing on site under the Buildings Ordinance (BO) and the allied regulations; actions appropriate under the BO or other enactment might be taken if contravention was found; the temporary shelter and the use of containers as offices were considered as temporary buildings and were subject to control under Building (Planning) Regulation (B(P)R) Part VII; formal submission of any proposed new works, including any temporary structure for approval under the BO was required; if the site was not abutting on 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; detailed comments on the proposal, including the provision of an emergency vehicular access under B(P)R 41D, would be made at the formal building plan submission stage.

**Agenda Items 26 and 27**

**Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NSW/214      Renewal of Planning Approval for Temporary “Container Tractors/Trailers Park” Use for a Period of 1 Year in “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” zone, Lots 1212 S.A ss.2 and 1212 S.A ss.3 (Part) in D.D. 115 and Adjoining Government Land, Chung Yip Road, Nam Sang Wai, Yuen Long  
(RNTPC Paper No. A/YL-NSW/214)

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A/YL-NSW/215      Renewal of Planning Approval for Temporary “Private Car Park” Use for a Period of 1 Year in “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” zone, Lot 1212 S.A ss.3 (Part) in D.D. 115, Chung Yip Road, Nam Sang Wai, Yuen Long  
(RNTPC Paper No. A/YL-NSW/215)

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**Presentation and Question Sessions**

112.            The Committee noted that the two applications were similar in nature and the application sites were located next to each other within the same “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (“OU(CDWRA)”) zone. The Committee agreed that these two applications could be considered together.

113.            Mr. Ernest C.M. Fung, STP/TMYL, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the renewal of planning approvals for temporary “container tractors/trailers park” use under Application No. A/YL-NSW/211 and for temporary “private car park” use under Application No. A/YL-NSW/210, both of

which would be valid until 21.8.2012. Both applications sought renewal of planning permission for a period of one year;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the respective Papers. The Director of Environmental Protection (DEP) did not support Application No. A/YL-NSW/214 for temporary container tractors/trailers park as there were sensitive uses at Shan Pui Chung Hau Tsuen in the vicinity of the site (about 70m away) and along the access road i.e. Chung Yip Road (about 50m away) and environmental nuisance was expected. However, DEP had no objection to Application No. A/YL-NSW/215 which was for temporary private car park;
  
- (d) fifty-five public comments were received during the first three weeks of the statutory publication period of Application No. A/YL-NSW/214, including 53 supporting comments, 1 objecting comment and 1 concern on the application. The Owners' Committee of The Parcville objected to the application on the grounds of adverse noise, traffic and environmental hygiene problems created, being not in line with the planning intention of the subject zone and undermining the opportunity of wetland restoration. One Yuen Long District Council member raised concern on the rental fee arrangement for the government land of the site. District Officer (Yuen Long) received a letter from the applicant which enclosed with 53 supporting letters;
  
- (e) fifty-four public comments were received during the first three weeks of the statutory publication period of Application No. A/YL-NSW/215, including 53 supporting comments and 1 objecting comment. The Owners' Committee of The Parcville objected to the application on the grounds of adverse noise, traffic and environmental hygiene problems created, being not in line with the planning intention of the subject zone and undermining the opportunity of wetland restoration; and



- (f) the Planning Department (PlanD)'s views – PlanD considered that the temporary uses in both applications could be tolerated for a further period of one year based on the assessments made in paragraph 12 of the respective Papers. Although DEP did not support Application No. A/YL-NSW/214 as there were sensitive uses at Shan Pui Chung Hau Tsuen in the vicinity of the site and along the access road and environmental nuisance was expected, approval conditions restricting the operation hours and workshop and related activities on the site were recommended to mitigate any potential environmental impacts.

114. Members had no question on the application.

#### Deliberation Session

115. After deliberation, the Committee decided to approve Application No. A/YL-NSW/214 on a temporary basis for a period of 1 year from 22.8.2012 until 21.8.2013, 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. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no cutting, dismantling, cleansing, repairing and workshop activity, including container repair and vehicle repair, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) the setting back of 6m at the ingress/egress of the site;
- (d) the existing fencing on the site should be maintained at all times during the planning approval period;
- (e) the existing trees within the site should be maintained at all times during the planning approval period;

- (f) the existing drainage facilities implemented should be maintained at all times during the planning approval period;
- (g) the submission of a condition record of the existing drainage facilities within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.11.2012;
- (h) the submission and provision of parking layout plan within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 21.2.2013;
- (i) the submission and provision of fire service installations proposal for the site 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 21.2.2013;
- (j) 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;
- (k) if any of the above planning conditions (g), (h) or (i) 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
- (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.

