

## **TOWN PLANNING BOARD**

### **Minutes of 480th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 11.1.2013**

#### **Present**

Director of Planning  
Mr. K.K. Ling

Chairman

Mr. Timothy K.W. Ma

Vice-chairman

Professor Edwin H.W. Chan

Dr. C.P. Lau

Ms. Anita W.T. Ma

Dr. W.K. Yau

Professor K.C. Chau

Dr. Wilton W.T. Fok

Mr. Ivan C.S. Fu

Mr. Lincoln L.H. Huang

Ms. Janice W.M. Lai

Ms. Christina M. Lee

Mr. H.F. Leung

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

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

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**

Mr. Rock C.N. Chen

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

**In Attendance**

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

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

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

**Agenda Item 1**

Confirmation of the Draft Minutes of the 479th RNTPC Meeting held on 21.12.2012

[Open Meeting]

1. The draft minutes of the 479th RNTPC meeting held on 21.12.2012 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

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

**Tsuen Wan and West Kowloon District**

[Mr. Wilson W.S. Chan, District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), Ms. Fannie F.L. Hung, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), Mr. James K.Y. Tsui, District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department (DLO/TW&KT, LandsD) and Mrs. Ada K.Y. Yau, Curator(Archaeology), Antiquities and Monuments Office, Leisure and Cultural Services Department (Curator(Archaeology), AMO, LCSD) were invited to the meeting at this point.]

**Agenda Item 3**

[Open Meeting]

Variation of Approval Condition of the Planning Permission

for the Approved Ma Wan Park Development under Application No. A/I-MWI/37-2

(RNTPC Paper No. 1/13)

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3. The Secretary reported that the application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHKP) and Masterplan Ltd. was the consultant of the applicant.

The following Members had declared interests in this item :

Mr. Ivan C.S. Fu – had current business dealings with SHKP and Masterplan

Ms. Janice W.M. Lai – had current business dealings with SHKP

4. The Committee noted that Mr. Fu had not arrived yet. As the interest of Ms. Lai was direct, the Committee agreed that she should leave the meeting temporarily during the discussion and deliberation of this item.

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

#### Presentation and Question Sessions

5. Ms. Fannie F.L. Hung, STP/TWK, presented the application with the aid of a PowerPoint and covered the following aspects as detailed in the Paper :

##### Background

- (a) the first Master Layout Plan (MLP) for the proposed Ma Wan Park development was approved with conditions by the Rural and New Town Planning Committee (the Committee) on 6.5.1994 under Application No. A/MWI/3. The former Customs Station, which was located within the proposed Ma Wan Park, was built in the Qing Dynasty. The gable wall of the former Customs Station, in particular the “crest” and the 4 fan-vents in the top portion of the wall, was identified as having some historical interests by the Antiquities and Monuments Office (AMO) in 1990s. In order to preserve the gable wall and other items/sites of historical interest in the Ma Wan Park development, an approval condition (h) requesting “the submission and implementation of detailed plans for the preservation and restoration of historical buildings and structures, i.e., the gable wall of the former Customs Station, Tin Hau Temple, commemorative tablets, a rock inscription of ‘Mui Wai’ and the Fong Yuen Primary School to the

satisfaction of the Secretary for Recreation and Culture or of the Town Planning Board (the Board)” was imposed by the Committee;

- (b) since the first approval given to the Ma Wan Park development, the MLP had been amended several times. The latest MLP for a proposed recreational park (Ma Wan Park) including places of entertainment, exhibition centres, retail shops, restaurants, visitor accommodation, other attractions, ancillary facilities and coach parking area; and coach parking area for overflow of coaches from Ma Wan Park and for other developments in Ma Wan was approved with conditions by the Committee on 3.2.2006 under Application No. A/I-MWI/37. Subsequently, Application No. A/I-MWI/37-2 for extension of time for commencement of the approved development was approved with conditions by the Committee on 29.1.2010 under section 16A of the Town Planning Ordinance (Cap. 131) (the Ordinance). The planning permission was valid until 3.2.2014;
- (c) approval condition (o) of Application No. A/I-MWI/37-2 required “the submission and implementation of archaeological investigation or detailed plans for the preservation and restoration of historical relics, buildings and structures, including the gable wall of the former Customs Station, Tin Hau Temple at Ma Wan Town, Stone Tablets of the Old Kowloon Customs and a rock inscription ‘Mui Wai’ to the satisfaction of the Director of Leisure and Cultural Services (DLCS) or of the Board”;
- (d) on 30.8.2012, the applicant wrote to the Board requesting for a variation of approval condition (o) of Application No. A/I-MWI/37-2 by deleting part of the approval condition related to the preservation and restoration of the gable wall of former Customs Station due to the applicant’s inability of acquiring the site, and further justifications were provided by the application on 5.11.2012 and 20.12.2012;
- (e) according to section 46 of the Interpretation and General Clauses Ordinance (Cap. 1), the Committee had the power to amend the permission granted;

- (f) the Ma Wan Park comprised both government land and private lots. With respect to the land ownership of the sites under approval condition (o), the gable wall and Tin Hau Temple were on private land while the Stone Tablets of the Old Kowloon Customs and the rock inscription ‘Mui Wai’, were on government land. To implement the Ma Wan Park and to comply with the approval condition (o), the applicant had to acquire all the related private lots;
  
- (g) the site of the former Customs Station was currently vacant and most of the structures had been demolished. However, some building structures, in particular the gable wall with the “crest” and 4 fan-vents in the top portion of the wall were still existing on the site at the time when the previous applications were considered by the Committee. It was the intention of the applicant, among others, to preserve the existing Ma Wan Village and to carry out the associated preservation and restoration works on the site of the former Customs Station. According to the site visit carried out by Planning Department (PlanD) in September 2012, the upper part of the gable wall including the “crest” and the 4 fan-vents was demolished;

Departmental Comments

- (h) the advice of the Department of Justice (DoJ) was as follows :
  - (i) section 46 of Cap. 1 provided the legal power for the Board to deal with deletion or variation of conditions imposed by the Board. However, such power must be exercised by the Board reasonably and fairly, and the Board must be able to provide justifications for its application of section 46 of Cap. 1 to amend the approval condition;
  
  - (ii) whether the Board should exercise the power under section 46 of Cap. 1 to amend the approval condition (o) under the current approved application or request the applicant to submit a fresh application to revise the approved MLP and to amend approval condition (o) was a matter for the Board to consider and decide. If

the proposed amendment involved major changes to the planning permission which had already been granted, a new planning application had to be submitted to the Board for approval. As also provided in the Town Planning Board Guidelines No. 36A for Class A and Class B amendments to approved development proposals (TPB PG-No. 36A), a fresh planning application under section 16 of the Ordinance would be required if major changes to the approved development proposal were involved;

- (iii) whether the proposed amendments were significant or constituted major changes to the approved development proposal was a matter of assessment to be made by the Board from the planning perspectives, having regard to all relevant facts and circumstances. For example, the Board might consider whether the proposed variation would have any major or substantive planning implications on the overall approved development; and
- (iv) should the Board decide that it was appropriate and justifiable to exercise the power under section 46 of Cap. 1 to vary the approval condition, the Board might ask the applicant to submit a revised MLP for the Board's consideration and approval. If the Board was satisfied that the revised MLP reflected the Board's approval for the variation of the approval condition concerned, the revised MLP should be certified by the Chairman of the Board and a copy of the approved revised MLP should be deposited in the Land Registry;
- (i) AMO of Leisure and Cultural Services Department (LCSD) noted that the applicant could not fulfill part of the approval condition (o) of the planning permission related to the preservation of the gable wall of the former Customs Station as the site of the former Customs Station could not be acquired by the applicant and the concerned gable wall had been partially demolished. AMO had paid several visits to the site and noted that the concerned ruin structure had undergone substantial alterations over the years. Public archives also confirmed that extensive repairs had been

carried out for the structure. In the absence of solid proof, it was hardly to conclude that the ruin structure, including the gable wall in the site, was undoubtedly the authentic remains of the former Customs Station. In this connection, AMO of LCSD had no objection to the proposed variation of approval condition (o) of the planning permission;

- (j) the District Lands Officer/Tsuen Wan and Kwai Tsing of Lands Department (DLO/TW&KT of LandsD) was of the view that the lot owner of the site of the former Customs Station had not joined the land exchange exercise and the privately owned lot was beyond the control of the applicant, his Office had no objection to the applicant's proposed variation of approval condition (o);
- (k) other departments consulted had no comment on the proposed variation of approval condition (o);

PlanD's Views

- (l) though the deletion of the requirement of preserving the gable wall of the former Customs Station from approval condition (o) might not jeopardize the overall planning intention of the development concept of the Ma Wan Park, the inability of acquiring the site of the former Customs Station would have the following implications :
  - (i) under the original planning approval for the Ma Wan Park development (Application No. A/I-MWI/27 approved by the Committee on 21.3.2003), the Ma Wan Customs Station was proposed to be restored for village retail and dining centre. The exclusion of the Customs Station site from the application site boundary would constitute a material change to the original planning intention of restoring the site for village retail and dining centre under the approved scheme. A fresh planning application under section 16 of the Ordinance would be required if major changes to the approved development proposal were involved;



- (ii) deletion of the annotation of “Ma Wan Customs House to be Restored” from the approved MLP was required to reflect such change; and
  - (iii) the area of the Customs Station site should be excised from the application site boundary, which covered about 868.5m<sup>2</sup> or 0.45% of the application site area. The permitted gross floor area (GFA) should be correspondingly reduced from 34,532m<sup>2</sup> to about 33,663.5m<sup>2</sup> assuming the site previously covered one storey only.
- (m) based on the assessments as detailed in paragraph 5 of the Paper, PlanD considered that it was not appropriate to vary the approval condition (o) of Application No. A/I-MWI/37-2 under section 46 of Cap. 1 as the deletion of the intention of preserving and restoring the former Customs Station involved material change to the approved MLP and the public should be informed and consulted on the deletion.

6. The Chairman said that the applicant could not acquire the former Customs Station site from the land owner and hence the site had to be excluded from the boundary of Ma Wan Park in order not to affect the implementation programme for Phase II of the Park. In this regard, the Committee might consider the following two options: (i) to agree to the proposed variation of approval condition (o) under section 46 of Cap. 1 by deleting the requirement of preserving the gable wall of the former Customs Station and to ask the applicant to submit a revised MLP for the Board’s consideration and approval; or (ii) to request the applicant to submit a fresh planning application with a revised MLP under section 16 of the Ordinance. Ms. Fannie Hung said that according to the advice of DoJ, section 46 of Cap. 1 provided the legal power for the Board to vary the approval condition, but the Board had to be able to provide justification for its application of section 46 of Cap. 1. However, if the Board considered that the proposed amendment involved major changes to the planning permission granted, it would be more appropriate to proceed with the amendment by way of a fresh planning application under section 16 of the Ordinance.

7. In response to a Member's question on what would constitute a major change, the Chairman said that it was a matter of fact and degree. In the instant case, the exclusion of the former Customs Station site from the MLP would imply that the originally proposed restoration and adaptive re-use of the old Customs House as a village retail and dining centre under the approved MLP could not be materialized. The Secretary supplemented that it was the Board's practice to regard the deletion of a proposed facility under the approved planning scheme as a major change, especially if the facility was for public benefit and was taken into consideration by the Board as a planning gain in determining the planning application. In that regard, a fresh planning application under section 16 of the Ordinance would be required so that the public would have the opportunity to comment on the proposed changes to the approved scheme through the statutory planning process.

[Professor Edwin H.W. Chan arrived to join the meeting at this point.]

8. A Member said that it was a difficult situation in the subject case as the major part of the gable wall which was of historical interest had already been demolished. If the public were consulted on the proposed changes, they might ask for restoration of the original structure. The applicant might be asked to build a replica which was undesirable. The Member was of the view that it would be more practical to simply vary the approval condition so that the project could proceed as soon as possible.

9. In response to a Member's questions, Mrs. Ada Yau said that the concerned gable wall of the former Customs Station was not graded but the Customs Station site itself was one of the 208 Sites of Archaeological Interest identified by AMO. There might be some historic remains of the Customs Station underground such as its foundation. According to her records, the ruined structure on the site had undergone substantial alterations over the years and AMO had no opportunity to enter the site for investigation. As such, AMO could not confirm if the gable wall was the authentic remains of the former Customs Station. Besides, the demolition of the gable wall which was a private property was not an offence under the current legislation.

10. In response to another Member's questions, Mr. Wilson Chan said that the applicant had made efforts to acquire the site from the land owner over the years but was not successful. As the site did not belong to the applicant, the applicant could not carry out any

restoration works for the gable wall in the past.

11. In response to two other Member's questions, Ms. Fonnie Hung said that the conservation works for the three other historic items as stated in approval condition (o), namely Tin Hau Temple, the stone tablets of the Old Kowloon Customs and the rock inscription 'Mui Wai', was being carried out by the applicant. Under the same approval condition (o), there was no need to preserve the four items in an integrated manner. Mr. Wilson Chan further explained that the development theme of Ma Wan Park Phase II was to restore the old village of Ma Wan, with the four historic items stated in approval condition (o) identified as worthy for preservation due to their historical interests.

12. A Member said that there seemed to be a merit in terms of time involved by adopting section 46 of Cap. 1 to vary the approval condition instead of requiring the applicant to submit a fresh application under section 16 of the Ordinance, thus expediting the implementation of Ma Wan Park. In reply, the Secretary said that the implementation of Ma Wan Park Phase II was yet to commence due to some unresolved land issues and therefore time element should not be a major consideration for the subject case. The major difference between the two approaches was that, if a fresh application under section 16 of the Ordinance was submitted, the public would have the opportunity to comment on the revised planning scheme submitted by the applicant through the statutory planning process. The public would have no statutory planning channel to express their views if the Committee decided to exercise the power under Cap. 1 to vary the approval condition. Mr. James Tsui supplemented that LandsD was currently liaising with the applicant on the land matters in relation to Ma Wan Park Phase II, including the clearance of government land within the old village, the handing over of sites and the construction procedures, etc.

13. A Member said that it might defeat the purpose of built heritage conservation if the gable wall was rebuilt as a replica.

14. In response to a Member's question, Mr. James Tsui explained the role of the applicant in the development of Ma Wan Park under the Heads of Agreement signed between the Government and the consortium of the applicant in 1997. If the completion and opening of Ma Wan Park was delayed, the applicant needed to pay interests to the Government under the Heads of Agreement. Furthermore, he was of the view that the applicant had paid

efforts to acquire the gable wall on private land as set out in Appendix 5 of Appendix I of the Paper, though the applicant had ultimately failed to reach agreement with the land owner of the gable wall site.

15. The Chairman said that it might not be appropriate for the Board to vary the approval condition by exercising the power under Cap. 1 as this approach could not properly address the planning implications on the changes to the approved MLP including GFA, site area and layout design. The applicant should explain where the originally planned retailing and dining facilities would be accommodated. The merits of requiring the applicant to submit a fresh planning application with a revised MLP would allow the Board to examine the amendment to the MLP in a holistic way.

16. A Member agreed that the applicant should be requested to submit a fresh application. Another Member said that the applicant should be requested to submit a planning application with a revised MLP as soon as possible with a view to expediting the implementation of the Park.

17. A Member said that the Board had the due diligence to observe and follow the proper procedures. Given that the proposed change to the approved MLP could not be considered as minor, the applicant should be asked to submit a planning application under section 16 of the Ordinance in accordance with the procedures. Furthermore, the public had the right to be consulted on the proposed changes to the approved scheme through the statutory planning process.

18. A Member said that there was a need to clearly explain to the public that the former Custom Station site was located in a Site of Archaeological Interest where there might historic relics buried underground and the ruined structure of the former Custom Station itself had undergone substantial alterations, so as to avoid giving unrealistic public expectation on the preservation of the gable wall when the public was consulted on the revised scheme submitted by the applicant.

19. After deliberation, the Committee decided to reject the application for variation of approval condition (o) of the planning permission under Application No. A/I-MWI/37-2. The reason for rejection was :

- it was not appropriate to vary approval condition (o) of the approved planning application (No. A/I-MWI/37-2) under section 46 of the Interpretation and General Clauses Ordinance (Cap. 1) as the deletion of the intention of preserving and restoring the former Customs Station involved material change to the approved Master Layout Plan (MLP) and the public should be informed and consulted on the deletion.

20. The Committee also agreed to advise the applicant to submit an application for amendment to the approved MLP under section 16 of the Town Planning Ordinance (Cap. 131).

[The Chairman thanked Mr. Wilson W.S. Chan, DPO/TWK, Ms. Fannie F.L. Hung, STP/TWK, Mr. James K.Y. Tsui, DLO/TW&KT, LandsD, and Mrs. Ada K.Y. Yau, Curator(Archaeology), AMO, LCSD, for their attendance to answer Members' enquires. Mr. Chan, Ms. Hung, Mr. Tsui and Mrs. Yau left the meeting at this point.]

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

[Mr. Alex C.Y. Kiu and Mr. Tim T.Y. Fung, Senior Town Planners/Sai Kung and Islands (STPs/SKIs), were invited to the meeting at this point.]

#### **Agenda Item 4**

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

[Open Meeting (Presentation and Question Sessions Only)]

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

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Presentation and Question Sessions

[Mr. Ivan C.S. Fu arrived and Ms. Janice W.M. Lai returned to join the meeting at this point.]

21. Mr. Alex C.Y. Kiu, 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 – by redevelopment of ruined houses at the site with building entitlement;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L of PlanD) had reservation on the application as approval of the application would set an undesirable precedent for more Small Houses encroaching onto the natural coastal area which was of high landscape value. Other concerned departments had no objection to or adverse comment on the application;
- (d) the application was published for public inspection for 3 times. During the statutory publication periods, a total of 14 comments were received, including those from Designing Hong Kong Limited, Kadoorie Farm and Botanic Garden Corporation, World Wide Fund for Nature Hong Kong and members of the public. All commenters requested the Town Planning Board to reject the application as the proposed house redevelopment was not in line with the planning intention of the “Unspecified Use” designation and would generate adverse environmental, landscape and ecological impacts on the surrounding environment. No local objection/view was received by the District Officer (Sai Kung); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 10 of the Paper. It was noted that CTP/UD&L of PlanD had no adverse comment

on the revised landscape impact assessment and landscape master plan submitted by the applicant, but expressed reservation on the application owing to the precedent effect of approving the application. Given the exceptional circumstances for the subject application (i.e. the building entitlement of the site) and the assessment of individual planning application on its own merits, approval of the application would not set an undesirable precedent for similar applications. An approval condition on landscape proposal had been recommended. As regards the 14 public comments objecting to the application for reasons that the proposed development was not in line with the planning intention of the “Unspecified Use” designation and that it would generate adverse environmental, landscape and ecological impacts, there were exceptional circumstances to warrant sympathetic consideration of the application in view of the building entitlement of the site and that the concerned departments had no adverse comments on or objection to the application.

22. A Member was sympathetic to the application as it was a house redevelopment on private lots with building entitlement. Noting that the proposed house would be constructed on a platform of some 3m above the high water mark, this Member suggested imposing a suitable approval condition requesting the applicant to minimize the adverse visual impact of the raised platform on the rural landscape. In reply, Mr. Alex Kiu said that an approval condition on landscape proposal as set out in paragraph 11.2 of the Paper was recommended for Members’ consideration. The Secretary supplemented that the approval condition on landscape proposal could be further refined paying particular attention to addressing the adverse visual impact of the raised platform. Members agreed.

