

## **TOWN PLANNING BOARD**

### **Minutes of 471st Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 24.8.2012**

#### **Present**

Director of Planning Mr. Jimmy C.F. Leung	Chairman
Mr. Timothy K.W. Ma	Vice-chairman
Dr. C.P. Lau	
Ms. Anita W.T. Ma	
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 West, Transport Department Mr. W.C. Luk	
Chief Engineer (Works), Home Affairs Department Mr. Frankie W.P. Chou	
Principal Environmental Protection Officer (Strategic Assessment), Environmental Protection Department Mr. H.M. Wong	

Assistant Director/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

Mr. Rock C.N. Chen

Dr. W.K. Yau

Dr. W.K. Lo

Professor K.C. Chau

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  
Miss H. Y. Chu

Town Planner/Town Planning Board  
Ms. Cindy K.F. Wong

[As there were sufficient official members, Ms. Anita Lam and Mr. H. M. Wong were invited to leave the meeting. Ms. Lam and Mr. Wong left the meeting at this point.]

**Agenda Item 1**

**Confirmation of the Draft Minutes of the 470th RNTPC Meeting held on 10.8.2012**

[Open Meeting]

1. The draft minutes of the 470th RNTPC meeting held on 10.8.2012 were confirmed without amendments.

**Agenda Item 2**

**Matters Arising**

[Open Meeting]

(i) **Town Planning Appeal Abandoned**

Town Planning Appeal No. 12 of 2011

Temporary Open Storage of Vehicles (Buses, Minibuses, Private Cars and Goods Vans) that were Pending Repairing or Having Been Repaired for a Period of 3 Years in “Agriculture” Zone, Lots 1324 (Part) and 1328 (Part) in D.D. 114,

Kam Sheung Road, Yuen Long

(Application No. A/YL-SK/163)

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2. The Secretary reported that the appeal (No. 12/2011) was received by the Appeal Board Panel (Town Planning) (ABP) on 1.11.2011 against the decision of the Town Planning Board to reject on review the planning application No. A/YL-SK/163 for temporary open storage of vehicles (buses, minibuses, private cars and goods vans) that were pending repairing or having been repaired for a period of three years in “Agriculture” zone on the approved Shek Kong Outline Zoning Plan. On 10.8.2012, the appeal was abandoned by the appellant on his own record. On 15.8.2012, the ABP formally confirmed that the appeal was abandoned in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations of the Town Planning Ordinance.

(ii) **Appeal Statistics**

3. The Secretary reported that as at 24.8.2012, a total of 21 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows :

Allowed	:	28
Dismissed	:	123
Abandoned/Withdrawn/Invalid	:	161
Yet to be Heard	:	21
Decision Outstanding	:	1
Total	:	334

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

#### **Agenda Item 3**

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

[Open Meeting (Presentation and Question Sessions only)]

Y/FSS/9                      Application for Amendment to the Approved Fanling/Sheung Shui  
Outline Zoning Plan No. S/FSS/16 from “Industrial” to “Other  
Specified Uses” annotated “Columbarium” in “Industrial” zone, 23 Yip  
Cheong Street, Fanling (Fanling Sheung Shui Town Lot. 163)  
(RNTPC Paper No. Y/FSS/9B)

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

4. The Secretary reported that Mr. Ivan Fu and Ms. Janice Lai had declared an interest in this item as they had current business dealings with MVA Hong Kong Limited, one of the consultants of the application. As Mr. Fu and Ms. Lai did not have direct involvement in the subject application, Members agreed that Mr. Fu and Ms. Lai could stay in the meeting.

5. The following representatives from the Planning Department (PlanD) were invited to the meeting at this point :

Ms. Jacinta Woo

District Planning Officer/Sha Tin, Tai Po and

Ms. Maggie Chin                      North (DPO/STN)  
Senior Town Planner/Shau Tin, Tai Po and  
North (STP/STN)

6.            The following applicant’s representatives were also invited to the meeting at this point :

Mr. Tse Siu Hoi	}	
Ms. Kitty Lam	}	
Mr. Sit Kwok Keung	}	
Mr. Edwin Lau	}	applicant’s representatives
Mr. Alan Pun	}	
Ms. Chung Sau Wai	}	
Mr. Joseph Lee	}	
Ms. Kimmy Lai	}	
Mr. Henry Tang	}	

7.            The Chairman extended a welcome and explained the procedures of the hearing. He then invited Ms. Maggie Chin to brief Members on the background of the application. Ms. Chin did so as detailed in the Paper and made the following main points with the aid of a Powerpoint:

#### The Background

- (a)    the applicant proposed to rezone the site with an area of 2,935m<sup>2</sup> from “Industrial” (“I”) to “Other Specified Uses” annotated ‘Columbarium’ (“OU (Columbarium)”) on the Fanling/Sheung Shui Outline Zoning Plan (OZP) for proposed wholesale conversion of an existing 6-storey godown into a columbarium with a total number of 62,400 niches. The applicant had also proposed to include a set of Schedule of Uses for the proposed “OU(Columbarium)” zone with ‘Columbarium’ put under Column 1 and remarks stipulating the maximum number of niches of 62,400;

#### The Proposal

- (b) the existing 6-storey godown with a total gross floor area of 9,816m<sup>2</sup> was proposed to be converted into columbarium use providing 62,400 niches. A total of 47 car parking spaces would be provided. According to the applicant, the opening hours of the proposed columbarium would be from 8:00 a.m. to 8:00 p.m.. Burning of candles, joss sticks and incense was not allowed in the columbarium. The width of the three existing staircases was proposed to be increased from 1m to 1.2m and two additional staircases and a pair of escalators from G/F to 5/F would be provided;
  
- (c) the applicant had proposed special traffic arrangement and crowd control measures during festival days, including:
  - (i) temporary suspension of visitor car parking spaces within the application site during special days such as Ching Ming and Chung Yeung Festivals;
  
  - (ii) provision of passenger pick-up/drop-off lay-bys for taxi and shuttle bus within the application site during the peak festival period;
  
  - (iii) provision of shuttle bus services between Fanling and Sheung Shui area, with the proposed shuttle bus stop at the lay-by of San Wan Road near Sheung Shui MTR Station during special days;
  
  - (iv) provision of crowd control scheme to guide visitors from Fanling MTR Station to use at-grade walkways to the application site. Adequate directional signages and management staff would be placed at the critical diverting points to lead the visitors; and
  
  - (v) suspension of a few sections of the existing cycle track along northern side of Jockey Club Road, subway across Jockey Club Road near San Wan Road and the footbridge close to Exit C of Fanling MTR Station during the peak 15-minutes of visitors on the festival days when necessary.
  
- (d) the justifications put forth by the applicant in support of the application

were summarised in paragraph 2 of the Paper.

### Departmental Comments

- (e) the departmental comments were detailed in paragraph 9 of the Paper and highlighted as follows:
  - (i) the Commissioner for Transport (C for T) advised that he could not render his support to the application from the traffic engineering view point and considered that the applicant's revised Traffic Impact Assessment (TIA) was not acceptable. His main comments on the revised TIA were that the arrangement of 'no provision of visitor car parking spaces' should not only be proposed on the festival days but also implemented during the festivals periods (two weekends before/after the festivals). The proposal of using the lay-by of San Wan Road as the pick-up/drop-off point for shuttle bus services of the proposed columbarium would affect the normal pick up/drop off and loading/unloading activities of the lay-by. As the proposed shuttle bus pick-up/drop-off point could not be guaranteed, alternative location should be investigated. The proposed closure of some sections of cycle track was not supported and the level of service of the proposed crowd control scheme at the footbridge between Fanling MTR Station and Fanling Town Centre was not satisfactory;
  - (ii) the Commissioner of Police (C of P) had reservation on the application. He advised that sufficient parking facilities had to be provided to avoid illegal parking along the road leading to the proposed columbarium. If no parking space for visitors would be provided, such term should be specifically mentioned in the sale agreement/contract. The columbarium operator had no legal power to enforce any crowd control at the public lay-by at San Wan Road. The increase of over 60,000 niches would definitely generate huge pedestrian traffic which required extra Police resources for crowd control during Ching Ming and Chung Yeung Festivals. The overall road network was required to be improved as significant increase in

traffic was expected during the worshipping seasons. Serious obstruction along Yip Cheong Street would hinder emergency services to the nearby industrial buildings. He had concerns on the public safety and traffic management unless the revised TIA report was cleared by C for T;

- (iii) the Director of Environmental Protection (DEP) advised that he would not be able to support the application. He commented that to ensure that the proposed development would not induce adverse traffic emissions impact, the applicant should obtain consent from C for T and confirm explicitly that traffic generation from the proposed development would not be significant. On the need for sewage impact assessment (SIA), given the large number of niches proposed under the development and thus the number of visitors during festival periods and the limited capacity in the immediate downstream sewer, sewage impact was substantial. The applicant should conduct a detailed SIA to demonstrate no sewage impact and/or to suggest appropriate mitigation measures where necessary;
- (iv) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservations on the application. He commented that the proposed rezoning was not incompatible with the surrounding landscape character. However, there were no details submitted to demonstrate the feasibility of the landscape proposal on the roof of the building. The proposed greening was quite minimal and dominated by hard paving and wooden deck. The applicant should maximize the ratio of green cover on the roof of the building. The applicant might consider using grasscrete instead of hard paving;

#### Local Views and Public Comments

- (f) the District Officer (North), Home Affairs Department (DO(N), HAD) advised that he had consulted the locals. The Residents Representative (RR) of Shung Him Tong (East) and 11 residents supported the application



on the grounds that the application site was located away from residential development and columbarium facilities were required in Hong Kong. The RR of Tong Hang (Upper), RR of Tong Hang (Lower), two North District Council (NDC) members, Principal of Tung Wah Group of Hospitals (TWGHs) Li Ka Shing College, the Chairman of the Owners' Corporation (OC) of Fanling Centre (with 846 objection signatures) and 23 residents raised objections to the application. The Chairman of the North District Manufacturers Association (北區廠商會), Principal of Caritas Fanling Chan Chun Ha Secondary School and seven residents had no comment on the application but raised concern on environmental and traffic aspects;

- (g) during the statutory publication period, 33 public comments from three NDC members, 粉嶺靈灰安置所關注組, Designing Hong Kong Limited, seven companies / owners of industrial buildings at On Lok Tsuen, and 21 members of the general public were received. Amongst these 33 public commenters, one of the NDC members supported the application provided that the proposed columbarium would provide sufficient facilities. 26 public commenters (including two NDC Members) objected to the application and the remaining six public commenters raised concerns on the proposed columbarium development;
- (h) the objecting views from the locals and the public comments were summarized below:

#### Traffic

- (i) nearby roads were narrow and they were not suitable for huge number of people going to the application site. The visitors of the proposed columbarium would overload the existing railway, road and pedestrian walkway networks in the locality, especially the footbridge at Fanling MTR Station during Ching Ming and Chung Yeung Festivals;
- (ii) there were many heavy vehicles travelling along Yip Cheong Street and many loading/unloading activities using forklift. The proposed columbarium would lead to adverse traffic impact on surrounding area, in particular, traffic congestion and causing danger to pedestrians;

- (iii) the proposed columbarium would have adverse impact on the provision of parking spaces in Fanling;

#### Land Use Compatibility

- (iv) the proposed columbarium contradicted with the planning intention of the “I” zone. Industrial land should be preserved to provide job opportunities;
- (v) most of the areas in On Lok Tsuen had been used for industrial use since the 1980’s. The proposed columbarium was not compatible with the surrounding areas;
- (vi) the proposed columbarium was located in proximity to Cheung Wah Estate, Fanling Centre and a number of primary and secondary schools and it would cause disturbances to the residents and students;

#### Environment

- (vii) no environmental assessment had been submitted to the Town Planning Board. Burning of ritual paper would pollute the environment and affect the health of nearby residents. The proposed columbarium would cause environmental pollution and destroy the tranquil environment in Fanling;

#### Other issues

- (viii) there were already a number of columbaria and burial grounds in Fanling and Sheung Shui. There was no shortage of niches in the North District. The scale of the proposed columbarium was excessive and the approval of the application would set an undesirable precedent for similar applications;
- (ix) the existing industrial building could be converted into residential or hotel development for resolving the problem of high property rental and price;
- (x) the approval of the application would set an undesirable precedent for

similar applications in On Lok Tsuen, thus causing adverse traffic impact in the locality; and

- (xi) the Government or concerned organizations could consider having columbarium developments in areas away from town centre/industrial area/commercial district.

Planning Department's views

- (i) PlanD did not support the application based on the assessments made in paragraph 11 of the Paper, which were summarized as follows:

- (i) the planning intention of the "I" zone in Fanling New Town area was primarily for general industrial uses to ensure an adequate supply of industrial floor space to meet demand from production-oriented industries. The application site was located at the southern edge of On Lok Tsuen Industrial Area in Fanling New Town, which was an active industrial area and had been proposed to be retained under the "Area Assessments 2009 of Industrial Land in the Territory" (Area Assessments 2009). The industrial area had served as a major employment centre in the area. The proposed rezoning would jeopardize the provision of industrial floor space in On Lok Tsuen Industrial Area and there was no strong planning justification to change the "I" zoning of the application site;
- (ii) there was doubt on the implementability of the traffic management and crowd control measures proposed by the applicant. C for T did not support the application and had advised that the proposed shuttle bus pick-up/drop-off point at the lay-by of San Wan Road would affect the normal pick-up/drop-off and loading/unloading activities of the lay-by. The proposed closure of some sections of cycle track was not supported and the level of service of the proposed crowd control scheme at the footbridge between Fanling MTR Station and Fanling Town Centre was not satisfactory. The applicant had failed to demonstrate that the proposed columbarium would not cause significant adverse impact on traffic and pedestrian circulation of the surrounding area;

- (iii) given the large number of niches proposed in the development and thus the number of visitors during festival periods and the limited capacity in the immediate downstream sewer, DEP had advised the applicant to submit a sewerage impact assessment (SIA) to demonstrate that there would be no adverse impact on the public sewerage system. The applicant had failed to submit a SIA to demonstrate that the proposed columbarium would not cause significant adverse sewage impact on the surrounding area;
- (iv) there was uncertainty on the enforceability of the mitigation measures proposed by the applicant, including prohibition of burning of candles, joss sticks and incense in the columbarium and suspension of carparking spaces during the festival days; and
- (v) the approval of the rezoning application would set an undesirable precedent for similar rezoning applications within “I” zone. The cumulative effect of approving such similar applications would result in a loss of industrial floor space and employment opportunities in the area.

8. The Chairman then invited the applicant’s representatives to elaborate on the application. Mr. K. K. Sit said that he would like to ask DPO regarding the objective of the Area Assessments 2009 and its relevancy to the subject rezoning application. The Chairman said that according to the hearing procedures of s.12A application, the applicant’s representatives should elaborate on the application and Members would ask questions on this aspect during the question and answer session if they had doubt.

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

9. Mr. K. K. Sit showed a video at the meeting containing mainly media reports on the shortage of columbaria in Hong Kong. After that, Mr. K. K. Sit made the following main points with the aid of the visualiser:

[Mr. H. M. Wong returned to join the meeting at this point.]

Justifications of the Proposed Columbarium

- (a) the proposed columbarium would meet all the assessment criteria, including location, building structure consideration, building utilization, design features, columbarium operation and management and ownership consideration, as stipulated in the ‘Guidelines for Provision of Columbarium Facilities in Industrial Buildings’ promulgated by the Food and Health Bureau (FHB) in April 2011;

[Dr. Wilton W.T. Fok arrived to join the meeting at this point.]

- (b) there was a severe shortage of niches in the Territory. According to the figures published by the Government, the shortage of niches in 2019 and 2029 would be 186,830 and 508,060 inches respectively. The provision of 62,400 niches by the proposed development would be a great contribution to solve the shortage problem;

[Ms. Anita Lam returned to join the meeting at this point.]

