

## **TOWN PLANNING BOARD**

### **Minutes of 485th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 5.4.2013**

#### **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

Mr. H.F. Leung

Mr. F.C. Chan

Chief Traffic Engineer/New Territories East,  
Transport Department

Mr. K.C. Siu

Principal Environmental Protection Officer (Strategic Assessment)(Atg.),  
Environmental Protection Department  
Mr. Victor W.T. Yeung

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

Ms. Janice W.M. Lai

Ms. Christina M. Lee

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

**In Attendance**

Assistant Director/Town Planning Board  
Miss H.Y. Chu

Town Planner/Town Planning Board  
Ms. Roberta P.Y. Au

**Agenda Item 1**

Confirmation of the Draft Minutes of the 484th RNTPC Meeting held on 15.3.2013

[Open Meeting]

1. The draft minutes of the 484th RNTPC meeting held on 15.3.2013 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

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

**Tuen Mun and Yuen Long District**

**Agenda Item 3**

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/TM/11                      Application for Amendment to the Approved Tuen Mun Outline Zoning Plan No. S/TM/31, to rezone the application site from “Green Belt” and “Other Specified Uses” annotated “Public Recreation and Sports Centre” to “Recreation”, Lot 33 RP in D.D. 300 and Adjoining Government Land, Area 45, Tuen Mun  
(RNTPC Paper No. Y/TM/11)

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Presentation and Question Sessions

3.                      The Secretary reported that Ms. Janice Lai had declared an interest in this item as she had current business dealings with ADI Ltd., one of the consultants of the applicant. Members noted that Ms. Lai had tendered an apology for being not able to attend the meeting. Mr. Ivan Fu also had declared an interest in this item as he had current business dealings with ADI Ltd. and Environ Hong Kong Ltd., another consultant of the applicant. As Mr. Fu had no direct involvement in the application, the Committee agreed that Mr. Fu could stay in the meeting.

Deliberation Session

4.                      Mr. C.C. Lau, STP/TMYL, the representative of the Planning Department, and the following representatives of the applicant were also invited to the meeting at this point :

- Miss Cannis Lee
- Mr. Patrick Lau
- Mr. Alan Lau
- Mr. Tony Chan

5.                      The Chairman extended a welcome and explained the procedures of the hearing.

He then invited Mr. C.C. Lau to brief Members on the background of the application.

### Presentation and Question Sessions

6. Mr. C.C. Lau presented the application with the aid of a powerpoint presentation and made the following main points :

#### The proposal

- (a) the applicant proposed to rezone the application site, mostly zoned “Green Belt” (“GB”) (99.3%) with two small corners zoned “Other Specified Uses” annotated “Public Recreation and Sports Centre” (“OU(PRSC)”) (0.7%), to “Recreation” (“REC”) on the approved Tuen Mun Outline Zoning Plan (OZP) No. S/TM/31. The proposed rezoning was to facilitate the development of a proposed 2-storey (7m) holiday camp with a maximum plot ratio of 0.4, gross floor area (GFA) of about 722.59m<sup>2</sup> and site coverage of 20%. The proposed holiday camp was for public use and was privately run, managed and maintained by the applicant. To preserve the existing landscape on the site, the applicant proposed a greening ratio of 30% and would adopt a ‘no tree felling approach’;

#### Background

- (b) the site was the subject of two previous s.16 Applications No. A/TM/386 and A/TM/399 submitted by the same applicant of the current application. Application No. A/TM/386 for residential use was withdrawn on 28.8.2009. Application No. A/TM/399 for proposed houses was rejected by the Committee on 10.9.2010 mainly due to the non-compliance of the planning intention of “GB” zone, which was to define the limits of urban and suburban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets.

[Mr. Timothy K.W. Ma arrived to join the meeting at this point.]

#### Departmental Comments

- (c) the departmental comments were detailed in paragraph 8 of the Paper and

highlighted below:

- (i) the District Lands Officer/Tuen Mun (DLO/TM) commented that clarification and confirmation should be obtained from the applicant on whether it was the applicant's own initiative to open the holiday camp development for public use and whether the proposed development was intended to remain as privately run, managed and maintained by the applicant. If the Committee agreed to rezone the site and the applicant intended to implement their holiday camp development, the applicant would need to apply to him for a lease modification/land exchange for the proposed holiday camp development;
- (ii) the Director of Leisure and Cultural Services (DLCS) considered that the proposed holiday camp would likely affect the existing horse trail leading to the Tuen Mun Public Riding School. The applicant was requested to undertake adequate measures, including the provision of adequate set-back from the horse trail and measures to ensure that there would be no disruption to the daily operation of the horse trail;
- (iii) the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) commented that the proposed holiday camp was of low-rise development on low-lying ground. With the 'no tree felling' approach and the greening measures proposed by the applicant, it was considered unlikely that the proposal would cause significant adverse visual impact. As such, he had no objection to the proposal from the urban design and visual impact perspectives. From the landscape planning point of view, the proposed holiday camp was not incompatible with the surrounding "REC" zone. Significant disturbance to existing landscaping resources and character was not anticipated as noted in the submitted tree preservation and landscape proposal. Therefore, he had no objection to the proposed rezoning from the landscape

viewpoint. However, he considered that measures to enhance the landscape provision on the site would be required;

- (iv) the Director of Agriculture, Fisheries and Conservation (DAFC) commented that although the proposed development would inevitably result in the clearance of vegetation in a relatively natural area, he had no strong view against the application from the perspective of nature conservation provided that the wooded areas in the vicinity of the site were preserved and there were strong planning justifications;
- (v) the Chief Officer (Licensing Authority), Office of the Licensing Authority, Home Affairs Department (CO, OLA/HAD) commented that the siting of the proposal was considered acceptable from the licensing point of view. The applicant was advised to observe the fire safety installation (FSI) requirements for Institutional Building of the Codes of Practice for Minimum Fire Services Installations and Equipment. The proposed licence area should be physically connected with roads/streets and accessible;
- (vi) the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) had concerns on the application as the site was in an area where no public stormwater drainage connection was available. In case the application was approved, the applicant should submit a drainage proposal to demonstrate how the rain water falling on or flowing to the site would be collected, conveyed and discharged to his satisfaction; and
- (vii) other concerned government departments had no objection to or adverse comments on the application;

#### Local Views

- (d) the District Officer/ Tuen Mun (DO/TM) advised that the double track road

as proposed by the applicant would intersect with a horse trail of the Tuen Mun Public Riding School (TMPRS). The DLCS and TMPRS's views should be sought. As the site was in proximity to Hung Lau, it might affect the development of Hung Lau and the surrounding areas as a heritage site. Tuen Mun District Council had discussed this issue in its past meetings and urged the Antiquities and Monuments Office (AMO) of LCSD to develop the area into an historic theme park. The AMO, LCSD should be consulted on the latest development of this issue;

### Public Comments

- (e) during the three weeks of the statutory public inspection period, two public comments raising objections were received. They were from Kadoorie Farm and Botanic Garden Corporation (KFBGC) and World Wide Fund for Nature (WWF) Hong Kong and their comments were summarized as follows:
  - (i) WWF-Hong Kong objected to the application as it was not in line with the planning intention of the "GB" zone. The site was located within secondary woodland and the proposed development would involve extensive clearance of existing natural vegetation of the woodland causing adverse landscape impact on the surrounding area. The polluted surface runoff from the site formation works during the construction phase and the inevitable overflow of domestic sewage in the operation phase would incur pollution to a natural stream at the north. Moreover, an access road had been proposed and it would cause human disturbance, habitat loss and habitat fragmentation; and
  - (ii) KFBGC objected to the application mainly on the grounds that the application site involved "destroy first, build later" activities. An aerial photo taken in 2011 showed that the site was overgrown with vegetation. However, as shown in the latest photos, the vegetation on the site was cleared. Approval of the application would become



an undesirable precedent. Villagers and developers would be given the impression that development within the “GB” zone would always/eventually be approved by the Town Planning Board (the Board). There would be cumulative effect of approving similar applications.

Planning Department (PlanD)’s Views

- (f) the planning considerations and assessments were detailed in paragraph 10 of the Paper and highlighted below:
  - (i) the application site was located in the middle of a large area zoned “OU(PRSC)” for recreational and leisure activities. The temporary Tuen Mun Golf Centre was located to the northeast of the site while the Tuen Mun Public Riding School (TMPRS) was located to its south. The proposed holiday camp would provide overnight accommodation for the public using the facilities in the riding school and the adjoining Butterfly Beach. The development was therefore considered complementary to the public recreational facilities in the area;
  - (ii) the proposed development was considered small in scale and no adverse traffic environmental impacts and drainage were anticipated. In this regard, the Commissioner for Transport (C for T) and the Director of Environmental Protection (DEP) had no adverse comment or objection to the application. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) had no adverse comment to the application but commented that the applicant should submit a drainage proposal to its satisfaction. From the hotel and guesthouse licensing policy viewpoint, the Chief Officer (Licensing Authority), Office of the Licensing Authority, Home Affairs Department (CO, OLA/HAD) commented that the siting of the proposed holiday camp was considered acceptable. The Chief Town Planner/Urban Design &

Landscape, Planning Department (CTP/UD&L, PlanD) also had no objection from the landscape planning point of view, although he considered that measures to enhance the landscape provision on the site would be required. There was concern from the Director of Leisure and Cultural Services (DLCS) that the proposed holiday camp would likely affect the existing horse trail. In this regard, the applicant had proposed sufficient setback and buffer from the site in order to avoid encroaching onto the horse trail. The gate operation of the proposed development could give priority to horse trail users, and the TMPRS had no objection to such arrangement;

- (iii) although the concerned departments had no objection to the current s.12A application, the CTP/UD&L of PlanD, DLCS and CE/MN of DSD still had concerns on the enhancement of landscape provisions, management of the horse trail and drainage aspects respectively. Moreover, as the application site was situated in rural setting with historic 'Hung Lau' and other public recreational facilities in the vicinity and was also surrounded by dense vegetation, should the rezoning be approved, it was considered essential to maintain proper planning control through s.16 application mechanism to ensure the building and landscape designs (including greening ratio) of the proposed development would blend in well with the surrounding area. As such, 'Holiday Camp' use was recommended to be put under Column 2 of the Notes of the "REC" zone to require a further submission of s.16 application to the Board for consideration. The major development parameters proposed by the applicant, including a building height of 38.5mPD and 2 storeys, a plot ratio of 0.4 and a site coverage of 20%, where appropriate, would be stipulated in the Remarks of the Notes for the "REC" zone. Minor relaxation of the restrictions might be considered by the Committee under the planning permission system;
- (iv) regarding the public comments on the potential landscape and environmental impacts of the proposed development, the adoption of

“destroy first, build later” approach and setting up of an undesirable precedent, it should be noted that the subject “GB” site was small in area and surrounded by the “OU(RPSC)” zone, which had been developed for recreational and leisure facilities. The site was an abandoned field with some wild grass and banana trees and significant disturbance to the existing landscaping resources and character was not anticipated. In addition to a proposed buffer area preserving the existing vegetation at the eastern part of the application site, the applicant had proposed a greening ratio of 30% and a ‘no tree felling’ approach to ensure that the proposed development would not generate adverse impacts on the existing vegetation within and near the site. Both DAFC and CTP/UD&L, PlanD had no objection to the application. There was also no clear sign of recent environmental degradation, except clearing of weeds as clarified by the applicant.

[Mr. H.F. Leung and Prof. Edwin Chan arrived to join the meeting at this point]

7. The Chairman then invited the applicant’s representatives to elaborate on the application. With the aid of a powerpoint and materials tabled at the meeting, Ms. Cannis Lee made the following main points:

- (a) according to the information from the OLA/HAD as at 30 November 2012, there was no holiday camp in Tuen Mun. In the New Territories, Tuen Mun was the only district without a holiday camp. There was also no “REC” zone on the current Tuen Mun OZP. With a total population of about 487,546 persons, Tuen Mun had the sixth largest population as compared with other districts in Hong Kong. However, there was a lack of holiday camp facilities in the district for public enjoyment. ;
- (b) the proposed holiday camp was considered compatible with the surrounding land uses as the site was surrounded by public recreational facilities, including the Tuen Mun Golf Centre, Tuen Mun Public Riding School and the Archery Range. The proposed holiday camp and the

existing recreational facilities nearby could complement each other and provide comprehensive recreational facilities for the local residents in Tuen Mun;

- (c) to avoid encroachment onto the existing horse trail, a buffer area of 2m to 10m from the existing horse trail had been reserved, except a small area near the site entrance. The existing trees with proposed hedged planting had been formed to serve as a landscape buffer of about 10 m and to maintain the existing landscape character along the existing horse trail;
- (d) a greening ratio of 30% had been proposed for the holiday camp, and this was higher more than the standard greening ratio of 20% required under the “Sustainable Building Design Guidelines” (APP-152). The applicant would also adopt a ‘no tree felling’ approach to ensure that the proposed development would not generate adverse impact on the existing vegetation within and near the site.