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

- (a) an approval period of 1 year was granted so as to allow the applicant to continue to identify suitable sites for relocation and to monitor the situation of the site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to resolve any issues relating to the use of Chung Yip Road which was managed and maintained by Hong Kong School of Motoring;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that access of the site opens directly onto Chung Yip Road and his office did not provide maintenance works nor guarantee right-of-way. The lot-owners and possessor of Lot No. 1212 S.A Encroached Area in D.D. 115 would still need to apply to his office to permit structures to be erected or regularise any irregularities on site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;
- (e) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimise any potential environmental nuisance;
- (f) to note the comments of the Commissioner of Transport that the size of private car, rigid goods vehicles and articulated goods vehicles parking stalls should be 5m x 2.5m, 12m x 3.5m, 16m x 3.5m respectively, and the minimum width of aisle should be 6m, 10m and 16m respectively. The parking layout plan should be submitted with dimensions for his approval;

- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation that disturbance to the nearby pond should be avoided;
  
- (h) to note the comments of the Director of Fire Services (D of FS) that in formulating fire service installations (FSIs) proposal for the proposed structure, the applicant should make reference that for other storages, open sheds or enclosed structure with total floor area less than 230m<sup>2</sup> with access for emergency vehicles to reach 30m travelling distance to structures, portable hand-operated approved appliance should be provided as required by occupancy and should be clearly indicated on plans. 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 locations of where the proposed FSIs to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of FSIs as prescribed by D of FS, the applicant was required to provide justification to his department for consideration;
  
- (i) to note the comments of the Director of Electrical and Mechanical Services that the electricity supplier should be approached 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 plan obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, prior consultation and arrangement with the electricity supplier was necessary for the site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines. Prior 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 away from 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 consultant when carrying out works in the vicinity of the supply lines;

- (j) 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 condoning to any unauthorized structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. An emergency vehicular access under Building (Planning) Regulation (B(P)R) 41D should be provided. Formal submission of any proposed new works (if any), including any temporary structure for approval under the BO was required. Since the site was not abutting and accessible from a street having a width not less than 4.5m, the site access and the development intensity should be determined under B(P)R section 5 and 19(3) at building plan submission stage; and
- (k) to note the comments of the Director of Food and Environmental Hygiene that waste generated by the land was regarded as trade waste and no waste, including trade waste and construction and demolition waste should be deposited into any refuse collection facilities managed by his department. Moreover, the operation of the land must not cause any environmental nuisance to the surrounding area.

117. The Committee also decided to approve Application No. A/YL-NSW/215 on a temporary basis for a period of 1 year from 22.8.2012 until 21.8.2013, 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. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no cutting, dismantling, cleansing, repairing and workshop activity, including container repair and vehicle repair, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no vehicle other than private cars and light goods vehicles with valid licence/registration and not exceeding 5.5 tonnes, as defined in the Road

Traffic Ordinance, was allowed to be parked or stored on the site during the planning approval period;

- (d) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) including container trailers/tractors as defined in the Road Traffic Ordinance was allowed to be parked/stored on the site during the planning approval period;
- (e) the setting back of 6m at the ingress/egress of the site;
- (f) the existing fencing on the site should be maintained at all times during the planning approval period;
- (g) the existing trees within the site should be maintained at all times during the planning approval period;
- (h) the existing drainage facilities implemented should be maintained at all times during the planning approval period;
- (i) the submission of a condition record of the existing drainage facilities within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.11.2012;
- (j) the submission and provision of parking layout plan within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 21.2.2013;
- (k) the submission and provision of fire service installations proposal for the site 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 21.2.2013;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h)

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 (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 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.