- (c) the revised Traffic Impact Assessment (TIA) submitted by the applicant had proved that the proposed columbarium would not cause significant traffic impact on the nearby road network and there would still be surplus parking spaces in the vicinity of the proposed columbarium during the peak periods on special days;
- (d) cremains stored in columbaria were clean hygienic calcium particles that could be dispersed to open waters or Gardens of Remembrance. It would not cause air or water pollution. The public views were mainly on psychological ground which was not rational. The proposed columbarium had received support from the local rural committees;
- (e) with the retention of the existing sprinkler system and the prohibition of candle/joss stick/incense burning, fire safety would be ensured. The provision of five wider staircases in total and a pair of escalators would provide sufficient fire escape means and vertical accessibility;

- (f) the application site was not located in close proximity to residential developments and areas with high conservation value. There was neither storage of dangerous goods nor fuel oil installation in the vicinity;
- (g) the planned industrial land in On Lok Tsuen Industrial Area had yet to be fully developed and there was no shortage of industrial land supply in the area. The proposed development would not jeopardize industrial land/floor space supply in On Lok Tsuen Industrial Area as there was still an area of about 7.5 ha of planned industrial land yet to be developed;
- (h) the staff canteen was a minor ancillary facility and it would have no adverse impact on the existing sewerage system in the long established On Lok Tsuen Industrial Area. Detailed sewage discharge of the staff canteen would be formulated in the building plan submission stage. The EPD had no adverse comments on the proposed columbarium use regarding noise, air and emission impacts on the surrounding areas;
- (i) the proposed development would not involve clearance of existing vegetation or cause adverse visual impact on its environs;
- (j) the application site was compatible with industrial/godown establishments in On Lok Tsuen where most of the purpose-built industrial-godown buildings were 6 storey high. The premises had undergone renovation in mid-2010 and its attractive facades would be a visual amenity in the area. Its built form and facades would have no adverse psychological impacts;
- (k) the proposed columbarium had received support from the four local rural committees;
- (l) while the subject rezoning application was made under the Town Planning Ordinance (TPO), the Area Assessments 2009 was a planning study without any statutory effect. Hence, it was unreasonable for the Town Planning Board (TPB) to preclude the applicant from applying for s.12A application based on the findings and recommendations of the Area

Assessments 2009;

- (m) the DEP commented that the proposed columbarium with 62,400 niches would have adverse sewerage impact and required a SIA. However, the DEP did not raise such concern when commenting on the previous application (No. Y/FSS/6), which was for a proposed columbarium with 80,400 niches on the same application site. It was considered that DEP's request for a SIA was unreasonable as the amount of sewage generated by visitors to the columbarium should not create great problem. The proposed staff canteen with a GFA of about 190m<sup>2</sup> was an ancillary facility to the columbarium use only. Besides, the applicant considered that the vehicle repair workshop adjacent to the subject development would cause much serious sewage problem than the application site as car washing activities were carried out within the site. Normally, applicants were only required to submit TIA but not SIA to support their rezoning application. The requirement to submit SIA had imposed difficulty for applicants to apply for rezoning application under s.12A of TPO; and

#### Departmental Comments

- (n) since the submission of the application, DPO/STN had forwarded the departmental comments to the applicant in order to let the applicant respond to the concerns raised by various departments. In response to the departmental comments, two traffic surveys in Ching Ming and Chung Yeung Festivals had been conducted. On 10.8.2012, the applicant had received a letter from the Secretary of TPB stating that as the consideration of the application by the TPB had been deferred for a long time, no further deferment would be allowed. On the same day, the applicant received comments from C for T, C of P, CTP/UD&L and DEP conveyed by DPO. As the applicant could not submit further information to respond to the departmental comments, the applicant's responses to the concerned departmental comments were not contained in paragraph 11 of the RNTPC Paper. Hence, DPO/STN had based on incomplete information in making recommendations in paragraph 12 of the Paper. As such, DPO/STN's recommendations were not convincing and Members should not base on the recommendations in the Paper to make a decision on the rezoning

application.

10. Mr. Alan Pun made the following main points with the aid of a Powerpoint:

- (a) the site was located at 23 Yip Cheong Street, Fanling, which was served by franchised buses and green minibuses. Fanling MTR Station was about 500m from the subject site and was within 10 minutes' walk. The proposed columbarium with not more than 62,500 niches was scheduled to be fully utilised by year 2018;

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

Shuttle Bus Service

- (b) to minimise the disturbance to the surrounding road network, a management plan had been formulated for implementation during Ching Ming and Chung Yeung Festivals and two weekends before/ after the festivals. During these periods, the use of carpark within the development would be suspended. Shuttle bus service would be provided with the shuttle bus stop located at a public on-street lay-by at San Wan Road near Sheung Shui MTR Station. Noting that C for T had adverse comment on the proposal of using the San Wan Road lay-by for the shuttle bus service, the applicant would investigate other alternative location, including one in Fanling Town Centre (粉嶺名都). Further liaison with the residents in Fanling Town Centre would be carried out when necessary. A pick-up/drop-off lay-by for taxi and shuttle bus within the application site would also be provided;
- (c) the revised traffic impact assessment (TIA) had assumed full utilisation of the proposed columbarium at the design year of 2021 i.e. three years after full occupation of the columbarium development and would take into account the natural background traffic growth and the committed columbarium at Wo Hop Shek (about 41,000 niches scheduled to be sold to the public by end 2012). According to the information available at the government website, there was no other major planned development identified in the close vicinity of the subject site;



#### Columbarium Trip Rate Survey

- (d) In order to estimate the traffic generated by the proposed columbarium, surveys had been conducted at several similar private columbarium developments in the territory at the special days of Ching Ming and Chung Yeung festival periods (not only on the festival days but also the weekends before and after the festivals). It was found that the trip rates at the Ching Ming festival periods were generally greater than the Chung Yeung festival periods. The peak visiting period at columbarium occurred during 11:00am to 12:00 noon. This peak hour period was therefore defined as 'columbarium peak hour' and was adopted for forecasting and assessment purposes in the study;
  
- (e) based on the above findings, it was projected that, during the columbarium peak hour in the special days, the proposed columbarium use with 62,400 niches would generate 15,188 visitors per hour and 4,125 visitors every 15 minutes;

#### Columbarium Visitor Modal Split Survey

- (f) interview surveys for the visitor modal split at Fung Ying Sin Koon had been conducted on the Ching Ming festival period in April 2012. The interview survey results indicated that 73% of existing Fung Ying Sin Koon visitors went there by public transport, including franchised bus, green minibus and railway during the special days, whilst 17% travelled by taxi or private car. The modal split information would be used as reference in the traffic forecast exercise;

#### Pedestrian Flow

- (g) the operational performance of the identified key pedestrian network sections had been assessed. All the identified key sections would still be performing within capacity with suspension of cycle track at some sections of the pedestrian network. The proposed temporary suspension of cycle track was only an enhancement measure to improve the Level-of-Service (LOS) of the pedestrian walkway. Moreover, implementation of such proposal was only required during the peak periods of the festival days

occasionally under the worst case scenario. The need of such proposal could be reviewed and monitored from time to time;

#### Car Parking Spaces

- (h) a survey of the nearby car parks within reasonable walking distance of 500 m had been conducted during the special days. Based on the car parking occupancy survey results, it was estimated that, during the 'columbarium peak hour' of the special days in 2021, there would be a surplus of 302-378 car parking spaces in the nearby carparks. The parking demand of 244-325 parking spaces of the subject columbarium development could be accommodated in the nearby public car parks and illegal parking was not expected;

#### Crowd Control Scheme

- (i) the proposed crowd control scheme during special days had been formulated to divert the columbarium visitors away from the busy footbridge between Fanling MTR Station and Fanling Town Centre. It was therefore proposed to guide the visitors from the station to use the at-grade pedestrian walkways and the proposed one-way pedestrian route. Adequate directional signages would be located on the critical diverging points to lead the visitors; and
- (j) a table showing the applicant's responses to comments raised by C for T and C of P was tabled in the meeting. It was concluded that the proposed columbarium development with not more than 62,500 niches was considered acceptable in traffic term.

11. Mr. Joseph Lee made the following main points:

#### Roof Greening

- (a) the CTP/UD&L requested the applicant to provide more soft landscape on the roof top, in particular, the planting of more grass, shrub or trees. The application involved a wholesale conversion of an existing 6-storey godown into a columbarium and the existing roof loading of the building was only 3.5kpa. For areas to be visited by people, 2kpa loading would normally be required and the finishes and other facilities on the roof would almost take

up the remaining loading. To maximize the utilization of the remaining loading, some grass and wooden deck had been designed on the roof top. Furthermore, tree planting on the roof top would require a minimum soil depth of 800mm to 1m and this would require a loading of about 12kpa - 15kpa. Hence, due to the loading problem, it was not feasible to plant trees on the roof top of the proposed development; and

#### Vertical Greening

- (b) regarding the CTP/UD&L's request for providing vertical greening for the subject buildings, Mr. Joseph Lee referred to some photographs in the powerpoint and explained that there were trees along the footpath of the Jockey Club Road and Lok Yip Road. It was therefore, not necessary to provide vertical greening along the facades facing Jockey Club Road and Lok Yip Road. As the ingress/egress point to the proposed columbarium would be via Yip Cheong Street, vertical greening on the façade facing Yip Cheong Street would affect traffic movement. Furthermore, vertical greening would require maintenance and gondola was required to be installed on the roof top which would take up some roof top loading. As such, the applicant considered that provision of vertical greening to the building was not feasible.

12. Mr. K.K. Sit referred to paragraph 12.2 of the Paper and said that it was unreasonable for PlanD to recommend placing the "columbarium" use under Column 2 use of the Notes of the proposed "OU(Columbarium)" zone if the rezoning application under s.12A was approved by the Committee. He considered that if the rezoning application was approved by the Committee, there was no need to require the submission of 16 application for columbarium use as the applicant would carry out mitigation measures as proposed in the rezoning application.

13. In response to the applicant's claim that the Area Assessment 2009 had precluded the applicant from applying s. 12A application, the Chairman said that the Area Assessments 2009 did not preclude anyone to submit planning application under the TPO. In fact, the subject application had been submitted under s. 12A of the TPO and the Committee was considering the application under the provision of the TPO. The Chairman then invited DPO/STN to elaborate on the Area Assessments 2009 and its recommendations in relation to

the application site. Ms. Jacinta Woo advised that the Area Assessments 2009 was conducted in 2009. On 17.9.2010, the Town Planning Board noted the findings and key observations of the Area Assessments 2009 and had endorsed in-principle its recommendations as a basis for rezoning industrial land to other uses. The Area Assessments 2009 recommended that since there were active and established industrial uses in the On Lok Tsuen Industrial Area, the area should be retained for industrial use. She also advised that the information contained in the RNTPC Paper with regard to the Area Assessment 2009 was intended to provide a basis for the Committee to consider the application.

14. Ms. Jacinta Woo said that the application was submitted in January 2012 and the consideration of the application had been deferred two times upon the applicant's requests by the RNTPC. Further information had been submitted by the applicant three times since the application was submitted. As an established practice of the DPO, comments from relevant departments on the application and the further information submitted had been provided to the applicant. Recently, on 10.8.2012, DPO forwarded the comments of C for T, C of P, CTP/UD&L and DEP to the applicant. These comments were related to similar issues as those forwarded to the applicant earlier on. Furthermore, the RNTPC Paper of the subject application had been delivered to the applicant one week before the meeting and the applicant could provide his responses to departmental comments during the meeting.

15. A Member asked whether a pedestrian flow assessment with an assumption that the cycle track would not be closed for pedestrians had been carried out. Mr. Alan Pun said that the pedestrian flow assessment undertaken by the application had assumed that sections of the cycle track would be closed for pedestrian during the worst case scenario. He advised that with the use of cycle track, the performance of the section of the walkways represented in LOS would reach B or C. If the cycle track was not closed for pedestrian area, LOS would reach D. In this regard, Mr. Pun explained that the LOS A represented the most comfortable walking environment while LOS F represented the least comfortable walkway. Mr. Pun reiterated that the closure of some sections of cycle track was only required during the peak periods of the festival days occasionally in a year and that represented the worst case scenario.

16. In response to a Member's query, Mr. Sit advised that the subject building was currently used as a godown building. It had been used for godown purpose since it was built.

The applicant purchased the building about 2 – 3 years ago and some units of the building were left vacant. Mr. Sit said that he had no idea about the number of workers working in the building but opined that it would not be too many.

17. In response to a Member's query, Mr. Alan Pun responded that he had made reference to the findings of the interview surveys of the visitors to Fung Ying Sin Koon in April 2012 in forecasting the modal split of the visitors to the proposed columbarium.

18. The Chairman enquired how the applicant could guarantee that the columbarium visitors would follow the pedestrian route as proposed by the applicant noting that there was a shortcut passing through Cheung Wah Estate. Mr. Alan Pun admitted that it would be difficult to restrict the visitors to the proposed pedestrian route. The applicant would use pamphlets to encourage the visitors to follow the proposed route. However, if visitors chose to walk through Cheung Wah Estate, it would help to diversify the flow of pedestrians and enhance the performance of the other pedestrian routes.

19. As the applicant's 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 applicant's representatives and PlanD's representatives for attending the hearing. They all left the meeting at this point.

#### Deliberation

20. A Member had reservation on the application as it was difficult to ensure that visitors to the proposed columbarium would follow the route under the proposed crowd control scheme. The same Member also considered that it might not be appropriate for using the modal split data of visitors to Fung Ying Sin Koon in conducting the traffic assessment for the subject development as Fung Ying Sin Koon was in close proximity to the Fanling MTR Station while the application site was 500m away from the MTR station. The modal split of the two columbaria at different locations would be different.

21. A Member opined that as compared to the existing godown use, the proposed columbarium with a total of 62400 niches would attract much more visitors to the building

during the Ching Ming and Chung Yeung festivals. Hence, submission of a SIA should be required. In this regard, Mr. H. M. Wong advised that the applicant should undertake SIA to assess the impact on the public sewerage system to ascertain that no adverse impact would be resulted and to propose mitigation measures where necessary. Without such information, he could not render his support to the application.

22. Mr. W. C. Luk also advised that TD did not accept the traffic impact assessment report submitted by the applicant. He further explained that some of the carparks identified by the applicant were 200m to 300m away from the application site and drivers would likely drop off and pick up visitors at the subject building as visitors normally had to carry offerings to the columbarium. This would result in vehicles tailing back onto the nearby public road causing congestion at road junctions. On the other hand, thought the applicant claimed that the measures of closing sections of the cycle track was only to cater for the worst case scenario, the situation would likely happen during the festival days and hence the crowd control scheme proposed should be practical and feasible. According to the proposed pedestrian route, visitors would need to pass through some peripheral walkways within Cheung Wah Estate adjacent to the Sha Tau Kok Road and some temporary pedestrian directional signs to guide visitors were proposed to be erected within the Estate. As visitors might use the Cheung Wah Estate passageway between the application site and the Fanling MTR Station as it was a direct and shorter route, views from residents there should be sought before the proposal could be regarded as acceptable. He also advised that the lay-by at San Wan Road was a public pick-up and drop-off point and the applicant would not be able to secure a parking space, in particular during the peak period. The applicant had to identify another shuttle bus lay-by for exclusive use by the development. Regarding the responses to comments tabled at the meeting, as the applicant had indicated "Noted" on some responses, he was not sure whether the comments could be satisfactorily addressed.

23. A Member opined that he did not support the application as the proposed columbarium use would cause nuisance to the nearby Cheung Wah Estate during Ching Ming and Chung Yeung Festivals.

24. The Chairman said that the Area Assessments 2009 was relevant to the application as the assessment had recommended industrial areas that were suitable to be rezoned for other uses. The Area Assessments 2009 had recommended that the On Lok Tsuen Industrial Area should be retained for industrial use. Any proposal for rezoning had

to be considered on its own merits.

25. Mr. W. C. Luk said that some trees had been planted intermittently at the roadside along the proposed pedestrian route. The effective width of those sections of the footpath would be reduced resulting in even lower level of service (LOS). He also advised that walking on cycle tracks would be against the law and the closure of cycle track proposed by the applicant had no traffic justification. Furthermore, cycle track should be reserved for use by cyclists particularly in the rural new town area where there were lots of cyclists. On the cumulative effect, he advised that Phases II and III of the Wo Hop Shek Columbarium which was located in Fanling area, together with the upcoming phase I implementation, would provide more than 100,000 niches. The traffic impact assessment had not taken that into account.

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

27. After further deliberation, the Committee decided not to agree to the application. Members then went through the reasons as stated in paragraph 11.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) the planning intention of the “Industrial” (“I”) zone in Fanling New Town area was primarily for general industrial uses to ensure an adequate supply of industrial floor space to meet demand from production-oriented industries. The application site was located at the southern edge of On Lok Tsuen Industrial Area in Fanling New Town which was an active industrial area and had been proposed to be retained under the Area Assessment 2009 of Industrial Land. The proposed rezoning would jeopardize the provision of industrial floor space in On Lok Tsuen Industrial Area and there was no strong planning justification to change the “I” zoning of the application site;
- (b) there was doubt on the implementability of the traffic management and crowd control measures proposed by the applicant. The applicant had failed to demonstrate that the proposed columbarium would not cause significant

adverse impact on traffic and pedestrian circulation of the surrounding area;

- (c) the applicant had failed to demonstrate that the proposed columbarium would not cause significant adverse impact on the sewerage system;
- (d) there was uncertainty on the enforceability of the mitigation measures proposed by the applicant, including prohibition of burning of candles, joss sticks and incense in the columbarium and suspension of carparking spaces during the festival days; and
- (e) the approval of the rezoning application would set an undesirable precedent for similar rezoning applications within the “I” zone. The cumulative effect of approving such similar applications would result in a loss of industrial floor space and employment opportunities in the area.