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

8. Mr. Patrick Lau, the representative of the applicant, made the following main points:

- (a) to ensure horse riders on the trail would not be affected by vehicles entering/ leaving the site, gates would be installed at the site entrance and on the access road adjacent to the horse trail. The guards at the gates would only allow vehicles to go through the gates and cross the horse trail when there was no horse rider on the trail;
- (b) the proposed holiday camp had a sustainable building design. For instance, the courtyard design of the two building blocks would help to enhance natural lighting and air ventilation. Solar panels to utilize natural energy would also be installed on the site. Moreover, barrier-free design would be adopted for the proposed development to cater for physically handicapped users with wheel chairs;

9. Ms. Cannis Lee and Mr. Tony Chan supplemented the following main points:
- (a) the site was surrounded by wooded area with tall and mature trees. These trees would screen off the proposed development on the site from the adjacent recreational facilities and residential developments such as Siu Shan Court, Butterfly Estate and Melody garden. Hence, the proposed development would not have adverse visual impact on the area;
  - (b) 18 concerned government departments had been consulted on the rezoning application and they raised no objection to the application. It was noted that DSD, CTP/UD&L, PlanD and LCSD had mentioned about some technical requirements on the proposed development. Regarding DSD's concern, a drainage proposal would be submitted in the building plan stage subject to DSD's approval. Regarding CTP/UD&L's concern, additional tree planting could be provided on the site, including the roof-top of the building blocks. Together with the applicant's proposed greening ratio of 30% and the adoption of a 'no tree felling' approach, the proposed development would not have adverse landscape impact. Regarding LCSD's concern on the horse trail, the applicant proposed to provide sufficient set back and buffer from the horse trail and there would be control on vehicles to cross the horse trail through the gates operation. Moreover, the above technical requirements could be addressed through inclusion of suitable clauses in the lease modification of the development;
  - (c) taking account of the above, it was considered appropriate to stipulate 'Holiday Camp' as a Column 1 use, rather than a Column 2 use, under the Notes of the "REC" zone. Moreover, as 'Holiday Camp' was a Column 1 use under the Notes of "REC" zones on the other OZPs, there was no reason to treat the subject case differently. There was also no point to require the applicant to submit a s16 application after rezoning the site to "REC" as the applicant would submit the same development proposal as set out in the current rezoning application. This would result in a waste of time and paper, which was not environmental;

- (d) the requirement from the applicant to submit a s16 application would delay the implementation of the proposed holiday camp for public enjoyment. As mentioned earlier, the proposed holiday camp would be complementary to the recreational facilities in the area. For instance, it would provide overnight accommodation to handicapped children before they took their early-morning horse riding lessons in the Tuen Mun Public Riding School. Such meaningful project should be implemented without any delay.

10. In response to a Member's enquiry, Ms. Cannis Lee said that under the current proposal, the proposed holiday camp would be privately run, managed and maintained by the applicant. However, the applicant might consider inviting a non-governmental organisation to operate the holiday camp in the future. The same Member asked if the applicant would consider providing single-storey blocks, rather than two-storey blocks, on the site to minimize the adverse visual impact of the proposed development. In response, Ms. Cannis Lee said that as the recreational facilities adjacent to the site had a building height of three-storey, the proposed two-storey blocks on the site would not have adverse visual impact on the area. She added that the adoption of a building height of two storeys as compared to one storey could better utilize the scarce land resource. Mr. Patrick Lau supplemented that the site had many trees. If the building height was reduced from two storeys to one storey and the proposed GFA was kept to be same, the proposed site coverage of the site would be considerably increased and the trees on the site would also be cleared. As such, the proposal of running environmental and ecological studies on the site could not be pursued. Mr. Lau also said that the proposed development would not impose adverse visual impact as it would be screened off by existing trees surrounding the site. The proposed holiday camp would be complementary to the existing recreational facilities in the area.

11. In response to a Member's enquiry on whether the site had been designated by the Government for housing development, Mr. C.C. Lau said that the previous application submitted by the same applicant for residential use was rejected by the Board as it was not in line with the planning intention of the "GB" zone and there were no exceptional circumstances that warranted deviation from the general presumption against development in the "GB" zone. For the present case, the applicant proposed to rezone the site to "REC" zone on the OZP for recreational use. Other suitable sites for housing development would be

identified by the Government. Another Member raised similar concern and said that if the Government had a plan to use the site for residential development, the proposed rezoning would affect such plan. In response, Mr. C.C. Lau said that the Government would identify suitable site for housing development and added that the applicant's proposed holiday camp use at the site was considered appropriate as it would be compatible and complementary with the recreational facilities in the area. The Chainman said that the Government had no plan to use the site for residential development.

12. A Member commented that provision of an underground vehicular access to the site might avoid the encroachment onto the horse trail. In response, Ms. Cannis Lee said that the applicant proposed to provide sufficient set back and buffer from the horse trail and there would be control on vehicles to cross the horse trail through the gates operation. To construct a vehicular access in other location might involve land that was not owned by the applicant and also tree felling.

13. In response to a Member's enquiry, Mr. C.C. Lau explained that if 'Holiday Camp' use was put under Column 2 of the Notes of the "REC" zone, the proposed development would require planning permission from the Board and this would ensure the applicant's proposed building design and landscaping proposal, including a greening ratio of 30% and the 'no tree felling' approach, would be implemented by the applicant.

14. A Member enquired whether there was planning standard for the provision of holiday camp. In response, Mr. C.C. Lau said there was no such standard set out in the Hong Kong Planning Standards and Guidelines. Holiday camp could be operated by either the private or public sector.

15. A Member enquired about the details of the 'no tree felling approach'. In response, Ms. Cannis Lee said that there would be no felling of existing trees on the site. In this regard, a detailed tree survey of the site had been conducted. The applicant had also proposed to adopt greening ratio of 30% for the proposed development. Ms. Cannis Lee added that the requirement to implement the applicant's landscape proposal could be set out in the lease modification of the site.

16. As the applicant's representatives had no further points to raise and there were no

further questions from Members, the Chairman informed them that the hearing procedures for the application had been completed and the Committee would deliberate on the application in their absence and inform the applicant of the Committee's decision in due course. The Chairman thanked the applicant's representatives and PlanD's representatives for attending the hearing. They all left the meeting at this point:

[Applicant's representative and Mr. C.C. Lau, STP/TMYL left the meeting at this point.]

### Deliberation Session

17. A Member said that the site was considered appropriate for holiday camp use, taking into account that it was compatible and complementary with the adjacent recreational facilities and it would not cause adverse visual traffic, drainage and environmental impacts on the area. As the applicant's proposed scheme in his submission of the rezoning application was considered acceptable, this Member opined that it might not be necessary to require the applicant to submit a s16 application after rezoning the site to "REC" on the OZP. The above views were shared by another Member.

18. The Secretary explained that there were several discussions between the Planning Department and the applicant before the submission of the current application. As the site was currently zoned "GB" which had presumption against development, the submission of a rezoning application was considered the most appropriate way to pursue the proposed holiday camp development. The applicant was therefore advised to submit a rezoning application. The applicant had to provide justifications in the rezoning application to demonstrate that the site was suitable to be rezoned to "REC" zone for the proposed holiday camp. The Secretary also pointed out that the proposal submitted in the rezoning application was, however, a notional scheme to support the rezoning. If 'Holiday Camp' became a Column 1 use of the Notes of the "REC" zone, no planning permission for the proposed holiday camp project from the Town Planning Board (the Board) would be required. In this regard, there was no guarantee that the applicant would implement the notional scheme as submitted in the current rezoning application. He could implement whether entirely different scheme and the Board would have no control over it. It should also be noted that the implementation of detailed aspects of the proposed scheme such as detailed building design and landscape proposals could not be ensured by the inclusion of clauses in lease modifications or building



plan submission stage. Besides, as the application site was situated in rural setting with historic 'Hung Lau' and other public recreational facilities in the vicinity, and it was also surrounded by dense vegetation, it would be essential to maintain proper planning control through s.16 application mechanism should the rezoning be approved. It could ensure the building and landscape designs (including greening ratio) of the proposed development would blend in well with the surrounding area.

19. A Member had reservation on the holiday camp development as it was privately run and no NGO was involved. The provision of 14 rooms in the holiday camp could only serve a small number of people but the impacts induced by the development might be irreversible.

20. A Member supported the proposed holiday camp on the site as it would not cause adverse impacts on the area and it could complement the adjacent recreational facilities such as the public horse riding school and golf course centre. This Member agreed to PlanD's recommendation that the site to be rezoned to "REC" on the OZP with 'Holiday Camp' put under Column 2 of the Notes so as to maintain a proper planning control on the detailed design of the proposed scheme on the site through s.16 planning application. Other Members agreed.

21. The Chairman said that under the "REC" zones of other OZPs, 'Field Study/ Education/ Visitor Centre' and 'Place of Recreation, Sports or Culture' were Column 1 uses. As these two uses might have similar impacts of a holiday camp, upon rezoning the site the "REC" on the Tuen Mun OZP, it might be more appropriate to put these two uses under Column 2 of the "REC" zone. In response, the Secretary said that should the Committee agree to rezoning the site to "REC" on the OZP with 'Holiday Camp' as a Column 2 use, the PlanD would take the Committee's decision and work out the proposed amendments to the OZP, including the Column 1 and Column 2 uses of the "REC" zone. Members agreed.

22. The Chairman concluded that Members agreed in-principle to rezone the site to “REC” zone on the OZP. In order to ensure adequate statutory planning control on the building and landscape designs of the proposed development, ‘Holiday Camp’ use would be put under Column 2 of the “REC” zone requiring the submission of s.16 application to the Board for consideration.

23. After deliberation, the Committee decided to partially agree to the current application for rezoning the site from “Green Belt” and “Other Specified Uses” annotated “Public Recreation and Sports Centre” to “Recreation” (“REC”) with ‘Holiday Camp’ as a Column 2 use. The Committee also decided that the PlanD would work out proposed amendments to the OZP, and submit them to the Committee for agreement prior to gazetting them under s.5 of the Town Planning Ordinance.

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

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

[Mr. C.T. Lau, Mr. Otto K.C. Chan and 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 4**

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

[Open Meeting (Presentation and Question Sessions only)]

Y/NE-TK/12                      Application for Amendment to the Approved Ting Kok Outline Zoning Plan No. S/NE-TK/17, to rezone the application site from “Agriculture” and “Green Belt” to “Village Type Development”, Lots 652 S.D RP, S.E & RP and 653 S.A RP in D.D. 15, Shan Liu, Tai Po (RNTPC Paper No. Y/NE-TK/12)

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**Presentation and Question Sessions**

25. The Secretary reported that the rezoning application was scheduled for consideration by the Committee at this meeting and the subject RNTPC Paper had been issued to the applicant and the Members of the Committee prior to the meeting. On 3.4.2013, i.e. two days before the meeting, the Secretariat of the Town Planning Board (the Board) received a letter from the representative of the applicant requesting for a deferment of the consideration of the application. A copy of the letter was tabled for Member's information. In his letter of 3.4.2013, the representative of the applicant argued that the information presented in paragraphs 4.3 and 4.4 of the subject RNTPC Paper regarding DPO/STN, Planning Department (PlanD)'s consultation with the Tai Po District Council (TPDC) on 13.3.2013 and the Tai Po Rural Committee (TPRC) on 12.3.2013 was factually incorrect, and that the information should be clarified before the Committee gave consideration to the rezoning application. As advised by DPO/STN, Planning Department (PlanD), the minutes of the meetings of the TPDC and TPRC in March 2013 would be confirmed in May 2013. DPO/STN, PlanD had no objection to the proposed deferral as requested by the representative of the applicant and would incorporate the relevant confirmed minutes of meeting in the RNTPC Paper to be submitted to the Committee for consideration.

26. The Secretary continued to point out that this was the first deferment requested by the applicant. The deferral request was in line with the Town Planning Board Guidelines No. 33 in that more time was required as the confirmed minutes of meetings of TPDC and TPRC, which would be incorporated into the RNTPC Paper for the subject rezoning request, would not be available until May 2013; the deferment period was not indefinite; and that the deferment would not affect the interest of other relevant parties.

27. After deliberation, the Committee decided to defer a decision on the application. The Committee agreed that the application should be submitted with the confirmed minutes of the TPDC and TPRC meetings held on 13.3.2013 and 12.3.2013 respectively for its consideration within two months, and no further deferment would be granted unless under very special circumstances.

#### **Agenda Item 5**

Section 12A Application

[Open Meeting]

Y/PSK/1                      Application for Amendment to the Approved Pak Shek Kok (East) Outline Zoning Plan No. S/PSK/9, to rezone part of the application site from “Recreation” (“REC”), “Open Space” (“O”), area shown as “Road” to “O” and “Other Specified Uses” annotated “Marine Centre” (“OU(Marine Centre)”) and extend the Outline Zoning Plan boundary to include part of Tolo Harbour and be zoned as “OU(Marine Centre)” (RNTPC Paper No. Y/PSK/1)

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28.                      The Secretary reported that Mr. Ivan Fu had declared an interest in this item as he had current business dealings with Masterplan Ltd., the consultant of the applicant. As Mr. Fu had no direct involvement in the application, the Committee agreed that Mr. Fu could stay in the meeting.

29.                      The Secretary reported that the rezoning application submitted by Designing Hong Kong Ltd. (DHK) was scheduled for consideration by the Committee at this meeting, and the Planning Department (PlanD) requested to defer consideration of the rezoning application. On 28.3.2013, the applicant wrote to the Board and raised objection to the proposed deferment. PlanD’s representative and the applicant’s representative had been invited to attend the meeting.

[Mr. C.T. Lau, Senior Town Planner/Sha Tin, Tai Po and North (STP/STN), the representative from Planning Department, and Mr. Paul Zimmerman, the applicant’s representative were also invited to the meeting at this point.]

30.                      The Chairman extended a welcome and explained the procedures of the hearing. He then invited Mr. C.T. Lau to brief Members on the background of the application.

31.                      Mr. C.T. Lau presented the application with the aid of a powerpoint and made the following main points :

Background

- (a) the rezoning application involved a piece of land of about 2.7ha (Site A) bounded by Fo Yin Road, Fo Chun Road, Fo Hing Street and the promenade/cycle path, and the water body of about 26ha (Site B) fronting Hong Kong Science Park which was not covered by the Outline Zoning Plan (OZP);
- (b) on 21.12.2012, the Committee agreed to the proposed amendments to the approved Pak Shek Kok (East) Outline Zoning Plan (OZP) No. S/PSK/9, which included rezoning part of Site A from “REC” and “O” to “R(B)5” on the OZP for residential development. On 18.1.2013, the draft OZP No. S/PSK/10 incorporating the proposed amendments was gazetted under section 5 of the Town Planning Ordinance (the Ordinance);
- (c) on 16.1.2013, i.e., two days before the gazettal of the draft OZP, the subject rezoning application No. Y/PSK/1 was submitted to the Board. The applicant proposed to rezone Site A from the previous “REC” and “O” zones and area shown as “Road” on the approved OZP No. S/PSK/9 to “OU(Marine Centre)” and “O”, and to extend the OZP boundary to include the water body fronting Hong Kong Science Park and have it zoned as “OU(Marine Centre)”;

PlanD's views

- (d) during the public inspection period of the OZP No. S/PSK/10 which was gazetted on 18.1.2013, about 360 representations were received by the Board. Hearing of the representations would be arranged in due course. The land portion of the current rezoning application (i.e. Site A) was subject to a number of opposing representations, including the one submitted by the applicant, DHK;
- (e) as the representations to the draft OZP were yet to be heard by the Town Planning Board (the TPB), the decision of the Committee on the subject rezoning application might pre-empt the decision of the Board on the representations. PlanD therefore recommended that the consideration of the subject rezoning application be deferred until the draft plan and the

representations/comments had been considered by the Chief Executive in Council (CE in C).