23. In response to a Member’s question on the infrastructural provision for the proposed house development, both during and after the construction period, and the associated environmental impacts, Mr. Alex Kiu said that the nearest fresh water supply system was in Pak A and hence there was no fresh water supply to the application site. There was no sewer connection available in the vicinity of the site and the sewage disposal for the proposed house would have to be handled by a septic tank. There was also no electricity supply. The concerned departments had no adverse comments on or objection to the proposed house at the application site. Mr. Kiu continued to say that the District Lands

Officer/Sai Kung of Lands Department had reservation on the applicant's proposal to construct a concrete footpath and a pier which would involve Government land. The site was accessible from Pak A Village on foot via a sandbank at the northern shore of the island during the low-tide period. The exceptional circumstances of the subject application site with building entitlement under the lease warranted sympathetic consideration.

24. In response to a Member's concern on whether another planning application would be required if the applicant subsequently proposed to build a pier for his development, Mr. Alex Kiu said that the subject application site did not cover a pier and hence a fresh planning application would be required for the pier. Furthermore, the construction of a pier would require gazettal under the Foreshore and Sea-bed (Reclamations) Ordinance.

#### Deliberation Session

25. The Vice-chairman said that the application was for a house redevelopment on private lots with building entitlement under the lease. The concern raised by Members on the access arrangement to the proposed house would be further looked into at the land grant stage.

26. A Member was concerned about the impact of the proposed development on the surrounding environment during the construction period, in particular the impact arising from transportation of building materials to the site. The Member suggested adding a condition reminding the applicant to minimize the impact on the environment during construction and requiring him to reinstate the site for any damages so caused. The Secretary replied that an advisory clause would be more appropriate to reflect Members' concerns. Ms. Anita K.F. Lam said that the applicant only had the right to develop his private land and could not occupy or affect the surrounding Government land. If damage was made to the Government land by the applicant, enforcement action could be undertaken by Lands Department.

27. A Member considered that the proposed house on an island setting was not incompatible with the surrounding rural landscape and was commonly found overseas.

28. Members considered that the application could be supported in view of its exceptional circumstances. Members then went through the approval conditions and the



advisory clauses as stated in paragraph 11.2 of the Paper and agreed that they should be suitably amended to reflect Members' views as expressed at the meeting.

29. 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 11.1.2017, 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, including tree preservation proposal and landscaping measures to minimize the visual impact of the raised platform, to the satisfaction of the Director of Planning or of the TPB; and
- (b) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note that suitable precautionary measures should be undertaken by the applicant during the construction of the proposed development to avoid causing any adverse impact or damage to the surrounding environment;
- (b) to note the comments of the District Lands Officer/Sai Kung, Lands Department that there was no guarantee of any right of way to and from the site. While there was no objection to pedestrian access over the sandbank and the adjoining Government land leading to the lots, he had reservation on the applicant's proposal to construct a concrete footpath thereon. Regarding the proposal of constructing of piers which would required gazettal under the Foreshore and Sea-bed (Reclamations) Ordinance Cap.127, he also had strong reservation on the applicant's proposal to construct a private pier on Chau Tsai, in which the area for the pier was on Government land;

- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that no metered fresh water supply would be provided to the site as there was no Government water supply main in the island of Chau Tsai;
- (d) to note the comments of the Director of Fire Services that emergency vehicular access arrangement should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue administered by Buildings Department (BD);
- (e) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department (DSD) that the site was within an area where no DSD sewerage connection was available in the vicinity at present;
- (f) to note the comments of the Chief Building Surveyor/New Territories East 2 & Rail, BD that the height of the proposed house of 7.62m differed from that shown in the floor plans at Appendix A of the planning statement submitted by the applicant. The building height was to be measured from the mean formation level of the lot (as the site did not front or abut any streets) to the mean height of roof over the highest usable floor space of the proposed building; and
- (g) to note the comments of the Chief Engineer/Port Waters, Civil Engineering and Development Department that the site was very close to shoreline and quite exposed and could hence be subject to wave action. The applicant should take this into consideration in the design of the proposed house. The applicant should make reference to the requirements in the Port Works Design Manual 2002 Edition for the design and construction of seawall/marine facilities, if necessary.

**Agenda Item 5**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-CWBN/24 Proposed Public Utility Installation (Sewage Pumping Station) and associated Underground Sewers with Excavation of Land (Depth from 1.5m to 4m) in “Conservation Area” zone, Government Land in D.D. 231, Pik Shui Sun Tsuen, Sai Kung (RNTPC Paper No. A/SK-CWBN/24A)

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31. The Secretary reported that the application was submitted by Drainage Services Department (DSD). Ms. Janice W.M. Lai had declared an interest in this item as she had current business dealings with DSD. As the interest of Ms. Lai was direct, the Committee agreed that she should leave the meeting temporarily during the discussion and deliberation of this application.

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

**Presentation and Question Sessions**

32. Mr. Alex C.Y. Kiu, 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 public utility installation (sewage pumping station) and associated underground sewers with excavation of land (depth from 1.5m to 4m);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or adverse comment on the application;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Sai Kung); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 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 11.1.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of a landscape proposal, including a comprehensive tree preservation scheme, to the satisfaction of the Director of Planning or of the TPB; and
- (b) the submission and implementation of a fire service installations proposal, and the provision of water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Sai Kung, Lands Department (LandsD) that the applicant should apply to him for land allocation and address any issue or objections that might be received during its application for land allocation and during the construction;

- (b) to note the comments of the Director of Environmental Protection that the applicant should follow the requirements in the Environmental Permit for constructing and operating the proposed works;
- (c) to note the comments of the Commissioner for Transport that the access road leading to the proposed sewage pumping station was not under the Transport Department's purview. The status of this access road and the maintenance/management responsibilities should be checked and clarified with the relevant authorities accordingly. The proposed excavation of land along the access road, which was a single track access, for construction of the underground sewers might require temporary diversion scheme to be agreed by the relevant land/maintenance authorities as well as local residents;
- (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. The provision of emergency vehicular access should comply with the standard stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by the Buildings Department;
- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the applicant should seek the approval of LandsD for implementation of the tree preservation proposal outside the planning application boundary, and that a comprehensive tree preservation and pruning proposal should be approved and monitored by a tree specialist or Registered Landscape Architect prior to and during the construction;
- (f) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should adopt good site practice and avoid impact to the nearby trees, particularly their crowns and roots which might encroach the site boundaries; and

- (g) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that the applicant might need to extend its inside services to the nearest suitable Government water mains for connection, to resolve any land matters (such as private lots) associated with the laying of water mains in private lots for the provision of water supply and that he should be responsible for the construction, operation and maintenance of any inside services within the private lots to WSD's standards. Existing water mains might be affected. A waterworks reserve within 1.5m from the centre line of the water main concerned should be provided to WSD. No structure should be erected over this waterworks reserve, and such area should not be used for storage purposes. The Water Authority and his officers, agents and contractors and their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of the water mains. All other services across, through or under the waterworks reserve were required to seek authorization from the Water Authority. If diversion was necessary, the applicant should bear the cost of any necessary diversion works affected by the proposed development.

**Agenda Items 6 to 8**

**Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HC/219            Proposed House (New Territories Exempted House - Small House)  
in "Green Belt" zone, Lot 1945 S.E in D.D. 244,  
Mok Tse Che, Sai Kung  
(RNTPC Paper No. A/SK-HC/219A to 221A)

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A/SK-HC/220            Proposed House (New Territories Exempted House - Small House)  
in "Green Belt" zone, Lot 1945 S.F in D.D. 244,  
Mok Tse Che, Sai Kung  
(RNTPC Paper No. A/SK-HC/219A to 221A)

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A/SK-HC/221 Proposed House (New Territories Exempted House - Small House)  
in “Green Belt” zone, Lot 1945 S.G in D.D. 244 and Adjoining  
Government Land, Mok Tse Che, Sai Kung  
(RNTPC Paper No. A/SK-HC/219A to 221A)

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36. The Committee noted that these three applications were similar in nature and the application sites were located next to each other within the same “Green Belt” (“GB”) zone. The Committee agreed that these applications could be considered together.

#### Presentation and Question Sessions

37. Mr. Alex C.Y. Kiu, STP/SKIs, presented the applications with the aid of a PowerPoint and covered the following aspects as detailed in the Paper :

- (a) background to the applications;
- (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 IV of the Paper and were highlighted below :
  - (i) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications as the three adjoining application sites fell within well wooded areas in the “GB” zone. The sites were not served by any existing road access. The construction of the proposed Small Houses and the associated works, such as haul roads for delivery of construction materials and plants, would require large extent of vegetation clearance;
  - (ii) the Commissioner for Transport (C for T) had reservation on the applications and considered that Small House development should be confined within the “Village Type Development” (“V”) zone as far as

possible. The approval of the applications would set undesirable precedents for similar applications in the future and the resulting cumulative adverse traffic impact could be substantial. However, as each of the three applications only involved one Small House, he considered that the applications could be tolerated unless they were rejected on other grounds;

- (iii) the Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L of PlanD) objected to the applications from landscape planning viewpoint as according to the Landscape Value Mapping of Hong Kong, the area covering the sites was at the south edge of Ho Chung Valley landscape and served as a landscape buffer to the southwest of the “Conservation Area” (“CA”) zone at Kwai Au Shan. The proposed developments were considered not compatible with the landscape character of the existing hillside woodland. Vegetation clearance, site formation work and connection assess for the construction of the Small Houses were anticipated. Whilst no tree survey, details for site formation work, or landscape proposal were provided, significant landscape impact of the proposed developments was expected. The approval of the applications would cause a general degradation to the surrounding landscape and set undesirable precedents for further Small House encroachment on the landscape buffer of the “GB” zone; and
  
- (iv) the Head of the Geotechnical Engineering Office of Civil Engineering and Development Department (H(GEO) of CEDD) advised that the proposed Small House developments were located on natural hillside, and met the alert criteria requiring a Natural Terrain Hazard Study (NTHS). He would have in-principle objection to the proposed developments, unless the applicants were prepared to undertake NTHS and provide suitable mitigation measures, if found necessary, as part of the developments. However, that could have significant cost implication and render these Small House developments not economically viable. If the applicants wished to proceed with the



proposed developments, they were required to submit Geotechnical Planning Review Report (GPRR) in support of the applications and to assess the geotechnical feasibility of the proposed developments;

- (d) during the first three weeks of the statutory publication period, two public comments were received from Kadoorie Farm and Botanic Garden Corporation (KFBGC) and Designing Hong Kong Limited raising objection to the applications mainly because of the “GB” zoning, ecological impact, undesirable precedents, and lack of sustainable village layout for infrastructure, public facilities, amenities, public spaces, local road network, adequate access and parking spaces. No local objection/view was received by the District Officer (Sai Kung); and
  
- (e) the Planning Department (PlanD)’s views – PlanD did not support the three applications for reasons as detailed in paragraph 12 of the Paper. The proposed Small Houses were not in line with the planning intention of the “GB” zone; the sites were densely vegetated and situated in the midst of the hillside woodland zoned “GB” which was a buffer between the “CA” and “V” zones; the applications did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories and the Town Planning Board Guidelines for Application for Development within “GB” Zone under Section 16 of the Town Planning Ordinance (TPB-PG No. 10) in that the sites were sloping in topography requiring extensive site formation for development, it would involve clearance of natural vegetation affecting the existing natural slope, and the land available in the “V” zone of Mok Tse Che Village could fully meet the Small House demand; the approval of the applications would set undesirable precedents; and there were public comments against the application on the grounds of incompatibility with planning intention and causing of adverse impacts.

38. Members had no question on the applications.

Deliberation Session

39. After deliberation, the Committee decided to reject the applications. 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 for each of the applications were :

- (a) the proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. There were no exceptional circumstances or strong planning grounds in the submission for a departure from the planning intention;
- (b) the proposed development was not in line with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories and the Town Planning Board Guidelines for Application for Development within “GB” Zone under Section 16 of the Town Planning Ordinance (TPB-PG No. 10) in that the application would involve clearance of natural vegetation and affect the existing natural steep slope. The submission failed to demonstrate that the proposed development would not have adverse landscape and geotechnical impacts on the surrounding area. Sufficient land for Small House development had been reserved within the “Village Type Development” zone for Mok Tse Che Village; and
- (c) the approval of the application would set an undesirable precedent for other similar applications within the “GB” zone. The cumulative effect of approving such applications would result in a general degradation of the environment and bring about adverse landscape impact on the area.

**Agenda Item 9**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-TMT/38          Proposed House (New Territories Exempted House - Small House)  
in “Green Belt” and “Village Type Development” zones,  
Lot 11 RP in D.D. 216, Nam A Village, Sai Kung  
(RNTPC Paper No. A/SK-TMT/38A)

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40.            The Secretary drew Members’ attention that replacement pages (pp. 3, 4, 6 and 7 of the Paper and p. 2 of Appendix V of the Paper) were sent to Members on 10.1.2013 to clarify the comments of the Director of Environmental Protection (DEP) on the application.

**Presentation and Question Sessions**

41.            Mr. Alex C.Y. Kiu, 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);

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

- (c)    departmental comments – departmental comments were set out in paragraph 11 and Appendix V of the Paper and were highlighted below :
  - (i)    the Chief Engineer/Development (2), Water Supplies Department (CE/D(2), WSD) objected to the application as the site was within upper indirect water gathering grounds (WGGs) and there was no sewerage connection of the Drainage Services Department (DSD) available in the vicinity;

- (ii) DEP objected to the application as the site was located within WWG where no public sewer was available;
  - (iii) the Commissioner for Transport (C for T) had reservation on the application and considered that Small House development should be confined within the “Village Type Development” (“V”) zone as far as possible. The approval of the application would set an undesirable precedent for similar applications in the future and the resulting cumulative adverse traffic impact could be substantial. However, as the application only involved one Small House, he considered that the application could be tolerated unless it was rejected on other grounds; and
  - (iv) the Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L of PlanD) had some reservations on the application as approval of the application would attract similar village development into the “Green Belt” (“GB”) zone and might cause a cumulative impact to the surrounding landscape. There had been some piece-meal vegetation clearance within the site and surrounding “Conservation Area” (“CA”) and “GB” zones, which had deteriorated the integrity of these zones since 2007;
- (d) during the first three weeks of the statutory publication period, three public comments were received. A Sai Kung District Council member, who was also the Chairman of the Sai Kung Rural Committee, supported the application as the site was under private ownership, the “V” zone of Nam A Village was small and could not accommodate the large number of male indigenous villagers who were eligible for Small House applications. Kadoorie Farm and Botanic Garden Corporation (KFBGC) and Designing Hong Kong Limited objected to the application mainly because of the adverse landscape, ecological, ground water quality, health and social impacts. KFBGC also suspected that there were ‘destroy first, build later’ actions (site clearance and building works) in the vicinity and urged the planning authority to conduct a thorough investigation. No local

objection/view was received by the District Officer (Sai Kung); and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 13 of the Paper. The proposed Small House development was not in line with the planning intention of the “GB” zone; the application did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories and the Town Planning Board Guidelines for Application for Development within “GB” Zone under Section 16 of the Town Planning Ordinance (TPB-PG No. 10) in that the site fell within the WGGs with no sewerage connection in the vicinity of the site and there was no information in the submission to demonstrate that the water quality within the WGGs would not be affected by the proposed development; the approval of the application would set an undesirable precedent; and there were public comments against the application in view of its landscape, ecological, ground water quality, health and social impacts.

42. Members had no question on the application.

#### Deliberation Session

43. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 14.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) the proposed Small House development was not in line with the planning intention of the “Green Belt” (“GB”) zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. There were no exceptional circumstances or strong planning grounds in the submission for a departure from the planning intention;

- (b) the proposed development was not in line with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories and the Town Planning Board Guidelines for Application for Development within “GB” Zone under Section 16 of the Town Planning Ordinance (TPB-PG No. 10) in that the site fell within upper indirect water gathering grounds, and there was no sewerage connection of Drainage Services Department available in the vicinity. There was no information in the submission to demonstrate that the proposed development would not have adverse impact on the water quality within the water gathering grounds; and
- (c) approval of the application would set an undesirable precedent for other similar applications within the “GB” zone. The cumulative effect of approving such applications would result in a general degradation of the environment and bring about cumulative adverse landscape impact on the area.

**Agenda Item 10**

**Section 16 Application**

[Open Meeting]

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

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

Mr. Lincoln L.H. Huang    –    his family member owned a flat in Cheung Chau

Mr. Ivan C.S. Fu – had current business dealings with Ove Arup & Partners Hong Kong Ltd., one of the consultants of the applicant

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

46. The Secretary reported that on 24.12.2012, the applicant requested the Board to defer making a decision on the application for three months in order to allow time for preparation of supplementary information to address the further comments of the Transport Department (TD), the Hong Kong Police Force, the Urban Design and Landscape (UD&L) Section of Planning Department, the Drainage Services Department, the Food and Health Bureau and the Food and Environmental Hygiene Department on the application.

47. The Secretary stated that the application for the proposed columbarium had been deferred twice since August 2012. During the past two months after the last deferral, the applicant had made efforts to liaise with TD and UD&L Section to address their further comments. On 23.11.2012, the applicant submitted further information including further revised traffic impact assessment and landscaping proposal to address the departmental comments. The applicant had scheduled a meeting with TD and UD&L Section in January 2013 to resolve the outstanding comments. However, as this application had been deferred twice already and the proposed columbarium was of great public concern, a deferment of two months, instead of three months as requested by the applicant, was recommended to tally with the general practice as stated in Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No. 33).

48. After deliberation, the Committee decided to defer a decision on the application for two months, instead of three months as requested by the applicant, pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two more months were allowed for preparation of the submission of the further information, and since a total period of six months had been allowed, this should be the last

deferment and no further deferment would be granted.

**Agenda Item 11**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/I-CLK/6                      Proposed Minor Relaxation of Building Height Restrictions  
from 15mPD-30mPD to 15.5mPD-42mPD for Permitted Boundary  
Crossing Facilities in “Other Specified Uses” annotated “Boundary  
Crossing Facilities” zone, Hong Kong Boundary Crossing Facilities  
site, Chek Lap Kok (under reclamation)  
(RNTPC Paper No. A/I-CLK/6)

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49.            The Secretary reported that Mr. Ivan C.S. Fu and Ms. Janice W.M. Lai had declared interests in this item as they had current business dealings with AECOM, the consultant of the applicant.

50.            As Mr. Fu had no direct involvement in this application, the Committee agreed that he could stay in the meeting. The Committee considered that Ms. Lai’s interest in this application was direct and agreed that she should leave the meeting temporarily during the discussion and deliberation of this application.

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

**Presentation and Question Sessions**

51.            Mr. Tim T.Y. Fung, 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 minor relaxation of building height restrictions from 15mPD-30mPD to 15.5mPD-42mPD for permitted boundary crossing facilities;

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

- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned departments had no objection to or adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from a Islands District Council member indicating that he supported the application. No local objection/view was received by the District Officer (Islands); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 10 of the Paper. The public comment in support of the application was noted.

