

TOWN PLANNING BOARD

Minutes of 555th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 22.4.2016

Present

Director of Planning
Mr K.K. Ling

Chairman

Professor K.C. Chau

Mr Ivan C.S. Fu

Ms Janice W.M. Lai

Mr H.F. Leung

Dr F.C. Chan

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Mr Alex T.H. Lai

Mr Stephen L.H. Liu

Miss Winnie W.M. Ng

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

Chief Engineer (Works), Home Affairs Department
Mr Martin W.C. Kwan

Principal Environmental Protection Officer (Strategic Assessment),
Environmental Protection Department
Mr Terence S.W. Tsang

Assistant Director/Regional 3,
Lands Department
Mr Edwin W.K. Chan

Deputy Director of Planning/District
Mr Raymond K.W. Lee

Secretary

Absent with Apologies

Mr H.W. Cheung

Vice-chairman

Ms Christina M. Lee

Mr David Y.T. Lui

Dr Billy C.H. Hau

Dr Lawrence K.C. Li

In Attendance

Assistant Director of Planning/Board
Miss Fiona S.Y. Lung

Chief Town Planner/Town Planning Board
Mr Louis K.H. Kau

Town Planner/Town Planning Board
Ms Sincere C.S. Kan

Agenda Item 1

Confirmation of the Draft Minutes of the 554th RNTPC Meeting held on 8.4.2016

[Open Meeting]

1. The draft minutes of the 554th RNTPC meeting held on 8.4.2016 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

[Ms Donna Y.P. Tam, District Planning Officer/Sai Kung and Islands (DPO/SKIs), Ms S.H. Lam were invited to the meeting at this point.]

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/I-CC/6 Application for Amendment to the Draft Cheung Chau Outline Zoning Plan No. S/I-CC/6, To rezone the application site from “Residential (Group C) 5” to “Residential (Group C) 8”, Cheung Chau Inland Lot No. 21 & Ext. and 47 and Adjoining Government Land
(RNTPC Paper No. Y/I-CC/6)

3. The Secretary reported that Landes Ltd. (Landes) was one of the consultants of the applicant. The following Members had declared interests in the item:

Mr Ivan C.S. Fu	} having current business dealings with Landes.
Ms Janice W.M. Lai	

4. The Committee noted that Mr Ivan C.S. Fu and Ms Janice W.M. Lai had no involvement in the application and agreed that they could stay in the meeting.

Presentation and Question Sessions

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

Ms Donna Y.P. Tam - District Planning Officer/Sai Kung and Islands (DPO/SKIs)

Ms S.H. Lam	- Senior Town Planner/Sai Kung and Islands (STP/SKIs)
Mr Chan Kim On	} the applicant's representatives
Mr Desmond She	

6. The Chairman extended a welcome and explained the procedure of the hearing. He then invited Ms S.H. Lam, STP/SKIs, to brief Members on the background of the application. With the aid of a PowerPoint presentation, Ms S.H. Lam presented the application and covered the following aspects as detailed in the Paper.

[Dr F.C. Chan arrived to join the meeting at this point.]

Background

- (a) The application was to rezone the site from “Residential (Group C)5” (“R(C)5”) to “Residential (Group C)8” (“R(C)8”) for private residential development on the approved Cheung Chau Outline Zoning Plan (OZP) No. S/I-CC/7;
- (b) on 21.3.2014, the Committee agreed to rezone the adjoining site (i.e. Lot No. 1872) from “Government, Institution or Community (4)” and “R(C)5” to “R(C)8” with a maximum plot ratio (PR) of 0.8, site coverage (SC) of 40% and building height (BH) of 3 storeys;
- (c) the applicant submitted a representation objecting to the amendment and proposed to rezone his lots and the adjoining government land (i.e. the site) from “R(C)5” to “R(C)8”, mainly on the ground that the site shared similar land use planning circumstances as the adjoining site;
- (d) on 24.10.2014, the Town Planning Board (TPB) decided not to uphold the representation mainly on the reasons that increasing the development intensity of private lots should be submitted with relevant assessments through the planning application mechanism, and rezoning of the site to

“R(C)8” without assessing the infrastructural impacts might set a precedent for similar applications resulting in cumulative impact on the infrastructural capacities of the area;

The Proposal

(e) the major proposed development parameters of the indicative scheme were as follows:

Site Area [#]	: About 2,154 m ²
Net Site Area (NSA) [*]	: About 2,027.878 m ²
PR (applicable to NSA)	: 0.8
GFA	: About 1,622.302 m ²
SC	: Not more than 40%
No. of Storeys	: 3
BH	: 10.5m
No. of Buildings	: 6
No. of Units	: 12
Average Unit Size	: About 135.2m ²

[#]Including 764m² government land

^{*}Excluding two areas of public footpath with a total area of 126.122m²

Departmental Comments

(f) departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;

Public Comments

(g) during the first three weeks of the statutory publication period, no public comment was received; and

[Miss Winnie W.M. Ng arrived to join the meeting at this point.]

