

**TOWN PLANNING BOARD**

**Minutes of 490th Meeting of the  
Rural and New Town Planning Committee held at 2:30 p.m. on 21.6.2013**

**Present**

Mr. Timothy K.W. Ma

Vice-chairman

Dr. C.P. Lau

Dr. W.K. Yau

Professor K.C. Chau

Ms. Janice W.M. Lai

Ms. Christina M. Lee

Mr. H.F. Leung

Mr. F.C. Chan

Chief Traffic Engineer/New Territories West,  
Transport Department

Mr. W.C. Luk

Chief Engineer (Works), Home Affairs Department

Mr. Frankie W.P. Chou

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

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

Deputy Director of Planning/District  
Mr. Wilson Y.L. So

Secretary

**Absent with Apologies**

Director of Planning  
Mr. K.K. Ling

Chairman

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

Ms. Anita W.T. Ma

Dr. Wilton W.T. Fok

Mr. Ivan C.S. Fu

Mr. Lincoln L.H. Huang

**In Attendance**

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

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

Town Planner/Town Planning Board  
Miss Hannah H.N. Yick

**Agenda Item 1**

Confirmation of the Draft Minutes of the 489th RNTPC Meeting held on 7.6.2013

[Open Meeting]

1. The draft minutes of the 489th RNTPC meeting held on 7.6.2013 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

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

**Sai Kung and Islands District**

**Agenda Item 3**

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/I-CC/2                      Proposed Amendment to the Approved Cheung Chau Outline Zoning Plan No. S/I-CC/5 from “Government, Institution or Community (4)” zone to “Residential (Group C) 7” zone, 15 Fa Peng Road, Cheung Chau (Cheung Chau Inland Lot No.11)  
(RNTPC Paper No. Y/I-CC/2)

---

3.                      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. Ms. Janice Lai had also declared an interest in this item as she was the ex-colleague of Mr. Nick Chappell who was the applicant’s representative. The Committee noted that Mr. Fu had tendered apologies for being unable to attend the meeting, As Ms. Lai had no direct involvement in the application, the Committee agreed that she could stay in the meeting.

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

- Mr. Ivan Chung                      -    District Planning Officer/Sai Kung and Islands (DPO/SKIs)
- Mr. T.C. Cheng                      -    Senior Town Planners/Sai Kung and Islands (STPs/SKIs)

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

- Mr. Nick Chappell
- Mr. Ian Brownlee
- Mr. Eric Chih

6. The Vice-chairman extended a welcome and explained the procedures of the hearing. He then invited Mr. T.C. Cheng, STP/SKIs to brief Members on the background of the application.

### Presentation and Question Sessions

7. With the aid of a powerpoint, Mr. T.C. Cheng presented the application as detailed in the Paper and covered the following main points :

#### The Proposal

- (a) the applicant proposed to rezone the application site from "Government, Institution or Community (4)" ("G/IC(4)") to "Residential (Group C) 7" ("R(C)7") on the approved Cheung Chau Outline Zoning Plan (OZP) No. S/I-CC/5, subject to a maximum plot ratio (PR) of 0.9, a maximum site coverage of 45% and a maximum building height of 2 storeys (7.62m). The proposed rezoning was to facilitate redevelopment of a vacated Taoist temple into a house;

#### Background

- (b) the application site involved two previous applications (i.e. Nos. A/I-CC/10 and A/I-CC/17) for a columbarium and a house development respectively. The application No. A/I-CC/10 was submitted by a different applicant and was rejected by the Board on review on 30.9.2011 for reasons regarding land use incompatibility, pedestrian safety and lack of traffic/pedestrian impact assessment. The Town Planning Appeal (No. 13/2011) against the Board's decision on the review application of A/I-CC/10 was dismissed by the Town Planning Appeal Board on 17.4.2013;
- (c) the application No. A/I-CC/17 was submitted by the same applicant of the current rezoning application for a 2-storey house (422m<sup>2</sup> GFA) at the site and the surrounding government land straddling the "G/IC(4)" zone and the adjoining "Green Belt" zone on the OZP. The s.16 planning application

was rejected on review by the Board on 8.3.2013 for reasons that the proposed house development was not in line with the planning intention of the “G/IC” zone nor the Town Planning Board (TPB) Guidelines No. 16, and the approval of the application would set an undesirable precedent for other similar applications within the “G/IC” zone;

#### Departmental Comments

- (d) departmental comments were set out in paragraph 9 of the Paper. The Director of Social Welfare (DSW) commented that there had been pressing need for additional welfare premises in the locality of Cheung Chau. Subject to technical feasibility, he would like to register his intention to consider the surrounding government land for welfare use. The Government Property Administrator (GPA) advised that relevant departments should be consulted on the use of the “G/IC(4)” zone concerned. Also, consideration should be given on whether there were local concerns, need or request for GIC sites. In the event that the site and the surrounding government land were rezoned, it might not be easy to find substitution site in future;

#### Public Comments

- (e) during the first three weeks of the statutory public inspection period, no public comment was received. District Officer (Islands) had no comment on the application; and

#### Planning Department (PlanD)’s views

- (f) PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper. The site had been zoned “G/IC(4)” since the publication of the first Cheung Chau OZP on 18.6.2004 to reflect the as-built Taoist Temple at the site. The Taoist Temple had already ceased operation and the owner of the site had no intention to continue the G/IC use. Concerned departments had not raised any request for

providing G/IC facilities at the site. There were also other “G/IC” sites in Cheung Chau reserved for meeting the future demand for G/IC facilities. The proposed rezoning was in line with the TPB Guidelines No. 16 in that the Board might consider rezoning a “G/IC” site to an appropriate use if the “G/IC” zone did not reflect the existing nor intended use of the site and provision of other G/IC uses at the site was not required. The surrounding areas of the site were predominantly low-density and low-rise residential developments zoned “R(C)4”, “R(C)5” and “R(C)6” with maximum PR ranging from 0.2 to 0.6. Rezoning of the site for residential use was generally compatible with the residential character of the surrounding areas. The proposed house development would have no adverse impact on infrastructure, traffic, visual and landscape aspects of the area. The remaining portion of this “G/IC(4)” zone immediately surrounding the site was a piece of government land. DSW had registered his interest to use the concerned government land for residential care place for the elderly. Should the Committee decide to agree to the application, PlanD would review the zoning of this piece of government land taking into account DSW’s proposal. Amendment proposals in respect of the site and the remaining portion of the “G/IC(4)” zone would be submitted to the Committee for consideration.

8. Upon the invitation of the Chairman to make a presentation, Mr Ian Brownlee said that he accepted the recommendation of PlanD and made the following points:

- (a) the applicant had submitted a s.16 application on the subject proposal previously but was rejected by the Committee. The applicant had followed the advice of pursuing the proposal by submission of a s.12A application in accordance with the TPB Guidelines; and
- (b) as regards DSW’s proposal of a residential care place for the elderly, some work on the feasibility of elderly home for one of the operators of elderly homes in Cheung Chau had been done. One of the requirements was relatively easy access of the site. The government land surrounding the application site which could only be accessed through a narrow footpath

might not be a suitable location as it might not be able to provide an easy access for elderly home.

9. Members had no question on the application. As the applicant's representatives had no further points to raise and there were no further questions from Members, the Vice-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 Vice-chairman thanked the applicant's representatives and PlanD's representatives for attending the hearing. They all left the meeting at this point.

#### Deliberation Session

10. After deliberation, the Committee decided to agree to the application and that the proposed amendments to the OZP in respect of the application site and the remaining portion of the "G/IC(4)" zone should be submitted to the Committee for agreement prior to gazetting under the Town Planning Ordinance.

#### **Agenda Item 4**

##### Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/SK-PK/2                      Proposed Amendments to the Approved Pak Kong and Sha Kok Mei Outline Zoning Plan No. S/SK-PK/11 from "Residential (Group C) 2", "Agriculture" and "Green Belt" zones to "Other Specified Uses" annotated "Columbarium" and "Green Belt" zones, Lots 1025 S.A, 1025 S.B, 1026 S.A (Part), 1026 RP, 1030 S.A RP (Part), 1030 S.B ss.1 (Part) and Adjoining Government Land in D.D. 217, Mang Kung Wo, Sai Kung  
(RNTPC Paper No. Y/SK-PK/2)

---

11. The Secretary reported that Mr. Ivan Fu had declared an interest in this item as he had current business dealings with Environ Hong Kong Ltd. and MVA Hong Kong Ltd., the



consultants of the applicant. The Committee noted that he had tendered apologies for being unable to attend the meeting.

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

- |                |   |
|----------------|---|
| Mr. Ivan Chung | - District Planning Officer/Sai Kung and Islands (DPO/SKIs) |
| Mrs. Alice Mak | - Senior Town Planner/Sai Kung & Islands (STP/SKIs)         |

13. The following applicant's representatives were invited to the meeting at this point:

- Mr. Ellis Au Yeung
- Mr. Donald Tam
- Miss Tammy Ho
- Mr. Andy Wong
- Miss Cheung Hoi Yee
- Mr. Ted Lam
- Mr. Alan Pun
- Miss Elsa Chung
- Mr. Nevin Ho
- Mr. Tony Cheng
- Mr. Willie Wong

14. The Vice-chairman extended a welcome and explained the procedures of the hearing. He then invited Mrs. Alice Mak, STP/SKIs to brief Members on the background of the application.

#### Presentation and Question Sessions

15. With the aid of a powerpoint, Mrs. Alice Mak presented the application as detailed in the Paper and covered the following main points:

### The Proposal

- (a) the total area of the application site was about 3,272 m<sup>2</sup>, including 892 m<sup>2</sup> of Government land. Out of the total site area, about 3,201 m<sup>2</sup> (97.8%) was proposed to be rezoned from “Residential (Group C)2” (“R(C)2”), “Agriculture” (“AGR”) and “Green Belt” (“GB”) to “Other Specified Uses (Columbarium)” and the remaining 71m<sup>2</sup> (2.2%) was proposed to be rezoned to “GB” to facilitate the development of a 3-storey low-rise building for columbarium with not more than 8,500 single-urn niches;
- (b) the application site was located about 350m to the west of Hiram’s Highway (HH) and was accessible via the narrow and winding Mang Kung Wo Road (MKWR) which had a width ranging from 2.7m to 5.8m;

### Background

- (c) on 3.11.1999, the applicant proposed to rezone the same site from “Government, Institution or Community” (“G/IC”) to “R(C)2” to facilitate the development of nine 2-storey houses over one level of underground carport (Application No. Z/SK-PK/2). The application was approved by the Committee on 31.3.2000. The amendment proposal was subsequently incorporated into the draft Pak Kong and Sha Kok Mei Outline Zoning Plan but the applicant had not implemented the proposal;

### Departmental Comments

- (d) departmental comments were set out in paragraph 8 of the Paper. The Commissioner for Transport (C for T), the Commissioner of Police (C of P), the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD), the Director of Agriculture, Fisheries and Conservation (DAFC) and the Head of the Geotechnical Engineering Office, the Civil Engineering and Development Department (H(GEO), CEDD) did not support/ objected/ had adverse comments on the application.

Their comments were summarised and incorporated in PlanD's views below. Other concerned government departments had no objection/adverse comments on the application;

#### Public Comments

- (e) during the first three weeks of the statutory publication periods of the application and its further information, a total of 174 comments were received. Six of them expressed support to the application as there was a need of columbarium in Sai Kung to serve people in the area. The remaining 168 commenters objected to the application on the grounds of adverse traffic impact on the area especially during Ching Ming/Chung Yeung festivals (festival days), adverse environmental, visual, ecological, public security impacts on the surrounding area and also adverse impact on public hygiene. The columbarium would become a nuisance, generate adverse psychological impacts on the local villagers and set undesirable precedent for other similar applications. District Officer (Sai Kung) had not received any comment on the application;

#### PlanD's View

- (f) PlanD did not support the rezoning application based on the assessments made in paragraph 10 of the Paper which were summarised as follows :

#### Land Use

- (i) in view of the natural setting of the application site and the existing low-rise and low-density residential development in the surroundings, the proposed columbarium use was considered not compatible with the surroundings of the site. Since the Committee approved the rezoning application No. Z/SK-PK/2 to rezone the site from "G/IC" to "R(C)2" in 2000, there had been no change in planning circumstances and the applicant had not demonstrated why the proposed columbarium use would be more suitable than

residential use. The current zonings of “R(C)2”, “AGR” and “GB” were appropriate for the site. The proposed rezoning would result in reduction of site available for residential developments, which would affect the supply of housing land in meeting the pressing housing demand over the territory. Moreover, the applicant had not provided justification for the inclusion of 892m<sup>2</sup> of government land in the rezoning application;

Traffic Arrangement and Crowd Management

- (ii) C of P estimated that there would be over 40,000 persons visiting the proposed columbarium on the festival days. C of P objected to the application since the crowd management and public safety, and shuttle bus service arrangement issues could not be satisfactorily resolved. C for T also did not lend support at this stage as he had doubt on the monitoring and enforceability of the traffic management plan;

Traffic Impact Assessment

- (iii) C for T had adverse comments on the Traffic Impact Assessment (TIA) submitted. C of P also commented that this area would experience considerable amount of both vehicular and pedestrian congestion for the festival days. This would create severe amount of traffic delays along HH as well as in the vicinity of Mang Kung Wo. The TIA had not provided sufficient information to justify the proposed parking and loading/unloading facilities within the site and also demonstrate that the proposed development would not have adverse traffic impacts on the area;

Pedestrian Safety

- (iv) the public had to walk along the narrow single track of MKWR with traffic coming from both directions. It would create serious traffic

congestion and concerns on pedestrian safety. The applicant's proposed shuttle buses could barely drive down MKWR. Bottlenecks would be created at both ends, causing long tailbacks along HH. As HH was the sole access route to Sai Kung from Kowloon and Hong Kong Island, sudden increase in traffic along this route would cause a considerable amount of disruption to residents and road users and cause delays to emergency vehicles;

Proposed Widening of Mang Kung Wo Road

- (v) C for T had adverse comments on the feasibility of the proposed road widening at MKWR. As the widening works would be subject to complicated land ownership and technical issues as well as maintenance responsibility, C for T considered that a mere undertaking at this stage was not acceptable. C of P also advised that it was unacceptable for non-provision of continuous footpath along this route;

Proposed Shuttle Bus Services

- (vi) the applicant proposed two shuttle bus (30-seater coach bus) services from Tseung Kwan O and Sai Kung Town to the site, each with 7 trips per hour. Both C for T and C of P had doubt on the practicality and effectiveness of the 'shuttle bus only' arrangement, especially the practicability and enforceability of the ticketing system that only visitors by shuttle bus were allowed to enter the columbarium during the festival days. C of P advised that 14 proposed shuttle buses were clearly insufficient for the crowds anticipated. It was envisaged that a considerable number of worshippers would alight along HH and access the columbarium through MKWR without using the shuttle buses. Considerable congestion would occur on the HH;

Landscape

- (vii) CTP/UD&L, PlanD objected to the application as the practicability and effectiveness of the landscape and tree preservation proposals were doubtful;

Geotechnical

- (viii) H(GEO), CEDD advised that the submitted Geotechnical Planning Review Report was insufficient to conclude that the proposed development would not be affected by the natural hillside. Further study was required;

Agriculture

- (ix) DAFC advised that the northeastern portion of the site zoned “AGR” had high potential for agricultural rehabilitation and he did not support the application;

Proposed Notes for the “OU(Columbarium)” zone

- (x) the proposed ‘Columbarium’ use under Column 1 use of the “OU(Columbarium)” zone implied that no further approval from the Committee was required for the columbarium development. There would be no mechanism to ensure the applicant would implement the various measures/proposals; and

Undesirable Precedent

- (xi) approving the proposed rezoning would set an undesirable precedent for similar applications, the cumulative impacts of which would overstrain the capacity of the area.