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

- (a) an approval period of 1 year was granted so as to allow the applicant to continue to identify suitable sites for relocation and to monitor the situation of the site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to resolve any issues relating to the use of Chung Yip Road which was managed and maintained by Hong Kong School of Motoring;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that access of the site requires passing through adjacent site under application No. A/YL-NSW/214. His office did not provide maintenance works for such track nor guarantee right-of-way. Application for Short Term Waiver at Lot No. 1212 S.A ss.2 and 1212 S.A ss.3 in D.D. 115 for the purpose of ancillary use to container tractors/trailers and private car parking with permitted built over area of about 130m<sup>2</sup> had been approved subject to such terms and conditions including among others the payment of fee. The lot-owners concerned would still need to apply to his office to permit structures to be erected or

regularise any irregularities on site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;

- (e) to note the comments of the Director of Environmental Protection that there were other types of vehicles, such as container vehicles, parked within the site. The site should be used for private car park and be properly managed so as to avoid causing adverse environmental impact to the surrounding areas;
- (f) to note the comments of the Commissioner of Transport that the size of private car, rigid goods vehicles and articulated goods vehicles parking stalls should be 5m x 2.5m, 12m x 3.5m, 16m x 3.5m respectively, and the minimum width of aisle should be 6m, 10m and 16m respectively. The parking layout plan should be submitted with dimensions for his approval;
- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation that disturbance to the nearby pond should be avoided;
- (h) to note the comments of the Director of Fire Services (D of FS) that in formulating fire service installations (FSIs) proposal for the proposed structure, the applicant should make reference that for other storages, open sheds or enclosed structure with total floor area less than 230m<sup>2</sup> with access for emergency vehicles to reach 30m travelling distance to structures, portable hand-operated approved appliance should be provided as required by occupancy and should be clearly indicated on plans. 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 locations of the proposed FSIs to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of FSIs as prescribed by D of FS, the applicant was required to provide justification to his department for consideration;



- (i) to note the comments of the Director of Electrical and Mechanical Services that to 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 plan obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, prior consultation and arrangement with the electricity supplier was necessary for the site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines. Prior 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 away from 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 consultant when carrying out works in the vicinity of the supply lines;
  
- (j) 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 condoning to any unauthorized structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. An emergency vehicular access under Building (Planning) Regulation (B(P)R) 41D should be provided. Formal submission of any proposed new works (if any), including any temporary structure for approval under the BO was required. Since the site was not abutting and accessible from a street having a width not less than 4.5m, the site access and the development intensity should be determined under B(P)R section 5 and 19(3) at building plan submission stage; and
  
- (k) to note the comments of the Director of Food and Environmental Hygiene that waste generated by the land was regarded as trade waste and no waste, including trade waste and construction and demolition waste should be deposited into any refuse collection facilities managed by his department.

Moreover, the operation of the land must not cause any environmental nuisance to the surrounding area.

### **Agenda Item 28**

#### **Section 16 Application**

[Open Meeting]

A/YL-KTN/378      Proposed Residential Development in “Undetermined” zone, Lots 215 S.C, 264 S.B RP (Part), 266 S.A (Part), 266 RP (Part), 267, 268, 269 S.B RP (Part), 269 S.B ss.2 RP (Part), 270 (Part), 271 (Part), 272, 275, 277 (Part) and 295 (Part) in D.D. 103 and Adjoining Government Land, Ha Ko Po Tsuen, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/378A)

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119.            The Secretary reported that the application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHKP) and Urbis Ltd. was one of the consultants of the applicant. Mr. Ivan C.S. Fu and Ms. Janice W.M. Lai had declared interests in this item as they had current business dealings with SHKP and Urbis Ltd. As the item was for deferral of the consideration of the application, the Committee agreed that Mr. Fu and Ms. Lai could stay in the meeting.

120.            The Secretary reported that on 31.7.2012, the applicant requested the Board to further defer making a decision on the application for two months in order to allow sufficient time to address the latest departmental comments received in July 2012.