PlanD's Views

- (h) PlanD had no objection to the application based on the assessment set out in paragraph 11 of the Paper. The site was located at the upland area of eastern part of Cheung Chau and mainly surrounded by low-rise, low-density residential developments of 1 to 3 storeys high. The proposed development parameters were considered not incompatible with the nearby developments. The proposed up-zoning would increase the flat supply and make efficient use of developable land which was in line with the government policy and hence had planning merits. The proposed development was unlikely to cause adverse impacts on environment, traffic, drainage, water supplies, visual and landscape, and would not overstrain the overall provision of open space and Government, institution and community facilities in Cheung Chau. As most of the trees proposed to be felled were in poor form and poor health conditions, the Director of Agriculture and Fisheries had no adverse comment on the application from tree preservation point of view.

7. The Chairman then invited the applicant's representatives to elaborate on the application. Mr Chan Kim On considered that the content of their presentation had been well covered by the presentation of PlanD's representative, and no further presentation would be made.

Background of the Application

8. A Member asked about the reasons of rejecting the applicant's proposal to rezone the site from "R(C)5" to "R(C)8" in October 2014. In response, Ms Donna Y.P. Tam, DPO/SKIs said that the proposal was submitted by the applicant under the representation on the Cheung Chau OZP in respect of the rezoning of a piece of land adjacent to the south of the site. The TPB decided not to uphold the applicant's representation as no concrete development scheme nor assessments on traffic, environment and infrastructural capacity were submitted to justify the feasibility of the proposal.

Context of the Site

9. A Member asked if Don Bosco Road and Fa Ping Road were for vehicles. In response, Ms Donna Y.P. Tam said that the said two roads were for pedestrian only and vehicles were prohibited in Cheung Chau.

10. In response to a Member's question, Mr Chan Kim On said that there were two abandoned houses on the two private lots owned by the applicant; while no structure could be identified on the government land within the site.

Proposed Development Parameters

11. A Member asked about the differences between the "R(C)5" and "R(C)8" sub-zones. In response, Ms Donna Y.P. Tam said that the "R(C)5" sub-zone had a PR of 0.4, SC of 20% and BH of 2 storeys; while the "R(C)8" sub-zone had a PR of 0.8, SC of 40% and BH of 3 storeys.

12. Noting there were a number of "R(C)" sub-zones on the Cheung Chau OZP, the Chairman asked about the planning considerations in designating the "R(C)" sub-zones. In response, Ms Donna Y.P. Tam said that low-density residential developments in rural areas were generally designated as "R(C)" zone on the OZP with a PR of 0.4. Given the long history of Cheung Chau, the designation of different "R(C)" sub-zones, i.e. from "R(C)1" to "R(C)8" with a PR ranging from 0.2 to 1 and a BH of about 2 to 3 storeys high, was to reflect the development intensity of the existing residential developments and to respect the permissible development parameters under the land leases.

13. A Member asked if the site had a permissible PR of 0.8 under the land lease. In response, Ms Donna Y.P. Tam said that the site comprised two private lots, i.e. Cheung Chau Inland Lot 21 & Extension Thereto and Cheung Chau Inland Lot 47 and a piece of government land. According to the land leases of the private lots, there was a BH restriction of 2 storeys but no GFA restriction. Therefore, the proposed GFA and BH under application did not fully comply with that under the existing land leases. Land exchange would be required should the application be approved.

Tree Preservation and Compensation

14. In response to a Member's question on tree compensation, Mr Chan Kim On said that the application would compensate the loss of existing trees in terms of quantity instead of quality. A total of 74 heavy standard trees with an average diameter at breast height (DBH) of 100mm and a height of about 5m were proposed for compensation. Relevant government departments had no objection to the tree compensation proposal. The Member further asked whether the DBH compensation ratio of 1:1 could be achieved. In response, Mr Chan Kim On said that the requirement for the submission of a tree compensation proposal could be imposed in the land lease to address the Member's concern.

15. A Member said that there was a huge difference in greenery coverage when comparing Drawing Z-7 with Plan Z-3 of the Paper. Noting that relevant government department had no objection to the application as the applicant had set back the proposed houses from the site boundary and committed the provision of a greenery ratio of about 20%, the Member considered that such arrangements might not be able to address Members' concern on tree compensation.