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

28. Due to some urgent commitments, the Chairman left the meeting at this point. The Vice-chairman chaired the remaining items of the meeting.

[Mr. Frankie Chou left the meeting at this point and Mr. Ivan Fu left the meeting temporarily at this point.]

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

[Mr. C.C. Lau, Senior Town Planner/Tuen Mun and Yuen Long (STP/TMYL) and Ms, Phoebe Chan, representative from Transport and Housing Bureau were invited to the meeting at this point.]



**Agenda Item 4**

[Open Meeting]

Proposed Amendments to the

Draft Tuen Mun Outline Zoning Plan No. S/TM/29

(RNTPC Paper No. 6/12)

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29. The Secretary reported that Mr. Rock Chen and Dr. C.P. Lau should declare an interest in this item as the former's father owned textile companies near Tai Hing Gardens Phase I and II and the latter owned a flat at Kwun Tsing Road. The Committee noted that Mr. Chen had tendered an apology for being unable to attend the meeting. As the property owned by Dr. C.P. Lau was far away from the sites in relation to the proposed amendments to the Tuen Mun Outline Zoning Plan (OZP), Members agreed that Dr. Lau could be allowed to stay at the meeting.

30. Mr. C.C. Lau, STP/TMYL, informed the Committee that a replacement page of Page 6 to revise the restriction of stacking height of containers on the site in relation to the proposed Amendment Item A of the OZP was tabled at the meeting for Members' reference. He then presented the application with the aid of a Powerpoint and covered the following aspects as detailed in the Paper :

Incorporation of the Tuen Mun – Chek Lap Kok Link (TM-CLKL)

- (a) the TM-CLKL was a strategic road linking Tuen Mun and the proposed Tuen Mun Western Bypass (TMWB) in the north, the proposed Hong Kong - Zhuhai - Macao Bridge (HZMB), Hong Kong Boundary Crossing Facilities (HKBCF), the Hong Kong International Airport (HKIA) at Chek Lap Kok and North Lantau in the south. The full length of the TM-CLKL was about 9 km and was a dual 2-lane carriageway. Part of the road (about 5 km long) would be across Urmston Road in the form of a sea tunnel linking up Tuen Mun and North Lantau;
- (b) on 21.8.2009, the TM-CLKL was gazetted under the Roads (Works, Use and Compensation) Ordinance (the Roads Ordinance). The Chief Executive in Council (CE in C) approved and authorised the road works and reclamation of

the TM-CLKL without modification under the Roads Ordinance on 18.10.2011. As the road project would involve reclamation at the waterfront of Area 40 in Tuen Mun which was not covered by the OZP, the OZP boundaries would need to be extended to cover the concerned reclamation area. On 6.8.2012, the Secretary for Development, under the delegated authority of the CE in C, directed the Board to extend the planning scheme boundary of the OZP to cover the said area on the OZP. The construction of TM-CLKL was scheduled for commencement in mid 2013 for completion by end 2017;

- (c) the Northern Landfall Reclamation Area of TM-CLKL was currently water body and was not covered by the OZP except a minor portion at the western fringe which was within the “Other Specified Uses” annotated “River Trade Terminal” (“OU(RTT)”) zone. The site for the toll plaza of the TM-CLKL was currently used for golf course centre under short-term tenancy (STT) and the remaining area was mainly vegetated slopes. It was mostly zoned “OU” annotated “Crematorium, Columbarium, Funeral Services Centre and Open Space” (“OU(C&C)”) with parts of areas zoned “Green Belt” (“GB”), undesignated “Government Institution or Community” (“G/IC”) and minor part in “Industrial (3)” (“I(3)”) zone;

#### Proposed Amendments to the draft Tuen Mun OZP

Amendment Item A - designation of a piece of land on the Northern Landfall Reclamation Area of the TM-CLKL at the seafront of Tuen Mun Area 40 as “Other Specified Uses” annotated “Container and Cargo Handling and Storage Area” and stipulating a building height restriction for this zone

- (d) the TM-CLKL northern landfall would involve reclamation at the waterfront of Area 40. The reclamation was scheduled to commence in early 2016 and would block the marine frontage (about 86m) of an existing godown (Chu Kong Godown Wharf & Transportation Co., Ltd. (CKGW)) rendering it unable to continue its existing operation. The total site area of CKGW’s existing facilities at Ho Yeung Street in Area 40 was 13,077m<sup>2</sup>, which comprised an open yard of 6,612m<sup>2</sup> for the stacking of containers up to a total of 8 layers, and warehousing and ancillary facilities. In view of this, the affected party

requested the Government to provide a site with marine access for the continued operation of CKGW;

- (e) the Transport and Housing Bureau had given in-principle policy support to provide a site for container and cargo handling and storage area (CCHSA) (about 23,800m<sup>2</sup>) with marine access on the Northern Landfall Reclamation Area of TM-CLKL. The proposed CCHSA had an area of about 23,800m<sup>2</sup>, comprising (i) 11,000m<sup>2</sup> for open yard for container storage; (ii) 8,000m<sup>2</sup> GFA including 7,000m<sup>2</sup> for a container freight station for the temporary storage of urgent consignments requiring immediate processing and 1,000m<sup>2</sup> for ancillary office and maintenance/ repair workshops; and (iii) 4,800m<sup>2</sup> uncovered area for ancillary facilities including internal vehicular access, loading/unloading area, vehicular waiting area and emergency vehicular access;
- (f) due to the more stringent loading restriction of the CCHSA imposed by the tunnel structure of TM-CLKL underground, a larger container yard of 11,000m<sup>2</sup> was therefore required for handling a similar number of containers at the CCHSA. Since the CCHSA was located about 850m away from the existing facilities at the Ho Yeung Street, a small-scale container freight station with ancillary office and maintenance/repair workshop of 8,000m<sup>2</sup> was required for the temporary storage of urgent consignments requiring immediate processing and for meeting the operational needs;
- (g) According to THB, the CCHSA was intended to re-provision only the essential facilities of CKGW for continuing the existing wharf operation and the proposal did not cater for any possible expansion of CKGW. The CCHSA site would be subject to a building height restriction of 20 mPD which did not apply to containers stacks and crane structures. The building height restriction was lower than that of the adjacent RTT of 30mPD. Regarding the stacking height of containers on the CCHSA, a maximum of 6 containers above the tunnel structure of TM-CLKL (with only a maximum of 4 containers on other part of the reclamation area) would be lower than those on RTT with a maximum stacking height of 8 containers;
- (h) the proposed CCHSA would not have significant traffic, environmental and

visual impacts. Departments consulted had no adverse comments on the proposed development;

Amendment Item B - rezoning of two areas in Tuen Mun Area 46 from “OU” annotated “Crematorium, Columbarium, Funeral Services Centre and Open Space”, “GB” and “G/IC” to areas shown as ‘Road’

- (i) the TM-CLKL would link up with the proposed TMWB to the north. According to the gazetted drawings of TM-CLKL, two sites at the central part of the toll plaza of the TM-CLKL would be reserved for the road works of the proposed TMWB. Currently, these sites were partly used for golf course centre under short-term tenancy and the remaining area was mainly vegetated slopes. As these two sites were not covered by the TM-CLKL authorised by CE in C, it was proposed to rezone these two sites which were embraced by the toll plaza of TM-CLKL to areas shown as ‘Road’ to cater for the future road works. They were zoned “OU(C&C)”, “GB” and “G/IC” on the OZP;

Proposed Amendment to the Notes

- (j) the proposed amendment to the Notes was for incorporation of a new set of Notes, including schedule of uses, planning intention and remarks for the “OU”(CCHSA);

Revision to the Explanatory Statement

- (k) the Explanatory Statement (ES) of the OZP had been updated in association of the TM-CLKL and the proposed amendments. Opportunity was also taken to update the ES for “Comprehensive Development Area (2)” (“CDA(2)”). On 17.8.2012, after hearing a representation (No. R/S/TM/29-6) on the previous amendment of a “CDA(2)” zone in Tuen Mun Area 9, the Town Planning Board did not uphold the representation but agreed that the ES for “CDA(2)” zone on the OZP would need to be amended to clarify that the planning intention of “CDA(2)” zone was primarily for commercial use. ‘Flat’ use had been included in the Column 2 of the Notes of the “CDA(2)” zone only to provide flexibility if the future development could suitably address the industrial/residential interface

problem. Non-domestic development would be subject to the maximum plot ratio of 9.5 as stipulated in the Notes but the development intensity of any mixed development involving residential element would be subject to the maximum permissible level of 5/9.5 for domestic/ non-domestic uses generally applicable to the New Town. Relevant part of the ES would be revised accordingly. As the above remarks were also applicable to the “Commercial (1)” (“C(1)”) zone located in Tuen Mun Area 9, similar amendments were also proposed to relevant part of the ES for the “C(1)” zone;

### Consultation

- (l) Tuen Mun District Council (TMDC) and Traffic and Transport Subcommittee of TMDC were consulted on 5.5.2009 and 13.7.2012 respectively on the TM-CLKL and the proposed CCHSA site respectively. No adverse comments were received. TMDC would be consulted on the amendments again during the two-month exhibition period; and
  - (m) departments and bureaux consulted also had no adverse comments on the OZP amendments. Their comments had been reflected in the proposals where appropriate.
31. After deliberation, the Committee decided to :
- (a) agree that the proposed amendments to the draft Tuen Mun Outline Zoning Plan (OZP) No. S/TM/29 as shown on the draft Tuen Mun OZP No. S/TM/29A (to be renumbered to No. S/TM/30 upon exhibition) at Appendix B of the Paper and its Notes at Appendix C of the Paper were suitable for exhibition for public inspection under section 7 of the Ordinance;
  - (b) adopt the revised ES at Appendix D of the Paper for the draft Tuen Mun OZP No. S/TM/29A as an expression of the planning intentions and objectives of the Board for various land use zones on the Plan; and
  - (c) agree that the revised ES was suitable for exhibition together with the draft

Tuen Mun OZP No. S/TM/29A (to be renumbered to S/TM/30 upon exhibition) and issued under the name of the Board.

[The Chairman thanked Mr. C.C. Lau, STP/TMYL and Ms. Phoebe Chan, representative from Transport and Hosing Bureau for their attendance to answer Members' enquires. Mr. Lau and Ms. Chan left the meeting at this point.]

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

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

#### **Agenda Item 5**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-CWBS/13      Proposed House (New Territories Exempted House – Small House) in  
“Green Belt” and “Village Type Development” zones, Lots No. 36 &  
37 S.A in D.D. 230, Sheung Sze Wan Village,  
Clear Water Bay, Sai Kung  
(RNTPC Paper No. A/SK-CWBS/13)

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

32.            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 – concerned government departments had no objection to or adverse comments on the application as detailed 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 (Sai Kung); and

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

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments detailed in paragraph 12 of the Paper.

33. Members had no question on the application.

#### Deliberation Session

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 24.8.2016, 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 landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; 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 Chief Building Surveyor/New Territories

East (2) & Rail, Buildings Department (BD) that the applicant should be reminded that all non-exempted ancillary site formation and/or communal drainage works were subject to compliance with the Buildings Ordinance (BO). An Authorized Person should be appointed for site formation and communal drainage works;

- (b) 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;
- (c) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant should make necessary submissions to the District Lands Officer to verify if the site satisfied the criteria for the exemption for site formation works as stipulated in PNAP APP-56. If such exemption was not granted, the applicant should submit site formation plans to the BD in accordance with the provisions of the BO; and
- (d) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by the Lands Department.

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

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

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



**Agenda Item 6**

**Section 12A Application**

[Open Meeting]

Y/NE-TK/10                      Application for Amendment to the Approved Ting Kok Outline Zoning Plan No. S/NE-TK/17 from “Agriculture” to “Other Specified Uses” annotated “Spa Resort Hotel and Nature Preservation”, various Lots in D.D. 17 and Adjoining Government Land, Ting Kok, Tai Po  
(RNTPC Paper No. Y/NE-TK/10B)

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36.                      The Secretary reported that Mr. Ivan Fu and Ms. Janice Lai had declared an interest in this item as they had current business dealings with AECOM Asia Company Limited, 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 and Ms. Lai could stay in the meeting.

37.                      The Secretary reported that on 16.8.2012, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to allow time for the relevant government departments to consider the supplementary information submitted on 9.8.2012. Additional time was also required to facilitate the arrangement of meetings with relevant government departments for discussion and clarification of the outstanding issues.

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

**Agenda Item 7**

**Section 12A Application**

[Open Meeting]

Y/NE-PK/2

Application for Amendment to the Approved Ping Kong Outline Zoning Plan No. S/NE-PK/11 from “Agriculture” to “Comprehensive Development Area”, Various Lots in D.D. 91 and Adjoining Government Land, Ping Kong, Sheung Shui  
(RNTPC Paper No. Y/NE-PK/2)

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39. The Secretary reported that on 10.8.2012, the applicant’s representative requested for a deferment of the consideration of the application for two months as additional time was required to consult relevant government departments to resolve the various technical issues directly associated with application.

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

[Ms. Maggie M.Y. Chin, Mr. C.T. Lau 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 8**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/FSS/210                      Proposed Minor Relaxation of Non-Domestic Plot Ratio Restriction for Permitted Commercial / Residential Development in “Commercial / Residential (3)” zone, Junction of Ma Sik Road and Sha Tau Kok Road, Fanling (Fanling Sheung Shui Town Lot 177)  
(RNTPC Paper No. A/FSS/210B)

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Presentation and Question Sessions

41.            Ms. Maggie M.Y. Chin, STP/STN, 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 minor relaxation of non-domestic plot ratio restriction for permitted commercial / residential development to facilitate the provision of a 24-hour public pedestrian walkway;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The District Lands Officer/North, Lands Department (DLO/N, LandsD) advised that the application site was under the Conditions of Sale dated 24.5.2010 (the “Conditions”). As the gross floor area (GFA) of 335.494m<sup>2</sup> of the public pedestrian walkway could not be exempted by the Building Authority (BA), the total non-domestic plot ratio of the development could not comply with the conditions. In this regard, the subject planning application was not acceptable from the lease point of view. Moreover, his department would not entertain any application for lease modification within five years from the date of disposal;
- (d) the District Officer (North), Home Affairs Department (DO(N), HAD) had consulted the locals concerned. The North District Council (NDC)

members concerned and Chairman of Incorporated Owners of Regentville had no comment on the application. The Chairmen of Incorporated Owners of Grand Regentville and Belair Monte had raised objections to the application mainly on grounds that the applicant should be well aware of the GFA and plot ratio restriction of the site before Land Sale and minor relaxation should not be applied for and the footbridge should not connect to the adjoining residential developments or build over the common areas;

- (e) during the three weeks of the statutory publication period, five public comments from the Chairman of the Incorporated Owners of Belair Monte, the Incorporated Owners of Grand Regentville and three members of the general public were received. The Chairman of the Incorporated Owners of Belair Monte and the Incorporated Owners of Grand Regentville objected to the application mainly on the grounds that the applicant should be well aware of the GFA and plot ratio restrictions of the site before Land Sale and minor relaxation should not be applied for. The remaining three members of the general public supported the application mainly on the grounds that the proposed public pedestrian walkway would help to sustain local vibrancy, facilitate local economy and support community building. The subject application was technical in nature and the developer was seeking what it entitled under the lease and the proposed public pedestrian walkway might be exempted from GFA calculation should it be a legitimate public purpose; and
- (f) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments detailed in paragraph 11 of the Paper which were summarised below:
  - (i) the proposed minor relaxation of non-domestic plot ratio of 0.0399 (equivalent to 355.494m<sup>2</sup>), with an increase of 0.7% in the total non-domestic plot ratio, was solely for inclusion of the 6m covered areas along the 24-hour public pedestrian walkway and its ancillary facilities with a total non-domestic GFA of 450.57m<sup>2</sup>. The proposed 24-hour public pedestrian walkway within the application site would facilitate connectivity within the area and Commissioner for Transport

considered that the system was desirable. However, according to the latest BC I decision on 20.3.2012, the Building Authority had only agreed to exempt part of the proposed 24-hour pedestrian walkway from GFA calculation (i.e. 95.076m<sup>2</sup>), but not the remaining part with a GFA of 355.494m<sup>2</sup>. In general, the Planning Department would follow BD's practice in GFA calculation and granting of GFA concessions in processing building plans submission and there was no provision to exempt the 24-hour pedestrian walkway from GFA calculation for the subject "Commercial /Residential (3)" site under the prevailing OZP;

- (ii) it was noted from the applicant's submission that the proposed 24-hour public pedestrian walkway passing through the commercial podium of the proposed development on G/F and 1/F was not a well defined route separated from the commercial premises. Hence, it did not meet the exemption criteria as set out by the BA. It was also noted that the proposed 24-hour pedestrian walkway as required under the lease could still be implemented without the need for the GFA exemption as evidenced in the latest set of building plans approved by the BA on 19.7.2012 which had included the proposed 24-hour pedestrian walkway (except the portion exempted by the BA) into GFA calculation. The applicant had failed to demonstrate that there was no alternative design of the proposed 24-hour public pedestrian walkway which could comply with BA's exemption criteria and the proposed minor relaxation of non-domestic plot ratio was necessary to facilitate the provision of the proposed 24-hour pedestrian walkway within the site; and
- (iii) the DLO/N, LandsD had specifically advised that while there was a lease requirement to provide a 24-hour pedestrian walkway and these areas in whole or in part, might be excluded from GFA calculation, BD's ruling regarding GFA exemption would be followed. He also advised that the planning application was not acceptable from the lease point of view as the proposed 24-hour public pedestrian walkway, which amounted to 450.57 m<sup>2</sup> and would not be fully exempted by BD, would result in the breach of lease conditions. Besides, he had pointed out that application for lease modification would not be entertained

within five years from the date of disposal under the current land administration practice. Under such circumstances, the implementation of the proposal by the applicant was uncertain.