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

**Agenda Item 29**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/387      Proposed House (New Territories Exempted House – Small House) in  
“Agriculture” zone, Lot 933 RP in D.D. 109, Tai Kong Po Tsuen, Pat  
Heung, Yuen Long  
(RNTPC Paper No. A/YL-KTN/387)

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**Presentation and Question Sessions**

122.      Ms. Bonita K.K. Ho, 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 – departmental comments were set out in paragraph 10 and Appendix IV of the Paper;
- (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 did not support the application based on the assessments made in paragraph 12 of the Paper and were summarized below :
  - (i) the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and

other agricultural purposes. No strong planning justification had been given in the submission for a departure from such planning intention;

- (ii) the application did not comply with the Interim Criteria for Assessing Planning Application for NTEH/Small House Development in the New Territories in that there was no general shortage of land in the “Village Type Development” (“V”) zone of Cheung Kong Tsuen to meet the future Small House (SH) demand in Cheung Kong Tsuen. According to the District Lands Officer/Yuen Long of the Lands Department (DLO/YL of LandsD), the outstanding SH applications and 10-year demand forecast for SH for Cheung Kong Tsuen were estimated to be 26 SHs which was equivalent to about 0.65 ha of land. There was still about 4.47 ha of land (equivalent to about 178 SHs sites) available within the “V” zone of Cheung Kong Tsuen for SH developments. Since there was sufficient land in the “V” zone of Cheung Kong Tsuen to meet the estimated SH demand in Cheung Kong Tsuen, the current application did not warrant sympathetic consideration. The applicant claimed that he was an indigenous villager of Ho Pui Tsuen; and
  
- (iii) although DLO/YL of LandsD advised that cross-village Small House application would be considered for the indigenous villager of Ho Pui Tsuen (the applicant) provided that the application was acceptable to the villagers of Tai Kong Po, the applicant had not demonstrated in the submission why suitable sites in the areas zoned “V” within Pat Heung (including the “V” zones for Cheung Kong Tsuen and Ho Pui Tsuen) could not be made available for the proposed development. Although eleven applications (No. A/YL-KTN/217, 257, 269, 296, 297, 298, 310, 358, 359, 360, 361 and 380) for Small House were approved in the vicinity of the site in Tai Kong Po within the same “AGR” zone, Applications No. A/L-KTN/217 and 257 submitted by the indigenous villagers of Tai

Kong Po were approved as the former was subject to previous planning approvals while the latter involved a site which had a building status under the lease. The other nine similar applications were approved taking into account the special circumstance that the applicants were the indigenous villagers of Tai Kong Po (a post-1898 recognized village) who were not allowed to erect Small Houses in another villages except within the village environs ('VE') of Tai Kong Po according to the prevailing land policy as advised by DLO/YL of LandsD.

123. Members had no question on the application.

#### Deliberation Session

124. The Chairman noted from Plan A-2 of the Paper that there were already a number of Small Houses and structures built within the "AGR" zone where the application site was located. Ms. Bonita K.K. Ho said that the area as shown on Plan A-2 of the Paper was Tai Kong Po which was a post-1898 recognized village. According to DLO/YL of LandsD, the indigenous villagers of a post-1898 recognized village were not allowed to build Small Houses in other villages (i.e. "cross-village") except within the 'VE' of their own village. In that regard, the indigenous villagers of Tai Kong Po were allowed to build their Small Houses on that part of the subject "AGR" zone falling within the 'VE' of Tai Kong Po. The Secretary supplemented that those Small Houses within the "AGR" zone were most likely approved and built before the publication of statutory town plan for the area,

125. A Member asked if the applicant, who claimed himself an indigenous villager of Ho Pui Tsuen, would be allowed to build a Small House in the same "AGR" zone just like the surrounding Small Houses. In reply, Ms. Bonita K.K. Ho said that, as she learnt from DLO/YL, the indigenous villagers of Ho Pui Tsuen could be considered for cross-village Small House applications if their proposed Small House sites were within the same Heung (i.e. Pat Heung in the subject case), and the subject application site at Tai Kong Po was within Pat Heung.

126. Ms. Anita K.F. Lam said that DLO/YL might be prepared to consider this “cross-village” Small House application at the application site unless there were local objections. The Secretary remarked that this application was recommended for rejection because there was still sufficient land for Small House development in the “V” zone of Cheung Kong Tsuen and the applicant had not demonstrated in the submission why suitable sites in that “V” zone could not be made available for the proposed Small House development.