32. Mr. Paul Zimmerman presented the application and made the following main points:

- (a) since 2004, DHK had been looking at the issues of lacking of boat storage and public water sports facilities in Hong Kong. Proposals for new boat storage and water sports facilities at Pak Shek Kok were submitted to the Secretary for Development, the PlanD and the Home Affairs Bureau in 2010. However, they did not respond to the proposals and initiated an action to address the issues. DHK was subsequently advised by PlanD to submit a 12A application for this matter. The subject planning submission had been prepared for 12 months and it was supported by technical people on a pro bono basis. On 31.1.2013, DHK received a letter from PlanD confirming the receipt of the s12A application on 16.1.2013, and that the application presentation would be considered by the Committee on 19.4.2013;
- (b) s.12A planning application allowed public involvement in a positive way in that both the public and non-governmental organizations (NGOs) could give their comments on the application. There were about 386 public comments and one petition on this rezoning application. The rezoning application with the submission of these comments should be considered by the Board within three months under the Ordinance. It was also a legal right for the applicant to attend and present the case directly to the Members;
- (c) the proposed amendments to the Pak Sha Kok OZP were made by PlanD without any public involvement. Hence, the public were in opposition to the proposed amendments;
- (d) the subject 12A application was related to the previous OZP No. S/PSK/9, while the representation submitted by DHK was related to the proposed

amendments as shown on the OZP No. S/PSK/10. They should be considered separately as they were made under different sections of the Ordinance;

- (e) the applicant received a letter dated 31.1.2013 informing him that the s12A application was scheduled for consideration by the Committee at the meeting on 19.4.2013. Subsequently, he received another letter from the Secretariat of TPB dated 14.3.2013 informing him that the meeting was re-scheduled to 5.4.2013. Now PlanD requested to change the meeting schedule again until the draft OZP No. S/PSK/10 had been considered by the CE in C. If the 12A application was considered after the draft OZP No. S/PSK/10 had been considered by the CE in C, the s12A application would become invalid as the draft plan No. S/PSK/9 was no longer in effect;
- (f) the Committee should consider the s12A application as originally scheduled. PlanD could then advise the TPB about the Committee's decision on the s12A application at the TPB meeting to hear the representation to the OZP No. S/PSK/10. Hence, it would not pre-empt TPB's decision on the representation to the draft OZP No. S/PSK/10;
- (g) TPB Guidelines No. 33 did not provide for deferment of s.12A applications by PlanD for the reason that amendments were made to an OZP after a rezoning application was received. The deferral request by PlanD could be seen as a means for stifling public involvement; and
- (h) the Committee should not agree to the PlanD's deferment request and proceed to make a decision on the s12A application on 19.4.2013 as scheduled.

33. In response to a Member's query on paragraph 2.2 of the Paper and whether it was the TPB's practice to defer the case, the Secretary explained that according to the TPB Guidelines No. 33, a decision on a s.16 application or s.17 review would be deferred if the zoning of the subject site was still subject to outstanding adverse representation yet to be

submitted to CE in C for consideration and the substance of the representation was relevant to the subject application/review. There was no TPB Guidelines on the deferment of s12A applications. This was also one of objection grounds given by Mr. Paul Zimmerman to oppose the PlanD's deferral request. For the subject case, the rezoning application was submitted to the Board on 16.1.2013, i.e. after the proposed amendments to the OZP were agreed by the Committee but two days before the draft OZP incorporating the proposed amendments was gazetted on 18.1.2013. The applicant considered that the Board should make a decision on the application within three months under the Ordinance as the submission was made before the gazettal of the draft OZP.

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

[Mr. Paul Zimmerman and Mr. C.T. Lau left the meeting at this point.]

#### Deliberation Session

35. The Secretary reported that the PlanD had sought legal advice concerning the consideration of the subject rezoning application. The gist of DoJ's advice was as follows:

#### *Deferment of consideration of the application*

- (i) Pursuant to section 12A(20) of the Ordinance, the Board could defer consideration of the rezoning application depending on the resolution of two matters:
  - (a) whether the power granted to the Board under s12A(20) has been delegated to the Committee. In this regard, this was a matter of fact; and
  - (b) whether the Committee was satisfied that there were reasonable grounds to adjourn the meeting was a matter of fact. As this concerned a



procedural matter and exercise of discretion, the Committee might wish to consult the applicant (i.e. let the applicant express his views) before making a decision at the scheduled meeting.

*The pre-emptive effect on the decision of the TPB*

- (ii) it almost was inevitable that there was potential for pre-empting the decision of the TPB. However, the Committee was obliged in law to consider the application on its own merits, while the TPB was obliged in law to consider the representations and comments on their own merits. It was therefore open to the Committee and TPB to take whatever decision they consider justified;

*Which OZP should be used as the basis for consideration of the application*

- (iii) according to s12A(1) of the Ordinance, "... any person may apply to the Board for consideration of any proposal in relation to an original approved plan for the purposes of this section." Therefore, the approved OZP No. S/PSK/9 should be used as the basis for consideration of the rezoning application; and
- (iv) the current OZP (S/PSK/10) would still provide a material consideration which the Committee might take into account for its consideration of the rezoning application.

36. The Secretary also informed the Committee that about 360 representations were received by the Board on the proposed amendments as shown on S/PSK/10. The applicant of the subject application had also submitted a representation opposing the amendments to the OZP. The representations to the OZP would be considered by the TPB in the second half of the year.

37. The Chairman said that the consideration of the subject rezoning application should be deferred as the representations to the draft Pak Shek Kok OZP No. S/PSK/10 were yet to be heard by the TPB. The decision of the Committee on the rezoning application might pre-empt the decision of the TPB on the representations. Member agreed.

38. After deliberation, the Committee decided to defer a decision on the application

requested by the PlanD as the representations the Pak Shek Kok OZP No. S/PSK/10 were yet to be heard by the TPB, the decision of the Committee might pre-empt the decision of the TPB on the representations. The Committee agreed that the application should be submitted for its consideration until the draft Pak Shek Kok OZP No. S/PSK/10 and the representations/comments had been considered by the CE in C.

## **Agenda Item 6**

### **Section 16 Application**

[Open Meeting]

A/NE-FTA/123            Proposed Asphalt Plant in “Open Storage” zone, Lots 20 RP, 21 and 23 RP (Part) in D.D. 88 and Adjoining Government Land, East of Man Kam To Road, Sheung Shui  
(RNTPC Paper No. A/NE-FTA/123)

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[Prof. K.C. Chau arrived to join the meeting at this point.]

39.            The Secretary reported that on 14.3.2013, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to allow time to prepare further information to address the concerns of the Transport Department and Environmental Protection Department.

40.            After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two 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 7**

### **Section 16 Application**

[Open Meeting]

A/NE-PK/36

Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” zone, Lot 1574 S.C ss1 in D.D. 91, Kai Leng, North  
District  
(RNTPC Paper No. A/NE-PK/36B)

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41. The Secretary reported that on 22.3.2013, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to allow time to classify the tree types in the tree felling proposal, which was submitted on 19.3.2013.

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

### **Agenda Item 8**

#### **Section 16 Application**

[Open Meeting]

A/NE-TKL/426

Temporary Container Vehicle Park for a Period of 3 Years in “Open  
Storage” zone, Lots 393RP, 394RP, 397 S.B RP (Part) and 401  
RP(Part) in D.D. 77, Lot 1206 RP (Part) in D.D.79, Ta Kwu Ling  
(RNTPC Paper No. A/NE-TKL/426)

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43. The Secretary reported that on 27.3.2013, the applicant requested for a deferment of the consideration of the application for two months in order to allow time to prepare further information to address concerns from the Transport Department.

44. 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 9**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/428      Temporary Warehouse (Construction Materials and Metalware) for a Period of 3 Years in “Government, Institution or Community” zone, Government Land in D.D. 46, Tai Tong Wu, Fanling  
(RNTPC Paper No. A/NE-TKL/428)

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

45. 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 warehouse (construction materials and metalware) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The Director of Environmental Protection (DEP) advised that two complaints were received in the past three years related to the application site, which were classified as non-substantiated cases on waste aspects. Other concerned departments had no objection to or adverse comment on the application;

- (d) one public comment from a member of the North District Council was received during the first three weeks of the statutory publication period. He stated that he had no specific comment on the application subject to consultation of the residents nearby had been done. The District Officer/North advised that the Chairman of Sha Tau Kok District Rural Committee (STKDRC), one Village Representative (VR) of Tai Tong Wu and Villagers of Tai Tong Wu raised objection to the application, while the Incumbent District Council member and another Village Representative of Tai Tong Wu had no comment on the application. The objections from the STKDRC and the Tai Tong Wu VR were mainly on the grounds that the proposed development would cause water pollution, noise nuisance, adverse traffic impacts and safety to the local villagers;
  
- (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 set out in paragraph 10 of the Paper. Regarding the adverse public comments on the potential traffic and environmental impacts of the warehouse, the concerned government departments including the Commissioner for Transport and DEP had no adverse comment on the application. The DEP had received two complaints in the past three years which were not substantiated. To avoid possible nuisance generated by the development, approval conditions on operation hours, types of vehicles used and types of activities were recommended. The applicant would be advised to adopt good site practice to avoid causing disturbance to adjoining watercourse and to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimize any potential environmental nuisances and to liaise with the locals to address their concern. Since the last approval was revoked due to non-compliance with the approval conditions, a shorter compliance period was proposed to monitor the progress of compliance.

46. Members had no question on the application.

Deliberation Session

47. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 5.4.2016, 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 9:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays as proposed by the applicant was allowed, on the application site during the planning approval period;
- (c) no medium or heavy goods vehicle exceeding 5.5 tonnes including container tractors/trailers, as defined in the Road Traffic Ordinance, was allowed to be parked/stored on the application site at any time during the planning approval period;
- (d) no dismantling and workshop activities should be carried out on the application site at any time during the planning approval period;
- (e) no storage of used electrical appliances, computer/electronic parts or any other types of electronic waste was allowed on the application site at any time during the planning approval period;
- (f) the submission of drainage proposals within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.7.2013;
- (g) in relation to (f) above, the implementation 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 5.10.2013;
- (h) the submission of proposals for water supplies for fire-fighting and fire

service installations within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.7.2013;

- (i) in relation to (h) above, the provision of 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 5.10.2013;
- (j) the submission of tree preservation and landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.7.2013;
- (k) in relation to (j) above, the implementation of tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.10.2013;
- (l) 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; and
- (m) if any of the above planning conditions (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.

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

- (a) shorter compliance periods were allowed to monitor the progress on compliance with approval conditions;
- (b) should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further

application;

- (c) to note the advice of District Lands Officer/North, Lands Department that an application should be submitted to his office for a new Short Term Tenancy (STT) for the change of user and STT boundary;
- (d) to note the comments of the Director of Fire Services that if no building plan would be circulated to the Centralized Processing System of Buildings Department, the applicant was required to submit the relevant layout plans incorporated with the proposed fire service installations (FSIs) for his approval. In doing so, the applicant should note that:
  - (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
  - (ii) the location of the proposed fire services installations and the access for emergency vehicles should be clearly marked on the layout plans;

detailed fire safety requirements would be formulated upon receipt of formal submission of the aforesaid plans. The applicant would need to subsequently provide such FSIs according to the approved proposal;

- (e) to note the comments of the Commissioner for Transport that the access leading to the application site was not under Transport Department's management, the applicant was advised to check the land status of the accesses with the lands authority. The management and maintenance requirements of the accesses should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to follow the environmental mitigation measures as recommended in the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimize any potential environmental nuisances;



- (g) to note the comments of Chief Engineer/Development(2), Water Supplies Department that:
  - (i) for provision of 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 within the private lots to his department's standards; and
  - (ii) the application site was located within the flood pumping gathering ground;
- (h) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant was advised to adopt good site practices to avoid causing any disturbance impacts on the watercourse particularly in terms of surface runoff;
- (i) 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. Environment Protection Department should be consulted regarding the regarding the sewage treatment/ disposal facilities for the proposed development; and
- (j) to liaise with the local residents to address their concern on the development.

**Agenda Item 10**

**Section 16 Application**

[Open Meeting]

A/NE-KTS/340 Temporary Storage of Metal Ware with Ancillary Office for a Period of 3 Years in “Recreation” zone, Lots 1669 S.A ss.1 RP (Part), 1670 S.A ss.1 RP, 1671 S.A ss.1, 1673 S.A and 1675 S.B ss.1 S.A RP (Part) in D.D. 100 and Adjoining Government Land, Kwu Tung South, Sheung Shui  
(RNTPC Paper No. A/NE-KTS/340)

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49. The Secretary reported that on 25.3.2013, the applicant requested for a deferment of the consideration of the application for two months in order to allow time to prepare information to address concerns of the Transport Department.

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

### **Agenda Item 11**

#### **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, Sai Kung North  
(RNTPC Paper No. A/NE-SSH/85A)

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51. The Secretary reported that on 8.3.2013, 11.3.2013 and 14.3.2013, the applicant requested for a deferment of the consideration of the application for two months in order to allow time to conduct a tree survey report for the proposed development and to liaise with concerned parties on the landscape proposal for screening of the site.