16. Upon the invitation of the Vice-chairman, Miss Cheung Hoi Yee made a presentation of the rezoning application and covered the following main points:

- (a) the application site was located at MKWR with majority part zoned as “R(C)” and the remaining parts zoned as “GB” and “AGR”. It was proposed to rezone the application site to “OU (Columbarium)” (3,201 m<sup>2</sup>) with the fringe portion as “GB” (71 m<sup>2</sup>). There were Fat Kwong Buddhist Temple with columbarium niches for Buddhists, Kei Pik Shan Cemetery and local temples in the vicinity, while residential developments were located some distance away. Therefore, the proposed columbarium was compatible with the surrounding land uses;
- (b) the application was at a lower location than MKWR and was well-screened by natural topography. It was currently partly occupied by a horticultural garden and partly vacant with wild grasses;
- (c) the proposed columbarium was able to meet the pressing territorial demand for different kinds of columbarium use. The proposed columbarium would provide only 8,500 single-urn niches. It would adopt environmentally-friendly design with no burning of incense and ritual papers allowed. It would be properly managed by on-site staff and owners’ incorporated would be established for proper management in the long-term. Special traffic arrangement would be in place to minimize potential traffic impact to the vicinity during the festival days. So the proposed columbarium would not induce permanent traffic impact to vicinity;
- (d) the preserved trees and planting along the site periphery would screen out the proposed columbarium and the lush green would help the development blend in with the surrounding environment. In the operation stage, the proposed landscaping treatment would be carefully maintained by the applicant. Simple and modern building design would be adopted and comprehensive landscaping treatment within the application site was proposed;
- (e) the Food Branch, Food and Health Bureau and the Food and Environmental Hygiene Department (FEHD) considered that the proposed columbarium

development was, in principle, in line with their policy objective to increase the supply of authorised columbarium niches in both public and private sectors to meet the increasing public demand and suggested the project proponent to implement mitigation measures to the satisfaction of parties concerned;

- (f) Environmental Protection Department had no objection to the proposed rezoning application subject to “no burning” commitment was strictly followed;
- (g) the CTP/UD&L, PlanD considered that both the plot ratio and site coverage of the proposed columbarium were comparable to the current “R(C)2” zone, whilst the building height of 13.5m (3 storeys), was not incompatible with the existing buildings in the surrounding area. Having regard to the topography of the surrounding area, he had no comment on the proposal from urban design/ visual impact point of view; and
- (h) while other concerned government departments had no objection to the rezoning proposal, the District Officer (Sai Kung) had not received any comment on the application.

17. Mr. Ted Lam then briefed Members on the landscaping proposal of the proposed columbarium development and covered the following main points::

- (a) the proposed columbarium comprised three groups of 2-storey buildings. It would occupy the central levelled land of the site in order to minimise slope cutting required for the site formation works. Rooftop greening would be provided for the buildings. Soft planted edge (2 m to 15 m) would be provided along the interface of the site with the surrounding areas. The proposed development would be integrated with the surrounding landscape;
- (b) the proposed development would be sited away from the existing streams within the site as far as possible. Cantilevered deck would be adopted for the section of footpath over the stream near MKWR so as to keep away



from the stream;

- (c) there were 44 trees within the site, of which 19 would be retained and 25 would be felled. No old and valuable trees and protected species were identified in the site. 74 heavy standard trees and 896 woodland whip planting were proposed as compensatory planting with a compensation ratio of about 1:3 to enhance local biodiversity. With a planting area of 1,120m<sup>2</sup>, the greening ratio would be 34.23 % which was relatively high;
- (d) the site was zoned “R(C)2” which allowed private housing development. This would inevitably involve site formation and vegetation clearance. Since the scale of development for the proposed columbarium development was similar to the permitted residential development in the “R(C)2” zone on the OZP, site formation and vegetation clearance for the proposed columbarium were similar to that for private housing development. Comparing to the schematic design of the proposed low-density residential use as presented to the Committee in 2000, the schematic design of the proposed columbarium would allow greater opportunities to preserve the existing trees and implement more comprehensive landscape treatment at the site; and
- (e) should the proposed rezoning be agreed by the Committee, the requirements on tree preservation and landscape treatment could be incorporated into the lease during lease modification.

18. Mr. Alan Pun then presented the traffic aspects of the proposed rezoning application and covered the following main points:

- (a) the application site was surrounded by similar uses such as temples and cemetery. It was directly linked to MKWR with a distance of 350 m away from HH. It would take about 5 to 10 minutes to walk from HH;
- (b) 1 loading/unloading bay, 2 coach parking spaces and 6 private car parking spaces were proposed for the development with reference to the parking provision of some existing private columbaria. They were parking spaces

for normal days only. Due to the Kei Pik Shan Cemetery, MKWR would be closed for traffic during the festival days and turned into a major footpath for worshippers in the area. Shuttle bus services would be operated during the festival days for the proposed columbarium. To effectively control the number of visitors, a ticketing system was proposed. Visitors to the proposed columbarium had to purchase ticket when boarding the shuttle bus. Only visitors with the ticket would be allowed to enter the columbarium. There were two proposed shuttle bus stops, one in Sai Kung Town and one in Tseung Kwan O, both of them were located near public transport and had sufficient parking spaces nearby;

- (c) traffic surveys were conducted at festival days in the area and also at similar private columbaria in the territory so as to assess the number of visitors for the proposed 8,500 niches and the traffic flow near the site at festival days. Based on these surveys, it was anticipated that the peak hours for the proposed columbarium would likely be around 11:00 to 12:00 during festival days and was different from the peak hours of HH which was at 16:30 to 17:30 . It was estimated that the proposed columbarium would attract about 1,200 visitors per hour at peak hours which would generate about 13 to 14 vehicular trips per hour. At the peak hours of HH, the proposed columbarium would have about 280 visitors per hour and would generate about 4 vehicular trips per hour which would have insignificant impact on the traffic flow of HH; and

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

- (d) although the proposed widening of MKWR might not be able to provide a continuous footpath, it would at least provide a proper footpath for the MKWR. At the festival days, the MKWR would be closed for traffic and turned into a footpath such that there should be sufficient capacity to cater for the additional 1,200 visitors per hour generated by the proposed development.

19. To conclude, Miss Cheung Hoi Yee made the following points:

- (a) the District Lands Officer/Sai Kung advised that the owners of the Lots were required to apply to his office for a land exchange upon approval of the rezoning application by the Board;
- (b) H(GEO), CEDD considered that the GPRR was insufficient to conclude that the natural hillside would not affect the proposed development. Should the proposed rezoning be agreed by the Committee, lease conditions on the requirements of geotechnical investigations, the proposal on slope treatment, landslide preventive measures, mitigation and remedial works could be incorporated into the lease during lease modification; and
- (c) the proposed rezoning was in line with FEHD's policy objective to increase the supply of authorised columbarium niches in view of the pressing local demand. Columbarium use was a basic necessity for the community. The proposed columbarium development was compatible with the surrounding land use. Suitable building design and landscape treatment to blend in with the surroundings would be implemented. Proper management for the long-term operation of the columbarium would be adopted. Technical assessment with mitigation measures to minimize potential impacts to the area would be submitted. No comment was received by Sai Kung District Office and there was support from residents of Mang Kung Wo Village. In view of the above, the application should be approved.

20. In response to a Member's question, Mrs. Alice Mak clarified that Photo 1 in Plan Z-4a of the Paper was taken in 2013. By referring to this photo and the Tree Preservation and Landscape Plan (TLP) submitted by the applicant (Appendix Ia of the Paper) which indicated that majority of the trees surveyed were graded as in poor condition, the same Member asked why most of the trees were identified as poor. Mr. Ted Lam replied that there were not many trees at the flat land of the site which was currently occupied by a horticultural garden. Most of the trees were on the slopes at the fringe of the site and their conditions were found to be not very good. The same Member said that a number of trees shown in the TLP bore fruits and should be in good condition. Furthermore, as the site was a secondary regenerated site, the possibility of having most of the trees in poor condition was

low. Noting that most of the tree crowns were not shown on the photos in the TPLP, this Member casted doubt on the conclusion of the TPLP that most of the trees surveyed were in poor condition.

21. Another Member asked why government land amounting to 27% of the site was proposed to be included in the application site. Miss Cheung Hoi Yee responded that from a macro perspective, inclusion of the government land would help achieve a more comprehensive and quality design of the proposed columbarium.

22. The Vice-chairman asked whether MKWR could cater for the 1,200 person per hour generated by the proposed columbarium bearing in mind that there was no continuous footpath along the narrow and winding MKWR. Mr. Alan Pun replied that 1 m of footpath could carry 3,000 persons per hour from traffic engineering capacity perspective. With the closure of MKWR for pedestrians at the Ching Ming and Chung Yeung festivals (festival days), MKWR with a width of 3 m together with the footpath would be able to cope with the 1,200 persons generated by the proposed columbarium at the festival days. The Vice-chairman further asked whether at festival days, MKWR had the capacity to cater for the additional pedestrian flow generated by the proposed columbarium, given that there were already existing temples and cemetery in the surrounding areas. Mr. Pun replied that according to their survey conducted at Ching Ming Festival this year, there were about 1,200 persons per hour visiting the area. It was estimated that with the proposed columbarium development, there would be about 2,500 persons per hour visiting the area during the festival days and the closed MKWR would be sufficient to cater for the pedestrian flow given that 1 m of footpath could cater for 3,000 persons.

23. Mr. W.C. Luk asked Mr. Pun the following questions:

- (a) the detailed arrangement of the proposed shuttle bus service when the shuttle bus had to share use with pedestrians on festival days at MKWR;
- (b) the operation details of the shuttle bus service including the frequency and the ticketing system;
- (c) the land status of the land involved in the proposed widening of MKWR

and the management and maintenance of the land;

- (d) whether the TIA had taken into account the scenario that HH could not be widened; and
- (e) the justifications for selecting Ching Chung Sin Yuen and Diamond Hill Cemeteries and Crematoria as the reference cases in the assessment of traffic demand of the proposed columbarium at the application site.

24. Mr. Pun had the following responses:

- (a) the shuttle bus service operating from Tseung Kwan O and Sai Kung Town to the columbarium would stop at the two bus stops along HH near the junction with MKWR as shown in Drawing Z-9 of the Paper in the festival days as MKWR would be closed for vehicular traffic in these days. People had to walk along MKWR to get access to the columbarium. Regarding the frequency of the shuttle bus service, there would be about 7 to 8 bus services per hour for each direction with the assumptions of about 1,200 visitors per hour, with the use of 60-seater coach. Therefore, the impact on HH was insignificant;
- (b) people visiting the proposed columbarium had to use shuttle bus during the festival days. Ticket would be issued to visitors when boarding the shuttle bus and visitors had to show their shuttle bus tickets to gain access to the columbarium. The applicant would strictly implement the ticketing system;
- (c) the TIA conducted was based on the scenario of no widening of HH as there was no program for the widening of HH yet. An assessment on road link performance on the festival days in Year 2018 had been conducted and the findings showed that there would be some reserve capacity at HH during the peak hour of the proposed columbarium. The HH's peak hour was not the same as the peak hour for the columbarium. During the HH's peak hour, the proposed columbarium would only generate four coach trips and hence the traffic generated would not have significant impact on the

traffic condition of HH; and

- (d) assessments on various existing columbarium had been conducted and it was found that the case of Ching Chung Sin Yuen was most relevant to the proposed development at the application site as it had the largest number of visitors which allowed an assessment of a worst-case scenario for the proposed columbarium. Ching Chung Sin Yuen was close to major public transport, i.e. West Rail, while the proposed columbarium was not. There were however a number of bus/mini-bus routes along HH such that people visiting the proposed columbarium could make use of those bus/mini-bus services.

25. A Member asked how the operator could make sure that the visitors would make use of the shuttle bus service to leave the columbarium. Mr. Pun replied that since people visiting the proposed columbarium had to come using shuttle bus and not their private cars, they could either take the shuttle bus or the buses/mini-buses running along HH. Given that there were many buses/mini-buses running along HH during weekends or festival days, sufficient public transport service would be available to discharge the visitors.

26. Mr. W.C. Luk added that the locational difference of a columbarium would affect the choice of transport of visitors. As Ching Chung Sin Yuen was close to public transport, it would be convenient for visitors to take public transport. For a columbarium which was not close to public transport, people might choose to drive a car or take a taxi. Therefore, the modal split of the visitor trips, i.e. the type of transport to be taken by the visitors, was important and should be provided for consideration.

27. In response to the Vice-Chairman's enquiry, Mr. Pun clarified that the 30-seater coach as indicated in para. 4.2.12 of the TIA submitted was incorrect. The assumption of 60-seater coach as presented in the meeting had been adopted in the TIA.

28. As the applicant's representatives had no further points to raise and there were no further questions from Members, the Vice-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 Vice-chairman thanked the applicant's representatives and PlanD's representatives for attending the hearing. They all left the meeting at this point.

### Deliberation Session

29. A Member did not support the application as the approval of the application might affect the integrity of the "GB" zone. Moreover, the Member had reservation on the findings of the tree survey which indicated that most of the trees within the site were in poor condition as those trees within a secondary regenerated site should be in good condition.

30. Another Member also considered that the proposed rezoning should not be approved as it was impossible for MKWR to cater for the visitors of 8,500 niches and it was difficult to ensure that the visitors would use shuttle bus to access the columbarium.

31. The Vice-chairman considered that there was no justification to include government land in the proposed columbarium development. In addition, the ticketing system as proposed might not be practical. Some of the assumptions adopted in the TIA, such as the estimated 1,200 visitors per hour generated by the columbarium, were not well-justified.