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

- (a) the proposed development was not in line with the planning intention of the “Agriculture” zone on the Outline Zoning Plan, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification given in the submission for a departure from the planning intention; and
- (b) the application did not comply with the Interim Criteria for assessing planning applications for New Territories Exempted House/Small House development in that there was no shortage of land within the “Village Type Development” (“V”) zone of Cheung Kong Tsuen to meet the demand forecast for Small House development. The applicant failed to demonstrate in the submission why suitable sites within the areas zoned “V” could not be made available for the proposed development.

**Agenda Item 30**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/571      Temporary Public Vehicle Park for Private Car and Van for a Period of 3 Years in “Agriculture” and “Village Type Development” zones, Lot 390 RP (Part) in D.D. 106, Tin Sam San Tsuen, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTS/571)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary public vehicle park for private car and van for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper;
- (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 the application could be tolerated for a period of three years based on the assessments made in paragraph 11 of the Paper.

129.      Members had no question on the application.

Deliberation Session

130. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 10.8.2015, 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 9:00 p.m. and 7:30 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no vehicles without valid licences issued under the Road Traffic (Regulation and Licensing of Vehicles) Regulations were allowed to be parked/stored on the site at any time during the planning approval period;
- (c) no medium or heavy goods vehicles exceeding 5.5 tonnes as defined in the Road Traffic Ordinance or container trailers/tractors were allowed to be parked/stored on or enter/exit the site during the planning approval period;
- (d) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicles exceeding 5.5 tonnes as defined in the Road Traffic Ordinance or container trailers/tractors were allowed to be parked/stored on or enter/exit the site during the planning approval period;
- (e) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities should be carried out at the site during the planning approval period;
- (f) no reversing of vehicles into or out from the site was allowed at any time during the planning approval period;
- (g) a proper vehicular access/run-in between the site and the public road should be maintained at all times during the planning approval period;
- (h) all existing trees and landscape plantings on the site should be maintained at all times during the planning approval period;



- (i) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (j) the existing boundary wall/fencing should be maintained at all times during the planning approval period;
- (k) the submission of a record of the existing drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 10.2.2013;
- (l) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.2.2013;
- (m) in relation to (k) 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 10.5.2013;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h), (i) or (j) 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;
- (o) if any of the above conditions (k), (l) or (m) 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
- (p) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction to the satisfaction of the Director of Planning or of the TPB.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application 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, Lands Department that the private land involved comprised Old Scheduled Agricultural Lot held under Block Government Lease which contained the restriction that no structure was allowed to be erected without prior approval of the Government. No approval had been given for the specified structures. The site was accessible direct from Kam Sheung Road via government land (GL). Lands Department (LandsD) did not provide maintenance works on this GL nor guarantee right of way. The lot owner would need to apply to LandsD to permit any structures to be erected or regularize any irregularities on the site. Such application would be considered by 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 might be imposed by LandsD;
- (d) to adopt 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 nuisances;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that HyD was not responsible for the maintenance of any existing vehicular access connecting the site and Kam Sheung Road;

- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the existing drainage facilities should be maintained in good condition and the development should not cause any adverse drainage impact to the adjacent areas;
  
- (g) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, 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. In formulating FSIs proposal for the proposed structures, for other storages, open shed or enclosed structure with total floor area less than 230 m<sup>2</sup> with access for emergency vehicles to reach 30m travelling distance to structures, portable hand-operated approved appliance should be provided as required by occupancy and should be clearly indicated on plans. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should also be clearly marked on the layout plans;
  
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there was no record of approval by the Building Authority (BA) for the structures existing at the site. If the existing structures were erected on leased land without approval of BD, they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use. Before any new building works (including site office, guard room, toilet and storeroom as temporary buildings) were to be carried out on the site, the prior approval and consent of the BA should be obtained. Otherwise, they were unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance of the BO. For UBW erected on leased land, enforcement action might be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as an acceptance of any existing building works or

UBW on the site under the BO. The site should be provided with emergency access under Building (Planning) Regulations 41D; and

- (i) 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. 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 measures including prior consultation and arrangement with the electricity supplier 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. Besides, 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. In addition, 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 electricity supply lines.