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

### **Agenda Item 12**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/427            Temporary Barbecue Site For a Period of 3 Years in “Agriculture” and  
an area shown as “Road”, Various Lots in D.D. 17 and Adjoining  
Government Land, Ting Kok Road, Tai Po  
(RNTPC Paper No. A/NE-TK/427A)

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

53. 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 temporary barbecue site for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view as the site was located within the “Agriculture” (“AGR”) zone and had high potential for agricultural rehabilitation. The Commissioner for Transport (C for T) advised that as the application was

related to barbecue related activities which would possibly attract significant traffic, it should be closely monitored to avoid any unacceptable traffic impact on the nearby road network such as Ting Kok Road. Therefore, he would have no objection to the application provided that a shorter approval period would be given if the application was approved. Other concerned departments had no objection to or adverse comment on the application;

- (d) two public comments raising objections were received during the first three weeks of the statutory publication period. They were from Ting Kok Road Community Concern Group and a Tai Po District Councillor. Their objections were mainly on the grounds that the access road connecting the site and Ting Kok Road was not wide enough and the barbeque activities on the site had attracted thousands of the general public and had caused severe traffic congestion in the area, especially during festival seasons. The commenters objected to the application unless the access road could be widened to 2-way carriageway sufficient for allowing two coaches passing each other. 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 set out in paragraph 11 of the Paper. To address the concerns of C for T and DAFC concerns, it was recommended that a shorter approval period of two years, instead of three years as requested by the applicant, could be granted so that any potential adverse impacts of the temporary use on the nearby road network and the coastal area could be closely monitored. Nevertheless, since the last approval (Application No. A/NE-TK/316) was revoked due to non-compliance with the approval conditions, shorter compliance periods were also proposed to monitor the process of compliance. Regarding the public comments raising objections to the application mainly on the grounds of traffic problem, C for T had no objection to the application. Furthermore, approval conditions on vehicular access, parking and loading/unloading were recommended and the applicant would also be

advised to monitor the traffic condition and carry out appropriate measures to avoid traffic congestion in the vicinity.

54. Members had no question on the application.

#### Deliberation Session

55. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 5.4.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 11:00 p.m. and 8:00 a.m. was allowed on the application site during the planning approval period;
- (b) the submission and implementation of vehicular access, parking and loading/unloading proposals within 6 months from the date of planning approval to the satisfaction of the Commission for Transport or of the TPB by 5.10.2013;
- (c) the submission and implementation of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.10.2013;
- (d) the submission and implementation of proposals for fire service installations and water supplies for fire fighting within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.10.2013;
- (e) the submission and 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 5.10.2013;
- (f) the provision of precautionary/protective measures within 3 months from the date of planning approval to ensure no adverse impacts on the nearby

“Coastal Protection Area” zone and Ting Kok Site of Special Scientific Interest to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB by 5.7.2013;

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

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

- (a) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (b) a shorter approval period of two years was granted with a view to monitoring the operation of the barbecue site;
- (c) shorter compliance periods for approval conditions were imposed in order to monitor the situation and compliance of approval conditions on the site. 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 monitor the traffic condition and carry out appropriate measures to avoid traffic congestion in the vicinity;

- (e) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimize any potential impacts on the area;
- (f) to note the comments of the District Lands Officer/Tai Po, Lands Department (LandsD) that the owners of the concerned private lots should apply for Short Term Waiver to regularize the unauthorized structures erected and the occupier of the concerned government land (GL) should apply for Short Term Tenancy to regularize the illegal occupation of GL. Nevertheless, there was no guarantee that such approvals would eventually be given. If approved by LandsD acting in the capacity as landlord, such approvals might be subject to such terms and conditions, including payment of fee/rental, as imposed by LandsD;
- (g) 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/owner 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/ owner should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by failure of the systems. Regarding the stormwater drainage layout plan submitted in the application, the applicant had not demonstrated that the proposed drainage system was adequate to collect all runoff generated from the site or passing through the site, e.g. at the vehicular access and car park area. There was existing public sewerage available for connection at Ting Kok Road but was far away from the barbecue area of the site. The Director of Environmental Protection should be consulted regarding the sewage treatment/disposal aspects of the proposed development;
- (h) to note the comments of the Director of Fire Services in Appendix IV of the Paper; and

- (i) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant was advised to implement and maintain effective precautionary/protective measures to prevent any off-site impacts including human disturbance, sewage discharge, polluted site run-off and littering from the barbecue site to the “Coastal Protection Area” and the “Site of Special Scientific Interest” throughout the operation of the subject barbecue site.

### **Agenda Item 13**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/805                      Proposed Public Utility Installation (Sewage Pumping Station) in  
“Green Belt” zone, Government Land in D.D. 171, Kau To, Sha Tin  
(RNTPC Paper No. A/ST/805A)

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

57.            The Secretary reported that Ms. Janice Lai had declared an interest in this item as she had current business dealings with the applicant, Drainage Services Department (DSD) and AECOM Asia Co. Ltd., one of the consultants of the applicant. Member noted that Ms. Lai had tendered an apology for being not able to attend the meeting. Mr. Ivan Fu also had declared an interest in this item as he had current business dealings with AECOM Asia Co. Ltd. As Mr. Fu had no direct involvement in the application, the Committee agreed that Mr. Fu could stay in the meeting.

58.            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 public utility installation (sewage pumping station);



- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (d) during the first three weeks of the statutory publication period which ended on 4.1.2013, two public comments were received. One of the commenters indicated that he had no comment and the other commenter stated that technical assessments on the environmental and traffic impacts should be provided to demonstrate that the proposal would not affect the people living in the area. Further information received on 14.1.2013 and 18.1.2013 was published for public inspection and during the three weeks of the statutory public inspection period, no public comment was received. Further information received on 15.2.2013 and 18.2.2013 was published for public inspection and during the three weeks of the statutory public inspection period, one comment from a member of public was received who indicated that he did not object to the application. The District Officer/Shah Tin advised that he had no comment on the application and the Chairman of Sha Tin Rural Committee, the Village Representatives of Kau To Village, Incorporated Owners of Pine Villa and the members of Sha Tin West 1 Area Committee had been informed about the application; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The application was for the development of a sewage pumping station (SPS) which was recommended in the "Tolo Harbour Sewerage of Unsewered Areas" project to address the water pollution problem. It was not envisaged to have significant impacts on the traffic, drainage and water supply aspects and would not create environmental problems. Relevant government departments consulted, including the Director of Environmental Protection (DEP), the Commissioner of Transport (C for T), Chief Engineer/Mainland South, Drainage Services Department (CE/MS of DSD) and Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2) of WSD) had no adverse comment on or no objection to the application. To implement the project, a total of 15 trees would need to be felled, but the

applicant proposed to compensate 17 trees on the existing slope within the works area. Out of the 15 affected trees, a Cinnamomum camphora (樟樹) near the roadside of Yung Ping Path was considered in good form and health condition. With regards to the present location, the applicant had tested the options of shifting the SPS westward and eastward. Both options would necessitate felling of more trees compared with the current location. Although the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) recommends to preserve the Cinnamomum camphora in-situ, it seemed the applicant had demonstrated that there was no better alternative. CTP/UD&L, PlanD had considered the submitted compensatory planting proposal acceptable and landscape conditions could be imposed. It was therefore considered that the proposed development generally complies with the Town Planning Guidelines No. 10 for 'Application for Development within "GB" zone under section 16 of the Town Planning Ordinance'. As for the public comment which requested the submission of technical assessments on environmental and traffic aspects, the C for T and DEP had no objection to the application. The DEP advised that a Preliminary Environmental Review (PER) had been conducted by the applicant under the "Tolo Harbour Sewerage of Unsewered Areas" project. A number of mitigation measures on noise, air quality and water pollution aspects were recommended in the PER. With the implementation of the mitigation measures as recommended in the PER to comply with the various environmental pollution control ordinances, the proposed development would not have long term environmental impacts.

59. A Member opined that the Cinnamomum camphora (樟樹) adjacent to the site was a valuable tree and should be retained. This Member suggested to shift the proposed pumping station site westward to avoid felling of the tree. In response, Mr. Anthony Luk explained that selection of the site for the sewage pumping station by the applicant was based on a number of technical reasons. One of them was that it should be within a reasonable distance from the service area. The applicant had tested two other options of shifting the pumping station site eastward or westward so that the felling of concerned tree, which measured about 430mm in diameter, could be avoided. However, it was found that these

options would affect more greenery. In this regard, CTP/UD&L, PlanD also recommended to preserve the concerned tree in-situ by relocating the site or adjusting the building layout. However, the applicant's further information had demonstrated that there was no better available site. CTP/UD&L, PlanD advised that the compensatory planting proposal submitted by the applicant was considered acceptable and recommended to impose an approval condition on landscape proposal including tree preservation.

60. In response to the further enquiry of the same Member, Mr. Anthony Luk said that the assessment results of the two options (Option A and Option B) tested by the applicant were detailed in Appendix Ic of the Paper. Under the current proposal submitted by the applicant, the size of the affected trees ranged from 110mm to 436mm in diameter, and the total reduction in greenery would be 1,366mm in diameter. Under Option A (i.e. shifting the proposed site to the west), the size of the affected trees ranged from 140mm to 420mm in diameter. The total reduction in greenery would be 2,290mm in diameter, which was about 1.7 times of the current proposal. For Option B (i.e. shifting the proposed site to the east), the size of the affected trees ranged from 120mm to 400mm in diameter. The total reduction in greenery would be 1,570mm in diameter, which was about 1.15 times of the current proposal.

61. The same Member said that valuable trees like *Cinnamomum camphora* (樟樹) should be preserved as far as possible. The Chairman agreed. This Member also pointed out that according to the applicant, the other two tested options would affect more greenery as compared with the applicant's current proposal. In this regard, this Member suggested that the applicant should be requested to provide further information on the kinds of trees that would be felled under two tested options. Based on such information, the Committee could decide whether the current proposal with the felling of *Cinnamomum camphora* (樟樹) was acceptable. Other Members agreed.

62. A Member said that consideration might be given to transplanting the concerned tree. In response, the Chairman said that the transplanting of trees was a costly operation. In addition, large trees might not survive after transplanting.

63. In response to a Member's query, Mr. Anthony Luk said that the concerned tree was not included in the Register of Old and Valuable Trees. The Director of Agriculture,

Fisheries and Conservation had no objection to the application from the nature conservation point of view.

64. Noting that Members raised concerns on the felling of *Cinnamomum camphora* (樟樹) and considered that the tree should be preserved as far as possible, the Chairman proposed to defer a decision of the case and request the applicant to submit further information on (i) the feasibility of retaining *Cinnamomum camphora* (樟樹) and (ii) the kinds of trees that would need to be felled under the two options tested by the applicant. Members agreed.

#### Deliberation Session

65. After deliberation, the Committee decided to defer a decision on the application pending the submission of further information on (i) the feasibility of retaining *Cinnamomum camphora* (樟樹) and (ii) the kinds of trees that would need to be felled under the two options tested by the applicant.

#### **Agenda Item 14**

##### Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/811                      Proposed Office in “Industrial” zone, Workshops 6 & 8, 9th Floor,  
Shing Chuen Industrial Building, 25-27 Shing Wan Road, Sha Tin  
(RNTPC Paper No. A/ST/811A)

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#### Presentation and Question Sessions

66. 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 office;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application from environmental planning point of view as the premises was within an existing industrial building within “Industrial” zone, the proposed “office” use would be subject to potential adverse air quality and noise impacts from the surrounding industrial activities;
  
- (d) four public comments were received during the first three weeks of the statutory publication period. The commenters objected to the application mainly on the grounds that the application premises was used as a “religious institution” instead of “office”. The activities in the premises would attract many people and might be dangerous in case of fire. One of the commenters also stated that if the Board approved the religious use within an industrial building, other similar applications would follow as the cost of industrial floor space was much lower. No local objection/view was received by the District Officer/Shia Tin; and
  
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The application was for partial conversion of two units on the 9/F of an existing industrial building for office use. According to the Town Planning Board Guidelines No. 25D, a partial conversion must be demonstrated that the proposed use would be acceptable in terms of fire safety, land use, traffic and environmental considerations. However, the proposed “office” use would be subject to potential adverse air quality and noise impacts from the surrounding industrial activities. The potential interface environmental concerns between the ‘Industrial’ and ‘Office’ uses were not limited to the existing neighbours but also the immediate up-stair and down-stair floors or future neighbours. In this regard, DEP did not support the application from the environmental point of view. Due to the environmental concerns, the application was not in compliance with the Town Planning Board Guidelines No. 25D. As for the public concern, the

applicant noted that using the premises for “religious institution” was not allowed and he confirmed that there was no intention to use the application premises for any religious related activities.

67. In response to a Member’s query about the different views of D of FS on the current application and a similar application No. A/ST/804, Mr. Anthony Luk said that a similar application for office use on 8/F of the same industrial building (A/ST/804) was rejected by the Committee on 25.1.2013. The premises was used as a religious institution in the form of a church for holding assembly or gatherings, instead of office use. It did not comply with the TPB Guidelines No.25D in that it would attract persons who could be exposed to fire risk, which they would neither be aware of nor prepared to face. The proposed use of application No. A/ST/804 was therefore considered unacceptable from the fire safety point of view. In the current application, the applicant had confirmed that there was no intention to use the application premises for any religious related activities. As the proposed office would not attract children, persons of the old and infirm, and workers who were not related to the activities in the building, D of FS had no objection to the current application.

#### Deliberation Session

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

The proposed development did not comply with the ‘Town Planning Board Guidelines for Use/Development within “Industrial” Zone’ (TPB PG-No. 25D) in that the partial conversion to office would not be acceptable in terms of environmental considerations. The proposed use would be subject to potential adverse air quality and noise impacts from the surrounding industrial activities.

#### **Agenda Item 15**

##### Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/814                      Shop and Services (Retail Shop) in “Industrial” zone, G/F (Portion),  
Power Industrial Building, 9-15 Wo Heung Street , Fo Tan, Sha Tin  
(RNTPC Paper No. A/ST/814)

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Presentation and Question Sessions

69.            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 shop and services (retail shop);
- (c)    departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (d)    no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer/ Sha Tin; and
- (e)    the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as set out in paragraph 11 of the Paper. A temporary approval of three years was recommended in order not to jeopardise the long-term planning intention of industrial use for the subject premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area.