52. Members had no question on the application.

#### Deliberation Session

53. A Member asked if the approval of the current application for minor relaxation of building height restrictions for the proposed boundary crossing facilities by the Committee would have any implications on the project under the Environmental Impact Assessment (EIA) Ordinance. Mr. Tim Fung replied that the EIA report for the project, including a section on landscape and visual impact assessment, was first approved by the Director of Environmental Protection (DEP) in 2009 under the EIA Ordinance, with Environmental Permit granted for the project. Since then, there had been changes to the design of the project in 2011 and 2012, and DEP had approved those changes under the EIA Ordinance in March 2012.

54. 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 11.1.2017, 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 submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that vertical greening and roof greening were recommended as well as small tree and large shrub plant species were highly recommended for landscape screen where feasible; and
- (b) 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. The Emergency Vehicular Access provision at the site should comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 which was administered by the Buildings Department.

[The Chairman thanked Mr. Alex C.Y. Kiu and Mr. Tim T.Y. Fung, STPs/SKIs, for their attendance to answer Members' enquires. Mr. Kiu and Mr. Fung left the meeting at this point.]

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

[Ms. Jacinta K.C. Woo, District Planning Officer/Shan Tin, Tai Po and North (DPO/STN), and Mr. Otto K.C. Chan, Senior Town Planner/Shan Tin, Tai Po and North (STP/STN), were invited to the meeting at this point.]

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

**Agenda Item 12**

[Open Meeting]

Proposed Amendments to the Approved

Fanling/Sheung Shui Outline Zoning Plan No. S/FSS/16

(RNTPC Paper No. 2/13)

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56. The Secretary reported that this item involved proposed amendments to the Fanling/Sheung Shui Outline Zoning Plan (OZP) for the proposed public rental housing (PRH) developments in Sheung Shui and Fanling areas by the Housing Department (HD), which was the executive arm of the Hong Kong Housing Authority (HKHA). The following Members had declared interests in this item:

Mr. K.K. Ling – being a member of the Strategic Planning  
(the Chairman) Committee and Building Committee of  
as the Director of Planning HKHA

Professor Edwin H.W. Chan – being a member of the Building Committee of  
HKHA

Mr. H.F. Leung – had business dealings with HD

Ms. Janice W.M. Lai – had business dealings with HKHA

Dr. Wilton W.T. Fok – was a consultant in a feasibility study  
(completed in 2009) commissioned by HKHA

57. Members noted that Mr. H.F. Leung had already left the meeting. The Committee considered that the interest of Dr. Wilton Fok in this item was indirect and agreed that he could stay in the meeting. As the Committee considered that the interests of the Chairman, Professor Edwin Chan and Ms. Janice Lai were direct and should leave the meeting temporarily for the item, the Vice-chairman took up the Chairmanship of the meeting at this point.

[The Chairman and Ms. Janice W.M. Lai left the meeting temporarily at this point.]

[Professor Edwin H.W. Chan left the meeting at this point.]

58. With the aid of a PowerPoint, Mr. Otto K.C. Chan, STP/STN, briefed Members on the proposed amendments to the approved Fanling/Sheung Shui OZP as detailed in the Paper and covered the following main points:

Background

- (a) to meet the pressing need for housing land, suitable sites zoned “Government, Institution or Community” (“G/IC”) with no designated uses had been identified for residential development subject to satisfactory technical assessments. A site at Choi Yuen Road to the northwest of the East Rail Sheung Shui Station in Sheung Shui Area 27 and another site to the south of Yung Shing Court in Fanling Area 49 had been identified by HD as suitable for development of PRH;
- (b) on 8.1.2013, the Chief Executive in Council agreed to refer the approved Fanling/Sheung Shui OZP No. S/FSS/16 to the Board for amendment under section 12(1)(b)(ii) of the Town Planning Ordinance;

The Site at Sheung Shui Area 27

- (c) the site (about 1.24 ha) at Choi Yuen Road in Sheung Shui Area 27 was currently zoned “G/IC” and “Open Space” (“O”) on the OZP. It was now occupied by a temporary public car park. The “G/IC” portion of the site was originally reserved for use as a flushing water pumping station by the Water Supplies Department (WSD); while the “O” portion was previously designated for district open space. WSD had no objection to exchange the “G/IC” portion with another site in the industrial area to the west of the site. The Leisure and Cultural Services Department also had no objection to release the site after a potential reprovisioning site near Fung Ying Seen Koon had been identified for development of public open space;

- (d) the site would be developed for 3 housing blocks with building heights ranging from 24 to 32 storeys (maximum 110mPD) (including a podium of up to three storeys) providing about 900 flats. Suitable provision would also be incorporated in the Notes of the OZP for the reprovisioning of the existing public car park on the site as part of the proposed development as required by the Transport Department (TD);

The Site at Fanling Area 49

- (e) the site (about 0.82 ha) to the south of Yung Shing Court in Fanling Area 49 was currently zoned “G/IC” and “Green Belt” (“GB”) on the OZP. It was a piece of vacant government land with no specific government, institution or community (GIC) development designated;
- (f) the proposed PRH development on the site comprised a building block with a maximum building height of 33 storeys (maximum 125mPD) providing about 780 flats;

Technical Assessments

- (g) HD had undertaken technical assessments for the two proposed PRH developments. No significant adverse noise, air quality, traffic, sewerage, air ventilation, visual, ecological and geotechnical impacts were envisaged;

Proposed Amendments to the OZP

- (h) the proposed amendments to the OZP included:
  - (i) Amendment Item A1 – to rezone the main part of the site at Choi Yuen Road in Sheung Shui Area 27 (about 1.24 ha) from “G/IC” and “O” to “Residential (Group A)1” (“R(A)1”) to facilitate the planned PRH development, with the stipulation of a maximum total gross floor area (GFA) of 69,500m<sup>2</sup> and a maximum building height

of 110mPD for the “R(A)1” zone. A stepped height concept would be stated in the Explanatory Statement (ES) of the OZP to present a more interesting height profile for the development;

- (ii) Amendment Item A2 – in association with Amendment Item A1, to rezone the existing slopes and cycle tracks alongside Po Shek Wu Road and Choi Yuen Road (about 0.43 ha) from “G/IC” and “O” to area shown as ‘Road’;
- (iii) Amendment Item B1 – to rezone the main part of the site to the south of Yung Shing Court in Fanling Area 49 (about 0.82 ha) from “G/IC” and “GB” to “R(A)2” to facilitate the planned PRH development, with the stipulation of a maximum total GFA of 38,500m<sup>2</sup> and a maximum building height of 125mPD for the “R(A)2” zone;
- (iv) Amendment Item B2 – in association with Amendment Item B1, to rezone the existing slopes and vegetated residual land alongside the development site boundary (about 0.38 ha) from “G/IC” to “GB” to reflect their existing natural state;
- (v) to amend the Notes of the “R(A)” zone to cater for the proposed “R(A)1” and “R(A)2” sub-areas with stipulation of GFA and building height restrictions and the reprovisioning of a public car park at the “R(A)1” zone; and to revise the Remarks of the Notes for the “Comprehensive Development Area”, “R(A)”, “Residential (Group B)” and “Residential (Group C)” zones to accord with the Master Schedule of Notes
- (vi) to revise the ES of the OZP to take into account the proposed amendment items and to reflect the latest status and planning circumstances of the OZP;

Consultation

- (i) relevant government departments consulted had no objection to or comment on the proposed amendments to the OZP;
- (j) HD consulted the North District Council (NDC) on the proposed PRH development in Sheung Shui Area 27 on 29.7.2010 and 14.4.2011 and on the proposed PRH development in Fanling Area 49 on 14.4.2011 and 13.12.2012. The NDC generally supported the proposed developments but requested HD to carefully consider the traffic and service facilities provision for the future PRH developments. The comments of the NDC members had been incorporated in the development schemes where appropriate and relevant technical assessments had been conducted to support the proposals; and
- (k) the NDC (or its sub-committee), the Fanling District Rural Committee (FDRC) and the Sheung Shui District Rural Committee (SSDRC) would be consulted after the Committee's agreement to the proposed amendments either before the gazetting of the proposed amendments to the OZP or during the exhibition period depending on the meeting schedules of NDC, FDRC and SSDRC.

59. A Member raised concern on whether the proposed amendment item involving rezoning of land from "G/IC" to "GB" would reduce the development potential of the proposed PRH development in terms of flat production. Ms. Jacinta Woo replied that the proposed rezoning of the piece of land adjacent the proposed PRH site at Fanling Area 49 from "G/IC" to "GB" (i.e. Amendment Item B2) was to reflect the existing vegetated slopes there. On the other hand, some flat land which was currently zoned "GB" were proposed to be rezoned to "R(A)2" for incorporation into the proposed PRH development site.

60. A Member noted that the current public car park at the site in Sheung Shui Area 27 was a park-and-ride facility near East Rail Sheung Shui Station allowing motorists to leave their cars behind and to use the railway. In response to this Member's question, Mr. K.C. Siu replied that the car park would be maintained during the construction and be

reprovisioned after completion of the proposed PRH development.

61. In response to a Member's question, Ms. Jacinta Woo confirmed that the provision of major community facilities in Fanling/Sheung Shui as set out in Appendix II of the Paper had taken into account the planned population of the two proposed PRH developments.

62. In response to a Member's enquiry on the plan-making procedure, the Secretary said that upon agreement by the Committee, the proposed amendments to the Fanling/Sheung Shui OZP would be exhibited for public inspection under section 5 of the Town Planning Ordinance. The North District Council and relevant Rural Committees would be consulted either before or during the exhibition period depending on their meeting schedules.

63. The same Member considered that the site at Sheung Shui Area 27 was at a prominent location and hence the building height of the proposed PRH development should be compatible with the surrounding housing estates. The Secretary said that the result of the visual assessment of the proposed development as illustrated in the photomontage in Plan 5a of the Paper had indicated that the proposed development would not have unacceptable visual impact on the surrounding area.

64. After deliberation, the Committee decided to :

- (a) agree to the proposed amendments to the approved Fanling/Sheung Shui Outline Zoning Plan (OZP) No. S/FSS/16 as mentioned in paragraph 6 of the Plan;
- (b) agree that the amendment Plan No. S/FSS/16A at Attachment II of the Paper (to be renumbered to S/FSS/17 upon gazetting) and its Notes at Attachment IIa of the Paper were suitable for exhibition for public inspection under section 5 of the Ordinance;
- (c) adopted the revised Explanatory Statement (ES) at Attachment IIb of the Paper as an expression of the planning intentions and objectives of the Board for various land use zones on the draft Fanling/Sheung Shui OZP;



and

- (d) agree that the revised ES at Attachment IIB of the Paper was suitable for exhibition for public inspection together with the draft OZP No. S/FSS/16A (to be renumbered to S/FSS/17 upon gazetting).

[The Chairman thanked Ms. Jacinta K.C. Woo, DPO/STN, and Mr. Otto K.C. Chan STP/STN, for their attendance to answer Members' enquiries. Ms. Woo and Mr. Chan left the meeting at this point.]

[The meeting was adjourned for a break of 3 minutes.]

[Ms. Anita W.T. Ma and Dr. Wilton W.T. Fok left the meeting at this point.]

[The Chairman and Ms. Janice W.M. Lai returned to join the meeting after the break.]

[Mr. David Y.M. Ng, Ms. Maggie M.Y. Chin, Mr. Otto K.C. Chan, 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 13**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/DPA/NE-HH/35 Proposed House (New Territories Exempted House - Small House)  
in "Unspecified Use" area, Government Land in D.D. 283,  
Hoi Ha Village, Sai Kung North  
(RNTPC Paper No. A/DPA/NE-HH/35)

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Presentation and Question Sessions

65. Mr. David Y.M. Ng, 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. The Commissioner for Transport (C for T) had reservation on the application and considered that Small House development should be confined within the “Village Type Development” (“V”) zone as far as possible. The approval of the application would set an undesirable precedent for similar applications in the future and the resulting cumulative adverse traffic impact could be substantial. However, as the application only involved one Small House, he considered that the application could be tolerated unless it was rejected on other grounds. Other concerned departments had no objection to or adverse comment on the application;
- (d) no local objection/view was received by the District Officer (Tai Po). During the first three weeks of the statutory publication period, three public comments objecting to the application were received from Kadoorie Farm and Botanic Garden Corporation, Designing Hong Kong Limited and one member of the public. The commenters were of the views that the siting of the proposed Small House should be moved south so as to be in line with the row of the houses already built and not blocking the car park and further house development; the existing village area of Hoi Ha was surrounded by *Fung Shui* Woodland and secondary woodland of high conservation importance and any development would cause ecological impacts on that important habitat; further increase in the number of Small Houses in Hoi Ha Village might overload the soakaway system in the area, thus overflow of wastewater or contamination of ground water by partly

treated sewage would occur, eventually affecting the water quality and marine communities in the Hoi Ha Wan (HHW) Marine Park; any planning application should be deferred until the completion of the plan-making process of the OZP; there needed to be a sustainable layout of infrastructure and development which ensured the health and well being of current and future residents and a quality urban design; and the Lands Department should immediately adjust the administration of the Small House Policy for villages which were connected to a public road, and only approve new Small Houses when there was confirmation that adequate access and parking space was available; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper. With respect to the public comments on the ecological concern relating to the HHW Marine Park and Country Park, the Director of Environmental Protection (DEP) advised that given the small scale of the proposed Small House, it was unlikely to cause major pollution, and he had no objection to the proposed development subject to the certification of compliance with ProPECC 5/93 by an Authorised Person regarding the design and construction of the septic tank and soakaway system. Regarding the public comments on the lack of vehicular access and car parking and the related land issues, it should be noted relevant departments, including the District Lands Officer/Tai Po of Lands Department (DLO/TP of LandsD) and C for T, had no adverse comment on or objection to the application. DLO/TP of LandsD advised that availability of land for parking as well as access in a village environment were not prerequisite for a Small House development under the Small House Policy. C for T advised that the matter of locations for parking within a village was outside his jurisdiction, and that as there was no additional vehicular access required for the proposed Small House, he had no comment in that regard from traffic engineering point of view. On the public comment that the siting of the proposed Small House should be moved south to align with the row of the houses already built, DLO/TP of LandsD advised that was not feasible as it would be in conflict with the site of another Small House

application being processed. On the comments that no permission should be granted for the application until the OZP was in place, it should be noted that it was not the intention of the Development Permission Area Plan to prohibit development but rather to establish planning control of the area pending the completion of detailed analysis and studies to establish detailed land uses in the course of preparing an OZP. Applications for development in the period could be considered on a case-by-case basis, having regard to the relevant guidelines and departmental comments.

66. Members had no question on the application.

#### Deliberation Session

67. 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 11.1.2017, 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 submission and implementation of drainage proposal, including proposals to ensure that the proposed Small House would neither obstruct overland flow nor 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.

68. 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 the applicant should implement good site practice and confine all construction works within the application site to avoid adverse impacts on the *Fung Shui* Woodland;
- (b) to note the comments of the Director of Environmental Protection that the applicant should obtain the certification of compliance with ProPECC 5/93

by an Authorised Person regarding the design and construction of the septic tank and soakaway system;

- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that public stormwater drain was not available for connection in Hoi Ha Village. The applicant was required to provide proper stormwater drainage system to collect all runoff generated within the site or flowing within towards the site from surrounding areas, and discharge the runoff collected to a proper discharge point. Any proposed drainage works, whether within or outside the site boundary, should be constructed and maintained by the applicant at his own expense. The applicant/owner was required to rectify the drainage system if it was found to be inadequate or ineffective during operation, and to indemnify the Government against claims and demands arising out of damage or nuisance caused by failure of the system;
- (d) to note the comments of the Director of Fire Services that the applicant should observe “New Territories Exempted Houses – A Guide to Fire Safety Requirements” published by Lands Department (LandsD). Detailed fire safety requirements would be formulated upon receipt of formal application referred by LandsD;
- (e) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant should make necessary submission to the District Lands Officer/Tai Po, LandsD 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 provisions of the Buildings Ordinance;
- (f) to note the comments of the Commissioner for Transport that the nearby village access was not under the management of the Transport Department. The land status of the village access should be checked with the lands authority. The management and maintenance responsibilities of the

village access should be clarified with the relevant lands and maintenance authorities accordingly;

- (g) to note the comment of the Chief Highway Engineer/New Territorial East, Highways Department that the access road from Hoi Ha Road to the site was not maintained by his Office;
- (h) to note the comments of the District Lands Officer/Tai Po, LandsD that his Office would process the Small House application, and if the Small House application was approved by the LandsD acting in the capacity as landlord at its sole discretion, such approval would be subject to such terms and conditions as might be imposed by LandsD;
- (i) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of fresh water supply to the development, the applicant might need to extend 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 with the private lots to WSD's standards. The water mains in the vicinity of the site could not provide with the standard pedestal hydrant; 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 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/contractor should carry out the following measures :
  - (i) for the application site within the preferred working corridor of high voltage overhead lines 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.

[The Chairman thanked Mr. David Y.M. Ng, STP/STN, for his attendance to answer Members’ enquiries. Mr. Ng left the meeting at this point.]

#### **Agenda Item 14**

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

[Open Meeting]

A/DPA/NE-MKT/1 Temporary Open Storage of Construction Materials for a Period of 3 Years in “Agriculture” zone, Lots 71 S.A RP, 72, 74, 76 (Part), 84 (Part), 94 (Part) and 97 (Part) in D.D. 86 and Adjoining Government Land, Muk Wu, Man Kam To  
(RNTPC Paper No. A/DPA/NE-MKT/1A)

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69. The Secretary reported that on 3.1.2013, the applicant requested the Board to defer making a decision on the application for two months in order to allow time for preparation of supplementary information to address the comments of government departments on the application.

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

### **Agenda Item 15**

#### **Section 16 Application**

[Open Meeting]

A/NE-HLH/18                      Temporary Open Storage of Construction Materials and Containers for a Period of 3 Years in “Agriculture” zone, Lots 171, 172, 176, 177 and 179 in D.D. 87, Fanling  
(RNTPC Paper No. A/NE-HLH/18)

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71. The Secretary reported that on 24.12.2012, the applicant requested the Board to defer making a decision on the application for two months in order to allow time for preparation of supplementary information to address the concerns of Transport Department on the application.