32. Ms. Anita Lam clarified that in para. 8.1.1 (a) of the Paper, Lot No. 1025 sA should read Lot No. 1025 sB.

33. After further deliberation, the Committee decided not to agree to the application. Members then went through the reasons for rejection as stated in paragraph 11.2 of the Paper and considered that they were appropriate. The reasons were :

- (a) the proposed columbarium was incompatible with the surrounding low-rise, low-density residential and agricultural uses. The current zonings of "Residential (Group C) 2", "Agriculture" and "Green Belt" were considered more appropriate in terms of land use compatibility;
- (b) the proposed columbarium development would have adverse vehicular and pedestrian traffic impacts on the nearby road network including Hiram's Highway and Man Kung Wo Road, particularly during Ching Ming and

Chung Yeung Festivals. There was also inadequate provision of parking and loading/unloading facilities within the Site to serve the proposed columbarium;

- (c) there were doubts on the monitoring and enforceability of the traffic management plan proposed by the applicant. The applicant failed to demonstrate that the crowd management and public safety, and shuttle bus service arrangement issues associated with the proposed development could be satisfactorily resolved;
- (d) the Site was surrounded by mature trees and covered by dense vegetation. There was insufficient information to demonstrate the practicability and effectiveness of the proposed landscape greenery; and
- (e) the approval of the application would set an undesirable precedent for other similar applications. The cumulative effect of approving such applications would aggravate the traffic congestion in the area.

[Mr. Ivan M.K. Chung, DPO/SKIs and Mrs. Alice K.F. Mak, STPs/SKIs were invited to the meeting at this point.]

### **Agenda Item 5**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-SKT/7                      Proposed Minor Relaxation of Plot Ratio and Site Coverage for permitted hotel and retail development in “Other Specified Uses” annotated “Commercial and Tourism Related Uses (Including Hotel) (1)” and “Other Specified Uses” annotated “Commercial and Tourism Related Uses (with Public Open Spaces)” zones, Lot No. 1950 in D.D. 221, Sai Kung  
(RNTPC Paper No. A/SK-SKT/7)

---



34. The Secretary reported that Ms. Janice Lai had declared an interest in this item as her spouse owned a property near the application site. The Committee considered that Ms. Lai's interest was direct and agreed that she should leave the meeting temporarily.

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

35. The Committee noted that a replacement drawing (Drawing A-2 of the Paper) was tabled at the meeting.

### Presentation and Question Sessions

36. With the aid of a powerpoint, Mrs. Alice K.F. Mak, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed minor relaxation of plot ratio (PR) and site coverage (SC) for permitted hotel and retail development;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or adverse comment on the application;
- (d) during the first three weeks of the public inspection period, 22 public comments from the Hong Kong and China Gas Co. Ltd. (Towngas), Designing Hong Kong Ltd. (DHKL), a Sai Kung District Council (SKDC) member, the Village Representative (VR) of Sha Ha Village and 18 members of the public were received. Towngas considered that a risk assessment should be conducted to evaluate the potential risk and the necessary mitigation measures as the site was in close proximity to an existing high pressure pipeline. DHKL, the VR of Sha Ha Village and the 18 members of the public objected to the application mainly on the grounds of traffic, landscape and visual impacts (excessive height) of the proposed development, tree felling, the lack of technical assessments to support the

application, as well as noise, safety of students and public order issues from the tourists. The SKDC member requested the Board to put more weight in the consideration of the many objections submitted by the residents and various organizations. No local objection/view was received by the District Officer (Sai Kung); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. The application was for minor relaxation of PR and SC for the permitted hotel and retail development at the “Other Specified Uses” (“OU”) annotated “Commercial and Tourism Related Uses (Including Hotel) (1)” (about 16,038 m<sup>2</sup> or 89%) (the ‘Hotel portion’) zone from 1.5 to 1.68 (+12%) and from 70% to 78% (+11%) respectively. The “OU” annotated “Commercial and Tourism Related Uses (with Public Open Spaces)” (about 1,902 m<sup>2</sup> or 11%) (the ‘CTOS portion’) zone would be developed as uncovered promenade for public use at all times in accordance with the lease requirements. To achieve the gross floor area allowed under the lease (i.e. 26,910m<sup>2</sup>) and to comply with the lease requirements of an uncovered promenade at the ‘CTOS portion’ and no percussive piling within 15m from the copeline of the existing seawall, the applicant had to locate all 3-storey hotel blocks with 3 levels of basement at the ‘Hotel portion’ resulting in exceeding the permitted PR and SC allowed at the ‘Hotel portion’ under the Outline Zoning Plan and hence application for minor relaxation of PR and SC at the ‘Hotel portion’ was necessary. The relaxation sought was considered minor in nature. Regarding Towngas’ comments, the Director of Electrical and Mechanical Services did not anticipate any insurmountable problem given that the high pressure pipeline was outside the site, and provided that the minimum distance of the proposed development to the concerned gas pipeline was not less than 3m, and the proposed hotel had no more than 250 rooms. As for other objecting comments, the current application was only for minor relaxation of plot ratio and site coverage. There was no increase in gross floor area and building bulk of the above-ground structures as compared to the restrictions under the Outline Zoning Plan. Other concerned departments

had no adverse comment on the application in terms of tourist noise, traffic impact, student safety and public order, and submission of technical assessments were considered not necessary.

37. In response to a Member's question on the setback of Block 1 and Block 3 from the promenade, Mr. Ivan Chung, DPO/SKIs, replied that the two blocks were more than 15 m away from the waterfront and the area to the east of the two blocks would serve as a promenade which would be opened for public use all day.

### Deliberation Session

38. The same Member considered that Block 1 and Block 3 were very close to the promenade and said that the building height (BH) might be relaxed to allow greater setback from the promenade. In response, Mr. Chung said that the application site was only sold in recent years and the development parameters including BH had been stipulated under the lease. For newly sold land, Lands Department would normally not consider amendments to the lease terms. At the building plans submission stage, the applicant had to comply with the requirements of Sustainable Building Design Guidelines of the Buildings Department including the requirements on spaces between buildings and building setback. Moreover, the proposed two plazas between the hotel blocks would provide a more open access to the uncovered promenade, and offer more open areas for public enjoyment and better pedestrian circulation. The proposed development would enhance the existing setting of the promenade.

39. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 21.6.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

- provision of a minimum buffer distance between the proposed development and the existing high pressure town gas transmission pipeline to the satisfaction of the Director of Electrical and Mechanical Services or of the TPB.

40. The Committee also agreed to advise the applicant of the following :
- (a) to note the comments of the Director of Environmental Protection to select a proper location for fresh-air intake for the central air conditioning system during the detailed design stage to avoid exposing future occupants under unacceptable environmental nuisance/impact;
  - (b) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the proposed development, the applicant might need to extend its inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and
  - (c) to note the comments of the Director of Electrical and Mechanical Services that there was a high pressure town gas transmission pipeline in the vicinity of the proposed development, and to maintain close liaison with the Hong Kong and China Gas Company Limited in respect of the exact location of existing and planned gas pipelines/gas installations in the vicinity of the proposed development and setback at least 3m away from the pipeline/gas installations if any excavation works was required during the design and construction stages of the proposed development. The applicant was advised to conduct a risk assessment to assess the potential risks associated with the existing high pressure town gas transmission pipeline in the vicinity of the application site and implement the necessary safety measures proposed to minimize the risks posed to the general public. The applicant should also note the requirements of the Electrical and Mechanical Services Department's Code of Practice 'Avoiding Danger from Gas Pipes'.

[The Vice-chairman thanked Mr. Ivan M.K. Chung, DPO/SKIs and Mrs. Alice K.F. Mak, STPs/SKIs, for their attendance to answer Members' enquires. Mr. Chung and Mrs. Mak left the meeting at this point.]

**Agenda Item 6**

**Section 16 Application**

[Open Meeting]

A/SK-PK/201            Minor Relaxation of Building Height Restriction for Proposed House  
Redevelopment in “Residential (Group C) 1” zone, Lot 1811 in  
D.D.221, 4 Chuk Yeung Road, Sai Kung  
(RNTPC Paper No. A/SK-PK/201A)

---

41.            The Committee noted that the applicant’s representative requested on 30.5.2013 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments from the Buildings Department.

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 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.

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

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

[Mr. Otto K.C. Chan, Mr. Wallace W.K. Tang, Mr. David Y.M. Ng and Mr. C.T. Lau, Senior Town Planners/Sha Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

**Agenda Items 7 and 8**

**Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/DPA/NE-TKLN/4 Proposed House (New Territories Exempted House - Small House) in  
“Recreation” zone, Government Land in D.D. 78, Ta Kwu Ling North  
(RNTPC Paper No. A/DPA/NE-TKLN/4)

---

A/DPA/NE-TKLN/5 Proposed House (New Territories Exempted House - Small House) in  
“Recreation” zone, Government Land in D.D. 78, Ta Kwu Ling North  
(RNTPC Paper No. A/DPA/NE-TKLN/5)

---

43. Noting that the two s.16 applications were similar in nature and the application sites were adjacent to each other, Members agreed that the two applications should be considered together.

**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) two proposed houses (New Territories Exempted House - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Papers. The District Lands Officer/North would not consider the NTEH/Small House application in respect of the application site even if planning permission was granted. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as active agricultural activities were found in the vicinity of the application site. The Commissioner for Transport (C for T) had reservation on the application and advised that Small House development should be confined within the “Village Type Development” (“V”) zone as far as possible. Such type of development outside the “V” zone would set an undesirable

precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial. Other concerned government departments had no objection to or adverse comment on the application;

- (d) during the first three weeks of the statutory publication period of the two applications, the same set of 23 public comments were received for each application. One comment from a member of the public supported the application. One other member of the public stated that the application was to meet the NTEH/Small House demand of indigenous villagers. The Kadoorie Farm and Botanic Garden (KFBG) Corporation had expressed concern on the application on grounds that the Town Planning Board had granted the planning permission for the proposed 6 Small Houses under application No. A/DPA/NE-TKLN/3 as an exceptional case to facilitate the timely clearance of the affected building lots of the Liantang/Heung Yuen Wai Boundary Control Point (BCP) connecting road. The approval of application No. A/DPA/NE-TKLN/3 should not be used as a justification for building more Small Houses in the area. Besides, the proposed Small House development under application was not in line with the planning intention of the "Recreation" ("REC") zone. Approval of the subject applications would set an undesirable precedent for similar applications in the area. Designing Hong Kong Limited objected to the proposed development considering that it would destroy the planning of Ta Kwu Ling North and most villagers built the houses only for financial gain and not for living. Besides, there were 19 identical comments with a total of 58 signatures of nearby villagers stating that their requests for Cottage House should be granted on a fair basis if the subject applications for development of Small Houses on Government land were approved;
- (e) the District Officer (North) advised that the Vice-chairman of the Ta Kwu Ling District Rural Committee and the Indigenous Inhabitants Representative (IIR) and Residents' Representatives of Chuk Yuen Village supported the application while the incumbent North District Council member had no comment on the application; and

- (f) the Planning Department (PlanD)'s views – PlanD did not support the applications based on the assessments as detailed in paragraph 12 of the Papers which were summarised below:
- (i) the proposed houses fell entirely within the “REC” zone. The planning intention of the “REC” zone was primarily for recreational developments for use of the general public. According to the “Land Use Planning for the ‘Closed Area’ – Feasibility Study” completed in July 2010, the area along Lin Ma Hang Road, where the application site fell within, was recommended for “REC” zone to provide more economic land use opportunities to create visitor destinations that celebrated the heritage, village-life, agricultural and recreational assets of the area, through provision of low-intensity recreational uses to integrate with other recreational facilities such as hiking, heritage and bicycle trails and the surrounding “V” and “Agriculture” zones while preserving the natural and rural characters of the area. The proposed development was not entirely in line with the Interim Criteria for assessing planning application for NTEH/Small House development in that it would frustrate the planning intention of the “REC” zone. DAFC did not support the application from an agricultural development perspective as active agricultural activities were noted within and in the vicinity of the application site;
  - (ii) the “V” zone still had available land of 5.45 ha (equivalent to 218 Small Houses sites) which was more than enough to cater for the estimated 10-year Small House demand of 0.55 ha (equivalent to 22 Small House sites). It was considered more appropriate to concentrate further NTEHs/Small Houses development within the “V” zone of New Chuk Yuen Village for orderly development pattern, efficient use of land and provision of infrastructure and services;



- (iii) regarding the approved application (No. A/DPA/NE-TKLN/3) for development of 6 NTEHs/Small Houses to the immediate north of the application site, it should be treated as an exceptional case as it was related to resiting of building lots at south of Chuk Yuen affected by the construction of Liantang/Heung Yuen Wai BCP connecting road instead. Its approval should not be regarded as a precedent for other similar applications within the “REC” zone. Approval of the proposed Small Houses under the applications would set an undesirable precedent for similar applications, the cumulative effect of approving such similar applications would affect the long-term planning of the “REC” zone; and
- (iv) the C for T commented that Small House development should be confined within the “V” zone as far as possible. Although additional traffic generated by the proposed development was not expected to be significant, such type of development outside the “V” zone, would set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial. In this regard, he had reservation on the application.

45. Members had no question on the application.

#### Deliberation Session

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

- (a) the application was not in line with the planning intention of “Recreation” zone which was primarily for recreational developments for the use of the general public. It encouraged the development of active and/or passive recreation and tourism/eco-tourism;

- (b) the application which did not comply with the Interim Criteria for assessing New Territories Exempted House (NTEH)/Small House in that there was sufficient land within the “Village Type Development” zone to meet the future NTEH/Small House demand; and
- (c) approval of the proposed development would set an undesirable precedent for other similar applications and the cumulative effect of approving such similar applications would result in adverse traffic impact.

[The Vice-chairman thanked Mr. Otto Chan, STPs/SKIs, for his attendance to answer Members’ enquires. Mr. Chan left the meeting at this point.]

### **Agenda Item 9**

#### **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/123A)

---

47.            The Committee noted that the applicant’s representative requested on 5.6.2013 for deferment of the consideration of the application for two months as the applicant was currently in the midst of discussions with relevant government departments to resolve their comments raised on the application.

48.            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 since a total of four months had been allowed, no further deferment would be granted unless under very special circumstances.