42. Members had no question on the application.

#### Deliberation Session

43. A few Members noted that the applicant had to provide a 24-hour public pedestrian walkway according to the lease condition and the applicant had not demonstrate that there was no alternative design of the pedestrian walkways and there was no strong planning justification to merit the approval of minor relaxation of the non-domestic plot ratio for the proposed pedestrian walkway. Other Members concurred.

44. The Secretary referred to the recommended rejection reasons in paragraph 12.1 of the Paper and said that as it was not appropriate for the Committee to require the applicant to comply with BA's exemption criteria. Members agreed.

45. After further 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 agreed that it should be suitably amended to reflect Members' views as stated above. The reason was :

- the applicant had failed to demonstrate that there was no alternative design of the proposed 24-hour public pedestrian walkway and the proposed minor relaxation of non-domestic plot ratio was necessary to facilitate the provision of the proposed 24-hour pedestrian walkway within the site. Considering that the 24-hour public pedestrian walkway could still be provided without the need for the GFA exemption, there was no strong planning justification to merit the approval of minor relaxation of the non-domestic plot ratio for the proposed development.

**Agenda Items 9 and 10**

**Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/321 Proposed House (New Territories Exempted House – Small House) in  
“Green Belt” zone, Government Land in D.D. 94,  
Tong Kung Leng, Sheung Shui  
(RNTPC Paper No. A/NE-KTS/321A)

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A/NE-KTS/322 Proposed House (New Territories Exempted House – Small House) in  
“Green Belt” zone, Government Land in D.D. 94,  
Tong Kung Leng, Sheung Shui  
(RNTPC Paper No. A/NE-KTS/322A)

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**Presentation and Question Sessions**

46. The Committee noted that as the two applications were similar in nature and the application sites were located in close proximity to each other and within the same “Green Belt” zone, the Committee agreed that the two applications could be considered together.

47. Ms. Maggie M.Y. Chin, STP/STN, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications as summarised in paragraph 6 of the Papers  
- the Committee deferred consideration of the both applications on 1.6.2012 in order to allow more time to collect information on whether suspected unauthorized developments were involved. The applications were referred to Chief Town Planner/Central Enforcement and Prosecution, Planning Department (CTP/CEP, PlanD) and District Lands Officer/North, Lands Department (DLO/N, LandsD) for further investigation. The CTP/CEP, PlanD inspected the sites on 30.7.2012 and observed that the application sites were well covered with vegetation, forming part of a large vacant sloping ground. There was insufficient evidence to form an opinion of unauthorized developments in the application sites under the Town Planning Ordinance. The DLO/N, LandsD advised that the site inspection conducted by his office on 8.11.2011 revealed that suspected unauthorized

site formation works had ceased. No suspect could be caught red-handed or identified on site and no prosecution action could be taken by his office against unlawful excavation on unleased land. Site inspection conducted by his office on 21.5.2012 revealed that no works were carried out on site;

- (b) the proposed house (New Territories Exempted House – Small House) at each of the application sites;
- (c) departmental comments – departmental comments were set out in paragraph 11 and Appendix V of the Papers. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to both applications. He considered that as the proposed Small Houses would be located on a slope, extensive site formation works to accommodate the proposed Small Houses and the access were required. The landscape impact incurred by the proposed Small Houses was beyond the boundary of the application site. Approval of the applications might attract similar applications in the “GB” zone, leading to proliferation of Small Houses in the green belt and thus undermining the intactness of the “GB” zone;
- (d) the District Officer (North) advised that the Vice-chairman of North District Council raised objection to both applications on the grounds that the application sites were located on a slope which was not suitable for construction of houses. Besides, the construction works would cause destruction to the slope, endangering the nearby residents. The Chairman of Sheung Shui District Rural Committee, the Indigenous Inhabitants Representative (IIR) and Residents Representative (RR) of Tong Kung Leng had no comment on the applications;
- (e) two public comments from two North District Council (NDC) members were received during the three weeks of the statutory publication period. One of the NDC members supported both applications as the proposed development would bring convenience to concerned villager(s), whereas the other NDC member objected to both applications on the grounds that the application sites were located near a hill slope and it was not suitable



for construction of houses, and construction works would cause destruction to the slope, endangering nearby residents; and

- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the both applications based on the assessments detailed in paragraph 13 of the Papers. The application generally met the Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories in that the footprint of the proposed Small Houses fell entirely within the village 'environs' ('VE') of Tong Kung Leng and there was insufficient land within the "V" zone of Tong Kung Leng to meet the Small House demand. Hence, sympathetic consideration could be given to the application. While CTP/UD&L objected to the applications on the landscape point of view, it was considered that sympathetic consideration could be given to the applications as both applications were subject of previous approved applications. For Application No. A/NE-KTS/321, the previous application No. A/NE-KTS/241 for Small House development was approved. There had been no major change in planning circumstances and major change in land uses since previous approval was granted in 2007. For Application No. A/NE-KTS/322, previous applications No. A/NE-KTS/34, 94 and 242 for Small House developments were approved. There had been no major change in planning circumstances and no major change in land uses since previous approval was granted in 2007. Besides, similar applications for Small House developments (Nos. A/NE-KTS/268 and 291) located to the immediate east of the application sites were approved. Regarding the public comment on slope safety, it was anticipated that the proposed Small House developments would not have significant adverse geotechnical impact on the surrounding areas and Head (Geotechnical Engineering Office), Civil and Engineering and Development Department had no comment on the applications.

48. Members had no question on both applications.

#### Deliberation Session

49. After deliberation, the Committee decided to approve the applications, on the

terms of the applications as submitted to the Town Planning Board (TPB). The permissions should be valid until 24.8.2016, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. Each permission was subject to the following conditions :

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

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

- (a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department as follows:
  - (i) the application site was in an area where no public storm-water drainage was available; and
  - (ii) the application site was in an area where no public sewerage connection was available. The Environmental Protection Department should be consulted regarding the sewage treatment / disposal facilities for the proposed development;
- (b) to note the comments of the Chief Engineer/Development(2), Water Supplies Department as follows:
  - (i) for the 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; and

- (ii) the application site was located within the flood pumping gathering ground;
- (c) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by the Lands Department; and
- (d) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

[Ms. Janice Lai left the meeting at this point.]

### **Agenda Item 11**

#### **Section 16 Application**

[Open Meeting]

A/NE-LYT/443      Proposed Columbarium (within a Religious Institution or Extension of Existing Columbarium Only) and Proposed Ancillary Open-air Carpark for Visitors in “Green Belt” zone, 2/F (Part) and 6/F (Part), Lung Shan Temple, Lot 652 in D.D. 85 and Lots 672, 673 and 675 in D.D. 85, Lung Yeuk Tau, Fanling  
(RNTPC Paper No. A/NE-LYT/443C)

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51.           The Secretary reported that consideration of the application had already been deferred three times before. The applicant had submitted three applications for deferment of the consideration of the application so as to have additional time to prepare further information to address departmental comments, mainly those raised by Transport Department (TD) and the Police. The applicant had been given 15 months to submit further information. Despite the fact that he had made several submissions to address the comments of TD and the Police, he had yet to satisfactorily address their concerns. There was no strong justification to

further defer consideration of the application. Besides, in according to the last request for deferment, the Committee had clearly advised the applicant that no further deferment would be granted unless under very special circumstances. The subject application was for an extension of an existing columbarium at part of 2/F and 6/F of Lung Shan Temple, and a number of niches had already been provided at the subject premises. There was, however, wide public concern on the planning application. During the first three weeks of the statutory publication period (which ended on 2.7.2011), a total number of 120 public comments were received. Further deferment of making a decision on the application as requested by the applicant might affect the interest of other concerned parties.

52. A Member considered that the application had been deferred many times and there was no strong justification to further defer consideration of the application. Other Members agreed.

53. After further deliberation, the Committee decided not to agree to the applicant's request for deferment. The application would be submitted for the Committee's consideration at the next meeting.

### **Agenda Items 12 to 18**

#### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/473 Proposed House (New Territories Exempted House – Small House) in “Agriculture” zone, Lots 1591 S.C, 1592 S.C and 1600 S.G in D.D. 76, Kan Tau Tsuen, Fanling  
(RNTPC Paper No. A/NE-LYT/473A)

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A/NE-LYT/474 Proposed House (New Territories Exempted House – Small House) in “Agriculture” zone, Lots 1597 S.B and 1600 S.J in D.D. 76, Kan Tau Tsuen, Fanling  
(RNTPC Paper No. A/NE-LYT/474A)

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A/NE-LYT/475 Proposed House (New Territories Exempted House – Small House) in “Agriculture” zone, Lots 1592 S.E, 1597 S.A and 1600 S.I in D.D. 76, Kan Tau Tsuen, Fanling  
(RNTPC Paper No. A/NE-LYT/475A)

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A/NE-LYT/476 Proposed House (New Territories Exempted House – Small House) in “Agriculture” zone, Lots 1592 S.D and 1600 S.H in D.D. 76, Kan Tau Tsuen, Fanling  
(RNTPC Paper No. A/NE-LYT/476A)

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A/NE-LYT/478 Proposed House (New Territories Exempted House – Small House) in “Agriculture” zone, Lots 1597 S.E, 1599 S.B and 1600 S.M in D.D. 76, Kan Tau Tsuen, Fanling  
(RNTPC Paper No. A/NE-LYT/478A)

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A/NE-LYT/479 Proposed House (New Territories Exempted House – Small House) in “Agriculture” zone, Lots 1597 S.D, 1599 S.A and 1600 S.L in D.D. 76, Kan Tau Tsuen, Fanling  
(RNTPC Paper No. A/NE-LYT/479A)

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A/NE-LYT/480 Proposed House (New Territories Exempted House – Small House) in “Agriculture” zone, Lots 1597 S.C and 1600 S.K in D.D. 76, Kan Tau Tsuen, Fanling  
(RNTPC Paper No. A/NE-LYT/480A)

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#### Presentation and Question Sessions

54. The Committee noted that as the seven applications were similar in nature and the application sites were located in close proximity to each other and within the same zone, the Committee agreed that these applications could be considered together.

55. Ms. Maggie M.Y. Chin, STP/STN, presented the seven applications with the aid of a Powerpoint and covered the following aspects as detailed in the Papers :

- (a) background to the applications as summarised in paragraph 5 of the Papers - the seven applications were deferred by the Committee on 6.7.2012 in order to allow more time for investigation on whether unauthorized

vegetation clearance and filling of land were involved which constituted the adoption of 'destroy first, built later' approach. The Chief Town Planner/Central Enforcement and Prosecution of Planning Department after investigation advised that the application sites were relatively flat and covered by vegetation and no unauthorized developments under the Town Planning Ordinance were identified;

- (b) the proposed house (New Territories Exempted House – Small House) at each of the application sites;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Papers. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the seven applications as the application sites and its vicinity were of high potential for agricultural rehabilitation. The CTP/UD&L, PlanD had some reservation on the seven applications. He commented that the sites were surrounded by farmland, tree groups to the south, village houses to the further north and further east. The proposed Small Houses were not incompatible with the surrounding environment which was dominated by rural landscape character. It was noted that the applicant proposed to construct a 5m vehicular access / EVA to the sites. However, as there was no information regarding the alignment of the proposed vehicular access / EVA and no tree survey had been submitted, the impact on the existing tree groups could not be ascertained. In addition, no landscape proposal for the proposed Small Houses was submitted;
- (d) the District Officer (North) advised that the indigenous inhabitant representative (IIR) of Kan Tau Tsuen raised objection to the applications as the proposed Small House fell outside the village 'environs' ('VE') of Kan Tau Tsuen. The Chairman of Fanling District Rural Committee (FDRC) had no comment on the applications and the resident representative (RR) of Kan Tau Tsuen could not be reached during the consultation period;
- (e) one public comment in respect of the seven applications was received

during the first three weeks of the statutory publication period. The public comment was submitted by an indigenous villager who commented that as there were 13 Small Houses planning applications in the vicinity, the Committee and relevant government departments should monitor the provision of fire services installations, emergency vehicular access, landscape and drainage facilities, in order to avoid adverse impacts on the adjoining area; and

- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the seven applications based on the assessments detailed in paragraph 12 of the Papers. As regard the DAFC's comments on the agricultural rehabilitation, it was noted that the application sites were located on private land and were covered with weeds only. The proposed Small Houses were considered not incompatible with the surrounding land uses, which were predominantly rural in nature with temporary structures and fallow agricultural land in the south and southeast. Regarding the CTP/UD&L's comments on the landscape impact arising from the proposed seven Small Houses and the proposed vehicular access/EVA, it was recommended to stipulate an approval condition requiring the applicants of the proposed Small Houses to submit and implement landscape proposal. As regard the local concern that the proposed Small Houses fell outside the 'VE' of Kan Tau Tsuen, it was noted that about 64% of the footprint of the proposed Small Houses fell within the 'VE' of Kan Tau Tsuen. Regarding the concern of the public comment on the impact of the proposed seven Small Houses on the surroundings, it was recommended to stipulate approval conditions on the submission and implementation of drainage and landscape proposals, and provision of fire-fighting access, water supplies for fire-fighting and fire service installation.

56. Members had no question on the applications.

#### Deliberation Session

57. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permissions

should be valid until 24.8.2016, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. Each permission was subject to the following conditions :

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

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

- (a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the application site was in an area where no public sewerage connection was available. The Environmental Protection Department should be consulted regarding the sewage treatment / disposal facilities for the proposed development;
- (b) to note the comments of the Chief Engineer/Development (2), Water Supplies Department as follows:
  - (i) for provision of water supply to the development, the applicant might need to extend their inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to his department's standards;
  - (ii) the application site was located within the flood pumping gathering ground; and



- (iii) the water mains in the vicinity of the application site could not provide the standard pedestal hydrant;
- (c) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by the Lands Department; and
- (d) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

**Agenda Item 19**

**Section 16 Application**

[Open Meeting]

A/NE-MUP/76            Proposed 2 Houses (New Territories Exempted Houses – Small Houses) in “Agriculture” and “Village Type Development” zones, Lots 568 S.B & 568 S.C in D.D.46 Loi Tung Village, Sha Tau Kok (RNTPC Paper No. A/NE-MUP/76)

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59.            The Secretary reported that on 4.7.2012, the applicant submitted the current application to seek planning permission to build two NTEHs (Small Houses) on the application site. As shown in the aerial photo taken in July 2009, the application site was a green area covered by vegetation. However, the aerial photo taken in September 2011 revealed that the vegetation at part of the site and adjoining land in the vicinity had been cleared. The Chief Town Planner/Central Enforcement and Prosecution confirmed that there was an unauthorized development (UD) of filling of land on part of the application site. Enforcement action was in progress.