72. 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 16**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/320      Proposed Temporary Open Storage of Private Construction Equipment (including Dump Trucks, Excavators and Crane Lorries) and Storage of Construction Materials for a Period of 3 Years in “Agriculture” and “Village Type Development” zones, Lots 920, 925 and 927 in D.D. 100, Hang Tau, Kwu Tung South  
(RNTPC Paper No. A/NE-KTS/320A)

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### **Presentation and Question Sessions**

73.      Ms. Maggie M.Y. Chin, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application – the application was originally scheduled for consideration by Committee on 20.4.2012. On 20.4.2012, the Committee decided to defer a decision on the application as requested by the Planning Department as the site was subject to planning enforcement action for unauthorized filling of land, and the application would be submitted to the Committee for consideration within one month from the date of issue of Compliance Notice (CN) by the Planning Authority which confirmed the satisfactory completion of the reinstatement work as required under the Reinstatement Notice (RN). On 29.6.2012, the Chief Town Planner/Central Enforcement and Prosecution of Planning Department (CTP/CEP of PlanD) reported that RN was issued to the concerned landowner (i.e. the applicant) on 4.6.2012 requiring the landowner to grass the land by 4.9.2012. CTP/CEP of PlanD further advised on 10.12.2012 that according to the latest site inspection on 19.11.2011, RN was largely fulfilled. Subject to further site inspection, CNs for Enforcement Notice (EN) and RN would be considered;
- (b) the proposed temporary open storage of private construction equipment

(including dump trucks, excavators and crane lorries) and storage of construction materials for a period of 3 years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper and were highlighted below :
- (i) the Commissioner for Transport (C for T) did not support the application as there was no information about the vehicular access arrangement such as estimated average daily vehicular trip to/from the site and parking/loading/unloading/manoeuvring arrangement within the site, etc. In particular, the applicant was advised to demonstrate with swept path analysis to show whether vehicles could pass through those road bends smoothly without reversing from Hang Tau Road to the application site and vice versa;
  - (ii) the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the application site and along access road and environmental nuisance was expected;
  - (iii) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site was categorized as “good” grading agricultural land and had high potential for agricultural rehabilitation. Active agricultural activities were spotted in the vicinity of the site; and
  - (iv) the Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L of PlanD) had reservation on the application as the site was originally a green area covered by vegetation with a number of existing trees, but site clearance, removal of the vegetation cover and land filling were observed during site visit. Although significant adverse landscape impact arising from the proposed use on the already disturbed site was not anticipated, the proposed use was considered not compatible with the adjacent village setting and rural landscape character. Approval of the application would attract more undesirable uses into the “Agriculture” (“AGR”) and “Village Type

Development” (“V”) zones, further deteriorating the landscape quality of the rural areas. Moreover, there were no tree preservation and landscape proposals submitted under the application to mitigate the adverse landscape impact;

- (d) the District Officer (North) (DO(N)) advised that the Chairman of the Sheung Shui District Rural Committee had no comment on the application, but the Vice-chairman of the North District Council (NDC), the Indigenous Inhabitants Representatives of Hang Tau, the Residents Representative of Hang Tau, the Chairman for Incorporated Owners of Golf View Garden and the Chairman for Mutual Aid Committee of Eden Garden Owners had raised objection to the application on traffic, safety and environmental grounds;
- (e) during the first three weeks of the statutory publication period, three public comments were received from two NDC members and a member of the public. One of the NDC members commented that nearby residents should be consulted as the site was located too close to residential dwellings and might affect local residents. The member of the public commented that the proposed use was not compatible with surrounding land uses which were mainly residential; the heavy vehicles would cause danger to local residents and the existing road might not be able to support heavy vehicles. The other NDC member objected to the application mainly on traffic and environmental grounds; and
- (f) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 12 of the Paper. The proposed development was not in line with the planning intentions of the “AGR” and “V” zones; the application did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No.13E) for Category 3 and Category 4 areas; DAFC, DEP and C for T did not support the application from their perspectives and CTP/UD&L of PlanD had reservation on the application; the proposed development was

not compatible with the surrounding area which was predominantly rural in nature and characterized by village houses and fallow agricultural land; as all the five similar applications for temporary open storage use in the same “AGR” zone were rejected by the Committee, approval of the application would set an undesirable precedent for similar applications; and there were local objections and public comments against the application mainly on traffic and environmental grounds.

74. Members had no question on the application.

#### Deliberation Session

75. 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 in Kwu Tung South area which was primarily to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. The proposed development was also not in line with the planning intention of the “Village Type Development” (“V”) zone in Kwu Tung South area which was primarily intended for development of Small Houses by indigenous villagers. There was no strong planning justification in the submission for a departure from such planning intentions, even on a temporary basis;
- (b) the application did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No.13E) in that there was no previous planning approval granted to the application site and no technical assessment/proposals have been submitted to demonstrate that the proposed uses would not generate adverse environmental, traffic and landscape

impacts on the surrounding area; and there were adverse departmental comments and local objections against the application;

- (c) the proposed development was not compatible with the surrounding area which was predominantly rural in nature and characterized by village houses and fallow agricultural land; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” and “V” zones. The cumulative effect of approving such applications would result in adverse environmental, traffic and landscape impacts on the surrounding area.

[The Chairman thanked Ms. Maggie M.Y. Chin, STP/STN, for her attendance to answer Members’ enquiries. Ms. Chin left the meeting at this point.]

### **Agenda Item 17**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-MUP/81            Proposed Two Houses (New Territories Exempted Houses - Small Houses) in “Agriculture” zone, Lot 341 in D.D. 37,  
Man Uk Pin, Sha Tau Kok  
(RNTPC Paper No. A/NE-MUP/81)

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

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

- (a) background to the application;

- (b) the two proposed houses (New Territories Exempted Houses - Small Houses);
  
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural development point of view as active agricultural life was noted in the vicinity of the site and the site had high potential for agricultural rehabilitation. The Commissioner for Transport (C for T) had reservation on the application and considered that Small House development should be confined within the “Village Type Development” (“V”) zone as far as possible. The approval of the applications would set undesirable precedents for similar applications in the future and the resulting cumulative adverse traffic impact could be substantial. However, as the application only involved two Small Houses, he considered that the application could be tolerated unless it was rejected on other grounds. Other concerned departments had no objection to or adverse comment on the application;
  
- (d) during the first three weeks of the statutory publication period, three public comments were received. A North District Council (NDC) member supported the application as it could facilitate the concerned villagers. The Kadoorie Farm and Botanic Garden Corporation expressed concern on the application and considered that the application was not in line with the planning intention of “Agriculture” (“AGR”) zone; if the application was approved, the public might be given the impression that development within “AGR” zone would always or eventually be approved; and the Government should take all possible steps to protect Hong Kong’s agricultural land to secure a stable food supply and the area of agricultural land in Hong Kong should not be further reduced to safeguard the important public interest in respect of food supply. The Designing Hong Kong Limited objected to the application mainly on the grounds that the proposed Small House development was not in line with the planning intention of “AGR” zone; the failure to provide a plan for a sustainable

village layout which might deteriorate the living environment in the village, impact the well being of residents and create health and social problems and future costs to the society; due to lack of sewerage system, cumulative impact of seepage from septic tanks would impose adverse impact on the ground water and nearby water bodies; and inadequate access and parking space provision would cause conflicts amongst villagers/residents. The District Officer (North) advised that the Chairman of Sha Tau Kok District Rural Committee, the incumbent NDC member and one Village Representative of Man Uk Pin had no comment on the application; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper. Although the proposed development was not in line with the planning intention of the “AGR” zone and DAFC did not support the application as active agricultural life was noted in the vicinity of the site and the site had high potential for agricultural rehabilitation, and there were public concerns on deviation from the planning intention, food security; lack of a sustainable village layout, adverse water quality impact and disharmony among residents, it was considered that the site was located to the south west of the “V” zone of Man Uk Pin Village and the entire/majority of footprints of the proposed Small Houses fell within the village ‘environs’ of the village; the proposed Small House development was not incompatible with other existing domestic structures and proposed Small Houses in the vicinity; there were 9 similar applications for Small House development within the same “AGR” zone, with 8 applications in the vicinity of the site having been approved with conditions by the Committee; and the proposed development was not anticipated to cause significant adverse environmental, drainage, traffic and landscape impacts on the surrounding area. Approval conditions were also recommended to address the possible drainage and landscape impacts.

77. Members had no question on the application.

Deliberation Session

78. 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 11.1.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (b) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that :
  - (i) the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection and 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) the site was located within flood pumping gathering ground;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site was in an area where no public sewerage connection was available; and
- (c) to note the comments of the Director of Fire Services that the applicant was reminded to observe 'New Territories Exempted Houses – A Guide to Fire



Safety Requirements' published by Lands Department (LandsD). Detailed fire safety requirements would be formulated upon receipt of formal application referred by LandsD.

### **Agenda Items 18 and 20**

#### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-PK/35            Proposed House (New Territories Exempted House - Small House)  
in "Agriculture" and "Village Type Development" zones, Lot 1570 S.A  
in D.D. 91, Kai Leng  
(RNTPC Paper No. A/NE-PK/35)

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A/NE-PK/37            Proposed House (New Territories Exempted House - Small House)  
in "Agriculture" zone, Lot 1574 S.C RP in D.D. 91, Kai Leng  
(RNTPC Paper No. A/NE-PK/37)

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80.            The Committee noted that these two applications were similar in nature and the application sites were adjacent to each other. The Committee agreed that these applications could be considered together.

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

81.            Mr. Otto K.C. Chan, STP/STN, drew Members' attention that a letter was received from a member of the public on 10.1.2013 expressing that he had no opportunity to comment on the further information on Applications No. A/NE-PK/35, 36 and 37 (Agenda Items 18, 19 and 20), which had been exempted from publication. The letter was tabled at the meeting for Members' reference.

82.            Mr. Otto Chan then presented Applications No. A/NE-PK/35 and 37 and covered the following aspects as detailed in the Papers :

- (a) background to the applications;

- (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 9 and Appendix IV of the Papers. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support Application No. A/NE-PK/35 from the perspective of agricultural development as the application site was of high potential for agricultural rehabilitation. However, DAFC had no adverse comment on Application No. A/NE-PK/37 as that application site was currently occupied for domestic use and the potential for agricultural rehabilitation was low. The Commissioner for Transport (C for T) had reservation on the applications and considered that Small House development should be confined within the “Village Type Development” (“V”) zone as far as possible. The approval of the applications would set undesirable precedents for similar applications in the future and the resulting cumulative adverse traffic impact could be substantial. However, as each of the applications only involved one Small House, he considered that the applications could be tolerated unless they were rejected on other grounds. The District Officer (North) (DO(N)) commented that the two application sites encroached on an existing footpath which was maintained by his office. The applicant should keep the footpath free for the public to access during and after the developments while they might re-align the footpath to suit their developments. In case the footpath was needed to be closed for the construction works, a temporary footpath must be provided for the public throughout the construction period. Other concerned government departments had no objection to or adverse comment on the applications;
  
- (d) DO(N) also advised that Application No. A/NE-PK/35 was supported by the Chairman of Sheung Shui District Rural Committee (SSDRC) and one North District Council (NDC) member, whilst Application No. A/NE-PK/37 was supported by one NDC member. The Chairman of SSDRC had no comment on Application No. A/NE-PK/37. Besides, the

Vice-chairman of NDC, the Indigenous Inhabitants Representative of Kai Leng and the Residents Representative of Kai Leng had no comment on the two applications;

- (e) during the first three weeks of the statutory publication period, four public comments were received for each application. A NDC member indicated no comment on the applications. The Kadoorie Farm and Botanic Garden Corporation expressed concern that the applications were not in line with the planning intention of “AGR” zone, and opined that the Government should take all possible steps to protect Hong Kong’s active, abandoned and illegally covered agricultural lands to ensure “food security”. Hence, the area of agricultural land in Hong Kong should not be further reduced and the applications should not be approved. One public commenter objected to the applications on grounds that the application sites fell within the Ping Kong Village Extension Area but the applicants, who were not indigenous villagers of Ping Kong Village, had made use of Kai Leng Village for Small House developments. The other public commenters objected to the applications for the proposed Small House developments would cause environmental problem and block the access; and
  
- (f) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments as detailed in paragraph 11 of the Papers. Regarding DAFC’s concerns on Application No. A/NE-PK/35 from the agricultural rehabilitation perspective and the public comments on the applications, the proposed Small House developments were not incompatible with the surrounding land uses which were predominantly rural in nature with temporary domestic structures, village dwellings, vacant land with wild grasses and trees and active and fallow agricultural land. Similar applications for Small House development within/partly within the same “AGR” zone had also been approved with conditions by the Committee. The proposed Small House developments would not have significant adverse impacts on the traffic, environment, drainage and landscape of the surrounding area, and relevant government departments, including the Commissioner for Transport, the Director of Environmental

Protection, the Chief Engineer/Mainland North of Drainage Services Department and the Chief Town Planner/Urban Design and Landscape of PlanD, had no adverse comment on or no objection to the applications. Regarding DO(N)'s comment on the encroachment of proposed developments on the existing footpath, it could be dealt with by the relevant authorities at the land grant stage and an advisory clause was recommended to address such concern.

83. In response to a Member's question, Mr. Otto Chan said that according to the District Lands Officer/North of Lands Department, both applicants claimed to be indigenous villagers but their eligibility for Small House concessionary grants had yet to be ascertained. The Small House demand figure of 82 for Kai Leng as set out in paragraph 11 in Appendix IV of the Papers included the number of outstanding Small House applications of 32 and the 10-year Small House demand forecast of 50. According to the latest estimate by PlanD, about 0.988 ha of land was available within the "V" zone of Kai Leng (equivalent to about 39 Small House sites).

#### Deliberation Session

84. After deliberation, the Committee decided to approve Application No. A/NE-PK/35, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 11.1.2017, and after the said date, the permission should cease to have effect unless before the said date, the developments permitted was commenced or the permission was renewed. The 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;
- (c) the submission and implementation of proposal for water mains diversion before the commencement of works to the satisfaction of the Director of

Water Supplies or of the TPB; and

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

85. The Committee also decided to approve Application No. A/NE-PK/37, on the terms of the application as submitted to the TPB. The permission should be valid until 11.1.2017, 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 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;
- (c) the submission and implementation of proposal for water mains diversion before the commencement of works to the satisfaction of the Director of Water Supplies or of the TPB; and
- (d) the submission and implementation of a landscape proposal and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB.

86. The Committee also agreed to advise the applicants of Applications No. A/NE-PK/35 and 37 of the following :

- (a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that :
  - (i) the site was in an area where no DSD stormwater drain was available :

- all existing flow paths as well as the run-off onto and passing through the site should be intercepted and disposed of via proper discharge points. The applicant should also ensure that no works, including any site formation works, should be carried out as might adversely interfere with the free flow condition of the existing drain, channels and watercourse on or in the vicinity of the subject site any time during or after the works;
  - surface channels should be provided along the perimeter of the lot to collect all the runoff generated from the site or passing through the site, and discharge the runoff collected proper discharge point. Where walls were erected or kerbs were laid along the boundary of the site, peripheral channels should be provided on both sides of the walls or kerbs with details to be agreed by DSD;
  - the proposed drainage works, whether within or outside the lot boundary, should be constructed and maintained by the lot owner at their own expense. For drainage works to be undertaken outside the lot boundary, the applicant should obtain prior consent and agreement from the District Lands Officer/North and/or relevant private lot owners; and
- (ii) the site was in an area where no public sewerage connection was available. The Director of Environmental Protection should be consulted regarding the sewerage treatment/disposal aspects of the development and the provision of septic tanks;
- (b) to note the comments of the Chief Engineer/Development(2), Water Supplies Department as follows :
- (i) existing water mains would be affected. The developer should bear the cost of any necessary diversion works affected by the proposed development; 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 Lands Department;
- (d) to note the comments of the District Officer (North), Home Affairs Department to keep the footpath free for the public to access during and after the development while they might re-align the footpath to suit his development. In case the footpath was needed to be closed for the construction works, a temporary footpath must be provided for the public throughout the construction period; and
- (e) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

**Agenda Item 19**

Section 16 Application

[Open Meeting]

A/NE-PK/36                      Proposed House (New Territories Exempted House - Small House)  
in “Agriculture” zone, Lot 1574 S.C ss.1 in D.D. 91, Kai Leng  
(RNTPC Paper No. A/NE-PK/36A)

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87.            The Secretary reported that on 31.12.2012, the applicant requested the Board to defer making a decision on the application for one month in order to allow time for preparation of supplementary information to address the comments of the Chief Town Planner/Urban Design and Landscape of Planning Department on the application.

88. The Committee decided to defer a decision on Applications No. A/NE-PK/36 as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that one more month was allowed for preparation of the submission of the further information, and since a total period of three months had been allowed, no further deferment would be granted unless under very special circumstances.

### **Agenda Item 21**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/389      Temporary Open Storage of Metal Products and Materials and Storage of Metal and Hardware Products with Ancillary Workshop for a Period of 3 Years in “Open Storage” zone and area shown as ‘Road’, Lot 2195 RP (Part) in D.D. 76 and Adjoining Government Land, Kwan Tei North Village, Fanling  
(RNTPC Paper No. A/NE-TKL/389)

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

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

- (a) background to the application;
- (b) the temporary open storage of metal products and materials and storage of metal and hardware products with ancillary workshop for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection



(DEP) did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected. Other concerned departments had no objection to or adverse comment on the application;

- (d) the District Officer (North) advised that one Indigenous Inhabitant Representative of Kwan Tei raised objection to the application mainly on the grounds that the open storage for scrap materials and metal products would cause adverse noise impact, and possible effluent discharge during rainy days. The concerned North District Council (NDC) member, the Chairman of Fanling District Rural Committee, the Residents Representative of Kwan Tei, the other Indigenous Inhabitant Representative of Kwan Tei and the Chairman of Fanling Kwan Tei North Village Welfare Association had no comment on the application;
- (e) during the first three weeks of the statutory publication period, one public comment was received from a NDC member stating that he had no comment on the application; and
- (f) 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 as detailed in paragraph 12 of the Paper. The environmental concerns of DEP could be addressed through the imposition of approval conditions restricting the operation hours on the site. Regarding the local objection against the application on the grounds that the development would cause adverse noise impact and possible effluent discharge, concerned government departments including Water Supplies Department and Drainage Services Department had no adverse comments on the application.

90. Members had no question on the application.

Deliberation Session

91. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 11.1.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 6:00 p.m. and 8:00 a.m., as proposed by the applicant, should be allowed on the application site during the planning approval period;
- (b) no operation on Sundays and statutory holidays, as proposed by the applicant, should be allowed on the application site during the planning approval period;
- (c) no medium and heavy goods vehicle exceeding 5.5 tonnes as defined in the Road Traffic Ordinance, as proposed by the applicant, was allowed for the operation of the application site at any time during the planning approval period;
- (d) the peripheral fencing and paving of the site should be maintained during the planning approval period;
- (e) the submission of tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 11.7.2013;
- (f) in relation to (e) above, the implementation of tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 11.10.2013;
- (g) 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 11.7.2013;

- (h) in relation to (g) 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 11.10.2013;
- (i) the provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.2.2013;
- (j) the submission of proposal for water supplies for fire fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.7.2013;
- (k) in relation to (j) above, the implementation of proposal for water supplies for fire fighting and fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.10.2013;
- (l) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (m) if any of the above planning conditions (e), (f), (g), (h), (i), (j) or (k) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

92. 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 issue relating to the development with the concerned owner(s) of the application site;

- (c) to note the comments of the District Lands Officer/North, Lands Department that the owners of the lots should apply to his office for a Short Term Waiver (STW) and Short Term Tenancy (STT) for the regularization of the structures erected and the unauthorized occupation of Government land. There was no guarantee that STW and STT would be granted to the applicant. If the STW and STT were granted, the grants would be made subject to such terms and conditions to be imposed as the Government should deem fit to do so including the payment of STW and STT fees/rent.;
- (d) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that any access road leading from Ping Che Road to the application site was not maintained by his Department;
- (e) to note the comments of the Director of Fire Service that :
  - (i) if no building plan would be circulated to his Department via the Centralized Processing System of Buildings Department (BD) and covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) were erected within the application site, the applicant was required to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) for his approval and to subsequently provide the FSIs in accordance with the approved proposal. In preparing the submission for FSIs for his approval, the applicant was advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of the proposed FSI and the access for emergency vehicles should be clearly marked on the layout plans;
  - (ii) detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans; and
  - (iii) to address the condition on provision of fire extinguisher(s), the applicant should submit certificate(s) under Regulation 9(1) of the

Fire Service (Installations and Equipment) Regulations (Chapter 95B) to his Department for compliance of condition;

- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site was in an area where no public sewerage connection was available. The Environmental Protection Department should be consulted regarding the sewerage treatment/disposal facilities for the development;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, BD that :
  - (i) before any new building works were to be carried out on the application site, the prior approval and consent of the Building Authority should be obtained, otherwise they were unauthorized building works. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO);
  - (ii) use of movable containers as workshop, office or storage was considered as temporary structures and were subject to control under Building (Planning) Regulations (B(P)R) Part VII. Formal submission under BO was required for any proposed building works, including any temporary structures;
  - (iii) the site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with B(P)R 5 and 41D respectively; and;
  - (iv) if the site did not abut on a specified street of not less than 4.5m wide, its permitted development intensity should be determined under B(P)R 19(3) at the building plan submission stage;

- (h) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that :
  - (i) the existing trees were generally in good condition. The applicant was required to maintain the existing trees in good condition at all time; and
  - (ii) tree planting opportunity was available along the southern boundary near the access gate;
- (i) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that:
  - (i) part of the application site encroached Waterworks Reserve (WWR) as shown on Plan A-2 of the RNTPC Paper and no structure should be erected over the WWR area and such area should not be used for storage purposes;
  - (ii) the site was located within the flood pumping gathering ground; and
  - (iii) water mains in the vicinity of the application site could not provide the standard pedestal hydrant; and
- (j) to follow the environmental mitigation measures as set out in the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection in order to minimize any possible environmental nuisances.