16. Mr Edwin W.K. Chan, Assistant Director/Regional 3, Lands Department asked whether the applicant needed to submit a landscape proposal to PlanD for approval during the buildings plan submission stage should the application be approved. He also asked if the tree compensation ratio based on DBH could be achieved by imposition of a landscape clause in the land lease as mentioned by the applicant's representative. In response, Ms Donna Y.P. Tam said that the application was submitted under section 12A of the Town Planning Ordinance. If the Committee agreed with the rezoning application, the applicant was not required to further submit any planning application or technical assessments including the tree preservation and compensation proposal for approval by the TPB upon redevelopment under the proposed rezoning. Should the Committee consider that the submission of a planning application or technical assessment was required upon redevelopment, that could be stipulated in the Notes of the Cheung Chau OZP. As for the landscape clause in the land lease, detailed requirements of the tree compensation proposal, in terms of DBH or the number of trees, would not be included in general.

17. Mr Chan Kim On supplemented that the site was a piece of sloping ground with

different site levels, and thus it was necessary to undertake site formation works in order to create two development platforms. However, the proposed set back along the site boundary would provide sufficient space for tree planting in the future. It was also noted that a landscape clause and a set back requirement were imposed on the land lease of the adjoining site, i.e. Lot No. 1872. In view of that, relevant requirement could be enforceable through the land lease of the site.

Implications of Approving the Application

18. In response to a Member's question on the implication on the nearby "R(C)" sub-zones if the application was approved, Ms Donna Y.P. Tam said that Fa Peng Knoll, located to the east of the site, was an existing residential development and was zoned as "R(C)4" with a PR of 0.6. Meanwhile, a number of "R(C)6" sub-zones with a PR of 0.2 were located to the west of the site, and most of the buildings within those sub-zones were dilapidated and abandoned. It was possible that the land owners of those sub-zones would apply for rezoning to increase the development intensity upon redevelopment. However, only one to two sites along Fa Peng Road would have the redevelopment potential. Since their site areas were small, it was foreseeable that the increase in development intensity of those sites would not have a significant impact. It should be noted that since Cheung Chau was an island with a rural setting, the planning intention of the Cheung Chau OZP was to maintain low-rise and low-density developments so as to preserve the natural environment and any development should take into account the existing infrastructural and traffic constraints of Cheung Chau. Nevertheless, there was provision under the Cheung Chau OZP for minor relaxation of the development restrictions which would be considered by the TPB, based on the individual merits, on application under section 16 of the TPO.

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

Deliberation Session

Tree Preservation and Compensation

20. Mr Edwin W.K. Chan concurred with DPO/SKI's views that the detailed requirements of a tree compensation proposal would generally not be specified in the landscape clause of the land lease, and considered that the landscape clause might not be able to fully address Members' concerns that the tree compensation should be specified in terms of DBH. He further said that the imposition of a comprehensive landscape clause might not be applicable to the site due to its comparatively small site area. Moreover, since the application was submitted under section 12A of the TPO, there would not be any approval condition requiring the applicant to submit a tree compensation proposal to the satisfaction of the TPB.

21. The Chairman said that land exchange for the site was required upon approval of the application. As a usual practice, a landscape clause requesting the submission of a landscape master plan (LMP) to the satisfaction of the Director of Lands could be imposed per government department's request during the preparation of a new land lease for the site. Upon receipt of the LMP, LandsD would circulate it to relevant government departments, including PlanD, for comments, and PlanD would provide comments having regard to the planning history of the site, including Members' concerns on the tree compensation.

22. A Member asked whether the applicant could submit a tree compensation proposal for the Committee's consideration at a later stage. In response, the Chairman said that the Committee would need to carefully consider whether the submission of a tree compensation proposal should be required for the site upon its redevelopment.

23. A Member had reservation on the application from tree preservation and compensation point of view and considered that the tree preservation and landscape proposal, including provision of set back areas for planting and a greenery ratio of 20%, submitted by the applicant was not satisfactory. Moreover, the proposed increase in SC from 20% to 40% would lead to the loss of trees, which were mainly located on the government land within the site.

24. Noting that most of the trees proposed to be felled were in poor form and poor health conditions, a Member asked whether it was necessary to provide compensation to the loss of those trees. Another Member asked if the Committee could defer consideration of the application and requested the applicant to submit a revised tree preservation plan to address Members' concerns. In response, the Chairman noted the Member's suggestion and said that the Committee should also consider how to ensure the revised tree preservation plan would be implemented.

25. The Secretary said with reference to the aerial photo (Plan Z-3 of the Paper), the existing context of the site and Lot No. 1872, with dense vegetation coverage, was very similar. He drew Members' attention that Lot No. 1872 was a land sale site and a landscape clause was imposed on its land lease. Therefore, it would be reasonable to apply the same arrangement to the site.