70.            Members had no question on the application.

Deliberation Session

71.            After deliberation, the Committee decided to approve the application on a

temporary basis for a period of 3 years until 5.4.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission and implementation of the fire safety measures within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 5.10.2013; and
- (b) if the above planning condition (a) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) a temporary approval of three years was given in order to allow the Committee to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long-term planning intention of industrial use for the subject premises would not be jeopardized;
- (c) should the applicant fail to comply with the approval condition resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (d) to apply to the District Lands Officer/Shia Tin, Lands Department for a temporary waiver to permit the applied use;
- (e) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department that the proposed use should comply with the requirements under the Buildings Ordinance. For instance, the shop should be separated from adjoining workshops by fire barriers with Fire Resistance Rating of 120 minutes, and the means of



escape of the existing adjoining premises should not be adversely affected;

- (f) to note the comments of the Director of Fire Services that detailed fire service requirements would be formulated upon receipt of formal submission of general building plans and a means of escape completely separated from the industrial portion should be available for the area under application; and
- (g) to refer to the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’ for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.

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

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

[Mr. C.C. Lau, Mr. K.C. Kan, Mr. Ernest C.M. Fung, Senior Town Planners/Tuen Mun and Yuen Long (STPs/TMYL), and Mr. C.K. Tsang, Town Planner/Tuen Mun and Yuen Long (TP/TMYL), were invited to the meeting at this point.]

### **Agenda Item 16**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/441                      Proposed Columbarium in “Government, Institution or Community”  
zone, Lot 667 in D.D. 131, Yeung Tsing Road, Tuen Mun  
(RNTPC Paper No. A/TM/441)

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

73. The Secretary reported that Ms. Janice Lai had declared an interest in this item as she had current business dealings with Urbis Ltd., one of the consultants of the applicant. Member noted that Ms. Lai had tendered an apology for being not able to attend the meeting. Mr. Ivan Fu also had declared an interest in this item as he had current business dealings with Urbis Ltd. and Environ Hong Kong Ltd., two of the consultants of the applicant. As Mr. Fu had no direct involvement in the application, the Committee agreed that Mr. Fu could stay in the meeting.

74. Mr. C.C. Lau, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed columbarium;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Commissioner for Transport (C for T) had no comment on the signal calculations and traffic assessment in the Traffic and Crowd Management Plan (TCMP), but considered that an approval condition should be imposed requiring the applicant to submit the TCMP to further clarify the feasibility and implementation details of the proposal to his satisfaction. The Hong Kong Police Force (HKPF) considered that a holistic approach would be required to study all traffic management plans of the approved and planned columbaria in the area because the TCMP currently proposed by the applicant might affect the interests of other applicants or columbaria operators. He had no objection to the application subject to the submission of a TCMP co-ordinated with other columbarium operators to his satisfaction;
- (d) a total of 1,297 public comments, including 1,285 rendering support and 12 raising objection, were received during the first three weeks of the statutory publication period. The 1,285 public comments in support of the application were mainly from two Legislative Councillors and members of

public (sample letters with similar contents). The 12 objections were from the Incorporated Owners of Richie House and members of public. The commenters who supported the application stated that that the proposed columbarium could cater for strong demand for columbarium in the territory. The proposed development would enhance the quality of the surrounding environment. It would not generate additional traffic load on the existing adjacent road networks and therefore would not adversely affect the nearby residents. Furthermore, the proposed development in future would benefit the local community. The Incorporated Owners of Richie House raised objections to the application mainly on the grounds that the proposed development was in breach of the lease conditions for a New Territories Exempted House (NTEH). The application would include commercial activities and therefore was not in line with the planning intention of “G/IC” zone. The activities of columbarium would generate environmental and traffic nuisances affecting the nearby residents. There had been a total of five applications for columbarium in the vicinity. The approval of the application would create further burden on the existing road networks. The members of public objected to the application on the grounds that the proposed columbarium would create detrimental traffic and environmental impacts on the existing environment. The activities in the columbarium development would also create adverse psychological effects to the nearby residents. The District Officer/ Tuen Wan advised that the proposed columbarium was located near Yeung Tsing Road, which currently served three large-scale columbaria in the vicinity. Locals might have concerns on the additional traffic flow and environmental nuisance arising from the proposed columbarium development; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments set out in paragraph 11 the Paper and summarized as follows:

*Planning Intention*

- (i) the proposed columbarium use was generally not in conflict with the planning intention of the “G/IC” zone which was intended to provide

land for uses directly related to or in support of the work of the Government, organizations providing social services to meet community needs, and other institutional establishments;

Land Use Compatibility

- (ii) the site fell within an area which was predominated by religious uses and GIC facilities. The proposed columbarium under the current application was considered not incompatible with the adjacent uses. The applicant proposed to share the use of access with an existing columbarium (i.e. Filial Park) such that disturbance to the local residents could be avoided. In the current application, the proposed 8,000 niches would be accommodated in one building block instead of six NTEHs as proposed in the last application (No. A/TM/415), and building plans would be submitted to the Building Authority for approval. Although the scale of the subject building block, with a height of 14.3m or 3 storeys, would be larger than the six NTEHs as proposed in the last application, the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) considered that it was not incompatible with the surrounding area and he had no objection to the application from landscape and urban design viewpoints. Concerned departments including Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD), Chief Engineer/Development(2), Water Supplies Department, (CE/Dev(2), WSD) and the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) had no objection to the application. As no eco-furnace would be provided in the columbarium and all worshipping activities would be conducted within the centrally air-conditioned building, Director of Environmental Protection (DEP) had no objection to the application.

Traffic

- (iii) the C for T had no comment on the signal calculations and traffic assessment in the TCMP. However, he considered that an approval condition should be imposed requiring the applicant to submit the

TCMP with further clarification on the feasibility and implementation details of the proposal to his satisfaction. The HKPF also had no objection to the application subject to the submission of a TCMP co-ordinated with other columbarium operators in the area to his satisfaction. In this regard, approval conditions to require the applicant to submit and implement a revised TCMP to the satisfaction of C for T and HKPF were recommended. In order to ensure timely submission of the TCMP, it was recommended that the revised TCMP should be submitted before commencement of the operation of the columbarium, which referred to the sale/allocation of niches to users for any purpose and conducting of any memorial ceremony at the site as these activities would generate traffic to the area. Failure to comply with the approval conditions would result in revocation of the approval.

Public Comments

- (iv) regarding the public comments raising objections to the application due to the environmental nuisances and traffic problems, the applicant had indicated in the submission that there was no eco-furnace and all worshipping activities would be conducted within the centrally air-conditioned building. In this regard, the DEP had no objection to the application. The applicant had also submitted TCMP to address the potential traffic impacts and concerned departments, including C for T and C of P (TM), had no objection to the application. Approval conditions on the submission and implementation of TCMP and traffic impact assessment (TIA) to their satisfactions were recommended in order to closely monitor the operation of the columbarium.

75. Members had no question on the application.

Deliberation Session

76. After deliberation, the Committee decided to approve the application, on the

terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 5.4.2017, 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 maximum number of niches within the site should not exceed 8,000;
- (b) the submission of traffic and crowd management plan (TCMP) including the traffic impact assessment (TIA) and timing of implementation within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport and the Commissioner of Police or of the TPB by 5.10.2013, and in any case prior to the commencement of operation of the columbarium (including sale/ allocation of niches for any purpose and conducting any memorial ceremony at the site);
- (c) in relation to (b) above, the implementation of the proposed measures identified in the approved TCMP and TIA according to the identified timing to the satisfaction of the Commissioner for Transport and the Commissioner of Police or of the TPB;
- (d) the submission of the design of the vehicular drop-off area adjoining the site and the footpath connecting to the site as proposed by the applicant within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 5.10.2013;
- (e) in relation to (d) above, the implementation of the vehicular drop-off area adjoining the site and the footpath connecting to the site as proposed by the applicant prior to the commencement of operation of the columbarium (including sale/allocation of niches for any purpose and conducting any memorial ceremony at the site) to the satisfaction of the Commissioner for Transport or of the TPB;
- (f) the submission of emergency vehicular access (EVA), water supply for fire fighting and fire services installations within 6 months from the date of

planning approval to the satisfaction of Director of Fire Services or of the TPB by 5.10.2013;

- (g) in relation to (f) above, the implementation of EVA, water supply for fire fighting and fire services installations prior to the commencement of operation of the columbarium (including sale/ allocation of niches for any purpose and conducting any memorial ceremony at the site) to the satisfaction of Director of Fire Services or of the TPB;
- (h) the submission of landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of Director of Planning or of the TPB by 5.10.2013;
- (i) in relation to (h) above, the implementation of landscape and tree preservation proposal prior to the commencement of operation of the columbarium (including sale/allocation of niches for any purpose and conducting any memorial ceremony at the site) to the satisfaction of Director of Planning or of the TPB;
- (j) if any of the above planning conditions (a), (c), (e), (g) or (i) was not complied with, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (k) if any of the above planning condition (b), (d), (f) 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.

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

- (a) to note the comments of District Lands Officer/Tuen Mun that the lease contained some provisions which did not allow operation of the proposed columbarium. If planning approval was given, the Lot owner had to apply to his Department for a land exchange and if the application was approved by his Department acting in its capacity as landlord at its discretion, the

approval would be subject to such conditions as might be imposed including, inter alia, payment of premium. A condition that New Territories Exempted Houses would not be allowed would normally be imposed in land exchanges and/or lease modifications;

- (b) to note the comments of Commissioner for Transport that traffic advice from Road Management Office of the Hong Kong Police Force (HKPF) on all the proposed temporary traffic arrangements should be sought. The proposed TCMP involved the closure of Yeung Tsing Road with a number of junction modifications works and traffic diversion works; and on-site filtering operation at Junctions 3 and 4 which would also affect the local residents and other existing columbarium visitors in the area. Since the enforcement actions on the traffic and crowd management scheme were not carried out by the Transport Department, comments or agreement on its feasibility and practicality on the implementation details from relevant government departments such as HKPF should be sought;
- (c) to note the comments of Commissioner of Police (Tuen Mun) that currently there were 3 approved columbaria i.e. Fat Yuen Ching Shea, Shan Yuan and Filial Park along Yeung Tsing Road and those previously rejected applications and Tsing Wan Kun which were situated on the same affected area, it was desirable to have a holistic approach to study all traffic management plans proposed by all these applicants. The rationale was that the content of TCMP proposed by the applicant might affect the interest of other applicants or columbarium operators. It was necessary that the applicant would submit a TCMP in co-ordination with other columbarium operators to his satisfaction;
- (d) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department (BD) that before any new building works were to be carried out on the site, the prior approval and BD's consent should be obtained, otherwise they were unauthorized building works. An AP should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance. 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. Justifications of the site to be abutting on a specified street not less than 4.5m wide should be provided. Comments on the proposed plot ratio/site coverage and building height were reserved. 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;

- (e) deviation of the future building plan proposal from the current proposal might require a section 16A application for minor amendment to approved application, or a fresh planning application, taking reference of the TPB Guideline No. 36A - Class A and Class B Amendment to Approved Development Proposals;
- (f) to note the comments of Chief Engineer/Mainland North, Drainage Services Department that the proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the development as well as overland flow from the areas in the vicinity;
- (g) to note the comments of Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. Furthermore, the provision of EVA should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue which was administrated by the BD;
- (h) to note the comments of Secretary for Food and Health / Director of Food and Environmental Hygiene that to address possible local concerns over the proposed development, consideration should be given to require the applicant to implement mitigation measures to the satisfaction of parties concerned, such as centralizing joss paper burning activities in the columbarium, providing greening where possible, and addressing traffic congestion during the grave-sweeping seasons, etc.; and

- (i) to liaise with the nearby residents and other parties including the Tuen Mun District Council, if required, and to provide them with relevant information of the proposed development to address their concerns.

**Agenda Item 17**

**Section 16 Application**

[Open Meeting]

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

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78. The Secretary reported that Ms. Janice Lai had declared an interest in this item as she had current business dealings with the applicant, Glory Queen Ltd., was owned by Henderson Land Development Co. Ltd., and two of the consultants of the applicant, namely AECOM Asia Co Ltd. and ADI Ltd.. Member noted that Ms. Lai had tendered an apology for being not able to attend the meeting. Mr. Ivan Fu also had declared an interest in this item as he had current business dealings with Henderson Land Development Co. Ltd., and four of the consultants of the applicant, namely AECOM Asia Co Ltd., ADI Ltd., Environ Hong Kong Ltd. and Westwood Hong & Associates Ltd.. As the case was for a deferral request, the Committee agreed that Mr. Fu could be allowed to stay in the meeting.

79. The Secretary reported that on 11.3.2013, the applicant requested for a deferment of the consideration of the application for two months in order to allow time to address departmental comments on the layout of the proposed development.

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

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

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

### **Agenda Item 18**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/210          Renewal of Planning Approval for Temporary “Sales Offices (for Real Estate and Furniture) and Furniture Showrooms” for a Period of 3 Years in “Open Space” zone, Lots 11 (Part) and 12 (Part ) in D.D. 101, Mai Po, Yuen Long  
(RNTPC Paper No. A/YL-MP/210)

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

81.            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 renewal of planning approval under Application No. A/YL-MP/20 for temporary sales offices (for real estate and furniture) and furniture showrooms for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Commissioner of Police (C of P) advised that three traffic-related complaints between September 2012 and March 2013 were received. These complaints had been resolved upon action

taken by the Police. Other concerned department had no adverse or objection to the application;

- (d) five public comments were received during the first three weeks of the statutory publication period. The comments objected/ strongly objected to the application mainly on the grounds that the applied development/use was not the same as the existing use at the site; there were a large number of advertisement signs and banners which affected the appearance of Palm Springs and Royal Palms and distracted the attention of drivers; and it would cause congestion at road junction and vehicles would have to be parked along the Palm Springs Boulevard. No local objection/view was received by the District Officer/ Yuen Long; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the applied uses could be tolerated for a further period of three years based on the assessments set out in paragraph 12 of the Paper. Regarding the public concerns on adverse traffic impact of the applied use, concerned departments including the Commissioner for Transport (C for T) and C of P had no objection to the application. The C for T commented that the traffic induced by the development was minimal. The C of P commented that the three traffic-related complaints were resolved. While illegal parking would be dealt with by the Police, an approval condition prohibiting parking of medium and heavy goods vehicle at the site was recommended to address this concern. Regarding the public concerns on the use of the site, it was noted that the existing use on the site comprised sales offices for real estate/property and furniture and furniture showrooms and they were the same as those applied for under the application submission. Moreover, posting of road side banners and advertisement signs would require approval of the Lands Department if they fell within government land.