**Agenda Item 10**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/498      Temporary Warehouse and Open Storage of Steel for a Period of 3  
Years in “Agriculture” zone, Lots 2808 S.B, 2808 S.C, 2808 S.D, 2808  
S.E and 2808 RP (Part) in D.D. 51, Tong Hang, Fanling  
(RNTPC Paper No. A/NE-LYT/498A)

---

49.            The Committee noted that a missing page 2 of Appendix Ic of the Paper was tabled at the meeting.

**Presentation and Question Sessions**

50.            Mr. Wallace W.K. Tang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a)    background to the application;
- (b)    temporary warehouse and open storage of steel for a period of 3 years;
- (c)    departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Commissioner for Transport (C for T) advised that the proposed vehicular access to the application site would pass through a single track access road which was undesirable for medium/heavy goods vehicles from traffic viewpoint. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the application site and environmental nuisance was expected. The Director of Agriculture, Fisheries and

Conservation (DAFC) advised that the application site fell wholly within an area zoned as “Agriculture” (“AGR”). Although the application site was largely hard-paved, part of the site was well-wooded. Moreover, agricultural life in the vicinity of the application site was active and the application site was of high potential for rehabilitation of agricultural activities. As such, he did not support the application from an agricultural development perspective. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) advised that the application site was situated in an area of rural landscape character. The proposed use was incompatible with the surrounding rural landscape character. Approval of the application would attract similar application in the area resulting in further degradation of the rural landscape. He had some reservations on the application from landscape planning point of view;

- (d) during the first three weeks of the statutory publication period, 14 public comments were received of which one from a North District Council member had no comment on the application. The other 13 comments objected to the application on the grounds that the proposed development did not comply with the planning intention of the “AGR” zone; there would be adverse impact on the environment, landscape, traffic on the road network nearby, safety of the villagers and health and quality living of the local villagers; the application appears to be a pursuit of incremental development and the approval would set an undesirable precedent for similar applications; the proposed development was incompatible with the surrounding land use and rural landscape; and failure to provide sewerage and drainage system might cause flooding;
- (e) the District Officer/North advised that the Chairman of Fanling District Rural Committee and the Residents Representative (RR) of Tong Hang (Upper) had no comment on the application while the RR of Tong Hang (Lower) expressed his concern on the traffic load of the access road and safety of the villagers; and

- (f) the Planning Department (PlanD)'s views –PlanD did not support the application based on the assessments as detailed in paragraph 12 of the Paper. The application was not in line with the planning intention of the “AGR” zone, which is intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. According to the DAFC, agricultural life in the vicinity of the application site was active and the application site was of high potential for rehabilitation of agricultural activities, and hence, he did not support the application. The applicant site fell within Category 3 areas under the Town Planning Board Guidelines No. 13E. in which applications would normally not be favourably considered unless the applications were on sites with previous planning approvals. The application did not comply with the Guidelines in that there was no previous planning approval for the similar use granted to the application site. In addition, there were adverse departmental comments and local objections to the application and no technical assessments had been submitted by the applicant to demonstrate that the development under application would not generate adverse impacts on the surrounding areas. The proposed vehicular access to the application site would pass through a single track access road which was undesirable for using medium/heavy goods vehicles from traffic viewpoint according to the C for T. There was insufficient information in the submission to demonstrate that the proposed use would not have adverse traffic impact on the surrounding. Moreover, DEP did not support the application as there were sensitive receivers in the vicinity of the site while the Chief Engineer/Mainland North, Drainage Services Department expressed concerns about the existing drainage system and the drainage impact to the site and the adjacent area caused by the proposed development. The application site was situated in an area of rural landscape character where domestic structures and village houses were found. The proposed use was incompatible with the surrounding rural landscape character. Approval of the application would attract similar application in the area resulting in further degradation of the rural landscape.

51. In response to a Member's enquiry, Mr. Wallace Tang replied that the site for

open storage of Styrofoam box to the north of the application site was currently in operation although the relevant planning application (No. A/NE-LYT/368) had been rejected. The Central Enforcement and Prosecution (CEP) Section of PlanD was investigating the case.

52. Noting from the aerial photo that the site had been formed and the previous planning applications for Small House at the site had been rejected, the Vice-chairman asked whether the current application had involved “destroy first, build later” activities. Mr. Tang replied that Application No. A/IDPA/NE-LYT/3 for a temporary wooden furniture workshop at the site had been approved in 1991. The permission ceased to have effect in 1993 and the applicant had not applied for a renewal. Since then, CEP Section of PlanD had not observed any unauthorized use at the site.

#### Deliberation Session

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

- (a) the development was not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that there was no previous planning approval for the similar use granted to the application site and there were adverse departmental comments and local objections on the application. There was insufficient information to demonstrate that the proposed development under application would not cause adverse impacts on traffic in the surrounding area and safety to other road user;
- (b) the development was not in line with the planning intention of the “Agriculture” (“AGR”) zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the submission to merit a departure from such planning intention, even on a temporary basis; and

- (c) approval of the application would set an undesirable precedent for other similar applications within the “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

**Agenda Item 11**

Section 16 Application

[Open Meeting]

A/NE-LYT/509            Temporary Logistics Centre and Ancillary Office for a Period of 2  
Years in “Residential (Group C)” zone, Lot 896 RP in D.D. 83, Ma Liu  
Shui San Tsuen, Fanling  
(RNTPC Paper No. A/NE-LYT/509)

---

54.            The Committee noted that the applicant’s representative requested on 10.6.2013 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments from the Commissioner for Transport.

55.            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 12**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

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/426A)

---

**Presentation and Question Sessions**

56.            Mr. Wallace W.K. Tang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a)    background to the application;
- (b)    temporary container vehicle park for a period of 3 years;
- (c)    departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the application site and environmental nuisance was expected Other concerned government departments had no objection to or adverse comment on the application;
- (d)    during the first three weeks of the statutory publication period, one public comment was received from a North District Council member stating that he had no comment on the application. No local objection/view was received by the District Officer (North); and
- (e)    the Planning Department (PlanD)’s views – P lanD had no objection to the application based on the assessments made in paragraph 12 of the Paper. Although DEP did not support the application, there was no record of complaint regarding the application site in the past 3 years. The concern of



DEP can be addressed through the imposition of an approval condition restricting the operation hours on the application site.

57. In response to a Member's enquiry, Mr. Wallace Tang responded that the application site was currently used for container vehicle parking and storage of containers without valid planning permission. By referring to para. 5 of the Paper, the Secretary supplemented that the application site was subject to enforcement action for unauthorized parking of container vehicles. Enforcement Notice had been issued to the concerned landowners. Since the unauthorized development had not been discontinued upon expiry of the statutory notice, the concerned parties were subject to prosecution action.

#### Deliberation Session

58. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 21.6.2016, 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 9:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, was allowed on the application site during the planning approval period;
- (c) 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 21.12.2013;
- (d) in relation to (c) 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 21.3.2014;
- (e) 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 21.12.2013;

- (f) in relation to (e) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.3.2014;
- (g) the submission of proposal for water supplies for fire fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.12.2013;
- (h) in relation to (g) above, the implementation of proposal for water supplies for fire fighting and fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.3.2014;
- (i) if any of the above planning conditions (a) or (b) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and;
- (j) if any of the above planning conditions (c), (d), (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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the application site;

- (c) to note the District Lands Officer/North, Lands Department's comments that the owners of the lots should be advised to apply to his office for Short Term Waivers (STWs) for the proposed structures. There was no guarantee that STWs would be granted to the applicant. If the STWs were granted, the grants would be made subject to such terms and conditions to be imposed as the government should deem fit to do so including the payment of STWs fees;
  
- (d) to note the Commissioner for Transport's comments on the following:
  - (i) Ng Chow Road was not managed by his department, land status of the access leading to the site should be checked with the lands authority; and
  
  - (ii) the management and maintenance responsibilities of the same access should also be clarified with the relevant lands and maintenance authorities accordingly;
  
- (e) to note the Director of Fire Services' comments on the following:
  - (i) if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) were erected within the site, FSIs would need to be installed;
  
  - (ii) in such circumstance, except where building plan was circulated to the Centralized Processing System of Buildings Department (BD), the tenant was required to send the relevant layout plans to his department incorporated with the proposed fire service installations (FSIs) for his approval. In preparing the submission, the applicant was advised on the following points:
    - (a) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and

- (b) the location of the proposed FSI and the access for emergency vehicles should be clearly marked on the layout plans; and
  - (iii) detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. The applicant would need to subsequently provide such FSIs according to the approved proposal;
- (f) to note the Chief Engineer/Mainland North, Drainage Services Department's comments on the following:
- (i) the applicant should note that there were existing open channels and box culverts maintained by his office to the north and south of the application site;
  - (ii) the applicant should ensure that the subject proposal, including any proposed planting works, would not protrude outside the site boundary and encroach upon or affect the existing drains in the vicinity of the site. This was to prevent any adverse impact on the drainage function and maintenance works of the existing channels; and
  - (iii) the site was in an area where no public sewerage connection was available;
- (g) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that:
- (i) tree planting opportunity was available along the eastern boundary; and
  - (ii) there was no information regarding the proposed tree species and its spacing, an updated landscape proposal should be submitted;

(h) to note the Chief Engineer/Development (2), Water Supplies Department's comments that:

(i) there were existing government mains inside and in the close vicinity of the application site, the applicant was requested to make all necessary arrangements to avoid conflict with them and take precautionary measures to avoid damage to them during his/her uses of the site and during his/her construction works. The cost of diversion of existing water mains upon request would have to be borne by the applicant;

(ii) the applicant should make available at all times free access within the site for inspection, operation, maintenance and repair works to the water mains for staff of the Director of Water Supplies or his/her authorized contractor(s); and

(iii) the site was located within the flood pumping gathering ground;

(i) to note the Chief Building Surveyor/New Territories West, BD's comments that:

(i) before any new building works (including containers as temporary buildings) were to be carried out on the application site, prior approval and consent from BD should be obtained, otherwise they were unauthorized building works. An authorized person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance;

(ii) in connection with the above, the site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Building (Planning) Regulations (B(P)R) 5 and 41D respectively; and

(iii) if the site did not abut a specified street of not less than 4.5m wide,

its permitted development intensity should be determined under B(P)R 19(3) at the building plan submission stage; and

- (j) to follow the environmental mitigation measures as set out in the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection in order to minimize any possible environmental nuisances.

### **Agenda Item 13**

#### **Section 16 Application**

[Open Meeting]

A/NE-TKL/434      Temporary Open Storage of Recycled Material (Paper and Plastic) for a Period of 3 Years in "Agriculture" zone, Lots 965 RP(Part) and 966 RP in D.D. 82, Ping Che Road, Ping Che  
(RNTPC Paper No. A/NE-TKL/434)

---

60.            The Committee noted that the applicant's representative requested on 10.6.2013 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments from Environmental Protection Department.

61.            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 14**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/435 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lots 1088 S.A ss.2, 1088 S.A ss.1 S.A, 1088 S.A RP(Part) and 1089 S.A in D.D. 82, Tong Fong Village, Ta Kwu Ling (RNTPC Paper No. A/NE-TKL/435)

---

**Presentation and Question Sessions**

62. Mr. Wallace W.K. Tang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed house (New Territories Exempted House - Small House);
- (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 as the application site had high potential for agricultural rehabilitation and agricultural life in the vicinity of the subject site was active. Other concerned government departments had no objection to or adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, five public comments were received. One from a North District Council member supporting the application as it was good for the villagers, while another general public stated that there was a housing need for indigenous residents. The remaining three comments objected to the application on the grounds of not in line with the planning intention of “Agriculture” (“AGR”) zone; adverse traffic, environmental, sewerage and drainage impacts on the surrounding areas; incompatible with the rural setting of the area, reduction of agricultural land in Hong Kong; lack of sustainable layout of

infrastructure, access, parking spaces and amenities for the area resulting in deterioration of the living environment; and failure to confirm the provision of access, right-of-way, parking and amenity facilities leading to disputes and arguments among residents;

- (e) the District Officer (North) (DO(N)) advised that Incumbent North District Councillor, the Indigenous Inhabitant Representative of Tong Fong and the Resident Representative of Tong Fong supported the application. Ta Kwu Ling District Rural Committee raised objection to it on the grounds that the application site fell within an area designated for a “Sewage Pumping Station” under the North East New Territories New Development Areas Planning and Engineering Study (the NENT NDAs Study), which was not suitable for Small House development;
  
- (f) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. As regards DAFC’s objection, the Small House development at this location was not incompatible with the surrounding area as the village proper of Tong Fong Village was located approximately 40m to the north of the site. In addition, similar applications for Small House developments within the same “AGR” zone had been approved with conditions by the Committee. It was not anticipated that the proposed development would cause significant adverse environmental, drainage, traffic and landscape impacts on the surrounding area. Regarding the local objection conveyed by the DO(N), it should be noted that the application site fell outside the boundary of the proposed Ping Che/ Ta Kwu Ling NDA. For the public comments received, the proposed Small House development would not have significant adverse impacts on the traffic, environment, drainage and landscape of the surrounding area. Relevant government departments had no adverse comment on or no objection to the application.

63. Members had no question on the application.

Deliberation Session



64. 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 21.6.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- (a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department's (DSD) comments as follows:
  - (i) there was an existing streamcourse immediate to the north of the application site (Plan A-2). This existing streamcourse was essential to the drainage of areas around the application site. The applicant should not erect any structure including any decking or support, or place any object or obstruction of any kind in the streamcourse, or suffer the same to be erected or placed in the streamcourse. The applicant should ensure that the area within 3m of the nearest extremity of the streamcourse was clear of any structure or obstruction to permit free access along the streamcourse at all times;
  - (ii) the applicant should allow the personnel of DSD or its agents to enter upon or access through the application site for purposes of inspection of the streamcourse within a notice of, say, 14 days issued by DSD in writing; and

- (iii) the application site was in an area where no public sewerage connection was available. Environmental Protection Department (EPD) should be consulted regarding the sewage treatment / disposal facilities for the proposed development;
- (b) to note the comments of the Director of Fire Services as follows:
- (i) the applicant was reminded to observe the “New Territories Exempted Houses – A Guide to Fire Safety Requirements” issued by the Lands Department (LandsD); and
  - (ii) detailed fire safety requirements would be formulated upon receipt of formal application referred by LandsD / formal submission of general building plans;
- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department as follows:
- (i) for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to his department’s standards; and
  - (ii) the application site was within the flood pumping gathering ground;
- (d) to note the comments of the Director of Environmental Protection that the applicant was reminded to follow Appendix D of EPD ProPECC PN 5/93 requirements in designing the soakaway systems;
- (e) to note the comments of the Project Manager (New Territories North and West), Civil Engineering and Development Department that the proposed

New Territories Exempted House was in the vicinity of the proposed Sewerage Treatment Works under the North East New Territories New Development Areas Planning and Engineering Study; and

- (f) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

[The Vice-chairman thanked Mr. Wallace Tang, STP/STN, for his attendance to answer Members' enquires. Mr. Tang left the meeting at this point.]