60.            On 24.6.2011, the Board considered the TPB Paper No. 8843 on ‘Proposed

Measures against the “Destroy First and Build Later” Approach’ and agreed that in order to send a clear message to the community that the Board was determined to preserve the rural and natural environment and would not tolerate any deliberate action to destroy the rural and nature environment in the hope that the Board would give sympathetic consideration to subsequent development, the Board would defer a decision on a planning application in order to investigate a case of UD where there was prima facie evidence to indicate that the UD was of such a nature that it might constitute an abuse of the process so as to determine whether the application might be rejected for such reason.

61. To allow more time for the Planning Department to investigate whether the UD of land filling of part of the application site was of such a nature that it might constitute an abuse of the process so as to determine whether the application might be rejected for such reason, it was recommended that a decision on the application be deferred for two months pending the investigation of the UD of land filling of the site.

62. After deliberation, the Committee decided to defer a decision on the application as requested by the Planning Department. The Committee also agreed that the application should be submitted to the Committee for consideration within one month after investigation.

## **Agenda Item 20**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/439 Proposed House (New Territories Exempted House – Small House) in  
“Agriculture” zone, Lots 873 s.C, 875 RP and 876 s.B ss.4 in D.D. 9,  
Yuen Leng, Tai Po  
(RNTPC Paper No. A/NE-KLH/439)

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### **Presentation and Question Sessions**

63. 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 – Small House);

- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper and were summarised below:
- (i) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site had high potential for agricultural rehabilitation;
  - (ii) the Chief Engineer/Consultants Management, Drainage Services Department (CE/CM, DSD) advised that according to the latest proposed sewerage scheme under North District Sewerage, Stage 2 Phase 1 for Yuen Leng, public sewerage connection point would be provided in the vicinity of the site. However, since the sewerage scheme had been degazetted on 29.10.2010, there was no fixed programme at this juncture for the public sewerage works;
  - (iii) the Director of Environmental Protection (DEP) did not support the application. The site fell within the water gathering ground (WGG) and was located outside the “Village Type Development” zone. As there was still not yet any committed/implementation programme for the planned public sewerage system in the area, the sewage discharge from the proposed house would have potential to cause water pollution to the WGG; and
  - (iv) the Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2), WSD) objected to the application. The site was located within upper indirect WGG. As advised by DEP, there was still not yet any committed/implementation programme for the planned public sewerage system in the area. Thus, sewer connectivity was in question and it was considered that Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (Interim Criteria) could not be met.
- (d) during the first three weeks of the statutory publication period, two public comments against the application were received. One of the comments,

submitted by Kadoorie Farm & Botanic Garden Corporation, objected to the application for the reasons that the proposed development was not in line with the planning intention of “Agriculture” (“AGR”) zone; the Board should consider the cumulative impacts of approving the application as it would set a precedent for other similar applications in the area; and the area of agricultural land in Hong Kong should not be further reduced in order to safeguard the important public interest in food supply. Another comment, submitted by the MTR Corporation Limited, raised concern on the noise impact generated from rail operations on the future occupants of the proposed development and requested an approval condition be imposed on the implementation of noise mitigation measures; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 10 of the Paper and were summarised below:
  - (i) the proposed development was not in line with the planning intention of “AGR” zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. The “AGR” zone was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. In this regard, the DAFC did not support the application as the site had high potential for agricultural rehabilitation; and
  - (ii) the site fell within the upper indirect WGG. Since the sewerage scheme had been degazetted on 29.10.2010, there was no fixed programme for the public sewerage works at this juncture. In this connection, the DEP and the DWS did not support the application and raised concern that the sewage discharge from the proposed house would have potential of causing water pollution to the WGG. Although the proposed Small House footprint fell entirely within the village ‘environs’ (‘VE’) and there was a general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of Yuen Leng, Kau Lung Hang Lo Wai and San Wai Villages, the proposed development did not comply with the Interim Criteria in that the proposed

Small House located within the WGG could not be connected to the planned sewerage system in the area as there was no fixed programme for implementation of such system at this juncture.

64. In response to Vice-chairman's query, Mr. C. T. Lau advised that when the proposed Small House under Application No. A/NE-KLH/368 was considered by the Committee in April 2008, the applicant was able to connect the proposed Small House to the planned sewerage system and concerned departments including DEP and DWS had no objection to the application. However, there was a change in planning circumstances in the current application as the planned public sewerage system had been degazetted on 29.10.2010, and there was no fixed programme at this juncture for the public sewerage works. As the proposed Small House under the subject application could not be connected to the planned sewerage system in the area, DEP and DWS did not support the application.

65. In response to another Member's query, Mr. C. T. Lau said that DAFC advised that the site had high potential for agricultural rehabilitation, taking into account the surrounding landuse and condition of the site.

#### Deliberation Session

66. A Member queried whether the recommended rejection reason in paragraph 12.1(a) of the Paper i.e. being not in line with the planning intention of "AGR" zone was appropriate, taking into account that there were already existing and approved village houses in the vicinity of the application site which fell within "AGR" zone. The Secretary said that the proposed Small House under application did not comply with the Interim Criteria as although the site was located entirely within the 'VE' of Yuen Leng, Kau Lung Hang San Wai and Kau Lung Hang Lo Wai, and there was shortage of land within the "V" zone to meet the Small House demand, it fell within the WGG and could not be connected to the public sewerage system. Concerned departments raised objection to it and the proposed Small House under application was not supported. In view of the above, the Secretary suggested to delete the rejection reason in paragraph 12.1 (a) of the Paper. Members agreed.

67. After further deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 12.1 of the Paper and considered that they should be suitably amended to reflect Members' views as stated

above. The reason was :

- the proposed development did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the proposed Small House located within the water gathering ground would not be able to be connected to the planned sewerage system in the area as there was no fixed programme for implementation of such system at this juncture.

### **Agenda Item 21**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-SSH/83            Proposed House (New Territories Exempted House – Small House) in  
“Green Belt” zone, Government land in D.D.209, Kei Ling Ha San  
Wai, Shap Sz Heung, Sai Kung North  
(RNTPC Paper No. A/NE-SSH/83)

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

68.            The Secretary reported that a group of villagers of Kei Ling Ha San Wai (the villagers) who had raised objection to the proposed Small House as stated in their letter of 26.7.2012 during the statutory publication period, had delivered a letter to the Secretariat on 23.8.2012. The letter was addressed to the Town Planning Board, copies of which were tabled at the meeting for Members information. In the letter, the villagers reiterated their objection to the proposed Small House, which was mainly on traffic management grounds. The villagers also pointed out that apart from the applicant of the subject application, there were other villagers in Kei Ling Ha San Wai who had also applied to building their Small Houses. In this regard, they suggested either the Committee would go to the village or they would attend the RNTPC meeting so that they and the Committee could discuss how the subject site should be planned and allocated to meet the outstanding Small House demand of the villagers. The villagers requested the Committee to reply to them.

69.            The Secretary informed Members that the Secretariat already replied to the

villagers on 24.8.2012 advising them that their comments on the application submitted on 26.7.2012 had been attached to Appendix VI of RNTPC Paper. The Committee at the meeting would take into account their comments in considering the application; and there was no provision under the Town Planning Ordinance (TPO) for the commenters to attend the TPB meeting when planning applications were considered by the Town Planning Board under s.16 and s.17 of the TPO. Members noted.

70. 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 – 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, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning point of view as the site was located within the “Green Belt” (“GB”) zone and on a piece of formed land to the south of Kei Ling Ha San Wai village, with an adjacent dense woodland to the southwest. The footprint of the proposed Small House might overlap with the edge of existing woodland and the exact site location was unclear from the site photograph submitted by the applicant. No information on tree or vegetation survey was provided to demonstrate that the proposed development would have no adverse impact and the significance of the landscape impact could not be fully ascertained;
- (d) five public comments (including a comment from Kadoorie Farm & Botanic Garden (KFBG), three from nearby property owners and one from a group of villagers of Kai Ling Ha San Wai) were received during the first three weeks of the statutory publication period. KFBG objected to the application mainly on the ground that the proposed Small House development fell within “GB” zone which was for conservation. The three nearby property owners objected to the application mainly on the grounds of potential adverse drainage impact. The group of villagers of Kei Ling

Ha San Wai objected to the application mainly on traffic management grounds; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments detailed in paragraph 12 of the Paper. To address CTP/UD&L's concerns and to ensure that the proposed development would not cause adverse impact on the adjacent landscape resources, the applicant would be advised not to disturb any existing trees outside the site. Regarding the public comment from KFBG that the site was within the "GB" zone and intended for conservation, it should be noted that the proposed Small House development met the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that the proposed Small House footprint fell entirely within the village 'environs' of Kei Ling Ha San Wai and there was a general shortage of land in the "Village Type Development" zone of Kei Ling Ha San Wai to meet the demand for Small House development. Regarding the objection raised by the nearby property owners on drainage grounds, Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) had no adverse comment on the application. Approval conditions on submission of drainage proposal and provision of drainage facilities were recommended. The applicant would also be advised to note CE/MN, DSD's comments that any existing flow path affected should be re-provided. Regarding the objection from the group of villagers of Kei Ling Ha San Wai on traffic management grounds, Commissioner for Transport (C for T) had no adverse comment on the application in this aspect.

#### Deliberation Session

71. The Secretary enquired if the Transport Department had any comments on the point raised in the letter from a group of villagers of Kei Ling Ha San Wai, tabled at the meeting that the proposed development had affected the space available for vehicles to turn around. In response, Mr. W.C.Luk advised that the turn around space for vehicle was not Transport Department's requirement and he had no further comments.



72. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 24.8.2016, 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 of drainage proposal to demonstrate that the development would not obstruct overland flow or adversely affect existing natural streams, village drains, ditches and the adjacent areas to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

73. 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 (LandsD) that after planning approval had been given by the TPB, 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. There would be no guarantee to the grant of a right-of-way to the Small House concerned;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that any existing flow path affected should be re-provided. The applicant/owner was required to maintain his drainage system properly and rectify the systems if they were found to be inadequate

or ineffective during operation. The applicant/owner should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by failure of the systems. For works to be undertaken outside the site boundary, the applicant should consult LandsD and seek consent from relevant lot owners before commencement of the drainage works;

- (d) 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;
- (e) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by LandsD;
- (f) 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 the 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;
- (g) to note the comments of the Commissioner for Transport that the applicant should clarify with the relevant lands and maintenance authorities on the land status, management and maintenance responsibility of the village access to avoid potential land disputes;
- (h) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that the access road from Sai Sha Road

adjoining the site was not maintained by HyD; 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 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 22**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/522                      Proposed House (New Territories Exempted House – Small House) in  
“Green Belt” zone, Lot 102 S.A s.s 1 S.D in D.D. 14, Tung Tsz, Tai Po  
(RNTPC Paper No. A/TP/522)

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**Presentation and Question Sessions**

74.            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 – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 11 and Appendix V of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application. He commented that the site was currently part of a car park and was paved with no vegetation. Significant adverse impact on landscape resources was not anticipated despite dense woodland could be found to the south of the site. However, he considered that the approval of the application would likely attract similar Small House developments within the “Green Belt” (“GB”) zone, and would further deteriorate the existing rural landscape quality;
- (d) one public comment from Kadoorie Farm & Botanic Garden (KFBG) was received during the first three weeks of the statutory publication period. KFBG objected to the application mainly on the ground that the proposed Small House development fell within “GB” zone which was for conservation purpose; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the

application based on the assessments detailed in paragraph 13 of the Paper. Regarding the concerns raised by CTP/UD&L, a planning condition on the submission and implementation of landscape proposal was recommended. Regarding the public comment from KFBG objecting to the application mainly on the ground that the site was within “GB” zone which was intended for conservation, it would be noted that the subject application met the Interim Criteria for Consideration of Application for NTEH/Small House development in New Territories in that the proposed Small House footprint fell entirely within the village ‘environs’ (‘VE’) of Tung Tsz and Tseng Tau Village and there was a general shortage of land in meeting the demand for Small House development in the “Village Type Development” zone of the villages.

75. Members had no question on the application.

#### Deliberation Session

76. 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 24.8.2016, 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;
- (b) the submission and implementation of landscaping proposal to the satisfaction of the Director of Planning or of the TPB; and
- (c) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the comments of the Director of Agriculture, Fisheries and Conservation that there was a watercourse to the south of the application site. The applicant should follow the Buildings Department's Practice Note for Authorised Persons and Registered Structural Engineers No. 295 "Protection of natural streams/rivers from adverse impacts arising from construction works" in particular Appendix B "Guidelines on Developing Precautionary Measures during the Construction Stage" so as to avoid disturbance to the water course and causing water pollution. As the Small House would be equipped with septic tank, Environmental Protection Department (EPD) should be consulted on the sewage disposal method in view of the water course nearby;
  
- (b) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that:
  - (i) 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; and
  
  - (ii) water mains in the vicinity of the application site could not provide the standard pedestal hydrant;
  
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that:
  - (i) there was no public drain maintained by DSD in the vicinity of the site. The applicant/owner was required to maintain his drainage 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;

and

- (ii) there was existing public sewerage available for connection in the vicinity of the site. EPD should be consulted regarding the sewage treatment/disposal aspects of the development;
- (d) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated by the Fire Services Department upon formal referral from the Lands Department;
- (e) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that the section of Tung Tsz Road adjacent to the site was not maintained by HyD;
- (f) 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 the Lands Department to verify if 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 provision of the Buildings Ordinance; and
- (g) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant should carry out the following measures:
  - (i) for site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kv and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary;

- (ii) prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
- (iii) the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

**Agenda Item 23**

**Section 16 Application**

[Open Meeting]

A/NE-LT/458                      Proposed House (New Territories Exempted House – Small House) in  
“Agriculture” zone, Lot 816 S.A in D.D. 10,  
Chai Kek, Lam Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/458)

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78.            The Secretary reported that on 7.8.2012, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to allow time to prepare supplementary information on sewerage connection proposal and obtain letters of consent from the relevant land owners in the adjacent area.

79.            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 (Presentation and Question Sessions Only)]

A/ST/785                      Shop and Services (Bicycle Rental and Service Shop) in “Industrial”  
zone, Unit 9, G/F, Transport City Building,  
1-7 Shing Wan Road, Sha Tin  
(RNTPC Paper No. A/ST/785)

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Presentation and Question Sessions

80.            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 (bicycle rental and service shop);
- (c)    departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed 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 (Sha Tin); and
- (e)    the Planning Department (PlanD)’s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments given in paragraph 11 of the Paper. A temporary approval of three years was recommended in order not to jeopardise the long-term planning intention of industrial use for the subject premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area.

81. Members had no question on the application.

Deliberation Session

82. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 24.8.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission and implementation of the fire safety measures within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 24.2.2013; and
- (b) if the above planning condition (a) 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) a temporary approval of three years was given in order to allow the Committee to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long-term planning intention of industrial use for the subject premises would not be jeopardized;
- (c) should the applicant fail to comply with the approval condition resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (d) to apply to the District Lands Officer/Shu Tin, Lands Department for a temporary waiver to permit the applied use;

- (e) to note the comments of the Chief Building Surveyor/New Territories East (2) & Rail, Buildings Department on the removal of unauthorized steel structure and roller shutter across the rear exit, and that the proposed use should comply with the requirements under the Buildings Ordinance;
- (f) to note the comments of the Director of Fire Services that detailed fire service requirements would be formulated upon receipt of formal submission of general building plans and a means of escape completely separated from the industrial portion should be available for the area under application; and
- (g) to refer to the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’ for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.

**Agenda Item 25**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/786                      Proposed Temporary Place of Recreation, Sports or Culture (Arts Studio, Rehearsal Room for Art Performance) for a Period of 5 Years in “Other Specified Uses” annotated “Business(1)” zone, Godown 10,11 & 12, 11/F., Grandtech Centre, 8 On Ping Street, Sha Tin  
(RNTPC Paper No. A/ST/786)

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Presentation and Question Sessions

84.            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 temporary place of recreation, sports or culture (arts studio, rehearsal room for art performance) for a period of five years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Fire Services (D of FS) objected to the application. He commented that the proposed arts studio within an industrial building was considered unacceptable as it would attract unreasonably large number of persons who could be exposed to fire risk which they would neither be aware of nor be prepared to face. These persons included the old, infirm, children and those whose nature of work was unrelated to the activities in the subject 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 detailed in paragraph 11 of the Paper. According to the ‘Town Planning Board Guidelines for Development within “Other Specified Uses (Business)” Zone’ (TPB PG-No. 22D), D of FS should be satisfied on the risks likely to arise or increase from the proposed commercial use under application. The subject premises was on the 11/F and was accessible through a corridor within the industrial building commonly shared by other office and godown uses on the same floor. There was no direct means of escape from the premises. In this connection, D of FS did not support the application as it would attract unreasonably large number of persons including old, infirm and children who could be exposed to fire risk which they were not aware of. The application was therefore not in line with the TPB PG-No. 22D.