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

82. Members had no question on the application.

Deliberation Session

83. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 10.4.2013 to 9.4.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation of the sales office for real estate between 8:30 p.m. and 9:30 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation of the sales office for furniture and furniture showrooms between 6:00 p.m. and 9:30 a.m. from Mondays to Saturdays, and whole day 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 trailers/tractors defined in the Road Traffic Ordinance, as proposed by the applicant, was allowed to be parked/stored at the site at any times during the planning approval period;
- (d) the maintenance of landscape planting within the site at all times during the planning approval period;
- (e) the submission of as-built drainage plans and photographs of existing drainage facilities within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.10.2013;
- (f) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.10.2013;
- (g) in relation to (f) above, the implementation of fire service installations proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of

the TPB by 9.1.2014;

- (h) the provision of boundary fencing within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 9.1.2014;
- (i) 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;
- (j) if any of the above planning conditions (e), (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.

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

- (a) the planning permission was given to the development/use(s) and structures under application. It did not condone any other development/use(s) and structure(s) which currently occur(s) on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such development/use(s) and remove such structure(s) not covered by the permission;
- (b) 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 nuisance to the surrounding area;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site under application comprised Old Scheduled Agricultural Lots held under the Block Government Lease which contained the restriction that no structures were allowed to be

erected without prior approval of the Government. The private land of Lots 11 and 12 in D.D. 101 was covered by Short Term Waiver No. 1900 which allowed the use of the land for temporary property sales office and furniture showrooms with permitted built-over area not exceeding 98.6m<sup>2</sup> and height not exceeding 3.35 m above the level of ground. According to the Planning Statement, the site “was accessible from Palm Springs Boulevard via an existing hard-paved road located to the south/east of the site”. His office provided no maintenance works for this track nor guarantee right-of-way. The lot owner concerned would still need to apply to his office to permit any additional/excessive structures to be erected or regularize any irregularities on site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion 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;

- (d) 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 the 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 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 respectively. If the site did not abut on a specified street of not less than 4.5 m wide, its permitted development intensity should be determined under Regulation 19(3) of the Building (Planning) Regulations at the building plan submission stage;

- (e) to note the comments of the Director of Environmental Protection that all wastewater from the site should comply with the requirements stipulated in the Water Pollution Control Ordinance;
- (f) to note the comments of the Commissioner for Transport that the application site was connected to an unknown local access road which was not managed by the Transport Department. The land status of the local access road should be checked with the lands authority. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly; and
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department at Appendix V of the RNTPC Paper.

### **Agenda Item 19**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/810            Temporary Open Storage of Containers and Cargo Handling for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 2187 RP (Part), 2380 RP (Part), 2381 RP (Part), 2382 (Part), 2383 RP (Part), 2384 S.B (Part), 2385 RP (Part), 2412 RP (Part), 2415 RP, 2416 (Part), 2417, 2418 RP (Part) and 2419 RP (Part) in D.D. 129 and Adjoining Government Land in Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-HT/810)

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Presentation and Question Sessions

85. 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 containers and cargo handling for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site (with the closest residential dwelling about 45m away), and there was a substantiated noise pollution complaint on night-time operation against the site in 2010. Advice was given to the operator and the situation was improved. Other concerned departments had no objection to or adverse comment on the application;
- (d) one public comment from a Yuen Long District Council (YLDC) member was received during the first three weeks of the statutory publication period. He objected to the application in view of the repeated previous revocations which reflected the applicant's insincerity to comply with the approval conditions. On 14.9.2012, the applicant's further submission of 23.8.2012 was published for public inspection. One public comment was received. The commenter objected to the application on the ground that the additional traffic generated by the site would cause adverse traffic and environmental impacts on the fish market and residents in the surrounding areas. No local objection/view was received by the District Officer/ Yuen Long; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the applied use could be tolerated for three years based on the assessments set

out in paragraph 12 of the Paper. Although DEP did not support the application as there were sensitive receivers in the vicinity of the site and there was also a substantiated noise pollution complaint on night-time operation against the site in 2010, advice was given to the operator and the situation was improved. To address DEP's concern and mitigate any potential environmental impacts, approval conditions on restrictions of operation hours and stacking height of materials stored on the site had been proposed. The applicant had submitted technical proposals including fire service installations proposal, tree preservation and landscape proposal and run-in/out proposal. These technical proposals were accepted by the relevant government departments subject to the implementation of the proposals. Nevertheless, given that application involved four previous consecutive revoked cases, shorter approval period of one year instead of three years was sought by the applicant and shorter compliance periods of approval conditions were recommended to monitor the site.

86. Members had no question on the application.

#### Deliberation Session

87. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year until 5.4.2014, instead of 3 years sought, on the terms of the application as submitted to the TPB (TPB) and subject to the following conditions :

- (a) no night time operation between 8:00 p.m. to 8:00 a. m., as proposed by the applicant, was allowed on the site during the approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) the stacking height of containers/materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence during the planning approval period;
- (d) the stacking height of containers stored at any other location within the site

should not exceed 8 units during the planning approval period;

- (e) no material was allowed to be stored/dumped within 1m of any tree on the site during the planning approval period;
- (f) no vehicle queuing was allowed back to public road or no vehicle reversing onto/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 setting back of the southern boundary of the site from the works limit of the “PWP Item No. 4235 DS Yuen Long and Kam Tin Sewage Disposal (Part), Lau Fau Shan Trunk Sewerage” to the satisfaction of the Director of Drainage Services or of the TPB;
- (i) the provision of fencing of the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.7.2013;
- (j) the submission of a condition record of the existing drainage facilities on site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.7.2013;
- (k) the implementation of the accepted landscape and 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 5.7.2013;
- (l) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.5.2013;
- (m) the implementation of the accepted fire service installations proposal within 3 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 5.7.2013;

- (n) the implementation of the accepted run-in/out proposal within 3 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 5.7.2013;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) 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;
- (p) if any of the above planning conditions (i), (j), (k), (l), (m) or (n) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (q) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) planning permission should have been obtained before continuing/commencing the development on the site;
- (b) shorter approval and compliance periods were granted in order to monitor the situation of the site and the fulfilment of approval conditions. Sympathetic consideration might not be given by the Committee to any application for extension of time for compliance with approval conditions, and any further planning application should she fail to comply with the approval condition(s) resulting in the revocation of the planning permission;
- (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 that the site

was situated on Old Schedule Agricultural Lots granted under the Block Government Lease upon which no structure was allowed to be erected without his prior approval. Application should be made to him to regularize the unauthorized structures (including converted containers) and unauthorized occupation of government land (GL) on the site. Small pieces of GL at the southern portion of the site encroached onto government Land Allocation No. TYL 1657 was granted to the Chief Engineer/Sewerage Projects, Drainage Services Department in relation to the “PWP Item No. 4235 DS Yuen Long and Kam Tin Sewage Disposal (Part), Lau Fau Shan Trunk Sewerage”, which should be excluded from the site. The site was accessible through other private land and a short stretch of GL. His office provided no maintenance work for the GL involved and did not guarantee right-of-way;

- (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 subject site. No vehicle was allowed to queue back to public road or reverse onto/from the public road;
- (h) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) to construct a run in/out at the access point at Lau Fau Shan Road in accordance with the latest version of HyD’s standard drawings No. H1113 and H1114, or H5133, 5134 and H5135, whichever set was appropriate to match with the existing adjacent pavement. Adequate drainage measures should be provided at the site entrance to prevent surface water running from the site to the nearby public roads and drains through the run-in/out;
- (i) to note the comments of the Director of Fire Services that the installation/maintenance/modification/repair works of FSIs should be

undertaken by a Registered Fire Service Installation Contractor (RFSIC). The RFSIC should, after the completion of the installation/maintenance/modification/repair works, issue a certificate (FS 251) and forward a copy of the certificate to the Director of Fire Services.; and

- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department to remove the existing structures on the site that apparently had not obtained approval under the Buildings Ordinance (BO). The granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the BO and the allied regulations. Actions appropriate under BO or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structures for approval under the BO was required. Use of container as offices and storerooms were considered as temporary structures and were subject to control under Building (Planning) Regulation (B(P)R), Part VII. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage. Provision of emergency vehicular access to all buildings under B(P)R 41D was applicable.

## **Agenda Item 20**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/839      Proposed Temporary Logistics Centre and Ancillary Parking of Vehicles for a Period of 3 Years in “Comprehensive Development Area” (“CDA”) zone, Lots No. 95 (Part) in D.D.125, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/839)

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### **Presentation and Question Sessions**

89.            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 proposed temporary logistics centre and ancillary parking of vehicles for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site (with the closest residential dwelling being about 30m away) and along the access road (Ping Ha Road). There was no environmental complaint against the site over the past three years. Other concerned departments had no objection to or adverse comment on the application;
- (d) one public comment from Designing Hong Kong Limited was received during the first three weeks of the statutory publication period. The commenter raised objection to the application on the ground that the proposed use did not comply with the “CDA” zoning of the site for residential use. Approval on temporary uses would keep the land occupied and unavailable for more suitable use in the future. Besides, there was sufficient supply of logistics centres to satisfy the current and future demand. 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 set out in paragraph 12 of the Paper. Although DEP did not support the application as there were sensitive uses in the vicinity of the site, there was no environmental complaint against the site in the past three years. To mitigate any potential environmental impacts, approval conditions on restrictions of operation hours, prohibition of workshop activities, and stacking of containers were recommended. Regarding the public concern that the proposed use did not comply with “CDA” zoning of

the site and might hinder further development at the site, it was considered that the approval of the application on a temporary basis would not frustrate the planning intention of the “CDA” zone on the OZP.

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 5.4.2016, 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 8:00 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) no cutting, dismantling, cleansing, repairing, compaction, tyre repair, vehicle repair, container repair and workshop activity was allowed on the site, as proposed by the applicant, during the planning approval period;
- (d) the stacking height of containers stored within the site should not exceed 8 units during the planning approval period;
- (e) no stacking of containers within 5m of the periphery of the site during the planning approval period;
- (f) no vehicle queuing was allowed back to public road or no vehicle reversing onto/from the public road was allowed at all times during the planning approval period;
- (g) the implementation of the accepted 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 5.10.2013;



- (h) the implementation of the accepted landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.10.2013;
- (i) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.5.2013;
- (j) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 5.10.2013;
- (k) 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 5.1.2014;
- (l) the provision of fencing of the site, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.10.2013;
- (m) the provision of paving for the site, as proposed by the applicant, within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 5.10.2013;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (o) if any of the above planning conditions (g), (h), (i), (j), (k), (l) or (m) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (p) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of

the TPB.

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

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (b) the site should be kept in a clean and tidy condition at all times;
- (c) to note the comments of the District Lands Officer/Yuen Long (DLO/YL) that the site was situated on Old Schedule Agricultural Lots granted under the Block Government Lease upon which no approval had been given for the specified structures as toilet and site office. The site was accessible through an informal track on government land and private land extended from Ping Ha Road. His office provided no maintenance works for this track nor guaranteed right-of-way. The lot owner would still need to apply to his office to permit any additional/excessive structures to be erected or regularize any irregularities on the site. Such application would be considered by Lands Department (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/fees, as might be imposed by LandsD;
- (d) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the development should neither obstruct overland flow nor adversely affect existing stream course, natural streams, village drains, ditches and the adjacent areas, and that the applicant should consult DLO/YL and seek consent from the relevant owners for any works to be carried out outside his lot boundary before commencement of the drainage works;

- (f) to note the comments the Commissioner for Transport that the sufficient manoeuvring spaces should be provided within the site. The vehicular track leading to the site from Ping Ha Road 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;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
- (h) to note the detailed comments of the Director of Fire Services in Appendix IV of the RNTPC paper. Should the applicant wish to apply for exemption from the provision of certain FSIs as prescribed above, he was required to provide justifications to his department for consideration; and
- (i) 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, they were unauthorized under the Buildings Department (BO) and should not be designated for any approved use under the application. Before any new building works (including temporary buildings) were to be carried out on the site, the prior approval and consent of the Building Authority (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 lease land, enforcement action might be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D

of the Building (Planning) Regulations (B(P)R) respectively. If the site did not abut 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.

### **Agenda Item 21**

#### **Section 16 Application**

[Open Meeting]

A/YL-LFS/224 Proposed Comprehensive Residential Development with Wetland Nature Reserve, Filling of Pond and Excavation of Bund Resulting in No Net Loss of Wetland in “Conservation Area” and “Green Belt” and “Other Specified Uses” annotated “Comprehensive Development and Wetland Enhancement Area” zones, Lot 1457 RP in D.D. 123 and Adjoining Government Land, Fung Lok Wai, Lau Fau Shan, Yuen Long  
(RNTPC Paper No. A/YL-LFS/224C)

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93. The Secretary reported that the application was submitted by Mutual Luck Investment Ltd., a subsidiary of Cheung Kong (Holding) Ltd., Sun Hung Kai Properties Ltd., and Far East Consortium International Ltd.. Ms. Janice Lai had declared an interest in this item as she had current business dealings with Sun Hung Kai Properties Ltd. and ADI Ltd., which was one of the consultants of the applicant. Member noted that Ms. Lai had tendered an apology for being not able to attend the meeting. Mr. Ivan Fu also had declared an interest in this item as he had current business dealings with Cheung Kong (Holding) Ltd. and Sun Hung Kai Properties Ltd., and three of the consultants of the applicant, namely ADI Ltd., Environ Hong Kong Ltd. and MVA Hong Kong Ltd. As the case was a deferral request, the Committee agreed that Mr. Fu could be allowed to stay in the meeting.