### **Agenda Item 15**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/DPA/NE-YSO/1 Proposed House (New Territories Exempted House - Small House) in  
“Unspecified Use” area, Government Land in DD 204, Yung Shue O,  
Sai Kung North  
(RNTPC Paper No. A/DPA/NE-YSO/1)

---

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

66. Mr. David Y.M. Ng, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Chief Town Planner/Urban Design &

Landscape, Planning Department (CTP/UD&L, PlanD) commented that whilst the impact on the existing landscape resources within the site was not significant, crown pruning work of adjacent woodland trees might be required and the site formation work of the proposed house might cause adverse impact to the stream. As there was no information provided, the adverse impact on the landscape resources adjacent to the site could not be fully ascertained. Moreover, the approval of this application would encourage spreading of the village to the nearby native woodland. Therefore, he had some reservations on the application from the landscape planning perspective. Other concerned government departments had no objection to or adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, four comments were received objecting to the application. The main grounds of objection included that the proposed development was incompatible with the commitment to protect the local environment and might cause ecological impacts on the area and the adjacent woodland; Small House developments should be confined within the “Village Type Development” zone; failure to provide a sustainable layout of infrastructure and village area, appropriate access, right of way and parking spaces, etc, would result in a degradation of the area; Yung Shue O was one of the twelve Priority Sites for Enhanced Conservation under the New Nature Conservation Policy (NNCP) and any planning application involving alteration of existing natural environment should not be approved; and no development should be approved prior to the detailed planning of the “Unspecified Use” area. No local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. On the landscape aspect, although CTP/UD&L, PlanD had some reservations on the application, his concerns could be addressed by imposition of an approval condition on the submission and implementation of a tree preservation proposal and a site formation plan. As regards the

concerns of the public comments, the proposed developments would not have significant adverse impacts on ecology, environment, drainage and traffic to the surrounding area. Concerned government departments, had no adverse comment/ no objection to the application. Although Yung Shue O was one of the twelve Priority Sites for Enhanced Conservation under the NNCP, considering that the application site was mostly covered with shrubs and a tree of common species might be affected, the Director of Agriculture, Fisheries and Conservation had no particular comment on the application. On the public views that no development should be approved prior to the detailed planning of the “Unspecified Use” area, it should be noted that it was not the intention of the DPA plan to prohibit development. Applications for development in this period could be considered on a case-by-case basis, having regard to the relevant guidelines and departmental comments.

67. In response to a Member’s enquiry, Mr. David Ng responded that the fung shui woodland of Yung Shue O was located to the south-east of the village.

#### Deliberation Session

68. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 21.6.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of a tree preservation proposal and a site formation plan to the satisfaction of the Director of Planning or of the TPB; and
- (b) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB.

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

- (a) to note the District Lands Officer/Tai Po, Lands Department's (LandsD) comments that if and after planning approval had been given by the TPB, his office would process the Small House application. If the Small House application was approved by the LandsD acting in the capacity as landlord at its sole discretion, such approval would be subject to such terms and conditions as might be imposed by the LandsD. There was no guarantee to the grant of a right of way to the Small House concerned or approval of the emergency vehicular access thereto;
- (b) to note the Director of Agriculture, Fisheries and Conservation's comments that as the application site was located at the fringe of a woodland, construction of the Small House should be confined within the site to minimize the impact on the surroundings;
- (c) to note the Director of Environmental Protection's comments that the applicant had proposed septic tank/soakaway system (ST/SA) for the Small House. To properly treat the wastewater generated, the applicant was required to follow ProPECC PN 5/93 for the construction and maintenance of such ST/SA. Based on the field inspection on 30.5.2013, it seemed that there was a stream adjacent to the application site. It was less than the clearance distance as stated in ProPECC PN 5/93. It seemed that the applicant might have difficulties in allowing this clearance distance for the development of such New Territories Exempted House. However, in any circumstances, for this individual Small House case, he had no in-principle objection subject to the certification of compliance with ProPECC PN 5/93 by the applicant's Authorized Person regarding the design and construction of the septic tank and soakaway system;
- (d) to note the Chief Engineer/Mainland North, Drainage Services Department's comments as follows:
  - (i) public stormwater drain was not available for connection in Yung Shue O. The applicant should be required to provide proper

stormwater drainage system to collect all runoff generated within the site or flowing towards the site from surrounding areas, and discharge the runoff collected to a proper discharge point. Any proposed drainage works, whether within or outside the site boundary, should be constructed and maintained by the applicant at his own expense. The applicant/owner was required to rectify the drainage system if it was found to be inadequate or ineffective during operation, and to indemnify the government against claims and demands arising out of damage or nuisance caused by failure of the system; and

- (ii) public sewer was not available for connection to the subject site.
- 
- (e) to note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that for provision of fresh water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
  - (f) to note the Director of Fire Services's comments that the applicant should be reminded to observe the "New Territories Exempted Houses – A Guide to Fire Safety Requirements" published by the LandsD. Detailed fire safety requirements would be formulated upon receipt of formal application referred by the LandsD;
  - (g) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's (PlanD) comments that in order to minimize the adverse impact on the existing stream and adjacent trees, the applicant was advised to explore the feasibilities to setback from the existing stream and adjacent woodland vegetation or relocate the proposed Small House development.

- (h) to note the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department's comments that the applicant should be reminded to make necessary submission to the District Lands Office to verify if the site satisfied the criteria for the exemption for site formation works as stipulated in PNAP APP-56. If such exemption was not granted, the applicant should submit site formation plans to the Buildings Department in accordance with the provisions of the Buildings Ordinance;
  
- (i) to note the Director of Electrical and Mechanical Services's 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 application site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant should carry out the following measures:
  - (i) for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the PlanD, prior consultation and arrangement with the electricity supplier was necessary;
  
  - (ii) prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
  
  - (iii) the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines; and



- (j) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

[The Vice-chairman thanked Mr. David Ng, STP/STN, for his attendance to answer Members' enquires. Mr. Ng left the meeting at this point.]

### **Agenda Item 16**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/445            House (Private Garden Ancillary to New Territories Exempted House) in "Village Type Development" and "Green Belt" zones, Government Land Adjoining Lot 595 S.A in D.D. 14, Tung Tsz, Tai Po  
(RNTPC Paper No. A/NE-TK/445)

---

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

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

- (a) background to the application;
- (b) house (private garden ancillary to New Territories Exempted House (NTEH));
- (c) departmental comments –departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, one public comment was received objecting to the application for reasons of not being in line with the planning intention of “Green Belt” (“GB”) zone, not complying with the Town Planning Board Guidelines No. 10, setting of undesirable precedent, and no public gain or overriding planning justification. No local objection/view was received by the District Officer (Tai Po); and
  
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments as detailed in paragraph 11 of the Paper which were summarised below:
  - (i) the encroachment of the private garden onto the “GB” zone was not in line with the planning intention of “GB” zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. From land use planning point of view, areas zoned “GB” should be retained for public enjoyment rather than be fenced off for private use. The applicant failed to provide strong planning justifications in the submission for a departure from the planning intention of the “GB” zone. As there were other NTEHs adjacent to “GB” zone, the approval of the application would set an undesirable precedent for other similar applications and the cumulative impacts of approving such applications would undermine the planning intention of the “GB” zone;
  
  - (ii) the site was the subject of five previous planning applications covering the same site for the same use submitted by the same applicant. Whilst the first four previous applications were approved with conditions by the Committee on a temporary basis, the last Application No. A/NE-TK/337 was rejected by the Board on review on 13.5.2011 for being not in line with the planning intention of the

“GB” zone and the applicant’s failure to provide strong planning justifications for a departure from this planning intention even on a temporary basis. The applicant filed an appeal against the Board’s decision. On 21.9.2012, the Town Planning Appeal Board (TPAB) dismissed the appeal (No. 9/2011) mainly on the grounds that using government land for the Appellant’s own private garden was contrary to the planning intention of the “GB” and “Village Type Development” (“V”) zones; area zoned “GB” should be preserved for passive recreational outlets; and the consequences of allowing the application would set a bad precedent. There was no change in planning circumstances and no strong planning justifications in the submission to warrant a departure of the Board’s and the TPAB’s decisions;

- (iii) based on the latest estimate by the PlanD, the land available (about 0.94 ha) within the “V” zone of Tung Tsz and Tseng Tau could not fully meet the future Small House demand (about 5.38 ha) for the same villages. Given there was a shortage of land within “V” zone for Small House development, the government land within “V” zone (about 156m<sup>2</sup>) under the application should be reserved for Small House development. There was no exceptional circumstance or strong justification that merits sympathetic consideration of the application for using government land within the “V” and “GB” zones for private garden. Approval of the application would frustrate the planning intention of “V” and “GB” zones; and
- (iv) the applicant claimed that the private garden had already been existed for 27 years since 1986. However, it was outside the jurisdiction of the Board to determine any claims in relation to ‘existing use’.

71. In response to a Member’s enquiry, Mr. C.T. Lau replied that as advised by Lands Department, most part of the application site was currently covered by a Short Term Tenancy (STT) for private garden purpose. The STT was valid up to 30.6.2013.

### Deliberation Session

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

- (a) the development was not in line with the planning intention of the “Green Belt” zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. The applicant failed to provide strong planning justifications in the submission for a departure from this planning intention; and
- (b) the approval of the application would set an undesirable precedent for other similar applications in the area. The cumulative impacts of approving such applications would result in general degradation of the natural environment in the area.

### Agenda Item 17

#### Section 16 Application

[Open Meeting]

A/NE-TK/446                      Proposed House (New Territories Exempted House - Small House) in  
“Green Belt” and “Village Type Development” zones, Taxlord Lot 215  
S.F in D.D. 26, Ha Tei Ha, Tai Po  
  
(RNTPC Paper No. A/NE-TK/446)

---

73. The Committee noted that after the issue of the Paper, the applicant’s representative requested on 19.6.2013 for deferment of the consideration of the application for two months in order to allow time for preparation of storm water and sewage disposal proposal and landscape proposal.

74. 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 18**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/447            Renewal of Planning Approval for Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years in “Village Type Development” zone, Government Land adjoining Lot 882 in D.D. 28, 69B Tai Mei Tuk, Tai Po  
(RNTPC Paper No. A/NE-TK/447)

---

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

75. 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) renewal of planning approval under Application No. A/NE-TK/315 for temporary eating place (outside seating accommodation of a restaurant) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, one public comment was received supporting the application mainly because the proposed use was in line with the current land use and the eating place would be beneficial to the local villagers and visitors. No local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary eating place (outside seating accommodation of a restaurant) could be tolerated for a further period of 3 years based on the assessments made in paragraph 11 of the Paper.

76. Members had no question on the application.

#### Deliberation Session

77. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 25.8.2013 to 24.8.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the setback of the development by 1.6m from the existing village road to its south should be maintained at all times during the planning approval period;
- (b) the drainage connection works completed on site should be maintained at all times during the planning approval period;
- (c) the submission of fire service installations (FSIs) 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 24.2.2014;
- (d) in relation to (c) above, the provision of FSIs 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 24.5.2014;

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

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

- (a) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that no damage should be made to the adjoining public roads and associated highway features. In case any public roads and street furniture was so damaged due to the applicant's works, they had to be made good at the applicant's cost and to the satisfaction of the HyD; and
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site should have its own stormwater collection and discharge system to cater for the runoff generated within the site as well as overland flow from the surrounding areas. The applicant was required to maintain the drainage systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems. There was existing public sewerage available for connection in the vicinity of the site. The Director of Environmental Protection should be consulted regarding the sewage treatment/disposal aspects of the

development.

**Agenda Item 19**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/448            Proposed Public Utility Installation (Electricity Package Substation) in  
                                 “Green Belt” zone and an area shown as 'Road', Government Land in  
                                 D.D. 26, Wong Yue Tan, Tai Po  
                                 (RNTPC Paper No. A/NE-TK/448)

---

**Presentation and Question Sessions**

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

80.            Members had no question on the application.



Deliberation Session

81. 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 21.6.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

- provision of fire service installations and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the subject site should have its own stormwater collection and discharge system to cater for the runoff generated within the subject site as well as overland flow from the surrounding areas. The applicant was required to maintain such systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant/owner should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by failure of the systems. There was no existing public sewerage in the vicinity of the site;
- (b) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that a proposed salt water mains would be affected by the proposed development. The applicant was requested to closely liaise with WSD during design and construction stage;
- (c) to note the comments of the Director of Fire Services that the emergency vehicular access arrangement should comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administrated by Buildings Department. Detailed fire safety requirements would be formulated upon submission of building plans;

- (d) to note the comment of the Commissioner for Transport that upon the request of the Government, the applicant should relocate the proposed electricity package substation at his own cost; and
- (e) to note the comment of the Director of Electrical and Mechanical Services that the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

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

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

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

#### **Agenda Item 20**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/410            Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years in “Village Type Development” zone, Lot 425(Part) in D.D. 122 and Adjoining Government Land, Sheung Cheung Wai, Ping Shan, Yuen Long  
(RNTPC Paper No. A/YL-PS/410)

---

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

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

- (a) background to the application;
- (b) temporary public vehicle park for private cars and light goods vehicles for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received. The commenter objected to the application mainly on the grounds that extensive parking spaces were found in the vicinity of the site to serve the nearby village and an over provision of parking spaces would promote car ownership amongst residents. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary vehicle park could be tolerated for a period of 3 years based on the assessments made in paragraph 11 of the Paper. As regards the public comment objecting the application on traffic ground, the Commissioner for Transport had no objection to the application and the application was supported by the local villagers to serve their parking needs.

84. Members had no question on the application.

#### Deliberation Session

85. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 21.6.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 11:00 p.m. and 7:00 a.m., as proposed by

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

- (b) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant was allowed to be parked on the site at any time during the planning approval period;
- (c) no vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on site at any time during the planning approval period;
- (d) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, was allowed to be parked on the site at any time during the planning approval period;
- (e) no vehicle repairing, dismantling and workshop use, as proposed by the applicant, was allowed on the site during the planning approval period;
- (f) the existing paving and fencing of the site should be maintained at all times during the planning approval period;
- (g) the provision of drainage facilities, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.12.2013;
- (h) the drainage facilities implemented on the site should be maintained at all times during the approval period;
- (i) the submission of a landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.12.2013;

- (j) in relation to (i) above, the implementation of the landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.3.2014;
- (k) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.12.2013;
- (l) in relation to (k) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.3.2014;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (h) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (n) if any of the above planning conditions (g), (i), (j), (k) or (l) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (o) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to note the District Lands Officer/Yuen Long's (DLO/YL) comments that the private land involved were Old Schedule Agricultural Lots under Block Government Lease which no structures were allowed to be erected without

prior approval from the Government. No permission had been given for erection of structures mentioned in the application. There was no approval given for the occupation of the Government land (GL) involved. The act of occupation of GL without Government's prior approval should not be encouraged. The access routes at eastern and western sides of the site might have encroached upon a proposed works limit of the project PWP No. 157 DS – Yuen Long and Kam Tin Sewerage Stage II Phase 4C, Village Sewerage at Sheung Cheung Wai. His office would consider taking lease enforcement and land control; actions against the site if structures were found on the concerned private lot and GL found being occupied without Government's permission. The concerned lot owners still needed to apply to his office to permit structures to be erected or regularize any irregularities on site. The applicant had to either exclude the GL portion from the site or apply for a formal approval prior to actual occupation of the GL portion. Such applications would be considered by his department acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by his department;

- (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 Environmental Protection Department to minimize any possible environmental nuisances;
- (d) to note the Commissioner of Transport's comments that sufficient manoeuvring spaces should be provided within the site. No vehicle was allowed to queue back to public road or reverse onto/from public road. The local track leading to the site fell outside Transport Department's (TD) purview. Its land status should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;

- (e) to note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments that the access arrangement of the site from Ping Ha Road should be commented and agreed by TD. Adequate drainage measures should be provided at the site to prevent surface water running from the site to the nearby public roads and drains. HyD should not be responsible for the maintenance of any access connecting the site and Ping Ha Road;
  
- (f) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the subject development should neither obstruct overland flow nor adversely affect existing stream course, natural streams, village drains, ditches and the adjacent areas. The applicant should consult DLO/YL and seek consent from the relevant owners for any works to be carried out outside the private lot under application before commencement of the drainage works;
  
- (g) to note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments that there was no record of approval by the Buildings Authority (BA) for the structures existing at the site. The applicant's attention was drawn to the following points:
  - (i) if the existing structures were erected on leased land without approval of the BD (not being New Territories Exempted Houses), they were unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the application;
  
  - (ii) before any new building works were to be carried out on the site, the prior approval and consent of BA should be obtained, otherwise they were unauthorized building works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
  
  - (iii) 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 acceptance of any existing building works or UBW on the site under the BO;

- (iv) in connection with (ii) above, the site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulation 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively; and
- (v) if the site did not abut a specified street of not less than 4.5m wide, its permitted development intensity should be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;
- (h) to note the Director of Fire Services's (D of FS) comments that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. The applicant was advised to submit relevant layout plans incorporated with the proposed FSIs for D of FS's approval. The layout plan should be drawn to scale and depicted with dimensions and nature of occupancy; and the location of where the proposed FSIs to be installed should be clearly marked on the layout plan. If the proposed structure(s) was required to comply with the BO, detailed fire service requirements would be formulated upon receipt of formal submission of general building plans. Should the applicant wish to apply for exemption from the provision of certain FSI as prescribed in the above, the applicant was required to provide justifications to D of FS for consideration;
- (i) to note the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department's comments that the proposed works should be submitted to BD for approval as required under the provision of the BO; and
- (j) to note the Director of Electrical and Mechanical Services's 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. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, the applicant should carry out the following measures:

- (i) for site with the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary;
- (ii) prior to establishing any structure within the application site, the applicant and/or his contractor(s) should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
- (iii) the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicants and their contractor(s) when carrying out works in the vicinity of the electricity supply lines.