85. Members had no question on the application.

#### Deliberation Session

86. A Member considered that the D of FS’s comments on the fire safety aspect

should be respected and the application should not be approved. Other Members concurred.

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

- the proposed development did not comply with the ‘Town Planning Board (TPB) Guidelines for Use/Development within “OU (Business)” Zone’ (TPB PG-No. 22D) in that it would attract unreasonably large number of persons who could be exposed to fire risk. The proposed arts studio and rehearsal room for art performance was unacceptable from fire safety point of view.

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

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

[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 26**

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

[Open Meeting]

A/TM-SKW/78 Proposed Temporary Barbecue Area for a Period of 3 Years in “Village Type Development” zone, Lots 246 S.B (Part), 248 (Part), 250 (Part), 251 (Part), 258, 259, 260, 261 (Part), 262 S.B (Part) and 263 S.B (Part) in D.D. 385 and Adjoining Government Land,  
Tai Lam Chung, Tuen Mun  
(RNTPC Paper No. A/TM-SKW/78)

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88. The Secretary reported that on 8.8.2012, the applicant’s representative requested

for a deferment of the consideration of the application for two months in order to allow time to address the comments of the District Lands Officer/Tuen Mun, Lands Department and the Commissioner for Transport.

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 27**

#### **Section 16 Application**

[Open Meeting]

A/YL-ST/417      Proposed Temporary Public Vehicle Park (for Private Cars Only) for a Period of 3 Years in “Green Belt” and “Undetermined” zones, Lots 207 RP (Part), 208 S.B RP in D.D. 99 and Adjoining Government Land, Lok Ma Chau Road, San Tin, Yuen Long  
(RNTPC Paper No. A/YL-ST/417)

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90. The Secretary reported that on 3.8.2012, the applicant requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to address the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department and the public.

91. 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 28**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TSW/54                      Proposed School (Learning Centre) in “Residential (Group B)” zone,  
Shop A118 and A119, G/F, Kingswood Richly Plaza, Locwood Court,  
Kingswood Villa, No. 1, Tin Wu Road, Tin Shui Wai, Yuen Long  
(RNTPC Paper No. A/TSW/54)

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### **Presentation and Question Sessions**

92.            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 proposed school (learning centre);
- (c)    departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed 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 had no objection to the application based on the assessments detailed in paragraph 11 of the Paper.

93.            Members had no question on the application.

### **Deliberation Session**

94. 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 24.8.2016, 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 for the proposed school to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Yuen Long that pursuant to the lease conditions, the concerned lot should not be used for any purpose other than non-industrial (excluding godown) purposes;
- (b) to note the comments of the Secretary for Education that from the school registration's point of view, there was no adverse comment provided that the proposed school complied with the Education Ordinance and Education Regulations;
- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department's (HyD) that HyD was/should not be responsible for the maintenance of any vehicular access connecting to the concerned site;
- (d) 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 the relevant authority; and
- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that he had no objection in principle under the Buildings Ordinance to the application subject to detailed scrutiny of the building plans for the proposed school. Application for EO s12(1) certificates had been submitted and was being processed separately.



**Agenda Item 29**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/377            Proposed Concrete Batching Plant and Minor Relaxation of Building Height Restriction in “Industrial (Group D)” zone, Lots 843 S.A, 843 S.B and 843 RP in D.D. 124 and Lots 233 RP, 235 and 236 in D.D. 127, Ping Shan, Yuen Long  
(RNTPC Paper No. A/YL-PS/377A)

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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 proposed concrete batching plant and minor relaxation of building height restriction from 13m to 17m (i.e. +4m or 30.77%);
- (c)    departmental comments – departmental comments were set out in paragraph 9 of the Paper and were highlighted below:
  - (i)    the Director of Environmental Protection (DEP) did not support the application. He commented that concrete batching plants were dusty uses and noise emitters, which should be located away from residential development. There was a sensitive receiver (i.e. residential dwelling) just next to the site. As set out in Chapter 9 of the Hong Kong Planning Standards and Guidelines (HKPSG), a buffer distance of at least 100m should be provided between sensitive receivers and dusty uses, such as concrete batching plants. As such, nuisances would be expected and the proposed development was considered environmentally undesirable. The current application did not contain sufficient information to demonstrate that environmental

impacts arising from the proposed use could be mitigated to an acceptable level. The two similar applications (No. A/YL-PS/36 and 143) were approved in 1998 and 2003 respectively. The public expectation on environmental matters had raised a lot since then. Pursuant to the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Site” (COP) issued in 2005, uses with potential dusty and noise nuisance were considered environmentally undesirable. An operator of a concrete batching plant should observe the statutory requirements of environmental pollution control ordinances, in particular the Air Pollution Control Ordinance (APCO). If the total silo capacity of a concrete batching plant exceeded 50 tonnes, a licence for “Specified Process” under the APCO was required for its operation; and

- (ii) the Commissioner for Transport (C for T) noted that the two-way peak trip rate was 80 vehicles/hour (56 concrete trucks plus 24 aggregate trucks), excluding the daily trip rates of concrete tankers and private cars. In view of such high peak hourly trip rates, the applicant was requested to conduct a detailed traffic assessment to demonstrate that the nearby road network could accommodate the additional traffic in a satisfactory manner as a result of the proposed development;
- (d) 31 public comments were received during the three weeks of the statutory publication period. They included residents of Ping Shan and Choza Rico in Hung Shui Kiu, the Concern Group of Shek Po Tsuen and Hung Uk Tsuen, villagers of Hang Mei Tsuen/Tong Fong Tsuen/Hung Uk Tsuen, Village Representatives of Hung Uk Tsuen/Shek Po Tsuen, a parent of Shung Tak Catholic College, Ping Shan Rural Committee and other members of public. They all objected to the application mainly on environmental, traffic, safety and ‘fung-shui’ grounds; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments detailed in paragraph 11 of the Paper and were summarised below:

- (i) the proposed concrete batching plant was generally in line with the planning intention of the “Industrial (Group D)” (“I(D)”) zone. However, DEP did not support the application and considered that the proposed development was a dusty use and a noise emitter. There were residential dwellings within 100m from the boundary of the site with the closest one located to the immediate north of the site. Pursuant to Chapter 9 of the HKPSG, a buffer distance of at least 100m should be provided between sensitive receivers and dusty uses. The current application did not contain sufficient information to demonstrate that environmental impacts arising from the proposed use could be mitigated to an acceptable level;
- (ii) on traffic aspect, C for T considered that the peak hourly trip rates of the proposed development were high and requested for a detailed traffic assessment to be conducted to demonstrate that the nearby road network could accommodate the additional traffic in a satisfactory manner as a result of the proposed development. The applicant had not addressed C for T’s concern; and
- (iii) two similar applications (No. A/YL-PS/36 and 143), with residential dwellings found immediate to their west, were approved in 1998 and 2003 respectively in the same “I(D)” zone, as adverse comment from concerned government departments (including TD and DEP) and local objection were not received at that time. The total silo capacity of these developments (i.e. 300 tonnes) was much lower than that of the current application (i.e. 540 tonnes). DEP had advised that the two similar applications were approved long time ago and it was not reasonable to compare the current application with the ones approved 14 years ago. In the past decade, the public expectation on environmental matters had raised a lot.

97. Members had no question on the application.

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

- (a) the proposed concrete batching plant was a dusty use and was a noise emitter. There were residential dwellings in close proximity to the application site. The applicant failed to demonstrate that the proposed development would not have adverse environmental impact on these sensitive receivers; and
- (b) there was no traffic assessment to demonstrate that the nearby road network would accommodate the traffic generated from the proposed development.

### **Agenda Item 30**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/386            Temporary Public Vehicle Park for Medium Size Buses (24-seats) and Private Cars for a Period of 3 Years in “Village Type Development” zone, Lots 449 RP (Part), 450 (Part) and 452 RP (Part) in D.D. 122 and Adjoining Government Land, Hang Mei Tsuen, Ping Shan, Yuen Long (RNTPC Paper No. A/YL-PS/386)

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

99. Mr. Vincent T.K. Lai, STP/TMYL, informed the meeting that replacement pages of Page 10 and 11 of the Paper to include an approval condition requiring the applicant to post a notice prohibiting parking of vehicle exceeding 5.5 tonnes within the site were tabled at the meeting. He then 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 medium size buses (24-seats) and private cars for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed 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 could be tolerated for a period of three years based on the assessments detailed in paragraph 11 of the Paper.

100. Members had no question on the application.

#### Deliberation Session

101. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 24.8.2015, 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 11:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no medium or heavy goods vehicle exceeding 5.5 tonnes and buses exceeding 24 seats, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, was allowed to be parked on the site at any time during the planning approval period;
- (c) no vehicles without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations were allowed to be parked/stored on the site at any time during the planning approval period;

- (d) warning signs should be provided at the access road, as proposed by the applicant, at any time during the planning approval period;
- (e) a notice should be posted at a prominent location of the site to indicate that no vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance and no buses exceeding 24 seats were allowed to be parked on the site at any time during the planning approval period;
- (f) the existing drainage facilities on site should be maintained at all times during the approval period;
- (g) the submission of a condition record of the existing drainage facilities on-site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.2.2013;
- (h) the submission of tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 24.2.2013;
- (i) in relation to (h) above, the implementation of the tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 24.5.2013;
- (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 condition (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 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.

102. 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 other owner(s) of the application site;
- (c) to note the comments of the District Lands Officer/Yuen Long that no approval had been given to allow any structure on the site and no permission had been given for occupation of the government land (GL) within the site. The site was accessible through an informal track on GL and other private land extended from Tsui Sing Road. His office did not provide maintenance works for this track nor guarantees right-of-way. Part of the GL had been proposed for the project namely “PWP Item 4157DS Yuen Long & Kam Tin Sewerage, Stage 2 Phase 3B – Village Sewerage at San Wai, Tung Tau Tsuen (YLW), Sha Chau Lei Tsuen, Hang Tau Tsuen and Sheung Cheung Wai” and the tentative site handover date was on 31.7.2014. Should planning approval be given to the application, the concerned lot owners and occupiers of the GL concerned 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 his department 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 his department;
- (d) to adopt the environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise any possible environmental nuisances;

- (e) to note the comments of the Commissioner for Transport that sufficient manoeuvring spaces should be provided within the site and no vehicle was allowed to queue back to public road or reverse onto/from public road. The local track leading to the site from Tsui Sing Road was not under Transport Department's (TD) purview and 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;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the proposed access arrangement of the site from Tsui Sing Road should be approved by TD. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. HyD should not be responsible for the maintenance of any access connecting the site and Tsui Sing Road;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that formal submission of any proposed new works, including any temporary structure for approval under the Buildings Ordinance was required. If the site was not abutting a specified street having a width not less than 4.5m, the development intensity should be determined under Building (Planning) Regulations 19(3) at building plan submission stage; and
- (h) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, the applicant should carry out the following measures:
  - (i) for site with the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the



Planning Department, prior consultation and arrangement with the electricity supplier was necessary;

- (ii) prior to establishing any structure within the application site, the applicant and/or his contractor(s) 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 applicants and their contractor(s) when carrying out works in the vicinity of the electricity supply lines.

[The Chairman thanked Mr. Vincent Lai, STP/TMYL, for his attendance to answer Members’ enquiries. Mr. Lai left the meeting at this point.]

### **Agenda Items 31 to 32**

#### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/792            Temporary Open Storage of Vehicles Not Yet Licenced to Run on the Road and Private Car Parking for a Period of 1 Year in “Government, Institution or Community” and “Recreation” zones, Lots 515 RP (Part), 518 (Part), 521 (Part), 522, 523, 524 (Part), 525 (Part), 526 (Part), 1247 RP (Part), 1249 (Part), 1250 (Part), 1251 RP, 1252, 1253, 1254, 1255 (Part), 1256 (Part), 1257, 1258 RP, 1259 (Part), 1260, 1261 and 1262 RP (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/792)

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A/YL-HT/793            Temporary Open Storage of Containers with Ancillary Office and Container Repair Workshop for a Period of 1 Year in “Government, Institution or Community” zone, Lots 515 RP (Part), 516 (Part), 517 (Part), 518 (Part), 519 (Part), 520 (Part) and 521 (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/793)

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Presentation and Question Sessions

103.            The Committee noted that as the two applications were similar in nature and the application sites were located in close proximity to each other, the Committee agreed that the two applications could be considered together.

104.            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 temporary open storage of vehicles not yet licenced to run on the road and private car parking for a period of one year under application No. A/YL-HT/792 and the temporary open storage of containers with ancillary office and container repair workshop for a period of one year under application No. A/YL-HT/793;
- (c)    departmental comments – concerned government departments had no objection to or adverse comments on the two applications as detailed in paragraph 10 of the Papers;
- (d)    no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e)    the Planning Department (PlanD)’s views – PlanD considered that the temporary uses could be tolerated for a period of one year based on the assessments detailed in paragraph 12 of the Papers.

105. Members had no question on the applications.

Deliberation Session

106. After deliberation, the Committee decided to approve the application No. A/YL-HT/792 on a temporary basis for a period of 1 year until 24.8.2013, 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 pm to 8:30 am, as proposed by the applicant, was allowed on the site during the approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no vehicle should make use of Ha Tsuen Road when accessing/leaving the site, as proposed by the applicant, during the planning approval period;
- (d) the implementation of the drainage facilities proposed in the accepted Drainage Impact Assessment within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.2.2013;
- (e) the submission and implementation of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 24.2.2013;
- (f) the submission and implementation of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.2.2013;
- (g) if any of the above planning conditions (a), (b) or (c) 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;

- (h) if any of the above planning conditions (d), (e) or (f) 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
- (i) 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.

107. The Committee also agreed to advise the applicant of the application No. A/YL-HT/792 of the following :

- (a) prior planning permission should have been obtained before commencing the development on the site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the private land within the site comprised Old Scheduled Agricultural Lots held under the Block Government Lease which contained the restriction that no structure was allowed to be erected without the prior approval of the Government, and the applicant should apply to him for occupation of the government land (GL) involved, 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/fees, as might be imposed by LandsD. The DLO/YL did not provide any maintenance works for or guarantee right-of way of access through the road on GL to the site from the Kong Sham Western Highway;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the development should neither obstruct overland flow nor adversely affect any existing stream course, natural streams,

village drains, ditches and the adjacent areas, and the applicant should consult DLO/YL and seek consent from the relevant owners for any works to be carried out outside the site before commencement of the drainage works;

- (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 safeguard the environment and minimize any potential environmental nuisance;
- (f) 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 and that the management and maintenance responsibilities of this road/path/track should be clarified and the applicant should consult 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;
- (g) to note the comments of the Director of Fire Services to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to him for approval. In formulating the FSIs proposal, the applicant was advised to provide portable hand-operated approved appliances for storages, open sheds or enclosed structures with total floor area less than 230m<sup>2</sup> with access for emergency vehicles to reach 30m travelling distance to the structures, which should be clearly indicated on plans. 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. The applicant should also adhere to the Good Practice Guidelines for Open Storage issued by the Director of Fire Services at Appendix IV of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSI, the applicant was required to provide justifications to him for consideration; and

- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of this planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance (BO). Enforcement action might be taken to effect the removal of all unauthorized works should circumstances require. The caretaker's office, converted containers for office and storage uses, and open shed for parking of vehicles were considered as temporary buildings and were subject to control under Building (Planning) Regulations Part VII. Formal submission of any proposed new works, including any temporary structures, for approval under the BO was required. An Authorized Person should be appointed to coordinate such building works.

108. After deliberation, the Committee decided to approve the application No. A/YL-HT/793 on a temporary basis for a period of 1 year until 24.8.2013, 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. to 8:30 a.m., as proposed by the applicant, was allowed on the site during the 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) the stacking height of containers stored within the site should not exceed 8 units during the planning approval period;
- (d) no handling (including loading, unloading, dismantling and storage) of electrical/electronic appliances/materials/wastes, computers/computer parts, cathode-ray tubes (CRT), CRT computer monitors/television sets and CRT equipment, as proposed by the applicant, was allowed on the site during the planning approval period;
- (e) no handling (including loading, unloading, dismantling and storage) of batteries was allowed on the site during the planning approval period;

- (f) no vehicle should make use of Ha Tsuen Road when accessing/leaving the site, as proposed by the applicant, during the planning approval period;
- (g) the implementation of the drainage facilities proposed in the accepted Drainage Impact Assessment within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.2.2013;
- (h) the submission and implementation of a landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 24.2.2013;
- (i) the submission and implementation of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.2.2013;
- (j) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning conditions (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.