94. The Secretary reported that on 19.3.2013, the applicant requested a deferment of the consideration of the application in order to allow time to resolve outstanding departmental concerns. The applicant stated that given the forthcoming long holidays in Easter and Ching Ming Festival in March and April, a deferment for five months was required in order to allow

time to prepare a comprehensive consolidated responses to the Board for consideration. The Planning Department (PlanD) had no objection to the request for deferment. However, it did not support the requested deferment period of five months as the applicant had not provided sufficient justification as to why a five-month deferral request was needed.

95. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that a further period of two months were allowed for preparation of the submission of further information, and since a total of seven months had been allowed, this was the last deferment of the application. The applicant should be further advised to consider the option of withdrawing the present application and re-submitting a fresh application if it was considered/foresaw that the technical complexity of the application would require a longer time to resolve.

## **Agenda Item 22**

### **Section 16 Application**

[Open Meeting]

A/YL-NSW/218 Proposed Comprehensive Development with Wetland Enhancement (including House, Flat, Wetland Enhancement Area, Nature Reserve, Visitors Centre, Social Welfare Facility, Shop and Services) as well as Filling of Land and Pond, Excavation of Land in “Other Specified Uses” annotated “Comprehensive Development and Wetland Enhancement Area 1” and “Site of Special Scientific Interest (1)” zones, Lots No. 1520 RP, 1534 and 1604 in D.D.123 and Adjoining Government Land, Nam Sang Wai and Lut Chau, Yuen Long (RNTPC Paper No. A/YL-NSW/218)

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96. The Secretary reported that the application was submitted by Kleener Investment Ltd., Nam Sang Wai Development Co. Ltd., Community Wetland Park Foundation Ltd. and Lut Chau Nature Reserve Foundation Ltd.. Kleener Investment Ltd. was owned by

Henderson Land Development Co. Ltd.. Ms. Janice Lai had declared an interest in this item as she had current business dealings with Henderson Land Development Co. Ltd. and AECOM Asia Co. Ltd., which was one of the consultants of the applicant. Member noted that Ms. Lai had tendered an apology for being not able to attend the meeting. Mr. Ivan Fu also had declared an interest in this item as he had current business dealings with Henderson Land Development Co. Ltd., and five of the consultants of the applicants, namely Masterplan Ltd., AECOM Asia Co. Ltd., Belt Collins International (HK) Ltd., MVA Hong Kong Ltd. and Ove Arup & Partners Hong Kong Ltd.. As the case was for a deferral request, the Committee agreed that Mr. Fu could be allowed to stay in the meeting.

97. The Secretary reported that the application was scheduled for consideration by the Committee at this meeting. The application site, which covered 178.38ha, fell within an area zoned “Other Specified Uses” annotated “Comprehensive Development and Wetland Enhancement Area 1” (“OU(CDWEA1)”) on the approved Nam Sang Wai Outline Zoning Plan (OZP) No. S/YL-NSW/8 and an area zoned “Site of Special Scientific Interest (1)” (“SSSI(1)”) on the approved Mai Po and Fairview Park OZP No. S/YL-MP/6. The site also fell within the Wetland Conservation Area in the Town Planning Board Guidelines for Application for Developments within Deep Bay Area under s.16 of the Town Planning Ordinance (TPB PG-No. 12B). The site was located in an ecologically sensitive area. In assessing the planning application, there were a number of important issues, including the application of the principles of “no-net-loss in wetland”, minimum pond filling, Private-Public Partnership approach as well as the long-term management and maintenance of the proposed nature reserve and wetland enhancement area, public park, visitor centre and elderly centre, which needed to be sorted out with the concerned government departments prior to submission for consideration by the Committee. The Planning Department (PlanD) required more time to liaise with the concerned government departments, including the Agriculture, Fisheries and Conservation Department and Environmental Protection Department on these issues. Besides, inconsistencies were also noted in the applicants’ submissions, including the site area, area of wetland loss and compensation, and PlanD would also require more time to clarify with the applicants on such information. As such, PlanD requested a decision on the application be deferred for two months in order to allow time to liaise with the applicants and the concerned government departments on the essential information of the application.

98. After deliberation, the Committee decided to defer a decision on the application as requested by the PlanD. The Committee agreed that the application should be submitted for its consideration in two months' time.

### **Agenda Item 23**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/287 Temporary Public Vehicle Park (Private Car and Container Vehicles) and Ancillary Offices for a Period of 3 Years in "Open Storage" zone, Lots 826RP(Part), 827, 828 and 829 in D.D. 102 and Lots 296, 297RP, 298RP, 299RP, 396RP(Part) and 397(Part) in D.D. 105 and Adjoining Government Land, Ngau Tam Mei, Yuen Long  
(RNTPC Paper No. A/YL-NTM/287)

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

99. 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 public vehicle park (private car and container vehicles) and ancillary offices for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site (with residential dwelling being 10 m away to its immediate south) and environmental nuisance was expected. There was no environmental complaint against the site in the past three years. 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 set out in paragraph 12 of the Paper. Although DEP did not support the application as there were sensitive uses in the vicinity of the site, there was no environmental complaint against the site in the past three years. To address DEP's concern and mitigate any potential environmental impacts, approval conditions on restriction on operation hours and prohibition of workshop activities had been recommended.

100. Members had no question on the application.

#### Deliberation Session

101. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 5.4.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the setting back of the site boundary to avoid encroachment on the works limit of the “Drainage Improvement in Northern New Territories – Package A – Drainage Improvement Works in San Tin (Remaining Works)” project as when required by government departments;
- (b) no night-time operation between 11:00 p.m. and 8:00 a.m. on Mondays and Saturdays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no night-time operation between 6:00 p.m. and 8:00 a.m. on Sundays or public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (d) no cutting, dismantling, cleansing, repairing and workshop activity, including container repair and vehicle repair, as proposed by the applicant,



was allowed on the site during the planning approval period;

- (e) no vehicle without valid license issued under the Road Traffic Ordinance was allowed to be parked/stored on the site during the planning approval period;
- (f) the existing trees within the site should be maintained at all times during the planning approval period;
- (g) the existing drainage facilities within the site should be maintained at all times during the planning approval period;
- (h) the submission of a condition record of the existing drainage facilities on the site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.10.2013;
- (i) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.10.2013;
- (j) in relation to (i) above, the provision 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 5.1.2014;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (l) if any of the above planning conditions (h), (i) or (j) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) to resolve any land issue relating to the development with the concerned

owner(s) of the application site;

- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that no approval had been given to the proposed specified structures as site office. No permission had been given for the proposed use and/or occupation of the government land (GL) with the site. The site was accessible through an informal track on GL extended from Shek Wu Wai Road. His office provided no maintenance works for this track nor guarantees right-of-way. Part of the site at Lot Nos. 296, 297RP in D.D. 105 and 826RP, 827 in D.D. 102 was affected by the resumption limit of a Drainage Services Department's project, namely "PWP Item No. 4118CD Drainage Improvement in Northern New Territories, Package B Phase 3 – Shek Wu Wai". Government Land License (GLL) No. Y9228 was issued for agricultural purposes. If structures of else purpose were found on the above area, his office would arrange to terminate the GLL as appropriate. The lot owners concerned would still need to apply to his office to permit any additional/excessive structures to be erected or regularize any irregularities on site. Furthermore, the applicant had to either exclude the GL portion from the 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 of the 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 note the comments of the Commissioner of Transport that the site was connected to an unknown local access road which was not managed by Transport Department. The land status of the local access road should be checked with the lands authority. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authority accordingly;
- (d) to note the comments of the Director of Environmental Protection that the

applicant was advised to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;

- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department as mentioned at Appendix V of this RNTPC paper;
- (f) to note the comments of the Director of Fire Services that 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 fire service installations (FSIs) 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 mentioned above, the applicant was required to provide justifications to his department for consideration; and
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that there was no record of approval by the Building Authority for the structures existing at the site. The applicant was reminded to note his other detailed comments as mentioned at Appendix V of the RNTPC paper.

#### **Agenda Item 24**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/183            Temporary Office with Ancillary Storage Area and Car Parking for a Period of 3 Years in “Village Type Development” zone, Lot 1289 S.F RP in D.D. 114, Kam Sheung Road, Shek Kong, Yuen Long  
(RNTPC Paper No. A/YL-SK/183)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary office with ancillary storage area and car parking for a period of three years;
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (d) five public comments raising objections were received during the first three weeks of the statutory publication period. Two comments from the members of public objected to the application mainly on the grounds that the proposed development would generate pollution and degrade the environment. The other three comments from the villagers of Pat Heung Sheung Tsuen, Pat Heung Rural Committee and Rural Association of Pat Heung Sheung Tsuen objected to the application due to environmental, traffic and road safety reasons, including: (1) the applied use would affect the surrounding village environment; (2) it was inconvenient for the local villagers to bypass the site and make detours in order to enter Kam Sheung Road; (3) the site was located near a bended section of Kam Sheung Road and vehicles and turning in and out of the site would very likely pose danger to other road users and accidents as sightlines was blocked; and (4) the possibility of blocking the footpath along Kam Sheung Road due to parking of vehicles would cause danger to pedestrians. The District Officer/Yuen Long advised that the three public objections received from Pat Heung Rural Committee and Rural Association of Pat Heung Sheung Tsuen were the same as the public comments received by the Board during the statutory publication period of the application.; 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 set out in paragraph 11 of the Paper. Regarding the public comments the adverse environmental, traffic and road safety impacts of the development, it was noted that relevant government departments including the Commissioner for Transport (C for T), the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD), the Commissioner of Police (C of P) and the Director of Environmental Protection (DEP) had no adverse comment or objection to the application. To mitigate any potential impacts, approval conditions restricting the operation hours, types of vehicles, workshop-related activities on the site and no reversing into or out of the vehicular access at Kam Sheung Road were recommended.

104. Members had no question on the application.

#### Deliberation Session

105. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 5.4.2016, 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. from Mondays to Fridays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Saturdays, Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no medium or heavy goods vehicle exceeding 5.5 tonnes including container tractors/trailers, as defined in the Road Traffic Ordinance, was allowed to be parked/stored on the site at any time during the planning approval period;
- (d) no dismantling, repairing, cutting, grinding, cleansing and other workshop

activities should be carried out at the application site at any time during the planning approval period;

- (e) no reversing into or out of the vehicular access at Kam Sheung Road was allowed at any time during the planning approval period;
- (f) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.10.2013;
- (g) in relation to (f) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.1.2014;
- (h) 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 5.10.2013;
- (i) in relation to (h) 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 5.1.2014;
- (j) 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;
- (k) if any of the above planning conditions (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (l) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) prior planning permission should have been obtained before commencing the applied uses at the application site;
- (b) to note the District Lands Officer/Yuen Long, Lands Department's (DLO/YL, LandsD) comments that no approval had been given to the proposed specified structures as office, store and car parks under cover. Should the application be approved, the lot owners concerned would still need to apply to his office 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. 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. Access to the site required traversing through private lot and/or government land (GL). His office provided no maintenance work for the GL involved and did not guarantee right-of-way;
- (c) to note the Commissioner for Transport's comments that the 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 the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that his department was/should not be responsible for the maintenance of the existing vehicular access connecting the site and Kam Sheung Road;
- (e) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to minimize any potential environmental nuisances;

- (f) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the applicant should provide his own drainage facilities to collect the runoff generated from the site or passing through the site, and discharge the runoff collected to a proper discharge point. The development should not obstruct the overland flow or cause any adverse drainage impact on the adjacent areas and existing drainage facilities. The applicant should consult DLO/YL, LandsD and seek consent from the relevant owners for any works to be carried outside his lot boundary;
  
- (g) to note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that existing water mains would be affected. The developer should undertake and bear the cost of any necessary diversion works affected by the proposed development as and when required by WSD. The Water Authority, his officers and contractors and his or 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 water mains and all other services across, through or under it which the Water Authority might require or authorize. As rehabilitation and replacement (R&R) of the water mains within and in the vicinity of the site would be carried out by the WSD contractors, the applicant was requested to liaise with WSD about the access programme of works and working space for the R&R works;
  
- (h) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. In formulating FSIs proposal for the proposed structures, the applicant was advised to note 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 indicated on plans. The applicant should also be advised that the layout plans should be drawn to



scale and depicted with dimensions and nature of occupancy, and the 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 FSIs as prescribed in the above, the applicant was required to provide justification to his Department for consideration;

- (i) to note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments that if the existing structures were erected on leased land without approval of BD, they were unauthorized under the Building Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works were to be carried out on the site, the prior approval and consent of 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. It appeared that the site did not abut on a specified street having a width of not less than 4.5m wide, in such respect, the development intensity should be determined under Building (Planning) Regulations (B(P)R) 19(3) at the building plan submission stage. The site should be provided with means of obtaining access thereto from a street under the B(P)R 5 and emergency vehicular access should be provided under the B(P)R. 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 site under the BO. The proposed structures might be considered as temporary buildings and were subject to control under the B(P)R Pt. VII; and
- (j) to note the Director of Electrical and Mechanical Services' comments 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 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. 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 25**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/311            Proposed Public Utility Installation (Electricity Package Substation) and Excavation of Land in “Village Type Development” zone, Government Land in D.D. 118, Nam Hang Tsuen, Tai Tong, Yuen Long  
(RNTPC Paper No. A/YL-TT/311)

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

107.        Mr. C.K. Tsang, STP/TMYL, 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) and excavation of land;
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer/ Yuen Long; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper.