**Agenda Items 22 to 28**

**Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/393 Proposed House (New Territories Exempted House - Small House)  
in “Agriculture” zone, Lots 1085 S.C and 1086 S.C in D.D. 82,  
Tong Fong Tsuen, Ta Kwu Ling  
(RNTPC Paper No. A/NE-TKL/393 to 395, 398 to 401)

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A/NE-TKL/394 Proposed House (New Territories Exempted House - Small House)  
in “Agriculture” zone, Lots 1088 S.A ss.1 S.C and 1089 S.C in D.D.  
82, Tong Fong Tsuen, Ta Kwu Ling  
(RNTPC Paper No. A/NE-TKL/393 to 395, 398 to 401)

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A/NE-TKL/395 Proposed House (New Territories Exempted House - Small House)  
in “Agriculture” zone, Lots 1088 S.A ss.1 S.D and 1089 S.D in D.D.  
82, Tong Fong Tsuen, Ta Kwu Ling  
(RNTPC Paper No. A/NE-TKL/393 to 395, 398 to 401)

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A/NE-TKL/398 Proposed House (New Territories Exempted House - Small House)  
in “Agriculture” zone, Lots 1088 S.A ss.7, 1088 S.A. ss.1 S.E and 1089  
S.E in D.D. 82, Tong Fong Tsuen, Ta Kwu Ling  
(RNTPC Paper No. A/NE-TKL/393 to 395, 398 to 401)

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A/NE-TKL/399 Proposed House (New Territories Exempted House - Small House)  
in “Agriculture” zone, Lots 1088 S.A ss.8, 1088 S.A. ss.1 S.F and 1089  
S.F in D.D. 82, Tong Fong Tsuen, Ta Kwu Ling  
(RNTPC Paper No. A/NE-TKL/393 to 395, 398 to 401)

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A/NE-TKL/400 Proposed House (New Territories Exempted House - Small House)  
in “Agriculture” zone, Lots 1088 S.A ss.11, 1088 S.A. ss.1 S.G and  
1089 S.G in D.D. 82, Tong Fong Tsuen, Ta Kwu Ling  
(RNTPC Paper No. A/NE-TKL/393 to 395, 398 to 401)

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A/NE-TKL/401 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lots 1088 S.A ss.12, 1088 S.A. ss.1 S.H and 1089 S.H in D.D. 82, Tong Fong Tsuen, Ta Kwu Ling (RNTPC Paper No. A/NE-TKL/393 to 395, 398 to 401)

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93. The Committee noted that these seven applications were similar in nature and the application sites were located close to each other within the same “Agriculture” (“AGR”) zone. The Committee agreed that these applications could be considered together.

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

#### Presentation and Question Sessions

94. Mr. Otto K.C. Chan, STP/STN, presented the applications and covered the following aspects as detailed in the Paper :

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House – Small House) at each of the application sites;
- (c) departmental comments were set out in paragraph 10 and Appendix V of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications from the agricultural development point of view as the sites had high potential for agricultural rehabilitation and agricultural life in the vicinity of the sites was active. The Commissioner for Transport (C for T) had reservation on the applications and considered that Small House development should be confined within the “Village Type Development” (“V”) zone as far as possible. The approval of the applications would set undesirable precedents for similar applications in the future and the resulting cumulative adverse traffic impact could be substantial. However, as each of the seven applications only involved one Small House, he considered that the applications could be tolerated unless they were rejected on other grounds. Other concerned



departments had no objection to or adverse comment on the application;

- (d) the District Officer (North) advised that the incumbent North District Council (NDC) member and the Resident Representative of Tong Fong supported the applications; the Indigenous Inhabitant Representative of Tong Fong had no comment on the applications; and the Vice-chairman of Ta Kwu Ling District Rural Committee raised objection to the applications on the grounds that the proposed developments would affect the *fung shui* and the sites fell within an area designated “Sewage Pumping Station” under the North East New Territories New Development Areas Planning and Engineering Study (the NENT NDAs Study), which was not suitable for Small House development;
  
- (e) during the first three weeks of the statutory publication period, five public comments were received from organizations, including Green Sense, Designing Hong Kong Limited, Kadoorie Farm and Botanic Garden Corporation and World Wide Fund for Nature Hong Kong, and a private individual. All the commenters raised objections to the applications for reasons that the proposed Small House developments were not in line with the planning intention of “AGR” zone; if the applications were approved, there would be numerous similar applications targeting the area in “AGR” zone, causing cumulative impact; the massive development of Small Houses would have adverse traffic, environmental, sewerage and drainage impacts on the surrounding areas; the proposed developments were incompatible with the rural setting of the area; the land which was currently covered by vegetation should be preserved and the area of agricultural land in Hong Kong should not be further reduced in order to secure a stable food supply; the proposed Small Houses were akin to a small-scale housing estate development which was against the intention of the Small House Policy; the applications might involve ‘destroy first, build later’ activities as the vegetation on the sites were cleared in 2007, coarse gravel-like materials had been deposited on the ground and a concrete U-channel and pilings were suspected to be newly built on the sites; and it lacked a plan for a sustainable layout of infrastructure, access, parking spaces and

amenities for the area; and

- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessments as detailed in paragraph 12 of the Paper. Although the proposed developments were not in line with the planning intention of the “AGR” zone and DAFC did not support the applications as the sites had high potential for agricultural rehabilitation, it was considered that the proposed Small House developments at this location were not incompatible with the surrounding area as the village proper of Tong Fong Village was located approximately 50m to the north of the sites; similar applications for Small House developments within the same “AGR” zone had been approved with conditions by the Committee, including Applications No. A/NE-TKL/367, 368 and 372 located to the immediate north of the sites; and the proposed developments were not anticipated to cause significant adverse environmental, drainage, traffic and landscape impacts on the surrounding area. As regards the local and public objections, it was considered that *fung shui* issue was outside the planning consideration of the Committee; the proposed Small House developments would not have significant adverse impacts on the traffic, environment, drainage and landscape of the surrounding area; and it was also noted that all the application sites fell outside the boundary of the NENT NDAs Study. Regarding the comments that the sites might involve ‘destroy first, build later’ activities, the Chief Town Planner/Central Enforcement and Prosecution of Planning Department advised that the sites were subject to a previous enforcement action against unauthorized storage use (including deposit of containers) with Enforcement Notice served on 3.4.2009 and Compliance Notice issued on 13.7.2011; and that enforcement case had been dealt with as per established enforcement procedures and was closed in February 2012.

95. Members had no question on the application.

Deliberation Session

96. After deliberation, the Committee decided to approve the applications, on the terms of the each application as submitted to the Town Planning Board (TPB). The permission of each of the applications should be valid until 11.1.2017, 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 of each of the applications was subject to the following conditions :

- (a) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (b) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.

97. 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 Director of Fire Services that :
  - (i) the applicant was reminded to observe the “New Territories Exempted Houses – A Guide to Fire Safety Requirements” issued by the Lands Department (LandsD); and
  - (ii) detailed fire safety requirements would be formulated upon receipt of formal application referred by LandsD or formal submission of general building plans;

- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that :
  - (i) for provision of water supply to the development, the applicant 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 within the flood pumping gathering ground;
- (d) to note comments of the Project Manager/New Territories North and West, Civil Engineering and Development Department that the proposed New Territories Exempted House was in the vicinity of the proposed Sewerage Treatment Works under the North East New Territories New Development Areas Planning and Engineering Study; and
- (e) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

**Agenda Item 29**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/419      Temporary Storage of Electrical Appliances and Metalware for a Period of 3 Years in “Open Storage” zone and area shown as ‘Road’, Government Land in D.D. 77, Ta Kwu Ling, Fanling  
(RNTPC Paper No. A/NE-TKL/419)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary storage of electrical appliances and metalware for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper and were highlighted below :
  - (i) the Commissioner for Transport (C for T) did not support the application as the application site was conflict with future road alignment; there were no loading/unloading bays and car parking spaces provided within the site; and no information was provided by the applicant on details of the access road, provision of manoeuvring space within the site, type of transportation vehicles and the estimated number of daily and hourly vehicle trips to/from the site; and
  - (ii) the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected;

- (d) the District Officer (North) (DO(N)) advised that the incumbent North District Council (NDC) member had no comment on the application, but the Vice-Chairman of Ta Kwu Ling District Rural Committee, the Indigenous Inhabitant Representatives of Ping Che and the Resident Representative of Ping Che raised objection to the application mainly on the grounds that the narrow road was not suitable for open storage uses and there were unauthorized shed on the government land;
- (e) during the first three weeks of the statutory publication period, one public comment was received from a NDC member indicating support to the application; and
- (f) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 11 of the Paper. The application did not meet the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No.13E) in that there were adverse departmental comments from DEP and C for T on the application but the applicant had not submitted any technical assessments/proposals to demonstrate that the applied use would not generate adverse environmental and traffic impacts on the surrounding area.

99. In response to the Chairman's question on the different planning circumstances of the sites pertaining to Application No. A/NE-TKL/389 deliberated earlier at the meeting (Agenda Item 21) and the current application, noting that both applications applied for storage use on areas zoned "Open Storage" and shown as 'Road' on the same Outline Zoning Plan, Mr. Otto Chan said that the current application site was only barely accessible via the narrow Ng Chow Road, while the site of Application No. A/NE-TKL/389 was accessible via a wider track leading to Ping Che Road. Moreover, the current applicant did not provide information to demonstrate there was no adverse traffic impacts on the surrounding area whereas the applicant of Application No. A/NE-TKL/389 had submitted such information on traffic aspects for the consideration of C for T.

100. Members had no question on the application.

## Deliberation Session

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

- the development was not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that there were adverse departmental comments on the application and the applicant had failed to demonstrate that the development would not generate adverse environmental and traffic impacts on the surrounding area.

## **Agenda Items 30 and 31**

### Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/420 Proposed House (New Territories Exempted House - Small House)  
in “Agriculture” zone, Lot 626 S.A in D.D. 82, Lei Uk Tsuen,  
Ta Kwu Ling  
(RNTPC Paper No. A/NE-TKL/420)

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A/NE-TKL/421 Proposed House (New Territories Exempted House - Small House)  
in “Agriculture” and “Village Type Development” zones, Lot 626 RP  
in D.D. 82, Lei Uk Tsuen, Ta Kwu Ling  
(RNTPC Paper No. A/NE-TKL/421)

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102. The Committee noted that these two applications were similar in nature and the application sites were adjacent to each other. The Committee agreed that these applications could be considered together.

### Presentation and Question Sessions

103. Mr. Otto K.C. Chan, STP/STN, presented the applications and covered the

following aspects as detailed in the Papers :

- (a) background to the applications;
- (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 9 and Appendix IV of each Paper and were highlighted below :
  - (i) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications from the agricultural development point of view as active agricultural activities were noted at the application sites and their vicinity;
  - (ii) the Commissioner for Transport (C for T) had reservation on the application and considered that Small House development should be confined within the “Village Type Development” (“V”) zone as far as possible. The approval of the applications would set undesirable precedents for similar applications in the future and the resulting cumulative adverse traffic impact could be substantial. However, as each of the applications only involved one Small House, he considered that the applications could be tolerated unless they were rejected on other grounds; and
  - (iii) the Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L of PlanD) had reservation on the proposed developments from the landscape perspective as approval of the applications might set undesirable precedents of spreading village development outside the “V” zone;
- (d) the District Officer (North) (DO(N)) advised that the Resident Representative of Lei Uk and the Indigenous Inhabitant Representative of Lei Uk supported the applications while the Vice-Chairman of Ta Kwu



Ling District Rural Committee and the incumbent North District Council (NDC) member had no comment on the applications;

- (e) during the first three weeks of the statutory publication period, two public comments were received on each of the applications. One comment was received from a NDC member who supported the applications as they were good for the villagers. The other comment was received from Kadoorie Farm and Botanic Garden Corporation expressing concern on the applications that they were not in line with the planning intention of “Agriculture” (“AGR”) zone. If the applications were approved, there would be numerous similar applications targeting the area in the “AGR” zone and would result in loss of agricultural land and adversely affect the nearby farming activities. The area of agricultural land in Hong Kong should not be further reduced in order to safeguard the important public interest in respect of food supply, and the Government should take all possible steps to protect Hong Kong’s agricultural land to secure a stable food supply; and

the Planning Department (PlanD)’s views – PlanD did not support the two applications for reasons as detailed in paragraph 11 of the Papers. The application sites were located in a green area further away from the villager proper of Lei Uk and were part and partial of a larger agricultural land under active cultivation; the proposed Small House developments were not entirely in line with Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that they would frustrate the planning intention of the “AGR” zone; as there was still 2.2 ha of land (about 87 Small House sites) within the “V” zone of Lei Uk for Small House development, it was more appropriate to concentrate those proposed Small Houses close to the existing village cluster within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services; the proposed developments were not in line with the planning intention of the “AGR” zone and DAFC did not support the applications; CTP/UD&L of PlanD and C for T also had reservations on the applications; and as five similar

applications within the same “AGR” zone to the west of Lei Uk had been rejected by the Committee since the first promulgation of the Interim Criteria on 24.11.2000, the approval of the applications would set undesirable precedents for similar applications.

104. Members had no question on the application.

#### Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the “Agriculture” zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the current submission for a departure from the planning intention; and
- (b) land was still available within the “Village Type Development” zone of Lei Uk Village where land was primarily intended for Small House development. It was considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructures and services.

[The Chairman thanked Mr. Otto K.C. Chan, STP/STN, for his attendance to answer Members’ enquiries. Mr. Chan left the meeting at this point.]

**Agenda Item 32**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/467            Proposed Two Houses (New Territories Exempted Houses - Small Houses) in “Agriculture” and “Village Type Development” zones, Lots 1024 S.A ss.2 and 1024 S.A ss.3 in D.D. 19, Lam Tsuen San Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/467)

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**Presentation and Question Sessions**

106.            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 two proposed houses (New Territories Exempted Houses - Small Houses);

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

- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. Concerned departments had no objection to or adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper.

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

107. Members had no question on the application.

#### Deliberation Session

108. 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 11.1.2017, 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) submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (d) provision of protective measures to ensure no pollution or siltation occurred to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.

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

- (a) the actual construction of the proposed Small Houses should only begin after the completion of the public sewerage network;
- (b) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that the applicants should connect the whole of its foul water drainage system to the public sewers; and for provision of water supply to the development, the applicants might need to extend their

inside services to the nearest suitable government water mains for connection. The applicants should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;

- (c) to note the comments of the Director of Environmental Protection that the applicants should connect the houses to the future public sewer at their own cost; the sewerage connection point should be within the Site; and adequate land should be reserved for the future sewerage facilities and connection work;
- (d) to note the comments of the Chief Engineer/Mainland North and the Chief Engineer/Project Management, Drainage Services Department that :
  - (i) public stormwater drain was not available for connection in the vicinity of the subject lot. Any proposed drainage works, whether within or outside the site boundary, should be constructed and maintained by the applicants at their own expense. The applicants were required to rectify the drainage system if it was found to be inadequate or ineffective during operation, and to indemnify the Government against claims and demands arising out of damage or nuisance caused by failure of the system; and
  - (ii) village sewerage works in Lam Tsuen San Tsuen was now being carried out under DSD's project 4332DS "Lam Tsuen Valley Sewerage" and would be completed in end 2015 tentatively. There was no existing public sewerage system connection available to the proposed two New Territories Exempted Houses now. Public sewers would be laid under the current DSD project scheme 4332DS. Theoretically, the applicants could extend their sewer via other private/government land to the proposed public sewers by themselves if they would like to discharge their sewage into the public sewerage system. The above information was preliminary and would be

subject to revision due to actual site situation;

- (e) to note the comments of the Director of Fire Services that the applicants were reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by Lands Department (LandsD). 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 applicants were reminded to make necessary submissions to the LandsD to verify if the site satisfies the criteria for the exemption for site formation works as stipulated in PNAP APP-56. If such exemption was not granted, the applicants 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 Director of Electrical and Mechanical Services that the applicants 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 applicants 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 applicants and/or their 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 structures; 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 contractors when carrying out works in the vicinity of the electricity supply lines;
- (h) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that the access road from Lam Kam Road to the application site was not maintained by HyD; and
- (i) to note that the permission was only given to the development under the application. If provision of an access road was required for the proposed development, the applicants 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 33**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/468            Proposed Public Utility Installation (Electricity Package Substation)  
in “Agriculture” zone, Government Land in D.D. 19,  
San Uk Tsai, Lam Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/468)

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

110.            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 public utility installation (electricity package substation);
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned departments had no objection to or adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period. The District Officer (Tai Po) (DO(TP)) advised that according to the Resident Representative of the nearby Tong Min Tsuen, villagers of Tong Min might have concerns on the application; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 10 of the Paper. While DO(TP) advised that villagers of Tong Min might have concerns on the application, no public comment was received during the public consultation period.