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

**Agenda Item 21**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

Further Consideration of Application No. A/YL-MP/205

Proposed House Development, Minor Relaxation of Building Height Restriction, and Filling and Excavation of Land for Site Formation Only (Proposed Amendments to an Approved Scheme) in “Residential (Group D)” zone, Lots 3054 S.A RP, 3098 RP (Part), 3108 (Part), 3109 (Part), 3100 (Part), 3110, 3111, 3112, 3113, 3114, 3115 RP, 3119 RP, 3122 RP, 3123, 3124, 3126, 3131 S.A, 3131 S.B, 3131 S.C, 3131 S.D, 3131 RP, 3132, 3138, 3146, 3147 RP (Part), 3148, 3150 RP, 3156 RP, 3158 RP, 3162, 3163, 3164 S.A, 3164 RP, 3167, 3168, 3171, 3173, 3176, 3177, 3178, 3179, 3180 RP, 3181 RP, 3182 RP, 3189 RP, 3190, 3191, 3192 RP, 3193RP and 3194 RP in D.D. 104 and Adjoining Government Land, Mai Po, Yuen Long

(RNTPC Paper No. A/YL-MP/205D)

---

87. The Secretary reported that the application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHK) with TMA Planning and Design Ltd. (TMA), AECOM Asia Co. Ltd. (AECOM), Environ Hong Kong Ltd. (Environ) and Urbis Ltd. (Urbis) as consultants. Mr. Ivan Fu who had current business dealings with SHK, TMA, AECOM, Environ and Urbis and Ms. Janice Lai who had current business dealings with SHK, AECOM and Urbis had declared an interest in this item. The Committee noted that Mr. Fu had tendered apologies for being unable to attend the meeting. As the interest of Ms. Lai was considered direct, the Committee agreed that she should leave the meeting temporarily.

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

**Presentation and Question Sessions**

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

**Background**

- (a) on 19.10.2012, the RNTPC first considered the application and expressed concern on the visual impact of the 6.6 m high, about 620 m long noise barrier along the eastern and southern boundary of the site. The Committee deferred a decision of the application pending the applicant's further information to address Members' concern;
- (b) subsequently, the applicant submitted further information. The 6.6 m high noise barrier along the eastern boundary of the site was removed, and the 6.6 m high noise barrier along the southern boundary of the site was replaced by revised noise barriers with height of 5.4m and 5.6m and 6 m high landscape berm. The total length of noise barriers was reduced from about 620 m to about 280 m;
- (c) on 19.4.2013, the Committee further considered the application with revised noise barriers. Representative of LandsD at the meeting requested the applicant to exclude a minor portion at the south-eastern part of the application site which encroached onto the village 'environs' (VE) of Ha Chuk Yuen from the application site. The Committee deferred the application again so that the applicant could clarify the landownership of the concerned areas;

Comments from Lands Department

- (d) the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) had been further consulted with reference to the clarification submitted by the applicant on land ownership and whether the concerned areas falling within the VE should be excluded from the site. DLO/YL's comments were as follows:
  - (i) he had no particular comment as long as the applicant could provide evidence on the ownership. The land status details and the land titles of the private land involved would be subject to verification in land exchange stage;

- (ii) the portions in the southeast part of the application site encroaching onto the VE of Ha Chuk Yuen were normally reserved for Small House development by indigenous villagers; and
- (iii) if planning approval was given, the lot owner had to apply to the LandsD for a land exchange. However, there was no guarantee that the land exchange application (including the granting of additional government land) would be approved.

Planning Department (PlanD)'s views

- (e) PlanD had no objection to the application based on the assessments made in paragraph 4 of the Paper which were summarised below:
  - (i) the applicant clarified that all private lots within the site, including the areas within the VE, were solely owned by the applicant. The DLO/YL comments that the land status / titles of the private land involved would be subject to verification in land exchange stage. The encroachment onto the VE of Ha Chuk Yuen was considered as a land matter which could be further dealt with at the land exchange stage. In case the encroached land was required to be excised from the proposed scheme which rendered any amendment that required permission from the Board, the applicant would need to submit a separate planning application;
  - (ii) the current application was an amendment to the previously approved scheme of Application No. A/YL-MP/193 with no change in major development parameters. The major change was to extend the boundary of the site by including two strips of Government land formed in connection with the previous drainage works. As a result, the site area was increased with a corresponding increase in the domestic gross floor area. To address the Committee's concern on the visual impact, the applicant had revised the design and reduced the length of the noise barriers. The Chief Town Planner/Urban

Design & Landscape, PlanD considered that the changes to the noise barriers were improvements to the original proposal;

- (iii) the site fell within the Wetland Buffer Area of Deep Bay. The proposed development was in line with the TPB PG-No. 12B regarding the requirements on ecological impact assessment submission, no net increase in pollution load to Deep Bay, and provision of visual buffer to the Wetland Conservation Area. The Director of Agriculture, Fisheries and Conservation had no adverse comment on the application;
- (iv) government departments concerned had no objection to or adverse comment on the application;
- (v) approval of the application was not inconsistent with the Committee's previous decisions on approving similar applications within the same "Residential (Group D)" zone since 2003;
- (vi) the public objections to the application were mainly on the grounds that the proposed development would have adverse impact on the traffic, environmental, ecological/farming, sewage, recreation facilities and visual aspects. Relevant government departments had no objection to the application.

89. Members had no question on the application.

#### Deliberation Session

90. In response to the Secretary's enquiry on the position of LandsD with regard to the part of the application site within the VE boundary, Ms. Anita Lam responded that Lands Department would normally not process land exchange application for land which encroached upon the VE boundary unless there were exceptional circumstances. Noting that the land falling within VE was large in size (2,730m<sup>2</sup>) and there were local objections to the development on the ground that land within "Village Type Development" zone was

insufficient, the relevant land exchange for the subject application would be thoroughly examined after receiving the land exchange application.

91. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 21.6.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the design and provision of vehicle parking, motorcycle parking and loading/unloading facilities for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the submission and implementation of Landscape Master Plan and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission of a revised Drainage Impact Assessment and the implementation of the drainage facilities, including mitigation measures, identified therein to the satisfaction of the Director of Drainage Services or of the TPB;
- (d) the submission of a revised Ecological Impact Assessment and the implementation of the mitigation measures identified therein to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (e) the provision of water supplies for fire-fighting, fire services installations and emergency vehicular access to the satisfaction of the Director of Fire Services or of the TPB; and
- (f) the design and provision of mitigation measures to alleviate the visual impact of the noise barriers to the satisfaction of Director of Planning or of the TPB.

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

- (a) the approval of the application did not imply that any proposal on building design elements to fulfill the requirements under the Sustainable Building Design Guidelines, and any proposal on bonus plot ratio and/or gross floor area (GFA) concession for the proposed development would be approved/granted by the Building Authority (BA). The applicant should approach the Buildings Department (BD) direct to obtain the necessary approval. If the building design elements and the GFA concession were not approved/granted by the BA and major changes to the current scheme were required, a fresh planning application to the Board might be required;
  
- (b) to note the District Lands Officer/Yuen Long, Lands Department's (LandsD) comments that the two strips of land sandwiched between Kam Pok Road and the northern boundary of the original application site were Government land (GL). The concerned land were currently embankments adjoining a nullah with some footpaths found thereon. The site involved various private lots and adjoining GL in D.D. 104. Preliminary land status check revealed that most of the private land involved were Old Scheduled agricultural lots held under Block Government lease. The lot owner had to apply to the LandsD for a land exchange. The applicant should ensure unity of titles of the surrendered lots in order to effect the land exchange if any land exchange was applied for by the lot owner to LandsD. The land status details and the land titles of private lots involved and the site area would be subject to verification at land exchange stage, if any land exchange was applied for by the lot owner to LandsD. The portions in the southeast part of the application site encroaching onto the village environs of Ha Chuk Yuen were normally reserved for Small House development by indigenous villagers. There was no guarantee that the land exchange application (including the granting of additional GL) would be approved. Such application, if received by LandsD, would be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event any such application was approved, it would be

subject to such terms and conditions including, among others, the payment of premium and administrative fee as might be imposed by LandsD;

- (c) to note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments that the strips of slopes proposed to be included in the site along Kam Pok Road was not under HyD's maintenance. Only the carriageways and the footpath of Kam Pok Road was maintained by HyD. HyD would not take up the maintenance responsibility of the proposed noise barrier;
- (d) to note the Director of Environmental Protection's comments that the proposed development fell within Deep Bay Buffer Zone 2 and would constitute a Designated Project under the Environmental Impact Assessment Ordinance (EIAO). Environmental Impact Assessment (EIA) Study Brief was issued to the applicant in May 2009 (No. ESB-204/2009). The applicant was reminded that Environmental Permit was required for the commencement of construction and operation of the proposed development. His comments were provided on an administrative basis and should not pre-empt his decision under the EIAO;
- (e) to note the Director of Agriculture, Fisheries and Conservation's comments that as the proposed development was a Designated Project under the EIAO, the applicant was required to demonstrate the environmental acceptability of this project in the EIA report to be submitted in order to meet the relevant statutory requirements;
- (f) to note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority. The emergency vehicular access 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 Building 2011 under the Building (Planning) Regulations (B(P)R) 41D;



- (g) to note the Chief Building Surveyor/New Territories West, BD's comments that he had no objection in principle under the Buildings Ordinance (BO) to the application provided that the site abutted on a street having a width of not less than 4.5 m. Otherwise, the development intensity would be subject to Building (Planning) Regulation (B(P)R) 19(3). The proposed plot ratio (PR) and site coverage (SC) should not exceed the limit stipulated in the First Schedule of the B(P)R. In view of the size of the site, the area of the internal street required under s16(1)(p) of the BO might have to be deducted from the site area for the purpose of PR & SC calculations. The access road/internal streets should comply with the Building (Private Streets and Access Roads) Regulations. The new Quality Built Environment (QBE) requirements and the new GFA concession policy were applicable to this development. Detailed comments would be made at the formal submission of building plans. However, there was no guarantee that the 10% non-accountable GFA could be attained under the BO. The eligible amount would be subject to the compliance with the new QBE requirements and detailed examination at building plans submission stage;
- (h) to note the Chief Engineer/Development (2), Water Supplies Department's comments that existing water mains would be affected. The applicant should bear the cost of any necessary diversion works affected by the proposed development;
- (i) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's advice that the applicant should further explore the feasibility of reducing the site formation level as far as possible with a view to reducing the overall height of the noise barriers when viewing from Ha Chuk Yuen Road;
- (j) the sewerage of the development should be connected to the public sewerage network, as proposed by the applicant;
- (k) the applicant should inform the potential buyers of the residential units that the residential units of the development should be occupied only after the

sewerage of the development was connected to and sewage from the development could be discharged to the Government sewerage network;

- (l) the applicant should inform the potential buyers of the residential units of the maintenance and management responsibilities of the strips of land including the slopes/embankments adjoining Kam Pok Road; and
- (m) to liaise with the residents and local villagers in the vicinity of the application site and relevant parties regarding their concerns.

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

## **Agenda Item 22**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/419            Temporary Open Storage of Recyclable Materials (Metal, Plastic and Paper only) with Ancillary Site Office for a Period of 3 Years in “Residential (Group D)” zone, Lots 149 RP, 150 RP, 151, 152 RP, 153 RP, 154, 155 (Part), 156 S.B RP (Part), 162 RP (Part), 164 RP (Part) and 375 RP (Part) in D.D. 105 and Adjoining Government Land, San Tin, Yuen Long  
(RNTPC Paper No. A/YL-ST/419C)

---

### **Presentation and Question Sessions**

93.            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) temporary open storage of recyclable materials (metal, plastic and paper only) with ancillary site office for a period of 3 years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application because the temporary development involved movement of medium goods vehicles, and there were sensitive receivers (a residential dwelling) at about 80 m to the northwest of the site on the opposite side of Castle Peak Road – San Tin. Other concerned government 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 public comment was submitted by a Yuen Long District Council member. He had the concern that as more than 10% of the site area was government land, he would like to know whether Lands Department agreed to lease the land. If positive, he would like to know the rent. If negative, the operator concerned had occupied the government land and he wanted to know the Lands Department’s follow up action. 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 open storage of recyclable materials (metal, plastic and paper only) with ancillary site office could be tolerated for a period of 3 years. DEP did not support the application as there was a residential dwelling at about 80 m to the northwest of the site. The water pollution complaint received in 2011 by the DEP was unsubstantiated and there was no local objection received on environmental aspects in the current application. To address DEP’s concern and mitigate potential environmental impacts on the surrounding area, approval conditions on operation hours, activities on-site, paving, vehicles were recommended. Regarding the public comment on the use of government land, Lands Department advised that since the subject planning application was yet to be approved by the Board, his Office would not consider issuing a Short Term Tenancy at this moment. The application site involved use of government land without permission of his Office. Land control action had already been taken by the Lands Department.