### **Agenda Item 31**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/572      Proposed Temporary Open Storage of Construction Materials,  
Construction Machinery and Vehicle Parts for a Period of 3 Years in  
“Other Specified Uses” annotated “Rural Use” zone, Lot 456 in D.D.  
106, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTS/572)

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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary open storage of construction materials, construction machinery and vehicle parts for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Chief Town Planner/Urban Design and Landscape of the Planning Department (CTP/UD&L of PlanD) had some reservations on the application from the landscape planning point of view as it was revealed that the previous vegetation and woodland trees on the site had been cleared with the site paved. Although further impacts on landscape resources were not anticipated, the proposed use, if approved, would encourage more vegetation clearance in the area, resulting in further degradation of the remaining woodland tree groups within the “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) zone. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of existing residential structures located to the north and in the vicinity of the site (the nearest one about 15m away) and environmental nuisance was expected;
- (d) one public comment was received from a Yuen Long District Council member during the first three weeks of the statutory publication period concerning that the heavy vehicles of the proposed development would cause traffic congestion on Kam Sheung Road and adverse impact on the residents. No local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments made in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “OU(RU)” zone which was for the preservation of the character of the rural area. The proposed development, which would involve the use of heavy goods vehicles not exceeding 24 tonnes, was also not compatible with the residential dwellings and agricultural activities near/adjacent to and in the vicinity of the site. There were some residential dwellings/structures located to the north and in the vicinity of the site with the nearest one about 15m away. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis. The application did not comply with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that there was no previous approval for open storage use granted at the site and that existing and approved open storage use should be contained within the Category 3 areas and further proliferation of such use was not acceptable. Moreover, there were adverse departmental comments from DEP and CTP/UD&L of PlanD on the application. As the applicant failed to demonstrate that the proposed development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas, the application did not warrant sympathetic consideration.

133. Members had no question on the application.

#### Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) zone which was for the preservation of the character of the rural area. Uses or

developments compatible with the rural landscape, such as passive recreation uses and a selected range of rural uses, might be allowed on application to the Board, with a view to upgrading or improving the area or providing support to the local communities. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;

- (b) the application did not comply with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that the proposed development was not compatible with the residential dwellings (with the nearest one about 15m away) and agricultural activities near/adjacent to and in the vicinity of the site; there was no previous approval granted at the site; and there were adverse comments from the relevant government departments;
- (c) the applicant failed to demonstrate that the proposed development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and
- (d) the approval of the application would set an undesirable precedent for similar uses to proliferate in the “OU(RU)” zone. The cumulative effect of approving such application would result in a general degradation of the environment of the area.

**Agenda Item 32**

**Section 16 Application**

[Open Meeting]

A/YL-KTS/573            Temporary Community Based Recyclable Collection Centre (including Plastics, Paper and Metals) with Ancillary Offices and Storerooms for a Period of 3 Years in “Residential (Group D)” zone, Lots 1324 (Part), 1325 S.A (Part), 1325 S.B to E (Part) and 1326 (Part) in D.D. 106 and Adjoining Government Land, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTS/573)

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135.            The Secretary reported that on 16.7.2012, the applicant requested the Board to defer making a decision on the application for two months in order to allow more time to clear the site before consideration of the application by the Board.

136.            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 clearance of the site, and no further deferment would be granted unless under very special circumstances.

**Agenda Item 33**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/305            Proposed Temporary Warehouse for Storage of Exhibition Materials for a Period of 3 Years in “Residential (Group D)” zone, Lots 4070 RP (Part), 4071, 4072, 4073, 4074, 4075, 4076 RP (Part), 4087, 4090 and 4091 (Part) in D.D. 116 and Adjoining Government Land, Tai Shu Ha Road East, Tai Tong, Yuen Long  
(RNTPC Paper No. A/YL-TT/305)

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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary warehouse for storage of exhibition materials for a period of 3 years;

[Dr. Wilton W.T. Fok left the meeting at this point.]