109. The Committee also agreed to advise the applicant of the application No. A/YL-HT/793 of the following :

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

- (b) the permission was given to the use/development under application. It did not condone to the open storage of recyclable materials with workshop or any other use/development which might currently exist on the site but not covered by the application. The applicant should take immediate action to discontinue such use/development not covered by the permission;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the private land within the site comprised Old Scheduled Agricultural Lots held under the Block Government Lease which contained the restriction that no structure was allowed to be erected without the prior approval of the Government. The applicant should apply to him to permit structures to be erected on-site, and for occupation of the government land (GL) involved, 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/fees, as might be imposed by LandsD. The DLO/YL did not provide any maintenance works for or guarantee right-of way of access through the informal local track on GL to the site from the Kong Sham Western Highway;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the development should neither obstruct overland flow nor adversely affect any existing stream course, natural streams, village drains, ditches and the adjacent areas, and to consult DLO/YL and seek consent from the relevant owners for any works to be carried out outside the site before commencement of the drainage works;
- (f) 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 safeguard the environment and minimize any potential environmental nuisance;



- (g) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority and that the management and maintenance responsibilities of this road/path/track should be clarified and the applicant should consult 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;
- (h) 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;
- (i) to note the comments of the Director of Fire Services in Appendix IV 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. The applicant should also adhere to the Good Practice Guidelines for Open Storage issued by the Director of Fire Services at Appendix V of the Paper. 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
- (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. Enforcement action might be taken to effect the removal of all unauthorized works should circumstances require. The covered structures and ancillary office were considered as temporary buildings and were subject to control under Building (Planning) Regulations (B(P)R) Part VII.

Formal submission of any proposed new works, including any temporary structure for approval under the BO was required. The site should be provided with means of obtaining access thereto from a street under B(P)R 5 and emergency vehicular access should be provided under B(P)R 41D. If the site did not abut a specified street having a width not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at building plan submission stage.

[The Chairman thanked Mr. Ernest Fung, STP/TMYL, for his attendance to answer Members' enquires. Mr. Fung left the meeting at this point.]

### **Agenda Item 33**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/574      Proposed Temporary Open Private Vehicle Park (Private Car and Light Goods Vehicle) for a Period of 3 Years in "Village Type Development" zone, Lot 291 (Part) in D.D. 109, Kam Sheung Road,  
Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTS/574)

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

110.      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 private vehicle park (private car and light goods vehicle) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L) had some reservations on the application. He commented that the site was directly abutting some existing residential

houses along the eastern boundary and the proposed use was not entirely compatible with the surrounding village residential setting. Also, no landscape mitigation proposal had been provided in the application to demonstrate that potential adverse impacts could be alleviated;

- (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 period of three years based on the assessments detailed in paragraph 11 of the Paper. Regarding CTP/UD&L's comments on landscape impact of the proposed temporary use, approval conditions requiring the applicant to submit and implement the landscaping proposal were recommended. Besides, to avoid possible nuisance generated by the proposed temporary use, approval conditions restricting the operation hours, types of vehicles to be parked and activities on the site were also recommended.

111. Members had no question on the application.

#### Deliberation Session

112. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 24.8.2015, 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 8:00 p.m. and 9:00 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 (Registration 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, including

container tractors/trailers, as defined in the Road Traffic Ordinance were allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;

- (d) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicles exceeding 5.5 tonnes as defined in the Road Traffic Ordinance, were allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities should be carried out on the site at any time during the planning approval period;
- (f) a proper vehicular access/run-in between the site and the public road should be maintained;
- (g) no reversing of vehicles into or out from the site was allowed at any time during the planning approval period;
- (h) the submission of landscaping proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 24.2.2013;
- (i) in relation to (h) above, the implementation of landscaping proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 24.5.2013;
- (j) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.2.2013;
- (k) in relation to (j) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.5.2013;

- (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 24.2.2013;
- (m) in relation to (l) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.5.2013;
- (n) the submission of parking layout plan with dimensions within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 24.2.2013;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) 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;
- (p) if any of the above planning conditions (h), (i), (j), (k), (l), (m) or (n) 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
- (q) 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.

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

- (a) to resolve any land issues relating to the development with the concerned owners of the site;
- (b) the permission was given to the use under application. It did not condone any other use including the vehicle repairing workshop/storage of vehicles which currently existed on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue

such use not covered by the permission;

- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that 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 structure as office. The site was accessible from Kam Tin Road via private land and government land (GL). This office did not provide maintenance works on this GL nor guarantee right of way. The lot owner still needed to apply to LandsD to permit 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 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 minimise any potential environmental nuisances;
- (e) to note the comments of the Commissioner for Transport that the minimum dimensions of parking stall for private car and van were 5m x 2.5m and 5m x 3m respectively. Besides, the site was connected to an unknown local access road before connecting to Kam Sheung Road. The local access road was not managed by Transport Department. The land status of the local access road should be checked with the lands authority. Moreover, the management and maintenance responsibilities of the local access road 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 was not/should not be responsible for the maintenance of any existing vehicular access connecting

the site and Kam Sheung Road;

- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the development should not cause adverse drainage impact to the adjacent areas;
- (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 with the BO. It appeared that the site did not abut a specified street having a width of not less than 4.5 wide, in such respect, the development intensity should be determined under the Building (Planning) Regulations (B(P)R) 19(3) at building plan submission stage. The site should be provided with means of obtaining access thereto from a street under the B(P)R 5 and emergency vehicular access should be provided under the B(P)R 41D. 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 proposed structures might be considered as temporary buildings and were subject to control under the B(P)R Part VII;
- (i) 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, the applicant was advised to make reference to the requirements in Appendix III of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSI, the applicant was required to provide justifications to his department for consideration; and

- (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. 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 34**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/637            Temporary Field Study/ Education/ Visitor Centre, Nature Farm and Canteen for Organic Food Use for a Period of 3 Years in “Conservation Area” and “Residential (Group D)” zones, Lots 153, 157 (Part), 158 (Part) and 159 (Part) in D.D. 108 and Adjoining Government Land, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/637B)

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**Presentation and Question Sessions**

114.        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 as summarised in paragraph 4 of the Paper- the Committee agreed to defer consideration of the application on 15.6.2012 upon Planning Department’s request in order to allow more time for investigation to ascertain whether any unauthorized site formation works were involved. The Chief Town Planner/Central Enforcement and Prosecution of Planning Department indicated that the eastern portion of the site had already been formed and used for storage and parking of vehicles prior to imposition of such restriction on the outline zoning plan. As for the western portion, it had been formed since 2009 and used for storage purpose. In this regard, the site was subject to prosecution action as the unauthorized storage use and parking of vehicles found on the site had not been discontinued upon expiry of the Enforcement Notice.
  
- (b)    the temporary field study/ education/ visitor centre, nature farm and canteen for organic food use for a period of three years;
  
- (c)    departmental comments – departmental comments were set out in paragraph 9 of the Paper and were highlighted below:

- (i) the Director of Agriculture, Fisheries and Conservation (DAFC) advised that the site fell largely on an area zoned “Conservation Area” (“CA”) and was in close proximity (within 100m) to Lam Tsuen Country Park. As the site had already been developed for the applied use, he was uncertain about the ecological impact caused by the development. It appeared that about 25% of the total area was paved or covered with structures. the applicant should consider reducing the paved or covered area as far as practicable, so that the site would be more compatible with the surrounding natural environment. The applicant did not specify whether fire would be used for cooking in the proposed canteen. Fire hazard was one of the concerns as the site was in close proximity to Lam Tsuen Country Park. Should the application be approved, the applicant should be reminded to properly implement the fire prevention measures (i.e. 5m buffer area with no vegetation) to prevent the spread of fire into Country Parks. Since the ecological assessment was not supported by scientific evidence, he had no comment on the assessment. Besides, the site had already been developed for the applied use at the time of the ecological assessment, and the impacts caused by the site clearance had not been addressed;
- (ii) the Director of Environmental Protection (DEP) had reservation on the application. Noting that about 25% of the site was being used as car parks/paved area, this might not be compatible with the surrounding environment as the site largely fell within the “CA” zone. The applicant should be reminded that the development might constitute a Designated Project by virtue of Item Q.1, Part 1, Schedule 2 of the Environmental Impact Assessment Ordinance (EIAO). If so, an environmental permit was required for its construction and operation;
- (iii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application. Most of the site fell within the “CA” zone, which was intended to give added protection to Lam Tsuen Country Park. In view of the importance and high landscape value, the area was sensitive to

development. Besides, there was presumption against development in “CA” zone. The development, if approved, would set an undesirable precedent and encourage development without valid planning permission within the “CA” zone, resulting in potential vegetation clearance and degradation of the landscape quality of the area; and

- (iv) the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) had no objection in-principle to the application. The drainage proposal submitted appeared to be conceptual. Many essential details were missing. Should the application be approved, approval conditions requiring the applicant to submit a drainage proposal and implement and maintain the drainage facilities for the development should be included in the planning permission.
  
- (d) during the statutory public inspection period, which ended on 3.2.2012, a public comment was received from Designing Hong Kong Limited. During the statutory public inspection period, which ended on 10.8.2012, two public comments were received from Designing Hong Kong Limited and Kadoorie Farm & Botanic Garden Corporation. The commenters objected to the application as over 95% of the site was zoned “CA” and there was general presumption against development. No information on compensation scheme and how trees would be protected and managed during and after the construction period. Besides, the site was close to a watercourse. The development would cause impact on the water quality or water pollution but no information on sewage treatment or relevant assessment was provided. In addition, the site had already been occupied by some building structures and the development was a suspected “Destroy First, Build Later” case. Approval of the application would set a bad precedent; and
  
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments detailed in paragraph 11 of the Paper and were summarised below:

- (i) most of the site (96%) fell within the “CA” zone where there was a general presumption against development, the development was not in line with the planning intention. The application was for temporary field study/education/visitor centre, nature farm, and canteen for organic food use which was a mix of recreational, educational and agricultural in nature. Given the general presumption against development on areas within the “CA” zone, the applicant failed to demonstrate that the development was needed to support the conservation of the existing natural landscape or scenic quality of the area. In this regard, the development was considered not in line with the planning intention of “CA” zone. No strong planning justification had been given in the submission to justify for a departure from the planning intention, even on a temporary bases;
- (ii) from the nature conservation perspective, DFAC was uncertain about the ecological impact caused by the development as the site had already been developed for the applied use. The ecological assessment conducted by the applicant was not supported by scientific evidence and the ecological impacts caused by the site clearance works had not been addressed. He also expressed concerns regarding the issue of potential water pollution to the stream adjacent to the site due to the operation of the septic tanks and fire hazard caused by cooking in the canteen noting that the site was in close proximity to Lam Tsuen Country Park. He considered that the applicant should reduce the paved and covered area as far as practicable and to reinstate the site with suitable landscape treatment. Besides, DEP also advised that the development in “CA” might constitute a Designated Project under EIAO and an environmental permit would be required for its construction and operation. No environmental impact assessment had been submitted for the application;
- (iii) as most of the site fell within the “CA” zone, CTP/UD&L of PlanD had reservation on the application in view of the importance and high landscape value of the “CA” zone. The CE/MN of DSD, advised that the drainage proposal submitted by the applicant was not

satisfactory. The applicant failed to demonstrate that the development would not generate adverse drainage and landscape impacts on the surrounding areas; and

- (iv) no similar application was approved within the same “CA” or “Residential (Group D)” zone. There was concern about setting an undesirable precedent effect for other similar site formation/vegetation clearance activities within the “CA” zone. Approving the application would set an undesirable precedent and the cumulative effect of approving such similar applications would result in a general degradation of the environment and landscape quality of the area.

115. Members had no question on the application.

#### Deliberation Session

116. 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) there was general presumption against development in “Conservation Area” (“CA”) zone. The applicant failed to demonstrate that the development was needed to support the conservation of the existing natural landscape at the site or scenic quality of the area. No strong planning justification had been given in the submission to justify for a departure from the planning intention, even on a temporary basis;
- (b) the applicant failed to demonstrate that the development would not generate adverse environmental, ecological, drainage and landscape impacts on the surrounding areas; and
- (c) approval of the application would set an undesirable precedent for similar applications within the “CA” zone and the cumulative effect of which would result in general degradation of the environment and landscape quality of the area.

**Agenda Item 35**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/645            Proposed Temporary Open Storage of Soil from Cut-and-Cover Method and Building Materials for a Period of 3 Years in “Agriculture” zone, Lots 1689 S.A (Part), 1689 S.B, 1689 S.B ss.1, 1689 S.C, 1689 S.D, 1695 and 1696 in D.D. 111 and Adjoining Government Land, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/645)

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Presentation and Question Sessions

117.            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 soil from cut-and-cover method and building materials for a period of three years;
- (c)    departmental comments – departmental comments were set out in paragraph 10 of the Paper and were highlighted below:
  - (i)    the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. existing residential structures/dwellings located to the immediate west (with the nearest one being about 2m away) and in the vicinity of the site, and environmental nuisance was expected. There was no environmental complaint received in the past three years;
  - (ii)   the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application. His site visit revealed that there were

active agricultural activities at the western portion of the site, and the eastern portion consisted of grasslands which were partly excavated and deposited with soils. The site had high potential for agricultural rehabilitation. Some natural streams existed within and in the vicinity of the site. Should the application be approved, the applicant should be advised to adopt necessary measures to prevent polluting the streams or disturbing their embankments as far as practicable;

- (d) during the first three weeks of the statutory publication period, three public comments were received from a Yuen Long District Councillor, the villagers of Wan Toi Shan and Kadoorie Farm and Botanic Garden Corporation. The Yuen Long District Councillor raised concern on the duration and amount of soil to be stored on the site and the possible pollution and dust nuisance generated from the proposed development. The villagers of Wan Toi Shan strongly objected to the application as the site was located close to their ancestors' graveyard and the proposed development would flood and clog up the graveyard affecting the fungshui of the village. The Kadoorie Farm and Botanic Garden Corporation also objected to the application as the development was not in line with the planning intension of the "Agriculture" ("AGR") zone and the agricultural land should be preserved to safeguard the food supply for Hong Kong. The proposed development would generate adverse impacts on the water quality and the coastal community in Deep Bay. The District Officer (Yuen Long) had received one local objection which was the same as one of the public comments received during the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments detailed in paragraph 12 of the Paper and were summarised below:
  - (i) the proposed development was not in line with the planning intention of the "AGR" zone which was to retain and safeguard good quality agricultural land for agricultural purpose. No strong planning justification had been given in the submission to justify for a departure from the planning intention, even on a temporary basis. DAFC also

did not support the application as there were active agricultural activities at the western portion of the site and the site had high potential for agricultural rehabilitation. The applicant also did not provide sufficient information on why suitable site within the “Open Storage” (“OS”) zones on the Pat Heung Outline Zoning Plan could not be made available for the proposed development;

- (ii) the proposed development was not compatible with the surrounding land uses, which were predominated by residential structures/dwellings, agricultural land. There were residential structures/dwellings located to the immediate west with the nearest one about 2m away and the “Village Type Development” zone for Leung Uk Tsuen/Wang Toi San Tsuen was located close to the site to its east;
- (iii) the proposed development was not in line with the TPB PG-No. 13E in that there was no previous approval granted at the site for open storage use and there were adverse departmental comments and local objections against the application were received during the three weeks of the statutory publication period. The applicant failed to demonstrate that the development would not generate adverse environmental and drainage impacts on the surrounding areas. Hence, the current application did not warrant sympathetic consideration; and
- (iv) approval of the application would set an undesirable precedent for other similar uses to proliferate into this part of the “AGR”. The cumulative effect of approving such application would result in general degradation of the rural environment of the area.