111. Members had no question on the application.

#### Deliberation Session

112. 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 11.1.2017, 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) provision of protective measures to ensure no pollution or siltation occurred to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB;
- (b) provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB; and



- (c) provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) the applicant should apply to Lands Department for necessary approval of the construction of the installation of the package substation under the mechanism of Block License that covered site within 12m<sup>2</sup>;
- (b) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that :
  - (i) the applicant should strictly comply with the “Conditions of Working within Water Gathering Grounds” (Appendix III of the RNTPC Paper) during the construction of the package transformer;
  - (ii) no discharge of effluent within gathering grounds was allowed without prior approval from WSD. Any effluent discharged from the package transformer compound at any point within water gathering grounds must fully comply with the standards for effluent discharges into Group A Inland Waters as stipulated in Table 3 and paragraph 8.4 of the Technical Memorandum on Effluent Standards;
  - (iii) storage and discharge of toxicant, flammable or toxic solvents, petroleum oil or tar or any other toxic substances were strictly prohibited within gathering grounds;
  - (iv) leakage of toxicant, petroleum, oil, tar or any other toxic substance from the plant should be avoided; and
  - (v) water mains in the vicinity of the site could not provide the standard pedestal hydrant;

- (c) to note the comments of the Director of Fire Services that emergency vehicular access arrangement should comply with Section 6, Part D of the “Code of Practice for Fire Safety in Buildings 2011” administered by Buildings Department (BD). Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that public stormwater drain was not available for connection in the vicinity of the site. The proposed drainage works, whether within or outside the site boundary, should be constructed and maintained by the applicant at his own expense;
- (e) to note the comments of the Chief Building Surveyor/New Territories West, BD that in case of change in land status to leased land, the applicant’s attention was drawn to the following points :
  - (i) if the site did not abut on a specified street of not less than 4.5m wide, its permitted development intensity should be determined under Regulation 19(3) of the Building (Planning) Regulations (B(P)R) at the building plan submission stage;
  - (ii) the site should be provided with means of obtaining access thereto from a street under B(P)R 5;
  - (iii) emergency vehicular access for every building of the proposed development should be provided in accordance with B(P)R 41D; and
  - (iv) detailed consideration would be made at the building plan submission stage;
- (f) to note the comments of the Director of Electrical and Mechanical Services that 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

any works in the vicinity of the electricity supply lines. For the design and operation of electricity package substation, CLP Power had to comply with the Electricity Ordinance and relevant statutory requirements. As the electricity package substation was to provide electricity supply to some future developments in the vicinity, the associated electricity demand should be provided by the nearby substations as far as possible; and

- (g) to note the comments of the Director of Health that it was important for the project proponent to ensure that the installation complies with the relevant International Commission on Non-Ionising Radiation Protection guidelines or other establish international standards. Effective and open communication with stakeholders the planning of new electrical facilities and exploration of low-cost ways of reducing exposures when constructing new facilities was also encouraged.

### **Agenda Item 34**

#### **Section 16 Application**

[Open Meeting]

A/NE-SSH/85                      Proposed Public Utility Installation (Electricity Package Substation) in “Village Type Development” zone, Government Land in D.D. 218, Che Ha Village, Shap Sz Heung  
(RNTPC Paper No. A/NE-SSH/85)

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114.            The Secretary reported that on 28.12.2012, the applicant requested the Board to defer making a decision on the application for two months in order to allow time for sorting out issues in relation to the location of the application site.

115.            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 Items 35 and 36**

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/422            Proposed House (New Territories Exempted House - Small House)  
in “Agriculture” zone, Lots 646 S.I ss.2, S.J ss.2 & S.K ss.1 and 652  
S.C ss.1 & S.G ss.1 in D.D. 15, Shan Liu, Tai Po  
(RNTPC Paper No. A/NE-TK/422 and 423)

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A/NE-TK/423            Proposed House (New Territories Exempted House - Small House)  
in “Agriculture” zone, Lots 672 and 673 in D.D. 15, Shan Liu, Tai Po  
(RNTPC Paper No. A/NE-TK/422 and 423)

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116.            The Committee noted that these two applications were similar in nature and the application sites were located close to each other within the same “Agriculture” (“AGR”) zone. The Committee agreed that these applications could be considered together.

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House – Small House) at each of the application sites;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications from

the agricultural point of view as the sites had high potential for agricultural rehabilitation. The Commissioner for Transport (C for T) had reservation on the applications and considered that Small House development should be confined within the “Village Type Development” (“V”) zone as far as possible. The approval of the applications would set undesirable precedents for similar applications in the future and the resulting cumulative adverse traffic impact could be substantial. However, as each of the applications only involved one Small House, he considered that the applications could be tolerated unless they were rejected on other grounds. The Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L of PlanD) had reservation on the applications from the landscape planning point of view and considered that the sites were sensitive to urban development in view of the high landscape quality in the surrounding area. The approval of the applications would likely encourage more village house developments in the “Agriculture” (“AGR”) zone, resulting in an extension of the village development well beyond the existing “V” zone boundary and irreversibly altering the landscape character of the “AGR” zone. Other concerned departments had no objection to or adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, three public comments against the applications were received from Kadoorie Farm and Botanic Garden Corporation, Designing Hong Kong Limited and private individuals. The commenters objected to the applications for reasons that the proposed developments were not in line with the planning intention of “AGR” zone; as the sites were located within water gathering ground (WGG), the proposed developments could cause water pollution; some suspected site formation work might have been conducted in the village and the “destroy first, build later” activities should not be tolerated; the developments would result in adverse landscape impact on the surrounding areas; the approval of the applications would set undesirable precedents for other similar applications causing potential cumulative impacts within the “AGR” zone; and it lacked a plan for a sustainable layout of infrastructure and development for the area. No local objection/view was received by

the District Officer (Tai Po); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessments as detailed in paragraph 12 of the Paper. Although the sites were located within WGG, the proposed Small Houses could be connected to the public sewerage system in the area via private lots and the owners' consents for sewage pipes passing through the concerned lots had been obtained by the applicants. Both the Director of Environmental Protection and the Chief Engineer/Development(2) of Water Supplies Department had no objection to the applications provided that construction of the proposed Small Houses should not be commenced before the completion of the public sewerage system and the applicants should connect the sewers of the proposed Small Houses to the public sewerage system at their own costs. Although there were adverse comments from DAFC and CTP/UD&L of PlanD on the applications, given that more than 50% of each proposed Small House footprint fell within the village 'environs', there was a shortage of land to meet Small House demand, the proposed Small Houses could be connected to the public sewerage system, there were similar approved applications in the vicinity of the site and the proposed developments complied with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories, sympathetic consideration could be given to the applications. The concerns of CTP/UD&L of PlanD and the public commenters on the potential adverse impacts of the proposed developments could be addressed through imposition of approval conditions. As regards a commenter's concern on site formation works in the village, the sites were not the subject of any active enforcement cases.

118. Members had no question on the applications.

#### Deliberation Session

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

terms of each application as submitted to the Town Planning Board (TPB). The permission of each of the applications should be valid until 11.1.2017, 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 of each of the applications were subject to the following conditions :

- (a) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (d) the provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.

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

- (a) construction of the proposed Small House should not be commenced before the completion of the public sewerage system. Upon completion of the public sewerage system, the applicant should connect the proposed house to the public sewer at his own costs. Adequate land should be reserved for the future sewer connection work;
- (b) the applicant was required to register, before execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan for construction, operation and maintenance of sewage pipes and connection points on the lots concerned in the Land Registry against all affected lots and resolve all necessary Government land (GL) issues with the Lands Department (LandsD) in order to demonstrate that it was both technically and legally feasible to install sewage pipes from the proposed

houses to the planned sewerage system via the concerned private lot(s) and GL;

- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that there was no public drain in the vicinity of the site. The applicant was required to maintain the drainage systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by failure of the systems. There was no existing public sewerage in the vicinity of the site;
  
- (d) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards *[for A/NE-TK/422 only]*;
  
- (d) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that since the proposed house was less than 30m from the nearest watercourse, the house should be located as far away from the watercourse as possible. The whole of foul effluent from the proposed house should be conveyed through cast iron pipes or other approved material with sealed joints and hatchboxes. For provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards *[for A/NE-TK/423 only]*;



- (e) to note the comments of the Director of Fire Services that the applicant was reminded to observe ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by LandsD. Detailed fire safety requirements would be formulated during land grant stage;
- (f) to note comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant was reminded to make necessary submission to the LandsD to verify if the site satisfies 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 Buildings Department in accordance with the provision of the Buildings Ordinance; and
- (g) 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) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

[The Chairman thanked Mr. C.T. Lau, STP/STN, for his attendance to answer Members’ enquiries. Mr. Lau left the meeting at this point.]

**Agenda Item 37**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/802                      Proposed Wholesale Conversion for Office, Eating Place and Shop and Services in “Industrial (1)” zone,  
10-12 Yuen Shun Circuit, Siu Lek Yuen, Sha Tin  
(RNTPC Paper No. A/ST/802)

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Presentation and Question Sessions

121. 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 wholesale conversion for office, eating place and shop and services;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Sha Tin); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 12 of the Paper.

122. Members had no question on the application.

Deliberation Session

123. 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 11.1.2017, 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 landscaping proposals to the satisfaction of the Director of Planning or of the TPB; and

- (b) the submission and implementation of fire service installations and water supplies for firefighting proposals to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) the approval should be for the lifetime of the building. Upon redevelopment, the subject site would need to conform with the zoning and development restrictions on the Outline Zoning Plan in force at the time of redevelopment which might not be the same as those of the existing building;
- (b) to apply to the District Lands Officer/Shu Tin, Lands Department for a modification/special waiver to permit the applied use;
- (c) to note the comments of the Chief Building Surveyor/New Territories East (2) and Rail, Buildings Department (BD) that the proposed use should comply with the requirements under the Buildings Ordinance (BO). A formal submission of plans should be made to this department for approval and consent under the BO prior to commencement of any alteration works to the existing building. The proposed floor plans would be subject to further comments; and
- (d) to note the comments of the Director of Fire Services that the arrangement of emergency vehicular access should comply with Section 6, Part D of the “Code of Practice for Fire Safety in Building 2011”, which was administered by the BD.

[The Chairman thanked Mr. Anthony K.O. Luk, STP/STN, for his attendance to answer Members' enquires. Mr. Luk left the meeting at this point.]

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

**Tuen Mun and Yuen Long District**

**Agenda Item 38**

**Section 12A Application**

[Open Meeting]

Y/TM/10                      Application for Amendment to the Draft Tuen Mun Outline Zoning Plan No. S/TM/30, to rezone the application site from “Government, Institution or Community” to “Residential (Group A)”, Lots 1123 (Part), 1124 (Part), 1125 (Part), 1126 (Part), 1136 (Part), 1138 RP (Part) and 1139 RP (Part) in D.D. 132 and Adjoining Government Land, Tuen Mun  
(RNTPC Paper No. Y/TM/10)

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125.            The Secretary reported that AECOM, Environ Hong Kong Ltd. and Urbis Ltd. were three of the consultants of the applicant. The following Members had declared interests in this item :

Mr. Ivan C.S. Fu            – had current business dealings with AECOM, Environ Hong Kong Ltd. and Urbis Ltd.

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

126.            The Committee noted that Mr. Fu and Ms. Lai had already left the meeting.

127.            The Secretary also reported that on 19.12.2012, the applicant requested the Board to defer making a decision on the application for two months in order to allow time for preparation of supplementary information to address the comments of government departments relating to the air ventilation, visual, landscape and tree, traffic and drainage issues on the application.

128. 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.

[Mr. Vincent T.K. Lai, Mr. Ernest C.M. Fung, Mr. K.C. Kan, 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 39**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL/194                      Proposed Flat (Home Ownership Scheme Development)  
in “Residential (Group E)1” zone,  
Wang Yip Street West, Tung Tau, Yuen Long  
(RNTPC Paper No. A/YL/194)

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

Mr. K.K. Ling                      –    being a member of the Strategic Planning  
(the Chairman)                      Committee and Building Committee of  
as the Director of Planning        HKHA

Professor Edwin H.W. Chan    –    being a member of the Building Committee of  
HKHA

- Mr. H.F. Leung – had business dealings with the Housing Department (HD), which was the executive arm of HKHA
- Ms. Janice W.M. Lai – had business dealings with HKHA
- Dr. Wilton W.T. Fok – was a consultant in a feasibility study (completed in 2009) commissioned by HKHA

130. Members noted that Professor Edwin Chan, Mr. H.F. Leung, Ms. Janice Lai and Dr. Wilton Fok had already left the meeting. As the Committee considered that the interest of the Chairman was direct and should leave the meeting temporarily during the discussion and deliberation of this application, the Vice-chairman took up the Chairmanship of the meeting at this point.

[The Chairman left the meeting temporarily at this point.]

#### Presentation and Question Sessions

131. 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 flat (Home Ownership Scheme (HOS) development) - the applicant explained that the proposed plot ratio of about 3 and building height at about 40mPD of the currently proposed HOS development were below the permitted maximum plot ratio of 5 and building height of 85mPD under the Outline Zoning Plan because the site was underlain by cavernous marble and subject to severe geotechnical conditions including cavities within marble in some locations, which would affect the load carrying capacity and design of foundations, and in turn would affect the architectural design and building disposition. The proposed HOS development had taken into account the severe geotechnical conditions in

the foundation design. The currently proposed one site-specific domestic block with 2 wings was considered by HKHA as the optimal design to maximize flat production of the development;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Papers. Concerned government departments had no objection to or adverse comment on the applications;
- (d) the District Officer (Yuen Long) advised that HD had carried out consultations of a proposed HOS development at the site (with a building height of 10 to 30 storeys providing about 300 flats) in the 4<sup>th</sup> Yuen Long District Council (YLDC) meeting on 26.4.2012 and a revised scheme (with a building height of 12 storeys providing about 230 flats) in the 6<sup>th</sup> meeting of the Culture, Recreation, Community Service and Housing Committee of YLDC on 6.11.2012 respectively. The YLDC members were generally supportive of the proposed HOS development at the site;
- (e) during the first three weeks of the statutory publication period, one public comment was received from a YLDC member. The commenter objected to a loss of 70 flats in the current scheme of 229 flats as compared with the originally proposed scheme of 300 flats. He queried why the private developer of the proposed 24-storey private residential development (approved under Application No. A/YL/191) just next to the site could tackle the geotechnical problem but HKHA could not. He suggested that one more 4-storeys building should be erected in between the proposed domestic block to provide 80 flats more to compensate for the loss of 70 flats;
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper. As regards the commenter's suggestion of erecting one more 4-storeys building on the site for providing 80 more flats, the Head of the Geotechnical Engineering Office of Civil Engineering and Development Department advised that the site lay within the Schedule Area No. 2 (i.e.

northwestern part of the New Territories specified in Schedule 5 of the Buildings Ordinance (Cap. 123)). The available site-specific ground investigation data had indicated that the site was underlain by cavernous marble and was under severe geotechnical conditions. Having considered the severe site constraints, the applicant clarified that optimal design solution had been adopted to maximize the flat production of the proposed HOS development.

132. In response to a Member's question on the environmental assessment carried out for the proposed development, Mr. Vincent Lai said that the applicant had conducted an environmental assessment study to assess the environmental impacts of the proposed development and the Director of Environmental Protection had no objection to the application from the environmental perspective.

133. In response to a Member's question on the compatibility of the proposed HOS development with the surrounding environment and the longer term land use planning of the area, Mr. Vincent Lai said that a strip of land along the nullah at the northwestern edge of the Tung Tau Industrial Area, including the application site, had been rezoned from "Other Specified Uses" annotated "Business" to "Residential (Group E)" ("R(E)") in 2011 to facilitate residential developments, subject to satisfactory resolution of the industrial/residential interface problem. To the south of the "R(E)" zone next to the West Rail Long Ping Station, there was a "Comprehensive Development Area" zone with a proposed comprehensive residential development approved by the Committee in 2011. The area would be gradually transformed into a residential neighbourhood in the longer term. The Secretary further said that the rezoning of the strip of land along the nullah to the "R(E)" zone was the recommendation of the 'Area Assessments 2009 of Industrial Land in the Territory' carried out by PlanD. The Area Assessments 2009 had reviewed the industrial land in Hong Kong and recommended that the area near Long Ping Station was suitable for rezoning to residential use. However, as the bus depot on the other side of the road was considered not compatible with the future residential development on the site, the concerned departments had endeavoured to relocate the bus depot with a view to facilitating the residential development.



Deliberation Session

134. 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 11.1.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the design and provision of environmental mitigation measures, as proposed by the applicant, to the satisfaction of the Director of Environmental Protection or of the TPB;
- (b) the submission and implementation of a Landscape Master Plan and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (c) the provision of emergency vehicular access, water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (d) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (e) the design and provision of vehicular access arrangement, car parking and loading/unloading facilities for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB.

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

- (a) the approval of the application did not imply that any proposal on building design elements to fulfill the requirements under the Sustainable Building Design Guidelines, and any proposal on bonus plot ratio and/or gross floor area (GFA) concession for the proposed development would be approved/granted by the Building Authority (BA). The applicant should

approach the Buildings Department direct to obtain the necessary approval. If the building design elements and the GFA concession were not approved/granted by the BA and major changes to the current scheme were required, a fresh planning application to the TPB might be required; and

- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department that the applicant was required to apply to this office for a land grant for implementing the proposed development. However, there was no guarantee that the land grant application would eventually be approved. Such application, if approved, would be subject to such terms and conditions as might be imposed.

[The Chairman returned to the meeting at this point.]

#### **Agenda Item 40**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/397            Temporary Public Vehicle Park for Private Car and Light Goods Vehicle for a Period of 3 Years in “Green Belt” and “Village Type Development” zones, Lots 39 RP (Part), 40 RP, 42 (Part), 43 S.B (Part), 43 S.C (Part), 43 S.D (Part), 43 S.E (Part), 43 S.F (Part) and 43 S.G (Part) in D.D. 122 and Adjoining Government Land, Ping Shan, Yuen Long  
(RNTPC Paper No. A/YL-PS/397A)

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

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

- (a) background to the application;

- (b) the temporary public vehicle park for private car and light goods vehicle for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from the landowner of Lots 43 S.C, 43 S.D, 43 S.E, 43 S.F and 43 S.G in D.D. 122. The landowner objected to the application on the grounds that the applicant had not been authorized by him to enter and use the site for car parking and other purposes. 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 as detailed in paragraph 12 of the Paper. As regards the objection from the landowner on the unauthorized occupation of his land by the applicant, an advisory clause would be added to request the applicant to resolve the land issues with the concerned owner(s) of the site.