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses to the immediate east and south and in the vicinity of the site and environmental nuisance was expected;
- (d) two public comments were received during the first three weeks of the statutory publication period on noise nuisance, fire safety and traffic grounds. No local objection/view was received by the District Officer (Yuen Long);
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments made in paragraph 11 of the Paper. The proposed development was not in line with the planning intention of the “R(D)” zone and incompatible with the surrounding land uses comprising mainly residential dwellings to the immediate east and south of the site and to the west across Tai Shu Ha Road East. Although there were warehouses, open storage yards and workshops in the vicinity of the site, they were mostly suspected unauthorized developments subject to enforcement action taken by the Planning Authority. DEP did not support the application as there were sensitive receivers of residential uses to the immediate east and south and in the vicinity of the site and environmental

nuisance was expected. There was no similar application approved previously in the same “R(D)” zone. The approval of this application would set an undesirable precedent and encourage other similar applications for storage/warehouse uses within the subject “R(D)” zone, the cumulative impact of which would result in a general degradation of the environment of the area. Moreover, two public comments raising objection to the application on noise, traffic and fire safety grounds were received.

138. Members had no question on the application.

#### Deliberation Session

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

- (a) the development was not in line with the planning intention of “Residential (Group D)” (“R(D)”) zone which was primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. No strong planning justification had been given to justify a departure from the planning intention, even on a temporary basis;
- (b) the development would pose adverse environmental impact on the residential uses located to the immediate east and south and in the vicinity of the application site; and
- (c) the approval of the application would set an undesirable precedent for applications within the “R(D)” zone. The cumulative impact of approving such applications would result in a general degradation of the environment of the area.

**Agenda Item 34**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/599 Temporary Religious Institution (Shelter for Gathering) for a Period of 3 Years in “Residential (Group B) 1” zone, Lot 555 RP in D.D. 121, Tong Yan San Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/599)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary religious institution (shelter for gathering) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses to the immediate north and northeast and 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 the application could be tolerated for a period of three years based on the assessments made in paragraph 11 of the Paper. Although DEP did not support the application as there were sensitive receivers in the vicinity of the site and environmental nuisance was expected, approval conditions prohibiting the use of audio amplification

system and burning activity on-site were recommended to mitigate any potential environmental impacts.

141. Members had no question on the application.

Deliberation Session

142. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 10.8.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no public announcement system, portable loudspeaker or any form of audio amplification system was allowed to be used on the application site at any time during the planning approval period;
- (b) no burning activity should be carried out at all times during the planning approval period;
- (c) the existing vegetation on the application site should be maintained at all times during the planning approval period;
- (d) the existing fencing on the site should be maintained at all times during the planning approval period;
- (e) the existing drainage facilities on the application site should be maintained at all times during the planning approval period;
- (f) the submission of record of 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 10.11.2012;

- (g) the submission of water supplies for fire fighting and fire service installations proposals within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.11.2012;
- (h) in relation to (g) above, the implementation of water supplies for fire fighting and 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 10.2.2013;
- (i) if any of the above planning conditions (a), (b), (c), (d) or (e) 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;
- (j) if any of the above planning conditions (f), (g) or (h) 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
- (k) 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) shorter compliance periods were allowed to monitor the progress on compliance with approval conditions;
- (c) sympathetic consideration might not be given to any further application if the planning permission was revoked again due to non-compliance of approval conditions;

- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the lot owner would need to apply to his office to permit structures to be erected or regularize any irregularities on-site. Such application would be considered by 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 might be imposed by LandsD. Besides, the site was accessible through an informal track on Government land and other private land extended from Tong Yan San Tsuen Road. His office provides no maintenance works for this track nor guarantees right-of-way;
- (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 his Department should not be responsible for the maintenance of any access connecting the site and Tong Yan San Tsuen Road;
- (g) 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;
- (h) 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 and referral from relevant licensing authority. Emergency vehicular access provision at the site should comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the Building (Planning) Regulations (B(P)R) 41D;

- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the 2 nos. of existing structures involved in the application were subject to 2 nos. S.24 removal Orders of nos. CWP/S1/101185/10/NT (for the existing shelter for gathering) and CWP/S1/100121/12/NT (for the existing structure for kitchen and storage use) issued to the relevant owner by his department on 18.12.2010 and 28.3.2012 respectively. The subject orders had not been complied with and his department would pursue to take appropriate actions with regard to compliance of the said Orders;
  
- (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 site. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary. 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. 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
  
- (k) to note the comments of the Director of Food and Environmental Hygiene that any food business carrying on at the kitchen on-site should be granted with a licence issued by his Department. The applicant should also prevent creating environmental nuisance affecting the public.