118. Members had no question on the application.

#### Deliberation Session

119. 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” (“AGR”) zone which was to retain and safeguard good agricultural land for agricultural purposes. This zone was also intended to retain fallow arable land with good potential for rehabilitation. 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 in that the proposed development was not compatible with the surrounding land uses which were predominated by residential structures/dwellings and agricultural land. There was also no previous approval granted at the site and there were adverse departmental comments and local objections against the application;
- (c) the applicant failed to demonstrate that the proposed development would not generate adverse environmental and drainage impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for other similar uses to proliferate into this part of the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

**Agenda Item 36**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/602      Temporary Open Storage of Recycled Metal and Open-Air Recycling Activities for a Period of 3 Years in “Undetermined” zone, Lots 693 (Part), 694 (Part), 695 (Part), 739 (Part) and 757 (Part) in D.D. 119 Tong Yan San Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/602)

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**Presentation and Question Sessions**

120.        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 open storage of recycled metal and open-air recycling activities 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 of residential uses to the southeast and in the vicinity of the site and environmental nuisance was expected. Besides, one environmental complaint on the site was received in May 2009 against the pollution from a recycling workshop at the site. Advice / warning was given to a worker on site, but the person in charge of the site could not be located. Further inspections to the workshop in July 2009 revealed that the site had been vacated and no more operation of the workshop was noted;
- (d)    during the first three weeks of statutory publication period, one public comment was received from a Yuen Long District Council member who objected to the application as he considered that the metal material could cause land pollution and noise generated from the processing of the

materials would cause nuisance to the nearby residents. As such, the application should be rejected by the Town Planning Board; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments detailed in paragraph 12 of the Paper. Although DEP did not support the application as there were sensitive receivers of residential uses in the vicinity of the site, the residential uses were about 45m away from the site and separated by some warehouse uses. There was an environmental complaint relating to pollution generated from the operation of a recycling workshop at the site in May 2009. However, upon advice/warning given by EPD, further site inspections conducted by EPD in July 2009 revealed that no more operation of the said workshop was noted. To address DEP's concerns, approval conditions restricting the operation hours and prohibiting the storage and handling of electrical/electronic material and/or any other types of electronic waste, workshop activities other than sorting activities, and restricting the parking/storage of heavy goods vehicle and container tractor/trailer on site, as proposed by the applicant, were recommended. As regard the public objection to the application concerning the possible environmental impact caused by the applied use at the site, relevant approval conditions were recommended to address the environmental concerns.

121. Members had no question on the application.

#### Deliberation Session

122. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 24.8.2015, 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 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 storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste, as proposed by the applicant, was allowed on the application site at any time during the planning approval period;
- (d) no dismantling, repairing, cleansing or other workshop activities, except sorting activities, as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (e) no heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, was allowed to park/store on or enter/exit the application site at any time during the planning approval period;
- (f) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 24.2.2013;
- (g) in relation to (f) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 24.5.2013;
- (h) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.2.2013;
- (i) in relation to (h) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.5.2013;
- (j) the provision of fire extinguisher(s) within 6 weeks with a valid fire certificate (FS251) from the date of planning approval to the satisfaction of

the Director of Fire Services or of the TPB by 5.10.2012;

- (k) 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 24.2.2013;
- (l) in relation to (k) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.5.2013;
- (m) 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;
- (n) if any of the above planning conditions (f), (g), (h), (i), (j), (k) or (l) 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
- (o) 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.

123. 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) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (c) the site should be kept in a clean and tidy condition at all times;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands

Department (LandsD) that the lot owners concerned 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 a long haul of informal village track on government land and other private land extended from Kung Um Road. His office did not provide maintenance works for this track nor guarantee right-of-way. Part of the government land was temporarily allocated to Drainage Services Department (DSD) from 3.12.2009 to 20.6.2014 for the “PWP Item 4368DS – Yuen Long South Branch Sewers” project;

- (e) to note the comments of the Commissioner for Transport that the land status of the access road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same access 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 vehicular access connecting the site;
- (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 Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that landscape planting should be proposed along the site boundary to enhance the greening and screening effect;
- (i) to note the comments of the Chief Engineer/Development (2), Water

Supplies Department 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 his Department's standards. Also, water mains in the vicinity of the site could not provide the standard pedestal hydrant;

- (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. The applicant should make reference to the requirements on formulating FSIs proposal in Appendix IV of the Paper. The applicant should also be advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, good practice guidelines for open storage should be adhered to, and the location of where the proposed FSI to be installed should be clearly marked on the layout plans. For the approval condition on provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS 251) to his Department for approval. Should the applicant wish to apply for exemption from the provision of certain FSIs as required, the applicant should provide justifications to his Department for consideration;
  
- (k) 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 structures existing at the site. If the existing structures were erected on leased land without approval of the BD (not being a New Territories Exempted House), they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including containers 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 with the BO. For UBW erected on lease 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 site under the BO. The site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site did not abut a specified street of not less than 4.5m wide, its permitted development intensity should be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and

- (l) 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 PlanD, prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier 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.



**Agenda Item 37**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/603 Temporary Open Storage of Recycling Materials (Metal, Plastic and Paper) and Used Electrical/Electronic Appliances and Parts with Ancillary Packaging Activities for a Period of 3 Years in “Undetermined” and “Village Type Development” zones, Lots 324 (Part), 325, 326 (Part), 327 S.E RP (Part), 1420 RP and 1421 (Part) in D.D. 119, Tong Yan San Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/603)

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**Presentation and Question Sessions**

124. 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 open storage of recycling materials (metal, plastic and paper) and used electrical/electronic appliances and parts with ancillary packaging activities 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 of residential uses to the north and southeast and in the vicinity of the site and environmental nuisance was expected. However, there was no environmental complaint concerning the site received in the past three years. Besides, it was noted that the applicant was seeking to continue the use under the previously approved application (No. A/YL-TYST/544) at the same site. Regarding the storage of used electrical/electronic appliances and parts, no related dismantling and sorting activities would be carried out on site. The applicant had committed to keep storing the electrical/electronic materials under covered structures and on paved

grounds so as to avoid land contamination. He considered that these measures were essential for pollution control. Provided that the said practice was to be maintained and strictly followed, the application could be tolerated;

- (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 period of three years based on the assessments detailed in paragraph 12 of the Paper. Although DEP did not support the application as there were sensitive receivers of residential uses in the vicinity of the site, there had not been any environmental complaint in the past three years. The applicant also proposed not to operate the site during night time between 11:00 p.m. and 7:00 a.m., and to store and package the used electrical/electronic appliances and parts only under covered structures on paved grounds so as to avoid land contamination. DEP considered that the application could be tolerated if the proposed measures to store used electrical/electronic materials under covered structures and on paved grounds were strictly followed by the applicant. To address DEP's concerns, approval conditions restricting the operation hours, restricting the storage and handling of used electrical/electronic appliances and parts within covered structures on paved grounds only, and prohibiting workshop activities were recommended.

125. Members had no question on the application.

#### Deliberation Session

126. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 24.8.2015, 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 11:00 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 on the application site during the planning approval period;
- (c) no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste was allowed outside the concrete-paved covered structures on the application site at any time during the planning approval period;
- (d) no dismantling, repairing, cleansing or other workshop activities, except ancillary packaging activities, as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (e) no vehicle queuing and no reverse movement of vehicles on Shan Ha Road was allowed;
- (f) the existing trees on the application site should be maintained at all times during the planning approval period;
- (g) the existing drainage facilities implemented under Application No. A/YL-TYST/186 on the application site should be maintained at all times during the planning approval period;
- (h) the submission of an as-planted landscape plan within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 24.2.2013;
- (i) the submission of a record of the existing drainage facilities on the application site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.2.2013;

- (j) the provision of fire extinguisher(s) within 6 weeks with a valid fire certificate (FS 251) from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.10.2012;
- (k) 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 24.2.2013;
- (l) in relation to (k) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.5.2013;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) 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;
- (n) if any of the above planning conditions (h), (i), (j), (k) or (l) 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
- (o) 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.

127. 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 site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that lot owners concerned still need to apply to his office to 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 a long haul of informal village track on government land and other private land extended from Shan Ha Road. His office provided no maintenance works for this track nor guarantees right-of-way;

- (c) to note the comments of the Commissioner for Transport that sufficient space should be provided within the site for manoeuvring of vehicles. 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 his Department should not be responsible for the maintenance of any access connecting the site and Shan Ha Road. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
- (e) 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;
- (f) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that water mains in the vicinity of the site could not provide the standard pedestal hydrant;
- (g) to note the comments of the Director of Fire Services on the requirements on formulating fire service installations (FSIs) proposal in Appendix V of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs as required, the applicant should provide justifications to his Department for consideration;

- (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 structures existing at the site. If the existing structures were erected on leased land without approval of the BD (not being a New Territories Exempted House), they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including 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 with the BO. For UBW erected on lease 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 site under the BO. The site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site did not abut a specified street of not less than 4.5m wide, its permitted development intensity should be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and
- (i) to note the comments of the Director of Electrical and Mechanical Services that the applicant 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.

### **Agenda Item 38**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/604      Social Welfare Facility (Private Residential Care Homes for Persons with Mental Handicap and Mental Illness) in “Residential (Group C)” and “Village Type Development” zones, No. 31A and 31B Pui Chak Garden, Pak Sha Village, Kung Um Road, Yuen Long  
(RNTPC Paper No. A/YL-TYST/604)

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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 social welfare facility (private residential care homes for persons with mental handicap and mental illness);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Social Welfare (DSW) supported the application. As a complementary measure to the licensing scheme, his department introduced a 4-year Pilot Bought Place Scheme (BPS) for private residential care home for persons with disabilities (RCHD) in October 2010 to encourage private RCHDs to upgrade their service standards, to increase the supply of subsidized residential care places thereby shortening the waiting time for subsidized residential service, and

to help the market develop more service options for persons with disabilities. The pilot BPS was one of the on-going initiatives in the 2011-2012 Policy Agenda. Along this policy direction of the Government, he supported the application;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments detailed 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 the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission and implementation of a run-in/out proposal to the satisfaction of the Director of Highways or of the TPB;
- (b) the submission and implementation of tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the TPB;
- (c) the existing drainage facilities on the application site should be maintained at all times;
- (d) the submission of a record of the existing drainage facilities on the application site to the satisfaction of the Director of Drainage Services or of the TPB; and
- (e) the provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services 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 site;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that no approval had been given to erect any structures on Lots 1801 S.E and 1801 S.F in D.D. 119. The lot owners concerned 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 access of the site was open onto Kung Um Road. His office did not provide maintenance works for the track nor guarantees right-of-way. Part of the government land was temporarily allocated to Drainage Services Department (DSD) from 3.12.2009 to 30.6.2014 for the project, namely “PWP Item 4368 DS (Part-upgraded from 4235SD in May 2009) – Yuen Long South Branch Sewers”;
- (d) to note the comments of the Commissioner for Transport that sufficient space should be provided within the site for manoeuvring of vehicles. All vehicles should be parked within the application site and all loading/unloading activities should also be confined within the application site. In addition, no reverse movement and vehicle queuing on public roads were allowed;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the run-in/out to be constructed at the access point at the road near Kung Um Road should be in accordance with the

latest version of Highways Standard Drawings No. H1113 and H1114, or H5133, H5134 and H5135, whichever set was appropriate, to match with the existing adjacent pavement. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. His department should not be responsible for the maintenance of any access connecting the site and Kung Um Road;

- (f) to note the comments of the Director of Environmental Protection that he trusted Social Welfare Department and the applicant were familiar with the noise environment (day and night) of the area and were satisfied that it met the need of the users;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that there was room for further landscape planting within the site;
- (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. Furthermore, the emergency vehicular access (EVA) provision in 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 (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 under the subject planning application. Before any new building works, including any temporary structures, 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 with the BO. For any

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-site under the BO. If the applied use was subject to the issue of a licence, please be reminded that any existing structures on the site intended to be used for any purposes were required to comply with the building safety and other relevant requirements as might be imposed by the licensing authority. The site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the B(P)R respectively. If the site did not abut a specified street of not less than 4.5m wide, its permitted development intensity should be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and

- (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. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

**Agenda Item 39**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/605      Temporary Warehouse for Storage of Furniture for a Period of 3 Years  
in “Undetermined” zone, Lots 1547 and 1548 in D.D. 119,  
Pak Sha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/605)

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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 temporary warehouse for storage of furniture 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 did not support the application as there were sensitive receivers of residential uses to the south and northwest and in the vicinity of the site, and environmental nuisance was expected. Besides, there was no environmental complaint concerning the site received in the past three years;
- (d) one public comment was received from a Yuen Long District Council member during the three weeks of the statutory publication period. He considered that the revocation of the previous planning approvals reflected the applicant’s insincerity to comply with the approval conditions and thus the current application should be rejected; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments detailed in paragraph 11 of the Paper. Although DEP did not support the application in view of the residential uses in the vicinity of the

site, the development was for storage purpose mainly in an enclosed warehouse structure and there had not been any environmental complaint in the past three years. To address DEP's concerns, approval conditions restricting the operation hours, prohibiting open storage and workshop activities and restricting the use of heavy goods vehicles were recommended. Regarding the public comments, it was noted that the applicant had demonstrated efforts to comply with the approval conditions under the last application and was actively addressing the fire safety issue by implementing the fire service installations (FSIs) proposal which was accepted by the Director of Fire Services. Hence, the current application might be tolerated on sympathetic consideration.

133. A Member noted that the previous approvals granted to the applicant had been revoked due to non-compliance with the approval condition on implementing the FSIs proposal. This Member asked whether the applicant had made any effort on the provision of FSIs. In response, Ms. Bonita Ho said that the applicant was implementing the FSI proposal which was accepted by the D of FS under the last application. The applicant had submitted a set of photographs showing the works in progress and a work programme indicating that the implementation of FSIs proposal would be completed by the end of November 2012. In this regard, D of FS had no adverse comment on the application.

#### Deliberation Session

134. A Member said that as the applicant was implementing the FSIs proposal and would complete the works by the end of November this year, it was suggested that the compliance period for implementing the FSI proposal be shortened to three months up to 24.11.2012, instead of six months as recommended in the paragraph 12.2 (i) of the Paper. Other Members agreed.

135. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 24.8.2015, 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 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 or public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no open storage, as proposed by the applicant, was allowed on the application site at any time during the planning approval period;
- (d) no workshop activities, as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (e) no heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, was allowed to enter/exit the application site at any time during the planning approval period;
- (f) the existing landscape planting on the application site should be maintained at all times during the planning approval period;
- (g) the existing drainage facilities implemented under Application No. A/YL-TYST/391 on the application site should be maintained at all times during the planning approval period;
- (h) the submission of a record of the existing drainage facilities on the application site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.11.2012;
- (i) the implementation of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.11.2012;
- (j) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) 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 (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 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.

136. 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 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 of Lot No. 1574 in D.D 119 was covered by Short Term Waiver (STW) No. 3524 to allow the use of the land for the purpose of warehouse for storage with permitted built-over-area not exceeding 1,005.86m<sup>2</sup> and with height not exceeding 6.3m above the level of the ground. The private land of Lot No. 1548 in D.D 119 was covered by STW No. 3525 to allow the use of the land for the purpose of warehouse for storage with permitted built-over-area not exceeding 254.24m<sup>2</sup> and with height not exceeding 6.3m above the level of the ground. Should the application be approved, 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. Besides, the site was accessible through an informal track on government land and other private lands extended from Kung Um Road. His office provided no maintenance works for this track nor guaranteed right-of-way. Moreover, part of the government land was temporarily allocated to Drainage Services Department (DSD) for the project, namely “PWP Item 4368 DS (Part-upgraded from 4235SD in May 2009) – Yuen Long South Branch Sewers”;

- (f) to note the comments of the Commissioner for Transport that the land status of the access road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same access road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his Department should not be responsible for the maintenance of any access connecting the site and Kung Um Road. Adequate drainage measures should be provided to prevent surface water running from the site to nearby public roads and drains;
- (h) 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;
- (i) to note the comments of the Director of Agriculture, Fisheries and Conservation that good site practices should be adopted and necessary measures should be implemented to avoid causing disturbance and water pollution to the nearby watercourses;



- (j) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that updated photos of existing trees with the photo taken date(s) should be submitted for record purpose. If there were dead trees, replacement planting should be carried out;
- (k) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that water mains in the vicinity of the site could not provide the standard pedestal hydrant;
- (l) to note the comments of the Director of Fire Services that regarding the fire service installations (FSIs) proposal, the previously accepted FSI proposal for Application No. A/YL-TYST/534 was considered still valid. The installation / maintenance / modification / repair work of FSI should be undertaken by a Registered Fire Service Installation Contractor (RFSIC). The RFSIC should after completion of the installation / maintenance / modification / repair work issue to the person on whose instruction the work was undertaken a certificate (FS 251) and forward a copy of the certificate to the Director of Fire Services;
- (m) 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 on-site were erected on leased land without approval of the BD (not being a New Territories Exempted House), they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including 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 (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance. For UBW erected on lease 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 site under the BO. The site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site did not abut a specified street of not less than 4.5m wide, its permitted development intensity should be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and

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

[The Chairman thanked Ms. Bonita K.K. Ho, STP/TMYL, for her attendance to answer Members’ enquires. Ms. Ho left the meeting at this point.]

#### **Agenda Item 40**

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

There being no other business, the meeting closed at 6:30 p.m..