137. Members had no question on the application.

#### Deliberation Session

138. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 11.1.2016, 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 dismantling, repairing of vehicles or other workshop activities were allowed on site at any time during the planning approval period;

- (c) no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, and coaches were allowed to be parked on the site at any time during the planning approval period;
- (d) the existing landscape planting on the site should be maintained at all times during the approval period;
- (e) the drainage facilities implemented under planning application No. A/YL-PS/332 should be maintained at all times during the approval period;
- (f) the submission of the 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 11.7.2013;
- (g) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.7.2013;
- (h) in relation to (g) above, the implementation of fire service installations proposed within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.10.2013;
- (i) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and

- (k) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the lots within the site were Old Scheduled Agricultural Lots held under the Block Government Lease under which no structures were allowed to be erected without prior approval from his office. No approval was given for the proposed specified structures as ancillary office and shelter. No permission had been given for the proposed use and/or occupation of the Government Land (GL) within the application site. The applicant's attention was drawn to the fact that the act of occupation of GL without Government's prior approval should not be encouraged. The private land of Lot 39 RP in D.D. 122 was covered by Short Term Waiver No. 3362 which allowed the use of the land for the purpose of ancillary office to the vehicle park with permitted built-over-area (B.O.A.) not exceeding 130m<sup>2</sup> and height not exceeding 4.27m above the level of ground. A permit of MT/LM 7761 was issued for the erection of structures on Lots 40 RP and 42 in D.D. 122 for agricultural purposes. If structures of other purposes were found on the above lots, his office would consider termination of the permit as appropriate. Access to the application site required traversing through private lot and/or GL. His office provided no maintenance work for the GL involved and did not guarantee right-of-way. As the north-western part of the site was within West Rail Protection Boundary, the Railway Development Office (RDO) of Highways Department (HyD) should be consulted for any interface problem. The application site was not located within village 'environs' boundary. The lot owner concerned would need to apply to LandsD to permit any additional/excessive structures to be erected or regularize any

irregularities on site. The applicant had to either exclude the GL portion from the application site or apply for a formal approval prior to the actual occupation of the GL portion. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including, among others, the payment of premium or fee, as might be imposed by LandsD;

- (c) to adopt the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department;
- (d) to note the comments of the Commissioner for Transport that sufficient manoeuvring spaces should be provided within the site. No vehicle was allowed to queue back to public road or reverse onto/from the public road. The section of Yung Yuen Road leading to the subject site fell outside Transport Department’s purview. Its land status should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, HyD that the application site fell within the Railway Protection Zone of West Rail. The proposed access arrangement of the application site from Ha Mei San Tsuen Road should be commented and agreed by Transport Department. Adequate drainage measures should be provided to prevent surface water flowing from the application site to the nearby public roads/drains. HyD should not be responsible for the maintenance of any access connecting the site and Ha Mei San Tsuen Road.
- (f) 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 for his approval. In formulating FSIs proposal for the proposed structures, the applicant was advised to make reference to the requirements that for other storages, open sheds or enclosed structure with total floor area less than 230m<sup>2</sup> with access for emergency vehicles to reach 30m travelling distance to structures, portable hand-operated approved appliance should be provided as required by occupancy and should be clearly indicated on plans, the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of where the proposed FSI to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSI as prescribed in the above, the applicant was required to provide justifications to his Department for consideration;

- (g) 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 application site and BD was not in a position to offer comments on their suitability for the use related to the application. If the existing structures were erected on leased land without approval of the BD (not being New Territories Exempted Houses), 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 and open sheds as temporary buildings) were to be carried out on the application 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 coordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action might be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application 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 on 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;

- (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. For application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines; and
- (i) to note the comments of the Chief Engineer/Railway Development 2-3, RDO, HyD that the Mass Transit Railway Corporation Ltd. requirements and safety practice with respect to the operation and maintenance of West Rail Line should be followed.

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



**Agenda Item 41**

**Section 16 Application**

[Open Meeting]

A/YL-HT/829

Proposed Temporary Precast Building Fabrication Workshop with Ancillary Open Storage, Warehouse and Office for a Period of 3 Years in “Undetermined” zone, Lots 1808 RP (Part), 1809, 1816 to 1818, 1819 (Part), 1820 to 1823, 1824 S.A RP, 1824 S.B RP, 1824 S.C and 1825 (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/829)

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140. The Secretary reported that Mr. Ivan C.S. Fu had declared an interest in this item as he had current business dealings with Environ Hong Kong Ltd., one of the consultants of the applicant. The Committee noted that Mr. Fu had already left the meeting.

141. The Secretary also reported that on 27.12.2012, the applicant requested the Board to defer making a decision on the application for two months in order to allow time for preparation of supplementary information to address the comments of government departments on the application.

142. 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 42**

**Section 16 Application**

[Open Meeting]

A/YL-HT/831            Proposed Temporary Open Storage of Containers and Container Tractors Park for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 71, 72 (Part), 140 (Part), 141 (Part), 142 (Part), 143 (Part), 144 (Part), 145, 148 (Part), 149 (Part), 150 (Part) , 151, 152 (Part), 153 (Part), 157 (Part) and 158 (Part) in D.D. 125, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/831)

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143.            The Secretary reported that on 27.12.2012, the applicant requested the Board to defer making a decision on the application for two months in order to allow time for preparation of supplementary information on environmental aspect.

144.            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 43**

**Section 16 Application**

[Open Meeting]

A/YL-LFS/239

Temporary Open Storage of Metal Ware, Construction Machinery and Material, Recyclable Materials (including Metal and Plastic) with Ancillary Workshop, Trailer Parking and Ancillary Canteen for a Period of 3 Years in “Residential (Group E)” zone, Lots 2176 (Part), 2177 (Part), 2178 (Part), 2179 (Part), 2180 (Part), 2181 RP (Part), 2191 (Part), 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199 (Part), 2200, 2201 (Part), 2203, 2204 S.A (Part), 2225 (Part), 2228 S.A (Part), 2228 S.B (Part), 2334 (Part), 2336 S.A (Part), 2336 S.B (Part), 2337 (Part), 2338, 2339 S.A (Part), 2340, 2341 (Part), 2342, 2343, 2344 S.A (Part), 2344 S.B (Part), 2344 S.C, 2349 (Part), 2350, 2351 (Part), 2352 (Part), 2353 (Part), 2364 (Part), 2365 (Part), 2366 S.A (Part), 2366 RP (Part), 2367, 2368, 2369, 2370, 2371, 2373 S.A, 2373 RP (Part), 2374, 2375, 2376 S.A, 2376 S.B (Part), 2376 S.C (Part), 2377, 2378 RP (Part) and 3450 (Part) in D.D. 129, Lau Fau Shan, Yuen Long (RNTPC Paper No. A/YL-LFS/239A)

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145. The Secretary reported that on 28.12.2012, the applicant requested the Board to defer making a decision on the application for two months in order to allow time for his consultant to finalize the fire service installations proposal and respond to the comments of the Chief Town Planner/Urban Design and Landscape of Planning Department on the application.

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

**Agenda Item 44**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/827 Temporary Open Storage of Construction Machinery and Materials, and Scrap Metal with Ancillary Packaging Activities for a Period of 3 Years in “Undetermined” zone, Lots 1668 S.B RP (Part), 1831 (Part), 1834 (Part), 1835 (Part), 1836 (Part), 1839, 1840, 1841 S.A, 1841 S.B, 1842 (Part), 1846 (Part), 1852 RP (Part), 1853, 1854, 1855, 1856, 1857 RP (Part), 1864 RP, 1881, 1882 RP, 1883, 1884 RP, 1885, 1886, 1887, 1888, 1889, 1890, 1891 RP, 1893 RP, 1894, 1895 RP, 1911, 1912 RP (Part), 1913 RP (Part), 1914 (Part), 1959 S.A RP (Part), 1967 S.B RP (Part), 1968 (Part), 1969 (Part), 1970, 1971 RP (Part), 1972, 1973, 1974, 1975 RP, 1976 RP, 1977, 1978, 1979, 1980 RP, 1986 RP (Part), 1988 RP, 1989 RP (Part), 1990, 1991 RP and 1992 RP in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-HT/827)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary open storage of construction machinery and materials, and scrap metal with ancillary packaging activities for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site (the closest residential dwelling in Sha Chau Lei to the south across Ping Ha Road was about 50 m

away) and environmental nuisance was expected. Other concerned departments had no objection to or adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, one public comment was received from a Yuen Long District Council (YLDC) member relaying a strong objection from the Locwood Court Estate Owners' Committee to the application on the grounds that the development would cause adverse environmental problems and nuisance to the residents of Tin Shui Wai and create adverse traffic, drainage and environmental impacts on the surrounding areas; approval of the application would set an undesirable precedent for similar applications; and as the "Undetermined" zone was subject to the long-term planning study of the Hung Shui Kiu New Development Area, piecemeal development would jeopardize the long-term development of the area, even on a temporary basis. 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 as detailed in paragraph 12 of the Paper. The environmental concerns of DEP could be addressed by approval conditions restricting the operation hours, prohibiting workshop activities other than ancillary packaging and prohibiting handling of hazardous electrical/electronic appliances/components. As regards the strong objection from the Locwood Court Estate Owners' Committee to the application as relayed by a YLDC member, it was noted that the nearest residential building of Locwood Court Estate was located to the north east of the site about 200m away, and relevant government departments, including the Chief Engineer/Mainland North of Drainage Services Department, the Commissioner for Transport, the Chief Highway Engineer/New Territories West of Highways Department and the Commissioner of Police, had no adverse comment on the application.

148. Members had no question on the application.

Deliberation Session

149. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 11.1.2016, 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 operation on Sundays or public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no cutting, dismantling (dismantling of electrical/electronic appliances in particular), melting, cleansing, repairing and workshop activity, other than ancillary packaging activities under application, was allowed on the site during the planning approval period;
- (d) no handling (including loading, unloading and storage) of hazardous electrical/electronic appliances/components, including cathode-ray tubes (CRT), CRT computer monitors/television sets and CRT equipment was allowed on the site during the planning approval period;
- (e) the existing drainage facilities implemented under the previous approved application No. A/YL-HT/716 should be maintained during the planning approval period;
- (f) no vehicle queuing was allowed back to public road or no vehicle reversing into/from the public road was allowed at all times during the planning approval period;
- (g) the submission of a condition record of the existing drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.7.2013;

- (h) the submission of a tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 11.7.2013;
- (i) in relation to (h) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 11.10.2013;
- (j) 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 11.7.2013;
- (k) in relation to (j) 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 11.10.2013;
- (l) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 11.7.2013;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e) and (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; and
- (n) if any of the above planning conditions (g), (h), (i), (j), (k), and (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.

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

- (a) the permission was given to the use/development under application. It did not condone to the open storage of electrical/electronic appliances/wastes

(including but not limited to cathode ray tube monitors/television sets) 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;

- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application 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 land under the site comprised Old Scheduled Agricultural Lots held under the Block Government Lease which contained the restriction that no structure was allowed to be erected without the prior approval of the Government. No permission had been granted for the proposed use and/or occupation of the Government Land (GL) within the site and the act of occupation of GL without Government's prior approval should not be encouraged. The lot owner concerned would still need to apply to him to permit any additional/excessive structures to be erected or regularized any irregularities on site. The applicant had to either exclude the GL portion from the site or apply for a formal approval prior to actual occupation of GL portion. Such applications would be considered by the LandsD acting in the capacity as landlord at its sole discretion. If the application was approved, it would be subject to such terms and conditions, including among others, the payment of premium/fees, as might be imposed by LandsD. Access to the site required traversing through private land or GL. He did not provide maintenance works for the GL involved or guarantee right-of-way;
- (e) to follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Director of Environmental Protection to minimize the possible environmental impacts on the nearby sensitive receivers;



- (f) to note the comments of the Commissioner for Transport (C for T) that sufficient manoeuvring spaces should be provided within the site;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the proposed access arrangement of the site from Ping Ha Road should be commented and approved by the Transport Department; adequate drainage measures should be provided to prevent surface water running from the site to the nearby public road and drains; and HyD should not be responsible for the maintenance of any access connecting the application site and Ping Ha Road;
- (h) to note the comments of the Director of Fire Services on the requirements of formulating the fire service installations (FSIs) proposals as stated in Appendix V of the RNTPC Paper. Detailed fire safety requirements would be formulated upon receipt of formal submission of layout plan(s). The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs were to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSI, the applicant was required to provide justifications to him for consideration;
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of planning approval should not be construed as an acceptance of the unauthorized structures on the site under the Buildings Ordinance (BO). Enforcement action might be taken to effect the removal of all unauthorized works should circumstances require. The existing structures that apparently had not obtained approval under the BO should be removed. The shelters and offices were considered as temporary buildings which were subject to control under Building (Planning) Regulations (B(P)R) Part VII. Formal submission under the BO was required for any proposed new works, including any temporary structures. The site should be provided with means of obtaining access thereto from a street under B(P)R 5 and emergency vehicular access should be provided under B(P)R 41D. If the site was not abutting on 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;

- (j) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should adopt good site practices and necessary water control measures to avoid causing disturbance to the watercourses nearby; and
  
- (k) to note the comments of Chief Engineer/Development (2), Water Supplies Department (WSD) that existing water mains within the site would be affected. The applicant should bear the cost of any necessary diversion works affected by the proposed development. In case it was not feasible to divert the affected water mains, Waterworks Reserve with 1.5m measuring from the centreline of the affected water main should be provided to WSD. No structure should be erected over the Waterworks Reserve and such area should not be used for storage or car parking purposes. The Water Authority and his officers and contractors, his or their workman should have free access at all time to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might required or authorized.

**Agenda Item 45**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/830            Temporary Vehicle Park for Private Cars, Light and Heavy Goods Vehicles and Container Tractors/Trailers with Ancillary Freight Forwarding Facility, Vehicle Repair Workshop and Open Storage of Scrap Metal for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 805 S.B RP, 807 RP, 808 RP, 809 RP (Part), 813 RP (Part), 814 RP (Part), 815 (Part) and 816 S.B RP (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/830)

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Presentation and Question Sessions

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

- (a)    background to the application;
  
- (b)    the temporary vehicle park for private cars, light and heavy goods vehicles and container tractors/trailers with ancillary freight forwarding facility, vehicle repair workshop and open storage of scrap metal for a period of 3 years;
  
- (c)    departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses of isolated residential dwellings in the vicinity of the site (about 25m away) and along the access road of Ping Ha Road and environmental nuisance was expected. Other concerned departments had no objection to or adverse comment on the application;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (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 as detailed in paragraph 12 of the Paper. The environmental concerns of DEP could be addressed by approval conditions restricting the operation hours and prohibiting storage and handling of electric/electronic wastes.

152. Members had no question on the application.

#### Deliberation Session

153. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 11.1.2016, 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 approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no handling (including loading, unloading and storage) of electrical/electronic appliances/components, including 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;
- (d) no vehicle without valid licence/registration, as proposed by the applicant, was allowed to be parked on the site during the planning approval period;

- (e) no material/vehicle was allowed to be stored/parked within 1m of any tree on the site, as proposed by the applicant, during the planning approval period;
- (f) no vehicle queuing was allowed back to public road or no vehicle reversing into/from the public road was allowed at all times during the planning approval period;
- (g) the existing drainage facilities on-site should be maintained at all times during the planning approval period;
- (h) the submission of a condition record of the existing drainage facilities within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.7.2013;
- (i) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 11.7.2013;
- (j) in relation to (i) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 11.10.2013;
- (k) the submission of a tree preservation proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 11.7.2013;
- (l) in relation to (k) above, the implementation of the tree preservation proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 11.10.2013;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) 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;

- (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 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.

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

- (a) the permission was given to the use/development under application. It did not condone to the open storage of electrical/electronic appliances/wastes (including but not limited to cathode ray tube monitors/television sets) 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;
- (b) planning permission should have been obtained before commencing the development on-site;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (d) the site should be kept in a clean and tidy condition at all times;
- (e) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site was situated on Old Scheduled Agricultural Lots held under the Block Government Lease which contained the restriction that no structure was allowed to be erected without the prior approval of the Government. The lot owner would need to apply to him to permit any additional/excessive structures to be erected or regularize any

irregularities on-site. The occupier would also need to exclude the Government land (GL) portion from the site or apply to him for a formal approval prior to the actual occupation of the GL portion. Such application would be considered by the LandsD acting in the capacity as landlord at its sole discretion. If the application was approved, it would be subject to such terms and conditions, including among others, the payment of premium/fees, as might be imposed by LandsD. He did not guarantee right-of-way for access to the site from Ping Ha Road via a local track on GL and Government Land Allocation No. TYL 825. The Chief Engineer/Land Works of Civil Engineering and Development Department should be consulted on any interface problem/issue with the 'Ping Ha Road Improvement – Remaining 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 minimize any potential environmental nuisance;
- (g) to note the comments of the Commissioner for Transport that sufficient manoeuvring spaces should be provided within the site;
- (h) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the proposed access arrangement of the site from Ping Ha Road should be commented and approved by the Transport Department. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains through the run in/out. HyD should not be responsible for the maintenance of any access connecting the site and Ping Ha Road;
- (i) to note the comments of the Director of Fire Services that the applicant should submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to him for approval. 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. Detailed fire safety requirements would be formulated upon receipt of formal submission of layout plan(s). 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 (BD) that enforcement action might be taken by the Building Authority (BA) to effect the removal of unauthorized building works (UBW) erected on the site in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as acceptance of any existing building works or UBW on the site under the Buildings Ordinance (BO). Formal submission under the BO was required for any proposed new building works, including any temporary structures. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. The converted containers and shed for temporary office and loading/unloading uses were considered as temporary buildings, and were subject to control under Building (Planning) Regulations (B(P)R) Part VII. Prior approval and consent of the BA should be obtained before any new building works were to be carried out on the site. If the site was not abutting on a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage. The site should be provided with means of obtaining access from a street under B(P)R 5 and emergency vehicular access should be provided under B(P)R 41D.

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



**Agenda Item 46**

**Section 16 Application**

[Open Meeting]

A/YL-MP/205

Proposed House Development, Minor Relaxation of Building Height Restriction and Filling and Excavation of Land for Site Formation Only (Proposed Amendments to an Approved Scheme) in “Residential (Group D)” zone, Lots 3054 S.A RP, 3098 RP (Part), 3108 (Part), 3109 (Part), 3100 (Part), 3110, 3111, 3112, 3113, 3114, 3115 RP, 3119 RP, 3122 RP, 3123, 3124, 3126, 3131 S.A, 3131 S.B, 3131 S.C, 3131 S.D, 3131 RP, 3132, 3138, 3146, 3147 RP (Part), 3148, 3150 RP, 3156 RP, 3158 RP, 3162, 3163, 3164 S.A, 3164 RP, 3167, 3168, 3171, 3173, 3176, 3177, 3178, 3179, 3180 RP, 3181 RP, 3182 RP, 3189 RP, 3190, 3191, 3192 RP, 3193RP and 3194 RP in D.D. 104 and Adjoining Government Land, Mai Po, Yuen Long (RNTPC Paper No. A/YL-MP/205A)

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155. The Secretary reported that the application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHKP), and TMA Planning and Design Ltd., AECOM Asia Co. Ltd., ENVIRON Hong Kong Ltd. and Urbis Ltd. were four of the consultants of the applicant. The following Members had declared interests in this item :

Mr. Ivan C.S. Fu – had current business dealings with SHKP, TMA, AECOM, ENVIRON and Urbis

Ms. Janice W.M. Lai – had current business dealings with SHKP, AECOM and Urbis

156. The Committee noted that Mr. Fu and Ms. Lai had already left the meeting.

157. The Secretary also reported that on 19.12.2012, the applicant requested the Board to defer making a decision on the application for two months in order to allow time for preparation of supplementary information to address the visual impact of the noise barrier.