94. Members had no question on the application.

Deliberation Session

95. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 21.6.2016, 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 southern boundary of the site to avoid encroachment on the works limit of the project 'Cycle Tracks Connecting North West New Territories with North East New Territories – Sheung Shui to Tuen Mun Section' as and when required by the Government to the satisfaction of the Director of Lands or of the TPB;
- (b) no operation between 7:00 p.m. and 7:00 a.m. from Mondays to Saturdays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (d) no washing or workshop activity, as proposed by the applicant, was allowed on the site at any time during the planning approval period;
- (e) the paving on the site should be maintained at all times during the planning approval period;
- (f) a vehicular access/run-in between the site and Castle Peak Road – San Tin should be maintained at all times during the planning approval period;
- (g) no reversing in or out from the site was allowed at all times during the planning approval period;
- (h) the drainage facilities on the site should be maintained at all times during

the planning approval period;

- (i) the relocation of the ingress/egress of the site to facilitate the implementation of the proposed sewage pumping station to the northeast of the site as and when required by the Government to the satisfaction of the Commissioner for Transport or of the TPB;
- (j) the setting back of the northeastern boundary of the site to avoid encroachment on the site of the proposed sewage pumping station as and when required by the Government to the satisfaction of the Director of Drainage Services or of the TPB;
- (k) only storage of metal, plastic and paper, as proposed by the applicant, was allowed on the site during the planning approval period;
- (l) only medium goods vehicles and private cars, as proposed by the applicant, as defined in the Road Traffic Ordinance were allowed to be parked/stored on the site during the planning approval period;
- (m) 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 2.8.2013;
- (n) the implementation of accepted fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.9.2013;
- (o) the implementation of 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 21.9.2013;
- (p) the provision of boundary fencing within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.9.2013;

- (q) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k) or (l) 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;
- (r) if any of the above planning conditions (m), (n), (o) or (p) 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
- (s) 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issues relating to the temporary development with the concerned owner(s) of the application site;
- (c) a shorter compliance period was imposed to facilitate closer monitoring of the compliance of approval conditions;
- (d) should the applicant fail to comply with any of the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration would not be given by the Committee to any further application;
- (e) the permission was given to the development/uses under application. It did not condone any other development/uses and structures which currently occurred on the site but not covered by the application. The applicant

should be requested to take immediate action to discontinue such development/ uses and remove the structures not covered by the permission;

- (f) there should be proper management of the temporary open storage at the application site which should be kept in a clean and tidy condition at all times;
- (g) to follow the latest Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding area;
- (h) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the private land under application site comprised Old Scheduled Agricultural Lots held under the Block Government Lease which contained the restriction that no structures were allowed to be erected without the prior approval of the Government. Modification of Tenancy (MOT) No. M17019 was granted to allow for erection of domestic and agricultural structures on Lots No. 151 and 152 RP. Change of use of the site would cause a breach of the terms of the MOT. No approval was given for the specified structures as 2-storey site offices, washroom and canopies. No permission was given for occupation of the Government land (GL) (about 697m<sup>2</sup> subject to verification) included into the application site. The site was accessible via a short stretch of GL onto Castle Peak Road – San Tin. His Office provided no maintenance work for the GL and did not guarantee right-of-way. The lot owner would need to apply to his Office to permit structures to be erected or regularize any irregularities on site. The occupier would also need to apply to his Office for occupation of the GL involved. 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;

- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there was no record of approval by the Building Authority (BA) for the structures existing at the site and BD was not in a position to offer comments on their suitability for the use related to the application. If the existing structures were erected on leased land without approval of the BD (not being New Territories Exempted Houses), they were unauthorized under the BO and should not be designated for any approved use under the application. Before any new building works (including site office/storage sheds as temporary buildings) were to be carried out on the site, the prior approval and consent of the BA should be obtained, otherwise they were unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on 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 (EVA) in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site did not abut a specified street of not less than 4.5m wide, its permitted development intensity should be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;
- (j) to note the comment of the Director of Agriculture, Fisheries and Conservation that the applicant was advised to adopt good site practices and necessary measures to avoid causing water pollution to the nearby watercourse;
- (k) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant should consult the DLO/YL, LandsD and seek consent from the relevant lot owners for any works



carried out outside the site boundary and the comments at Appendix V of the RNTPC Paper;

- (l) to note the comments of the Director of Fire Services (D of FS) that the applicant should also adhere to the Good Practice Guidelines for Open Storage Sites at Appendix VI of the RNTPC Paper. The installation/maintenance/ modification/repair work of fire service installation (FSI) should be undertaken by a Registered Fire Service Installation Contractor (RFSIC). The RFSIC should after completion of the installation/maintenance/ modification/repair work issue to the person on whose instruction the work was undertaken a certificate (FS 251) and forward a copy of certificate to the D of FS. Should the applicant wish to apply for exemption from the provision of certain FSI as prescribed in the above, the applicant was required to provide justifications to his Department for consideration; and
  
- (m) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant/contractor should carry out the measures below. For application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the application site, the applicant and/or the applicant's 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 the applicant's

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

[The Vice-chairman thanked Mr. K.C. Kan, STP/TMYL, for his attendance to answer Members' enquires. Mr. Kan left the meeting at this point.]

### **Agenda Item 23**

#### **Section 16 Application**

[Open Meeting]

A/YL-NSW/219      Proposed Prefabrication Yard for Steel Reinforcement Bars in “Open Storage” zone and an area shown as 'Road', Government Land at the Junction of Tsing Long Highway and Castle Peak Road - Tam Mi Section, Nam Sang Wai, Yuen Long  
(RNTPC Paper No. A/YL-NSW/219)

---

97.            The Secretary reported that the application was submitted by Civil Engineering and Development Department (CEDD). Ms. Janice Lai who had current business dealings with CEDD had declared an interest in this item. As the applicant had requested a deferral of consideration of the application, the Committee agreed that Ms. Lai could stay in the meeting.

98.            The Committee noted that the applicant's representative requested on 18.6.2013 for deferment of the consideration of the application for one month in order to allow time for preparation of further information to address the comments from government departments.

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

be granted unless under very special circumstances.

## **Agenda Item 24**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/407      Proposed School (Extension to an Existing School) in “Village Type Development” zone, Government Land in D.D. 109, Shing Mun San Tsuen, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/407)

---

### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) proposed school (extension to an existing school);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Secretary for Education (SED) supported the application and advised that from the perspective of quality education, the subject rural school premises was of old age and its facilities were highly sub-standard. It was expected that both learning and teaching effectiveness of the subject rural school would be strengthened through the provision of upgraded facilities in the improvement project and the quality of education would be enhanced. From the perspective of school place demand, there was a genuine demand for school places in the school. Besides, the enrolment of the subject rural school had increased from about 99 in 2010/11 school year up to 125 in the 2012/13 school year. Its fill-up rate was expected to increase in the coming school year taking into account the demand from students living in the villages within the school net and

cross-border students. Other concerned government departments had no objection to or adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, 10 public comments were received from the local villagers. All the commenters objected to or expressed concerns on the application. The grounds of objection/concern were that the number of pupils attending the subject school was declining and there was no need to extend the existing school. Besides, the proposed school extension would cause water and environmental/air pollution, noise nuisance and hygiene, odour and fire safety problems, as well as adverse feng shui impact. There was no public sewerage system for efficient disposal of the sewage from the school and villages nearby. Moreover, large vehicle such as fire engine or desludger of the village houses would not be able to access the village if the school was expanded. The construction works would also cause noise nuisance and environmental/air pollution. The proposed school extension was large in scale in comparing with the nearby small house developments. Therefore, environmental assessment, visual impact assessment, landscape impact assessment, drainage assessment and sewerage assessment should be submitted for consideration. The plot ratio of the proposed school extension should include the gross floor area of the building blocks of the existing school. The proposed fire service pump room and fire service tank would be located close to the village houses at about 8m away. The former would generate heat and noise nuisance while the latter, if not contained, would attract mosquito breeding. Besides, the proposed school extension was in close proximity to nearby existing village houses and a refuse collection point (RCP). It would obstruct the natural air ventilation and further worsen the odour and public hygiene problem. The RCP could be closed down as there was another larger RCP in the vicinity. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. Regarding the public comments, the proposed school extension, supported

by SED, would provide upgraded facilities to strengthen the learning and teaching effectiveness of the school and there was a genuine and increasing demand for school places in the district. It was relatively small in scale (one structure with a building height of 3.65m) and was not incompatible with the surrounding village type developments. The proposed school extension would be developed within the existing school compound and would not affect the access of vehicles of the village. Relevant government departments had no adverse comment on the application. The Director of Environmental Protection (DEP) further advised that the environmental nuisance could be minimized through proper design and management of the school and any sewerage facilities of the school should be designed and maintained according to DEP's requirements. The applicant had also clarified that the proposed fire service pump room would only be operated in case of fire accidents and the proposed fire service water tank would be fully enclosed. As regards the temporary RCP, it was located outside the site and the request for demolition of the RCP had been conveyed to the Director of Food and Environmental Hygiene to follow up. Appropriate approval conditions were also recommended to minimize the impacts arising from the proposed school extension. Besides, the applicant would be advised to liaise with the local villagers on the proposed development.

101. Members had no question on the application.

#### Deliberation Session

102. 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 21.6.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of a landscaping proposal to the satisfaction of the Director of Planning or of the TPB;

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

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

- (a) to closely liaise with the local villagers on the proposed development;
- (b) to note the District Lands Officer/Yuen Long's comments that there was no approval given for occupation of the Government land (GL). The act of occupation of GL without Government's prior approval should not be encouraged. Lands Department (LandsD) would consider taking land control action against the site if GL found being occupied without government's permission. The access route of the site to and from Kam Tin Road would require traversing through a track on GL. LandsD provided no maintenance work for the GL involved and did not guarantee right-of-way. The applicant had to apply for a formal approval prior to the actual occupation of the GL. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;
- (c) to note the Director of Environmental Protection's comment that the sewage discharge from the site should be directed to nearby public sewer. In case of unavailability of public sewer, a septic tank and soak-away pit should be provided. The applicant should design and maintain the septic tank and soak-away pit according to the requirements under the ProPECC (Professional Persons Environmental Consultative Committee) Practice Note No. 5/93;

- (d) to note the Commissioner for Transport's comments that vehicle was not allowed to reverse into or out of the site. The site was connected to the public road network via a section of a local access road which was not managed by the 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 Chief Town Planner/Urban Design and Landscape, Planning Department's comments that buffer planting and landscaping should be provided where appropriate to soften the facade of the proposed school building. Besides, there were mature existing trees located within the unaffected portion of Tung Tak School which should be properly maintained and protected. Moreover, landscape planning should be incorporated in the proposed school extension layout. Providing trees along the school boundary was highly recommended to serve as buffer for the car park and village houses nearby;
- (f) to note the Director of Food and Environmental Hygiene's comments that the access route should not encroach on the permanent land allocation No. GLA-YL DNT192 and the proposed development should not interfere the daily operation of the refuse collection point and public toilet;
- (g) to note the Director of Electrical and Mechanical Services's 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. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, 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.

- (h) to note the Chief Engineer/Mainland North, Drainage Services Department’s comments that the applicant should submit a detailed drainage proposal, among others, to address the drainage impacts arising from the proposed development, particularly to demonstrate how the surface runoff within the site and the overland flow would be properly collected and discharged;
- (i) to note the Chief Highway Engineer/New Territories West, Highways Department’s comments that his department was not/should not be responsible for the maintenance of any existing vehicular access connecting the application site and Kam Tin Road;
- (j) to note the Chief Engineer/Development (2), Water Supplies Department’s comments that the water mains in the vicinity of the site could not provide the standard pedestal hydrant; and
- (k) to note the Director of Fire Services’ comments that fire service installations and water supplies for firefighting should be provided in accordance with the “Code of Practice for Minimum Fire Service Installations and Equipment”. Detailed fire safety requirements would be formulated upon receipt of building plan submissions or referral from licensing authority. Emergency vehicular access should be provided in accordance with the “Code of Practice for Fire Safety in Buildings” administered by the Buildings Department.



**Agenda Item 25**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/576      Temporary Place for Hobby Farm, Ecological Cycling Tour and  
Barbecue Spot for a Period of 3 Years in “Agriculture” zone, Lots 810  
S.A & S.B & RP in D.D. 103, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTS/576A)

---

**Presentation and Question Sessions**

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

- (a)    background to the application;
- (b)    temporary place for hobby farm, ecological cycling tour and barbecue spot for a period of 3 years;
- (c)    departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) supported the proposed agricultural activities (i.e. cultivation of sugar-cane, fruit trees and other crops) in the application from the agricultural development point of view. The Director of Environmental Protection (DEP) advised that there were a number of residential dwellings in the vicinity of the site (the nearest one about 15m away). The activities arising from the proposed barbecue spot would potentially cause noise nuisance to the nearby sensitive receivers, especially during weekends and public holidays. However, these issues were not addressed by the applicant. Hence, he had reservation on the application from the environmental planning perspective. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L, PlanD) had reservation on the application from the landscape planning point of view. The area was predominantly rural in character, dominated by agricultural land, temporary

structures, woodland tree groups and infrastructure transport routes. According to the aerial photo in December 2011, the site was vegetated with ground cover, shrubs and scattered trees. The proposed development was not entirely compatible with the largely undisturbed rural surrounding. Based on recent site photos, recent site clearance and formation works were observed. Although most of the remaining scattered trees and tree groups on the site were generally in good condition, the proposed development, if approved, would set an undesirable precedent leading to similar practices, resulting in piecemeal developments, destroying the tranquil nature of the rural area. Other concerned government departments had no objection to or adverse comment on the application;

- (d) two public comments were received during the first three weeks of the statutory publication period. One of the comments concerned that the proposed development was not in line with the intention of the site for agricultural use. The proposed development would also cause hygiene problem and road safety problem due to the proposed cycling activity. There was also no electricity supply for the proposed development. The other comment supported the application as the proposed development would offer a relaxing environment for the working people and would enhance people's knowledge on environmental protection. No local objection/view was received by the District Officer (Yuen Long);
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments as detailed in paragraph 11 of the Paper which were summarised below:
  - (i) based on the aerial photos taken in December 2011, the site was covered with vegetation. Subsequently, it was found that the site was partly formed and paved, and some vegetation on the site had been cleared. Based on the investigation of the Central Enforcement and Prosecution Section of PlanD, there was no evidence that the site formation/vegetation clearance works conducted in 2012 were carried out by the applicant nor that there was evidence to indicate that the

unauthorized development was of such a nature that might constitute an abuse of the planning application system. However, the site was subject to enforcement action against unauthorized development, i.e. the recreation use (including barbecue facilities) found on the site. In this regard, the application should not be assessed based on the “destroyed” state of the site. Instead, the original state of the site overgrown with vegetation/trees before the site was used for the development should be taken into account;

- (ii) while the proposed farming activities were not in conflict with the planning intention of the “Agriculture” (“AGR”) zone and the DAFC supported the proposed agricultural activities under application, some vegetation/trees on-site had been cleared and the site was formed before the application. Furthermore, the development was not entirely compatible with the largely undisturbed rural surrounding. Approval of the application would lead to similar practices which would destroy the rural character of the area and the CTP/UD&L also had reservation on the application from the landscape planning perspective;
- (iii) insufficient information was given in the submission regarding the design and operation of the development such as the number of participants, types and frequency of the activities/events to be conducted within the site, the nature and details of the ecological cycling tour and the need to pave the area for cycling activity and barbecue spot;
- (iv) from the environmental perspective, the DEP had reservation on the application as the activities arising from the proposed barbecue spot, such as human chatting, shouting and probably the use of audio amplification systems, would potentially cause noise nuisance to the nearby residential dwellings with the nearest one about 15m away, especially during weekends and public holidays but no information was submitted by the applicant to address the environmental concern.