108. Members had no question on the application.

#### Deliberation Session

109. 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 5.4.2017, 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 to the satisfaction of the Director of Planning or of the TPB; and
- (b) the design and provision of water supply for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the District Lands Officer/Yuen Long, Lands Department's (DLO/YL, LandsD) comments that the applicant should submit applications to his office for an excavation permit on the government land and for approval of construction and installation of the package substation under the mechanism of Block Licence that covered site within 12m<sup>2</sup>. There was no guarantee that the excavation permit and the Block Licence would be granted to the applicant. If the excavation permit was granted, the grant 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 administrative fee;

- (b) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that landscape planting should be proposed around the substation to enhance the screening and greening effect;
- (c) to note the comments of Chief Engineer/Mainland North, Drainage Services Department that the applicant should provide his own drainage facilities to collect the runoff generated from the site or passing through the site, and discharge the runoff collected to a proper discharge point. The development should not obstruct overland flow or cause any adverse drainage impact on the adjacent areas and existing drainage facilities. Also, the applicant should consult DLO/YL and seek consent from the relevant owners for any works to be carried out outside his lot boundary;
- (d) to note the comments of Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority. Furthermore, the emergency vehicular access (EVA) provision in the site should comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the Building (Planning) Regulations (B(P)R) 41D which was administered by the Buildings Department (BD);
- (e) to note the comments of Chief Building Surveyor/New Territories West, BD that if the existing structures were erected on leased land without approval of BD, they were unauthorized under the Building Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including electricity substation) were to be carried out on leased land, the prior approval and consent of 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 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 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;

- (f) to note the comments of Director of Health that according to the World Health Organization (WHO), with compliance with the relevant International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines (1998), exposure to extremely low frequency electromagnetic fields such as those generated by electrical facilities would not pose any significant adverse effects to workers and the public. WHO also encouraged effective and open communication with stakeholders in the planning of new electrical facilities and exploration of low-cost ways of reducing exposures when constructing new facilities; and
- (g) to note the comments of Director of Electrical and Mechanical Services that for the design and operation of electricity package substation, the applicant 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. Also, the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines.

**Agenda Item 26**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/633      Temporary Open Storage of Construction Machinery and Construction Materials for a Period of 3 Years in “Undetermined” zone, Lots 1080 (Part) and 1081 (Part) in D.D. 119, Kung Um Road, Yuen Long (RNTPC Paper No. A/YL-TYST/633)

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Presentation and Question Sessions

111.      Mr. C.K. Tsang, 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 construction materials for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses to the southeast across the local track and in the vicinity of the site (with the nearest dwelling about 15m to its southeast), and environmental nuisance was expected. There was no environmental complaint against the site in the past three years. Other concerned departments had no objection to or adverse comment on the application;
- (d) one public comment was received during the first three weeks of the statutory publication period. The comment was from Designing Hong Kong Limited raising objection to the application for the reasons that there was no evidence on the urgency to develop the site for open storage use as there were numerous open facilities nearby, and the proposed development might generate adverse environmental, landscape and traffic impacts on the area. 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 set out in paragraph 12 of the Paper. Although DEP did not support the application as there were sensitive receivers of residential uses in the vicinity of the site, there was no environmental complaint against the site in the past three years. To address DEP's concerns on the possible nuisance generated by the temporary use, approval conditions restricting the operation hours, prohibiting the storage of electronic wastes and used electrical appliances and the carrying out of workshop activities on the site, restricting the use of goods vehicles exceeding 5.5 tonnes including container tractors/trailers, and requiring the provision of boundary fencing were recommended. Regarding the public comment that there was no need to develop the site for open storage use, it should be noted that the proposed use was not in conflict with the planning intention of the "U" zone on the OZP, which was generally intended for open storage use. The area was designated with this zoning mainly due to the concerns of the capacity of Kung Um Road. Regarding the public concern on traffic problem, the concerned departments including the Commissioner for Transport and Commissioner of Police had no adverse comment. To address the technical concerns of CE/MN of DSD, CTP/UD&L of PlanD, and D of FS, relevant approval conditions requiring the submission and implementation of proposals on drainage, landscape and tree preservation, and FSIs were recommended.

112. Members had no question on the application.

#### Deliberation Session

113. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 5.4.2016, 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 7:00 p.m. and 7:00 a.m., as proposed by

the applicant, was allowed on the application site during the planning approval period;

- (b) no operation on Sundays and on public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste, as proposed by the applicant, was allowed on the application site at any time during the planning approval period;
- (d) no repairing, dismantling, maintenance, cleaning and any other workshop activities, as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (e) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, and as proposed by the applicant, was allowed to be parked/stored on or entered/exited the application site at any time during the planning approval period;
- (f) the provision of boundary fencing on the application site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.10.2013;
- (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 5.10.2013;
- (h) in relation to (g) above, the implementation of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.1.2014;
- (i) 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 5.10.2013;



- (j) in relation to (i) 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 5.1.2014;
- (k) the provision of fire extinguisher(s) with a valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.5.2013;
- (l) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.10.2013;
- (m) in relation to (l) 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 5.1.2014;
- (n) 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;
- (o) if any of the above planning conditions (f), (g), (h), (i), (j), (k), (l) or (m) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (p) upon 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.

114. 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) 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 site comprised Old Scheduled Agricultural Lots held under Block Government Lease. The lease contained the restriction that no structures were allowed to be erected without prior approval of the Government. No approval had been given to the proposed specified structures as open shed and converted containers for storage of construction materials and site office. Should the application be approved, the lot owners concerned would still need to apply to his office 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. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD. Besides, access to the site required traversing through private lot and/or government land. His office provided no maintenance work for the government land involved and did not guarantee right-of-way;
  - (e) to note the comments of Commissioner for Transport that the land status of the access road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same access road/path/track should be clarified with the relevant management and maintenance authorities accordingly;
  - (f) to note the comments of Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. His department should not be responsible for the maintenance of any access connecting the site and Kung Um Road;
  - (g) to follow the latest "Code of Practice on Handling the Environmental

Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;

- (h) to note the comments of Chief Engineer/Mainland North, Drainage Services Department that the size of the proposed catchpits and the details of the connection with the existing natural drain should be shown on the proposed drainage plan. Also, DLO/YL, LandsD and the relevant lot owners should be consulted as regards all proposed drainage works outside the site boundary or the applicant’s jurisdiction;
- (i) to note the comments of Chief Engineer/Development (2), Water Supplies Department that water mains in the vicinity of the site could not provide the standard pedestal hydrant;
- (j) to note the comments of Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. In formulating FSIs proposal for the proposed structures, the applicant was advised to make reference to the requirements in Appendix IV of this RNTPC paper. Should the applicant wish to apply for exemption from the provision of certain FSI as required, the applicant should provide justifications to his Department for consideration;
- (k) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures were erected on leased land without approval of BD, they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including converted containers and open sheds) were to be carried out on the 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 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 4.5 m wide, its permitted development intensity should be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and

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

**Agenda Items 27-29**

**Section 16 Application**

[Open Meeting]

**Agenda Item 27**

A/YL-KTN/370 Proposed Residential Development (Houses) in “Comprehensive Development Area” and “Undetermined” zones, Various Lots in D.D. 107 and Adjoining Government Land, Kam Tin (to the East of the Fishery Research Station of the Agriculture, Fisheries and Conservation Department), Yuen Long  
(RNTPC Paper No. A/YL-KTN/370D)

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**Agenda Item 28**

A/YL-KTN/371 Proposed Residential Development (Houses) in “Comprehensive Development Area” and “Undetermined” zones, Various Lots in D.D. 107 and Adjoining Government Land, Kam Tin (to the South of Cheung Chun San Tsuen), Yuen Long  
(RNTPC Paper No. A/YL-KTN/371D)

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**Agenda Item 29**

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

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115. The Committee noted that these three applications No. A/YL-KTN/370, 371 and 378 were similar in nature and the application sites were located in close proximity to one another. The Committee agreed that these three applications could be considered together.

116. The Secretary reported that the applications No. A/YL-KTN/370 and 371 were submitted by Bright Strong Ltd., and the application No. A/YL-KTN/378 was submitted by East Gold Development Ltd.. They were the subsidiaries of Sun Hung Kai Properties Ltd.. Ms. Janice Lai had declared an interest in these items as she had current business dealings with Sun Hung Kai Properties Ltd., AECOM Asia Co. Ltd. which was the consultant of the applications No. A/YL-KTN/370 and 371, and Urbis Ltd which was the consultant of applications No. A/YL-KTN/370, 371 and 378. Member noted that Ms. Lai had tendered an

apology for being not able to attend the meeting. Mr. Ivan Fu also had declared an interest in this item as he had current business dealings with Sun Hung Kai Properties Ltd., AECOM Asia Co. Ltd. and Belt Collins International (HK) Ltd. which were the consultants of application No. A/YL-KTN/370 and 371, and Urbis Ltd. and Environ Hong Kong Ltd. which were the consultants of applications No. A/YL-KTN/370, 371 and 378. As the cases were deferral requests, the Committee agreed that Mr. Fu could be allowed to stay in the meeting.

117. The Secretary reported that on 27.3.2013, the applicants of applications No. A/YL-KTN/370, 371 and 378 requested for a deferment of the consideration of the applications for two months in order to allow time to examine the cumulative effects arising from the proposed development and the nearby proposed residential developments in the area.

118. After deliberation, the Committee decided to defer a decision on the applications as requested by the applicants pending the submission of further information from the applicants. The Committee agreed that the applications should be submitted for its consideration within two months from the date of receipt of further information from the applicants. The Committee also agreed to advise the applicants of applications No. A/YL-KTN/370, 371 and 378 that a further period of two months were allowed for preparation of the submission of the further information, and since a total of ten months had been allowed for applications No. A/YL-KTN/370 and 371 and eight months had been allowed for application No. A/YL-KTN/378, this was the last deferment of the applications.

### **Agenda Item 30**

#### **Section 16 Application**

[Open Meeting]

A/YL-KTN/402 Proposed School (International School Development Comprising Kindergarden, Primary Section, Secondary Section Cum Ancillary Dormitory and Facilities) in “Undetermined” zone, Government Land in D.D. 109, Ha Ko Po Tsuen, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/402)

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119. The Secretary reported that Ms. Janice Lai had declared an interest in this item as

she had current business dealings with AECOM Asia Co. Ltd., one of the consultants of the applicant. Members noted that Ms. Lai had tendered an apology for being not able to attend the meeting. Mr. Ivan Fu also had declared an interest in this item as he had current business dealings with Environ Hong Kong Ltd. and AECOM Asia Co. Ltd., two of the consultants of the applicant. As the case was for a deferral request, the Committee agreed that Mr. Fu could be allowed to stay in the meeting.

120. The Secretary reported that on 15.3.2013, the applicant requested for a deferment of the consideration of the application for two months in order to allow time to address the departmental comments.

121. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two 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 31**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/403      Proposed Temporary Shop and Services (Grocery and Metalware Retail Shop) for a Period of 3 Years in “Village Type Development” zone, Lot 283 S.A RP(Part) in D.D. 109, Kam Tin, Yuen Long (RNTPC Paper No. A/YL-KTN/403)

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

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

- (a) background to the application;
- (b) the proposed temporary shop and services (grocery and metalware retail shop);
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (d) one public comment raising objection was received during the first three weeks of the statutory publication period. The comment was from the manager of Tang Kat Hing Wai Tso Tong stating that Tso Tong did not lease the site to the applicant for use. 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 set out in paragraph 11 of the Paper. Regarding the public comment objecting to the application on the ground that the land owner did not lease the site to the applicant for use, an advisory clause was recommended to advise the applicant to resolve any land issue relating to the development with the concerned owner(s) of the site.

123. In response the Member's query, Mr. C.K. Tsang said that an advisory clause was recommended to advise the applicant to adopt the latest "Code of Practice on Handling the Environmental Aspects of Temporary uses and Open Storage Sites". It would help regulate the practice to prevent the dust impacts such as using an enclosure for dusty operation.

#### Deliberation Session

124. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 5.4.2016, 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 7:00 p.m. and 9:00 a.m. on Mondays to Fridays and between 5:00 p.m. and 9:00 a.m. on 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 application, was allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities should be carried out on the site at any time during the planning approval period;
- (d) no medium or heavy goods vehicles exceeding 5.5 tonnes including container tractors/trailers, as defined in the Road Traffic Ordinance, were allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) no reversing of vehicles into or out from the site was allowed at any time during the planning approval period;
- (f) provision of boundary fencing, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.10.2013;
- (g) the submission of landscaping proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.10.2013;
- (h) in relation to (g) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.1.2014;
- (i) the provision of fire extinguisher(s) together with a valid fire certificate (FS251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.5.2013;
- (j) the submission of 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 5.10.2013;

- (k) in relation to (j) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 5.1.2014;
- (l) 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;
- (m) if any of the above planning conditions (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 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.

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

- (a) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (b) to note the comments of District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprised Old Scheduled Agricultural Lot held under the Block Government Lease which contained the restriction that no structure was allowed to be erected without prior approval of the government. No approval had been given for the proposed specified structure as retail shop. 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 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. If the 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 environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (d) to note the comments of Commissioner for Transport that the 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 the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of Chief Highway Engineer/New Territories West, Highways Department that his department was not/should not be responsible for the maintenance of the existing vehicular access connecting the site and Kam Tin Road.
- (f) to note the comments of Chief Engineer/Mainland North, Drainage Services Department that the development should not obstruct overland flow nor adversely affected any existing natural streams, village drains, ditches and the adjacent areas.
- (g) to note the comments of 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 use under the application. Before any new building works including temporary buildings were to be carried out on the site, the prior approval and consent of the Buildings 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. In this connection, the site should provide 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. 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 site under the BO. 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 Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. The applicant should also observe the requirements in Appendix III of this RNTPC paper in formulating the FSIs proposal for the proposed structures. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant was required to provide justifications to his department for consideration. If the application required the submission of general building plan to BD detailed fire safety requirements would be formulated upon the receipt of the plan; and
- (i) to note the comments of Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, prior consultation and arrangement with

the electricity supplier was necessary for the site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department. Prior to establishing any structure within the site, the applicant and/or his contractors should also 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 Supplier 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 32**

#### **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/657A)

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126.            The Secretary reported that on 28.3.2013, the applicant requested for a deferment of the consideration of the application for two months in order to allow time to liaise with the local residents and propose mitigation measures to minimize the impacts of the proposed development on the surrounding areas.

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

months were allowed for preparation of the submission of the further information, and since a total of three months had been allowed, no further deferment would be granted unless under very special circumstances.

[The Chairman thanked Mr. C.C. Lau, Mr. K.C. Kan, Mr. Ernest C.M. Fung, and Mr. C.K. Tsang, STPs/TMYL for their attendance to answer Members' enquires. Mr. Lau, Mr. Fung and Mr. Kan left the meeting at this point.]

**Agenda Item 33**

**Any Other Business**

128. There being no other business, the meeting closed at 5:20 p.m..