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

### **Agenda Item 47**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/242 Proposed Temporary Recyclable Collection Centre for Metal for a Period of 2 Years in “Green Belt” and “Residential (Group E)” zones, Lots 212 RP, 231 RP, 232, 233, 234, 235, 236 RP, 237, 238, 239, 243, 244, 245, 246 S.A, 246 S.B, 246 RP, 247, 248 and 249 in D.D. 130 and Adjoining Government Land, San Hing Tsuen, Tuen Mun  
(RNTPC Paper No. A/TM-LTY Y/242A)

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

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

- (a) background to the application;
- (b) the proposed temporary recyclable collection centre for metal for a period of 2 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 expected that the proposed use would give rise to traffic noise nuisance and thus should not be supported from the environmental perspective. According to the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”, the proposed use was environmentally undesirable in that the proposal would generate traffic of heavy goods vehicles and the distance between the proposed use and the nearest residential development was within 100m;
  
- (ii) the Commissioner for Transport noted that the site was quite large. The ingress/egress was via Hong Po Road which was a single 2-lane carriageway of about 6m wide with sharp road bends. The proposed use would attract heavy goods vehicles and cause safety concerns and nuisance to the nearby residents/road users. If insufficient space was allocated within the site for traffic manoeuvring, it might cause queuing along Hong Po Road. According to the submitted information, he had doubt for smooth maneuvering of heavy goods vehicles within the site using the 10m diameter turning circles. The applicant should provide swept path analyses, detailed estimation of the trips generation and any proposed run-in/run-out design at Hong Po Road to demonstrate that the site was suitable to be used as a recyclable collection centre and would not cause adverse traffic impact to Hong Po Road. In the vicinity of the site, there already existed other permitted land use for container storage purpose. In view of the inherent condition of Hong Po Road, cumulative traffic was unlikely to be bearable and strong public objection was expected; and
  
- (iii) the Chief Town Planner/Urban Design and Landscape of Planning Department had reservation on the application as it was noted that the western half of the site was fallow land in 2007 with a large number of trees of significant size. The area was disturbed since then with all the trees removed and the area hard paved. Noticeable change and disturbance to the existing landscape character and resources of

the green belt had been caused. Approval of the application would likely attract similar applications for non-compatible uses encroaching into the green belt that would further deteriorate its landscape quality and undermine the intactness of the “Green Belt” (“GB”) zone;

- (d) during the first three weeks of the statutory publication period, 59 public comments were received, including 1 from the Tuen Mun Rural Committee, 1 from the Owners Committee of Villa Pinada, 1 from the residents of Tuen Tsz Wai, Tsing Chuen Wai and San Hing Tsuen, 10 from the residents of Villa Pinada, 13 from other nearby residents and 33 from individuals. All the public comments strongly objected to or raised concerns on the application. The main reasons of objections were that the proposed development was in close proximity to Villa Pinada and other residential dwellings; it would generate adverse traffic, environmental, drainage, sewerage and hygienic impacts on the surrounding areas; the development involved unauthorized use of Government land for private interests; the operation of the recyclable collection centre might attract more illegal operations in the local area; and the development would seriously affect the graves of the villagers’ ancestors and the *fung shui* of the local villages. No local objection/view was received by the District Officer (Yuen Long); and
  
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 12 of the Paper. The proposed development was not in line with the planning intentions of the “R(E)” and “GB” zones; the application did not comply with the planning criteria for Category 4 areas under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13E) and the Town Planning Board Guidelines for Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance (TPB PG-No.10); the proposed development was incompatible with the nearby residential dwellings, agricultural land and the rural setting of the general area; as the

last two previous applications for temporary warehouse and open storage uses at the site were rejected by the Board or the Committee and no similar application had been approved in the same “R(E)” and “GB” zones, the approval of the application would set an undesirable precedent for similar applications; and there were 59 public comments raised objection to and concerns on the application mainly on the environment and traffic grounds.

160. Members had no question on the application.

### Deliberation Session

161. 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 “Residential (Group E)” (“R(E)”) zone which was intended for phasing out of existing industrial uses through redevelopment for residential use. It was also not in line with the planning intention of the “Green Belt” (“GB”) zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. No strong justification had been given in the submission for a departure from such planning intentions, even on a temporary basis;
- (b) the proposed development was not compatible with the general rural character of the surrounding areas, in particular the residential and agricultural uses to the northwest, northeast and southwest of the site;
- (c) the application did not comply with the Town Planning Board Guidelines for Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10) in that there was a general presumption against development within “GB” zone and there were no exceptional circumstances that warrants approval of the application;

- (d) the proposed development did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13E) in that the application site fell within Category 4 areas;
- (e) the applicant failed to demonstrate that the proposed development would not generate adverse environmental, traffic, drainage and landscape impacts on the surrounding areas; and
- (f) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “R(E)” and “GB” zones. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

**Agenda Item 48**

**Section 16 Application**

[Open Meeting]

A/TM-LTY Y/246 Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Village Type Development” zone, Lots 1504 (Part) and 1505 (Part) in D.D. 130, Tsing Chuen Wai, Tuen Mun (RNTPC Paper No. A/TM-LTY Y/246)

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162. The Secretary reported that on 7.1.2013, the applicant requested the Board to defer making a decision on the application for two months in order to allow time for preparation of supplementary information to address the comments of government departments on the application.

163. 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 49**

**Section 16 Application**

[Open Meeting]

A/TM-LTY Y/247      Temporary Public Vehicle Park (for Private Cars and Light Goods Vehicles) for a Period of 3 Years in “Village Type Development” zone, Lot 1506 RP (Part) in D.D. 130, Tsing Chuen Wai, Tuen Mun  
(RNTPC Paper No. A/TM-LTY Y/247)

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164.            The Secretary reported that on 7.1.2013, the applicant requested the Board to defer making a decision on the application for two months in order to allow time for preparation of supplementary information to address the comments of government departments on the application.

165.            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 50**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/252 Temporary Open Storage of Scrap Metal and Waste Paper (For Recycling) with Ancillary Office and Weighting Station for a Period of 3 Years in “Residential (Group B) 1” zone, Lot 771 RP in D.D. 130 and Adjoining Government Land, Castle Peak Road–Lam Tei, Lam Tei, Tuen Mun  
(RNTPC Paper No. A/TM-LTY Y/252)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary open storage of scrap metal and waste paper (for recycling) with ancillary office and weighting station for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. Concerned departments had no objection to or adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from a Tuen Mun District Council member indicating support to the application. No local objection/view was received by the District Officer (Tuen Mun); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments as detailed in paragraph 12 of the Paper.



167. Members had no question on the application.

Deliberation Session

168. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 11.1.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 6:30 p.m. and 8:00 a.m. from Mondays to Saturdays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) the paving on the site should be maintained at all times during the planning approval period;
- (d) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (e) the provision of fire extinguisher(s) within 6 weeks from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.2.2013;
- (f) the submission of fire service installations proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.7.2013;
- (g) in relation to (f) above, the implementation fire service installations proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.10.2013;
- (h) the submission of the condition record of the existing drainage facilities on

site as previously implemented under planning Application No. A/TM-LTYT/195 within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.7.2013;

- (i) the submission of tree preservation proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 11.7.2013;
- (j) in relation to (i) above, the implementation of tree preservation proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 11.10.2013;
- (k) the provision of fencing of the site within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 11.7.2013;
- (l) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (m) if any of the above planning conditions (e), (f), (g), (h), (i), (j) or (k) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (n) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to resolve any land issues relating to the development with the owner(s) of the application site;

- (b) the planning permission was given to the structure under application. It did not condone any other structures which currently occur on the site but not covered by the application. The applicant should be requested to take immediate action to remove such structures not covered by the permission;
  
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that before any new building works (including containers/open sheds as temporary buildings) were to be carried out on the site, the prior approval and consent of the BD should be obtained, otherwise they were unauthorized building works (UBW). An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the Buildings Ordinance (BO). For the UBW erected on leased land, enforcement action might be taken by the BD to effect their removal in accordance with BD's enforcement policy against 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 on 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;
  
- (d) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding area;
  
- (e) to note the comments of the Director of Environmental Protection that there was no public sewer available in the vicinity of the site. The applicant was reminded that all wastewater arising from the site should be collected, treated and disposed of in accordance with the Water Pollution Control Ordinance;

- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the applicant should be responsible for his own access arrangement. In addition, adequate drainage measures should be provided to prevent surface water from flowing out from the lot onto public roads;
- (g) to note the comments of the Director of Fire Services at Appendix IV of the RNTPC Paper; 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. 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 to 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 the applicant’s contractors when carrying out works in the vicinity of the electricity supply lines.

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

**Agenda Item 51**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/397 Proposed Temporary Back-up Warehouses (Storage of New Electrical Components and Garments in Packed Boxes) for a Period of 3 Years in “Agriculture”, “Industrial (Group D)” and “Village Type Development” zones, Lots 470, 471, 1634 RP (Part), 1635 RP, 1636 RP, 1639, 1640, 1648, 1650, 1669 (Part), 1670 (Part), 1672, 1674, 1675, 1676, 1715 (Part), 1718 (Part) and 1720 (Part) in D.D. 107 and Adjoining Government Land, San Tam Road, Fung Kat Heung, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/397)

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**Presentation and Question Sessions**

170. 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 back-up warehouses (storage of new electrical components and garments in packed boxes) for a period of 3 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) did not support the application as the site was an abandoned land with high potential for agricultural rehabilitation;
  - (ii) the Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L of PlanD) had some reservation on the application as the area to the south of the “Industrial (Group D)” (“I(D)”)”

zone was predominately rural in character without similar open storage uses. Approval of the application would set an undesirable precedent for other similar application in the area and the only buffer between the “Village Type Development” (“V”) zone and the “I(D)” zone would be destroyed resulting in urban sprawl and further degradation of landscape quality; and

- (iii) the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. existing residential dwellings/structures, located to the north (about 43m away) and south (i.e. Sha Po Tsuen) and in the vicinity of the site, and environmental nuisance was expected. Moreover, three substantiated environmental complaints related to waste and other aspects were received in the past three years;
- (d) during the first three weeks of the statutory publication period, 34 public comments were received from the village representative of Sha Po Tsuen, the villagers of Sha Po Tsuen and the Incorporated Owners (IO) of Tai Loi Garden. All the commenters objected or strongly objected to the application as the proposed development involving a large site area and use of heavy vehicles would cause adverse drainage, environmental, traffic and ecological impacts, noise nuisance as well as flooding and fire safety problems. Besides, the land owned by the villagers in the vicinity would be occupied for use without the villagers’ consents and the site was illegally filled in 2008. The IO of Tai Loi Garden was also of the view that the “I(D)” zone was not designated according to the relevant planning guidelines thereby causing various adverse environmental problems (noise, dust, waste, etc.) to the local residents. The District Officer (Yuen Long) had received seven public comments from the villagers of Sha Po Tsuen which were same as seven of public comments received during the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 11 of the Paper. The

proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) and “V” zones; the proposed warehouse with a site area of about 11,237m<sup>2</sup> and the use of heavy goods vehicles (not exceeding 24 tonnes) for its operation was not compatible with the residential dwellings/village houses and agricultural land in the vicinity, particularly Sha Po Tsuen is in close proximity of the site (about 40m away) to the south; as the site was currently covered with vegetation, it would serve as a buffer between the residential dwellings/village houses in the “V” zone and the industrial-related use in the “I(D)” zone; there were adverse comments from DAFC, DEP and CTP/UD&L of PlanD on the application; no drainage proposal or assessment was submitted by the applicant to demonstrate no adverse drainage impact; though similar applications (No. A/YL-KTN/320 and 379) covering the same site were approved in 2009 and 2012, they were in small scale with site area of about 37m<sup>2</sup> and were located to the northwest of the site away from the “V” zone; approval of the current application would set an undesirable precedent for similar applications within the “AGR” and “V” zones; and there were 34 local objections to the application mainly on ecological, environmental, drainage, traffic and fire safety ground.

171. Members had no question on the application.

#### Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone which was to retain and safeguard good quality agricultural land for agricultural purpose respectively and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. It was also not in line with the planning intention of the “Village Type Development” (“V”) zone which was to

reflect the existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. No strong planning justification had been given in the submission to justify for a departure from the planning intentions, even on a temporary basis;

- (b) the proposed development would pose adverse environmental impact on the residential uses located to the north and south and in the vicinity of the site, and would generate adverse landscape and drainage impacts on the surrounding areas; and
- (c) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” and “V” zones. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

## **Agenda Item 52**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/587      Proposed House (New Territories Exempted House - Small House)  
in “Agriculture” zone, Lot 210 S.A ss.3 S.A in D.D. 106,  
Tin Sum Tsuen, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-KTS/587)

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### **Presentation and Question Sessions**

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

- (a) background to the application;



- (b) the proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. Concerned departments had no objection to or adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 12 of the Paper.

174. Members had no question on the application.

#### Deliberation Session

175. 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 11.1.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of a landscaping proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB.

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

- (a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the proposed development should not cause adverse drainage impact on the adjacent area;

- (b) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department was not responsible for the maintenance of any existing vehicular access connecting the site and Kam Po Road;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all non-exempted ancillary site formation and/or communal drainage works were subject to compliance with the Buildings Ordinance. Authorized Person must be appointed for the site formation and communal drainage works;
- (d) 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, prior consultation and arrangement with the electricity supplier was necessary 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. 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 prior to establishing any structure within the sites. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines; and
- (e) to note the comments of the Director of Fire Services that the applicant should observe the “New Territories Exempted Houses – A Guide to Fire Safety Requirements” issued by Lands Department (LandsD). Detailed

fire safety requirements would be formulated upon receipt of formal application referred by the LandsD.

**Agenda Item 53**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/588      Temporary Warehouse for Storage of Building Material Products for a Period of 3 Years in “Residential (Group D)” zone, Lot 1336 S.A (Part) in D.D. 106, Kong Ha Wai, Kam Sheung Road, Pat Heung, Yuen Long (RNTPC Paper No. A/YL-KTS/588)

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Presentation and Question Sessions

177.      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 building material products for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from a Yuen Long District Council (YLDC) member expressing concerns on the application as Kam Shueng Road was a very busy road and the development involving the use of heavy vehicles would worsen the existing traffic. The District Officer (Yuen Long) had also received the same comment from the YLDC member; 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 as detailed in paragraph 11 of the Paper.

178. Members had no question on the application.

#### Deliberation Session

179. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 11.1.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance was allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (d) no dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities were allowed on the site at any time during the planning approval period;
- (e) no reversing of vehicle into or out from the site at any time during the planning approval period;
- (f) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.4.2013;

- (g) in relation to (f) above, the provision of drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.7.2013;
- (h) the provision of boundary fencing within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 11.4.2013;
- (i) the submission of tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 11.4.2013;
- (j) in relation to (i) above, the implementation 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 11.7.2013;
- (k) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.4.2013;
- (l) in relation to (k) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.7.2013;
- (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 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issues relating to the development with the concerned owners of the site;
- (c) shorter compliance periods were imposed to monitor the progress of compliance. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site under application comprised Old Scheduled Agriculture Lot held under the 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 to the proposed specified structures as office and warehouse. Modification of Tenancy (MOT) No. 22953 was issued for the erection of structures over Lots 1277 S.A and 1336 S.A in D.D. 106 for domestic and agricultural purposes. If structures of else purposes were found on the above lots, LandsD would arrange to terminate the MOT as appropriate. Access to the site required traversing through private lot and/or Government land (GL). LandsD provided no maintenance work for the GL involved and did not guarantee right-of-way. The lot owner concerned would still need to apply to LandsD to permit any additional/excessive 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 and there was no guarantee that such application would be approved. The application was subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;

- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that the applicant should provide updated photo record for all existing trees within the site planted during previous applications;
- (f) to adopt the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (g) to note the comments of the Commissioner for Transport that the application site was connected to the public road network via a section of a local access road which was not managed by Transport Department. The land status of the local access road should be checked with LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (h) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that HyD was not/should not be responsible for the maintenance of any existing vehicular access connecting the application site and Kam Sheung Road;
- (i) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the development should not generate adverse drainage impact on the adjacent areas. Regarding the drainage proposal plan submitted, the size of the existing drainage pipes with flow direction within and outside the site boundary and the discharge point to the nearby drainage system should be shown on the drainage proposal plan;

- (j) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection in the provision of water supply to the development. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the installation, operation and maintenance of any sub-main within the private lots to WSD's standard;
  
- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures were erected on leased land without approval of the BD (not being New Territories Exempted Houses), they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approval use under the captioned application. Before any new building works (including containers as temporary buildings) were to be carried out on the application site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they were unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action might be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO;
  
- (l) 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 provided. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In addition, the applicant should be advised on the following points: the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and the location of



where the proposed FSI to be installed should be clearly marked on the layout plan. Should the applicant wish to apply for exemption from the provision of certain FSI as prescribed in the above, the applicant was required to provide justification to his department for consideration; and

- (m) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site. 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 PlanD, prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the application site, the application 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 development. 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 54**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/589      Temporary Open Storage of Machinery and Containers for Storing Vehicle Parts and Mechanical Parts for a Period of 3 Years in “Other Specified Uses” annotated “Rural Use” zone, Lot 456 in D.D. 106, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTS/589)

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Presentation and Question Sessions

181. 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 machinery and containers for storing vehicle parts and mechanical parts for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper and were highlighted below :
  - (i) the Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L of Plan had some reservations on the application as the site was densely vegetated with some woodland trees in 2011 but it had been cleared and paved in 2012. Although further impacts on landscape resources was not anticipated, the proposed use, if approved, would encourage more vegetation clearance in the areas, resulting in further degradation of the remaining woodland tree groups within the “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) zone; and
  - (ii) the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. existing residential structures, located to the north and in the vicinity of the site (the nearest one about 20m away), and environmental nuisance was expected;
- (d) during the first three weeks of the statutory publication period, one public comment was received from a Yuen Long District Council (YLDC) member raising concerns on the adverse environmental and traffic impacts on the surrounding areas arising from the development. The District Officer (Yuen Long) had also received the same comment from the YLDC

member; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 12 of the Paper. The development was not in line with the planning intention of the “OU(RU)” zone; the application did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) for Category 3 areas; there were adverse comments from DEP and CTP/UD&L of PlanD on the application; no drainage proposal was submitted by the applicant to demonstrate no adverse drainage impact; while similar applications were approved by the Committee within the same “OU(RU)” zone, they were all subject to previous approvals; approval of the application would set an undesirable precedent for similar uses to proliferate in the “OU(RU)” zone; and there was a local comment expressing concerns on the application on environmental and traffic grounds.

182. Members had no question on the application.

#### Deliberation Session

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

- (a) the development was not in line with the planning intention of the “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) zone which was for the preservation of the character of the rural area. Uses or developments compatible with the rural landscape, such as passive recreation uses and a selected range of rural uses, might be allowed on application to the Board, with a view to upgrading or improving the area or providing support to the local communities. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;

- (b) the application did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that the proposed development was not compatible with the residential dwellings (with the nearest one about 20m away) and agricultural activities near/adjacent to and in the vicinity of the site; there was no previous approval granted at the site; and there were adverse comments from the relevant Government departments;
- (c) the applicant failed to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and
- (d) the approval of the application would set an undesirable precedent for similar uses to proliferate in the “OU(RU)” zone. The cumulative effect of approving such application would result in a general degradation of the environment of the area.

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

**Agenda Item 55**

**Section 16 Application**

[Open Meeting]

A/YL-PH/651                      Temporary Horse Riding School with Ancillary Barbecue Area and Field Study Centre for a Period of 3 Years in “Residential (Group D)” zone, Lots 3037 S.A, 3037 RP (Part), 3039 and 3040 (Part) in D.D. 111 and Adjoining Government Land, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/651A)

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184.            The Secretary reported that on 29.12.2012, the applicant requested the Board to defer making a decision on the application for two months in order to allow time for preparation of supplementary information to address the comments of government

departments on the application relating to the fire services and drainage aspects.

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

### **Agenda Item 56**

#### **Section 16 Application**

[Open Meeting]

A/YL-PH/657 Temporary Open Storage of Soil and Construction Materials with Ancillary Site Office and Staff Rest Room 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 and 1689 S.D (Part) in D.D. 111, Pat Heung, Yuen Long (RNTPC Paper No. A/YL-PH/657)

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186. The Secretary reported that on 9.1.2013, the applicant requested the Board to defer making a decision on the application for one month in order to allow time for preparation of supplementary information to address the comments of government departments on the application.

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

**Agenda Item 57**

**Any Other Business**

188.        There being no other business, the meeting closed at 5:40 p.m.