Besides, the site had been paved and may have drainage impact at the site and the adjoining area. However, no submission was made to demonstrate that the proposed development would not generate adverse drainage impact. Drainage Services Department had requested the applicant to submit a drainage proposal for the development;

- (v) no similar application was approved within the same “AGR” zone. Approving the application would set an undesirable precedent and the cumulative effect of approving such similar applications would result in a general degradation of the rural environment and landscape quality of the area.

105. Members had no question on the application.

#### Deliberation Session

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

- (a) there was no detailed information provided on the design and operation of the development involving site formation and vegetation clearance for hobby farm, ecological cycling tour and barbecue spot;
- (b) the applicant failed to demonstrate that the development would not generate adverse environmental, drainage and landscape impacts on the surrounding areas; and
- (c) approving the application would set an undesirable precedent for similar applications within the “Agriculture” zone, and the cumulative effect of which would result in a general degradation of the rural environment and landscape quality of the area.

**Agenda Item 26**

**Section 16 Application**

[Open Meeting]

A/YL-PH/667            Temporary Open Storage of Building Materials, Second-hand Vehicles and Automotive Parts with Ancillary Staff Canteen for a Period of 3 Years in “Agriculture” zone, Lots 1832 RP (Part), 1840 (Part), 1860 S.B RP (Part), 1861, 1864 RP (Part), 1865 (Part), 1866 (Part), 1867 (Part) and 1868 (Part) in D.D. 111 and Adjoining Government Land, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/667)

---

107.            The Secretary reported that on 18.6.2013, the applicant submitted further information providing responses to the comments of the Environmental Protection Department (EPD) regarding the sewage treatment arrangement of the development. As the submitted further information involved technical issues on sewage aspect and was only received on 18.6.2013, i.e. 3 working days before the meeting, there was insufficient time for EPD to provide comment. Since the departmental comment would be relevant to the consideration of the application, Planning Department (PlanD) requested that the application be deferred to the next meeting on 5.7.2013 pending EPD’s comments.

108.            After deliberation, the Committee decided to defer a decision on the application as requested by PlanD. The Committee agreed that the application should be submitted for its consideration upon receipt of EPD’s comments at the next meeting. The Committee also agreed that no further deferment would be granted unless under very special circumstances.

**Agenda Item 27**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/629 Proposed Temporary Public Vehicle Park for Private Car and Light Goods Vehicle for a Period of 3 Years in “Village Type Development” zone, Lots 2681 S.A and S.B (Part), 2682 (Part) and 2683 (Part) in D.D. 120 and Adjoining Government Land, Lam Hau Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/629A)

---

**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) proposed temporary public vehicle park for private car and light goods vehicle for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) advised that according to the aerial photo taken on 2.2.2007, the entire site was originally covered by woodland with quite a number of existing trees of significant sizes. The site had since been disturbed and nearly all the vegetation cover was removed. Significant disturbances and change to the existing landscape character and resources of the site had taken place. Although car parks and open storage yards could be found in the neighborhood, most of them were suspected unauthorized uses. The site was also the subject of enforcement action. Moreover, there was no tree survey or preservation proposal submitted under the current application. The submitted landscape proposal did not indicate any existing trees and

the proposed new trees would be in conflict with the existing trees. Therefore, he had reservations on the application from the landscape planning perspective. Other concerned government departments had no objection to or adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, one public comment was received which raised concerns over the public safety/security problems (e.g. occupation of Government land, local disharmony, criminal behaviours/violence and destruction of sensitive environment, etc.) arising from the shortage of parking facilities and lack of access/right-of-way in village areas. The commenter expressed that Lands Department should adjust the Small House policy and approve Small Houses only when there was confirmation that adequate access and parking space were available. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary public vehicle park for private car and light goods vehicle could be tolerated for a period of 3 years based on the assessments made in paragraph 11 of the Paper. Although the CTP/UD&L of PlanD had reservations from landscape planning perspective, it should be noted that the site fell within the “Village Type Development” zone which was intended for the development of Small Houses by indigenous villagers as well as for the provision of commercial, community and recreational uses serving the needs of the villagers and in support of the village development. The concerns of the CTP/UD&L of PlanD could be addressed through the imposition of approval conditions requiring the submission and implementation of tree preservation and landscape proposals. Regarding the public comment, relevant departments had no adverse comment on the application. As regards the comment that Small Houses should be approved only when there was confirmation of adequate access and parking spaces, it was a land administration matter which was not a material consideration of this application.

110. Members had no question on the application.

### Deliberation Session

111. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 21.6.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no vehicle without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations was allowed to be parked/stored on the application site at any time during the planning approval period;
- (c) no medium and heavy goods vehicle exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, were allowed to be parked/stored on or enter/exit the application site at any time during the planning approval period;
- (d) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, were allowed to be parked/stored on or enter/exit the application site at any time during the planning approval period;
- (e) no vehicle dismantling, maintenance, repairing, cleansing, paint-spraying or other workshop activities, as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (f) the provision of boundary fence 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 21.12.2013;

- (g) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.12.2013;
- (h) in relation to (g) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.3.2014;
- (i) 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 21.12.2013;
- (j) in relation to (i) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.3.2014;
- (k) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.12.2013;
- (l) in relation to (k) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.3.2014;
- (m) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (n) if any of the above planning conditions (f), (g), (h), (i), (j), (k) or (l) was not complied with by the specified date, the approval hereby given should

cease to have effect and should on the same date be revoked without further notice; and

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

112. 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 District Lands Officer/Yuen Long, Lands Department's (DLO/YL, LandsD) comments that the lots within the application site were Old Schedule Agricultural Lots held under Block Government Lease under which no structures were allowed to be erected without prior approval of his office. No approval was given for the proposed specified structures as site office and guard room. No permission had been given for the occupation of Government land (GL) within the site. The lot owner concerned would still need to apply to his office to permit any additional/excessive structures to be erected or regularized any irregularities on-site. Furthermore, the applicant had to either exclude the GL portion from the application site or apply for a formal approval prior to the actual occupation of the GL portion. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD. Besides, access to the application site required traversing through private lots and/or GL. His office provided no maintenance works for the GL and did not guarantee right-of-way;
- (c) to note the Commissioner for Transport's comments that the land status of the access road/path/track leading to the application site from Shan Ha

Road should be checked with the lands authority. The management and maintenance responsibilities of the same access road/path/track should also be clarified with the relevant management and maintenance authorities accordingly. The applicant was reminded that sufficient space should be provided within the application site for manoeuvring of vehicles, and no vehicle queuing and no reverse movement of vehicles on public road were allowed;

- (d) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that adequate drainage measures should be provided to prevent surface water running from the application site to the nearby public roads and drains. His department should not be responsible for the maintenance of any access connecting the application site and Shan Ha 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 Town Planner/Urban Design and Landscape, Planning Department's (PlanD) comments that there were some existing trees along the perimeter of the application site, including 5 *Bombax ceiba*, 1 *Acacia confusa*, 1 *Bischofia javanica* and a number of *Leucaena leucocephala*. The submitted landscape proposal did not indicate any existing trees and the proposed new trees would be in conflict with the existing trees. The applicant should note that all the existing and proposed trees should be clearly indicated and differentiated on plan by using two different symbols in order to avoid confusion;
- (g) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the development should not cause adverse drainage impact to the adjacent areas. Catchpits should be provided at the turning points along the proposed 525mm U-channels. The size of

proposed catcpts and the details of the connection with the existing open drain should be shown on the drainage proposal plan. Also, DLO/YL, LandsD and the relevant lot owners should be consulted as regards all proposed drainage work outside application site boundary or outside the applicant's jurisdiction;

- (h) to note the Chief Engineer/Development (2), Water Supplies Department's comments that water mains in the vicinity of the application site could not provide standard pedestal hydrant;
- (i) to note the Director of Fire Services' comments that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. The applicant was advised to submit relevant layout plan incorporated with the proposed FSIs to his Department for approval. In formulating FSIs proposal for the proposed structure, the applicant was advised 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 structure, portable hand-operated approved appliance should be provided as required by occupancy and should be clearly indicated on plans. In addition, the layout plan should be drawn on scale and depicted with dimensions and nature of occupancy, and the location of where the proposed FSI to be installed should be clearly marked on the layout plans. Should the applicants wish to apply for exemption from the provision of certain FSIs as prescribed by his department, the applicant was required to provide justifications to his department for consideration;
- (j) to note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments that before any new building works (including containers as temporary buildings) were to be carried out on the application site, the prior approval and consent of 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 Buildings Ordinance

(BO). For UBW erected on leased land, enforcement action might be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The application 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 application site did not abut a specified street of not less than 4.5m wide, its permitted development intensity should be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and

- (k) 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 application site. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132 kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the PlanD, prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the application site, the 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 28**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/640 Temporary Open Storage of Construction Machinery and Construction Materials for a Period of 3 Years in “Undetermined” zone, Lots 990 (Part), 991 (Part), 994 (Part), 1020 (Part), 1022 (Part), 1023 (Part), 1024 (Part), 1025, 1026 and 1027 (Part) in D.D. 119 and Adjoining Government Land, Pak Sha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/640)

---

**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) temporary open storage of construction machinery and construction materials for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses to the immediate east, south and west and in the vicinity of the site, and environmental nuisance was expected: Other concerned government departments had no objection to or adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received. The commenter expressed that the temporary use at the site was being made permanent through the repeated applications and approvals and strict monitoring on the site should be undertaken in view of the previous revocations. 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 open storage of construction machinery and construction materials could be tolerated for a period of 3 years based on the assessments made in paragraph 12 of the Paper. Regarding DEP's not supporting the application, approval conditions restricting the operation hours, prohibiting workshop activities and storage/open storage of electronic wastes, prohibiting the use of goods vehicles exceeding 24 tonnes including container tractors/trailers and requiring the provision of boundary fence were recommended to minimize the possible nuisance generated by the temporary use. As regards the public comment, each application was assessed based on its individual merits by taking account of the planning intention of relevant zoning, Town Planning Board guidelines, land use compatibility, etc. Under the current application, the applicant had made efforts to submit relevant proposals to address departmental concerns. It was considered that the current application could be tolerated, but subject to shorter compliance periods so as to closely monitor the progress on compliance.

114. In response to a Member's enquiry, the Vice-chairman said that the application site was close to the degraded brownfield land in Yuen Long South where many warehouses were found.

#### Deliberation Session

115. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 21.6.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the 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 dismantling, repairing, cleaning or other workshop activities, as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (d) no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste, as proposed by the applicant, was allowed on the application site at any time during the planning approval period;
- (e) no heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, was allowed to park/store on or enter/exit the application site at any time during the planning approval period;
- (f) the provision of boundary fence for the application site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.9.2013;
- (g) the implementation of the accepted tree preservation and landscape proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.9.2013;
- (h) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.9.2013;
- (i) in relation to (h) above, the implementation 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 21.12.2013;
- (j) 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 2.8.2013;

- (k) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.9.2013;
- (l) in relation to (k) above, the implementation of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.12.2013;
- (m) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (n) if any of the above planning conditions (f), (g), (h), (i), (j), (k) or (l) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (o) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) shorter compliance periods were allowed to monitor the situation on the site and the progress on compliance with approval conditions. Sympathetic consideration would not be given by the Committee to any further application if the planning permission was revoked again due to

non-compliance of approval conditions;

- (c) resolve any land issue relating to the development with the concerned owner(s) of the site;
- (d) the application site should be kept in a clean and tidy condition at all times;
- (e) to note the District Lands Officer/Yuen Long, Lands Department's (DLO/YL, LandsD) comments that the application site comprised Government land (GL) and Old Scheduled Agricultural Lots held under Block Government Lease which contained the restriction that no structures were allowed to be erected without prior approval of the Government. No permission had been given for the erection of the structures mentioned in the application. For the GL within the application site, there was no approval given for the occupation of the GL. His office would consider taking lease enforcement and land control actions against the site if structures were found on the subject lots and GL found being occupied without Government's permission. Should the application be approved, the lot owner(s) concerned would still need to apply to his office to permit any additional/excessive structures to be erected or regularize any irregularity 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 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, the access route of the application site to and from Kung Um Road would require traversing through a long haul of track on open GL and other private land extended from Kung Um Road. His office provided no maintenance work for the GL involved and did not guarantee right-of-way. Also, the access point connecting to Kung Um Road might encroach upon works boundary of Drainage Services Department's (DSD) project namely "PWP Item 4368DS – Yuen Long South Branch Sewers";

- (f) to note the Commissioner for Transport's comments that the land status of the access road/path/track leading to the site from Kung Um Road should be checked with the lands authority. The management and maintenance responsibilities of the same access road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that adequate drainage measures should be provided to prevent surface water running from the application site to the nearby public roads and drains. Also, his Department should not be responsible for the maintenance of any access connecting the application site and Kung Um Road;
- (h) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (i) to note the Chief Engineer/Mainland North, DSD's comments that the size of the proposed catchpits and the details of the connection with the existing natural surface drain should be shown on the drainage proposal. The location and details of the proposed peripheral hoarding should be also shown on the drainage proposal. DLO/YL, LandsD and the relevant lot owners should be consulted as regards all proposed drainage works to be carried out outside the application site boundary or outside the applicant's jurisdiction;
- (j) to note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation

and maintenance of the inside services within the private lots to WSD's standards. Water mains in the vicinity of the application site could not provide the standard pedestal hydrant;

- (k) to note the Director of Fire Services' comments that comments on the submitted fire service installations (FSIs) proposal that hose reel system and manual fire alarm system should be provided for the open storage area. The applicant was advised to observe the good practice guidelines for open storage in Appendix V of the RNTPC Paper. For the approval condition on provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS 251) to his Department for approval. Should the applicant wish to apply for exemption from the provision of certain FSI as required, the applicant should provide justifications to his Department for consideration;
  
- (l) to note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments that there was no record of approval by the Building Authority (BA) for the structures existing at the application site. If the existing structures were erected on leased land without approval of 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 converted containers and open sheds) were to be carried out on the application site, 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 application 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 application site did not abut 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

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

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

**Agenda Item 29**

Any Other Business

117. There being no other business, the meeting closed at 5:50 p.m..