**Agenda Item 35**

**Section 16 Application**

[Open Meeting]

A/YL-TYST/600 Proposed Minor Relaxation of Building Height Restriction from 15m to 17m for Permitted Industrial Use (not elsewhere specified) in “Industrial” zone, Lot 1996 in D.D. 121, 11 San Hi Tsuen Street, Yuen Long  
(RNTPC Paper No. A/YL-TYST/600)

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144. The Secretary reported that on 23.7.2012, the applicant requested the Board to defer making a decision on the application for 6 weeks in order to allow more time to address the comments from the Transport Department on the application.

145. 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 6 weeks were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

**Agenda Item 36**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/601 Temporary Industrial Use (Curtain Wall Testing Centre) for a Period of 1 Year in “Undetermined” zone, Lot 1232 in D.D. 119 and Adjoining Government Land Yuen Long  
(RNTPC Paper No. A/YL-TYST/601)

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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary industrial use (curtain wall testing centre) for a period of 1 year;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix III of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential structures 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 – The development was not incompatible with the surrounding areas and was not in conflict with the planning intention of the “Undetermined” zone. PlanD therefore considered that the temporary use under the application could be tolerated for a period of one year based on the assessments made in paragraph 11 of the Paper. Although DEP did not support the application as there were sensitive receivers in the vicinity of the site and environmental nuisance was expected, approval conditions restricting the operation hours and prohibiting the use of heavy vehicles were recommended to mitigate any potential environmental impacts.

147. Members had no question on the application.

Deliberation Session

148. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year until 10.8.2013, 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 9:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no heavy goods vehicles exceeding 24 tonnes as defined in the Road Traffic Ordinance and tractors/trailers, as proposed by the applicant, were allowed for the operation of the application site at any time during the planning approval period;
- (d) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (e) the submission of a record of existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 10.11.2012;
- (f) the submission and 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 10.2.2013;
- (g) the submission and 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 10.2.2013;

- (h) if any of the above planning conditions (a), (b), (c) or (d) 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;
- (i) if any of the above planning conditions (e), (f) or (g) 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
- (j) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that no structures were allowed to be erected without prior approval from his office. No approval had been given to allow any structures including steel frames and storerooms uses at the site. Meanwhile, no permission had been given for occupation of the government land (GL) within the site. The site was accessible through an informal village track on GL and other private land extended from Kung Um Road. His office did not provide maintenance works for such track nor guarantees right-of-way. The lot owners and occupiers of the GL concerned would still need to apply to his office to permit structures to be erected or regularize any irregularities on-site. Such application would be considered by 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 might be imposed by LandsD;

- (c) 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;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains and that his office should not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the “Recent Photos of Trees” submitted under the current application were same as those submitted under the previously approved application. Updated tree photos with the photo taken date(s) should be provided instead. Moreover, it seemed that there were opportunities for landscape planting along the north-eastern site boundary due to the revised layout of temporary structures;
- (f) 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;
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the development should not cause any adverse drainage impact to the adjacent areas;
- (h) 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 fire-fighting flow;

- (i) to note the comments of the Director of Fire Services on the requirements on formulating fire service installations proposal in Appendix III of the Paper;
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that unauthorized structures on-site were liable to action under section 24 of the Buildings Ordinance (BO). Moreover, 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. Use of containers as office and storage was considered as temporary buildings which were subject to control under Building (Planning) Regulation (B(P)R) Part VII. Formal submission of any proposed new works, including any temporary structures, for approval under the BO was required. If the site did not abut on 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. B(P)R 41D was also applicable regarding the provision of emergency vehicular access; and
- (k) 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. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier was necessary. 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. 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 Chairman thanked Mr. K.C. Kan, Mr. Vincent T.K. Lai, Mr. Ernest C.M. Fung and Ms. Bonita K.K. Ho, STPs/TMYL, for their attendance to answer Members’ enquires. Mr. Kan, Mr. Lai, Mr. Fung and Ms. Ho left the meeting at this point.]

**Agenda Item 37**

**Any Other Business**

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