Land Administration

26. In response to a Member's question on the land exchange, Mr Edwin W.K. Chan said that a land exchange would not be needed if the redevelopment did not involve the government land and had complied with the development restrictions stipulated on the existing land leases. If a land exchange was required, the applicant would need to pay the land premium and surrender the two private lots to the Government. The Government would then re-grant the land comprising the private lots together with the government land to the applicant and prepare a new land lease for the entire site. The Chairman supplemented that planning and land administration were two separate regimes. The Committee should only discuss the rezoning proposal, including the increase in PR, BH and SC, from a land use planning point of view. Upon approval of the application, the applicant could then apply to LandsD for land exchange as appropriate.

27. The same Member further asked if there was a tree preservation clause in the existing land leases of the two private lots. In response, Mr Edwin W.K. Chan said that the old land leases including the subject land leases normally did not include a tree preservation clause, and any tree felling activities on the concerned private lots were not subject to lease enforcement.

28. In response to a few Members' questions, the Chairman said that without rezoning the site from "R(C)5" to "R(C)8", the applicant could still apply for a land exchange to LandsD directly for residential development. Since the site configuration of the concerned government land might not be suitable for an independent development, LandsD might consider it appropriate to include the concerned government land within the site to allow better utilisation of land resources.

Implications of Approving the Application

29. The Chairman said that Members might also consider the precedent effect of approving the rezoning application given there were a number of R(C)" sub-zones in Cheung Chau. Given the existing infrastructural and traffic constraints of Cheung Chau, it was necessary for Committee to examine how similar applications in future should be handled.

Conclusion

30. The Chairman summed up Members' view and said that tree preservation for the site was necessary. As a usual practice, a landscape clause would be imposed in the land lease subject to the scrutiny by relevant government departments.

31. A Member said that approval of the application would inevitably set a precedent for other "R(C)" sub-zones. Hence, a more stringent approach should be adopted when considering the application, in particular in the tree preservation aspect. It was considered appropriate for the Committee to request the applicant to submit more information regarding tree preservation and compensation.

32. The Chairman concluded that the Committee would defer consideration of the application and the applicant should provide more detailed information on tree compensation to address Members' concerns.

33. After further deliberation, the Committee decided to defer the consideration of the application.

Agenda Item 4

Section 16 Application

[Open Meeting]

A/SK-HC/250 Proposed House and Minor Relaxation of Plot Ratio from 0.2 to 0.27 in “Recreation” Zone and area shown as 'Road', Lots No. 101 S.A (Part), 102 S.A, S.B, S.C (Part) & S.E (Part), 103 S.A (Part) & S.B (Part), 104 S.A & RP, 105 S.A & RP, 107 S.A to S.C (Part) & S.D to S.H, 108 S.A, S.B, S.C & RP, 109 S.A & RP, 110 to 111 in D.D. 247 and Adjoining Government Land in Ho Chung, Sai Kung
(RNTPC Paper No. A/SK-HC/250A)

34. The Secretary reported that LWK & Partners (HK) Ltd. (LWK) and AECOM Asia Co. Ltd. (AECOM) were two of the consultants of the applicants. The following Members had declared interests in the item:

Mr Ivan C.S. Fu	-	being the Director of LWK; and having current business dealings with AECOM;
Mr Stephen L.H. Liu	-	having current business dealings with LWK; and
Ms Janice W.M. Lai	}	having current business dealings with AECOM.
Dr Billy C.H. Hau		

35. The Committee noted that Dr Billy C.H. Hau had tendered apologies for being unable to attend the meeting. The Committee also noted that the applicant had requested for deferment of consideration of the application and agreed that Mr Stephen L.H. Liu and Ms Janice W.M. Lai could stay in the meeting. As the interest of Mr Ivan C.S. Fu was direct, the Committee agreed that he could stay in the meeting but should refrain from participating in the discussion.

36. The Committee noted that the applicant on 20.4.2016 requested for deferment of the consideration of the application for one month so as to allow time for preparation of further information to address the comments from relevant government departments. It was the second time that the applicant requested for deferment of the application.

37. 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. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that one month was allowed for preparation of the submission of the further information. Since it was the second deferment of the application and a total of three months had been allowed, no further deferment would be granted unless under very special circumstances.

Agenda Item 5

Section 16 Application

[Open Meeting]

A/SK-TMT/52 Proposed Filling of land for Permitted Agricultural Use in "Green Belt" zone, Lots No. 402, 403, 409 S.A (Part), 410, 411, 427 and 430 RP (Part) in D.D. 216, Long Keng, Sai Kung
(RNTPC Paper No. A/SK-TMT/52)

38. The Committee noted that the applicant on 8.4.2016 requested for deferment of the consideration of the application for two months so as to allow more time for preparation of further information to address the comments from relevant government departments. It was the second time that the applicant requested for deferment of the application.

39. 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. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier

meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information. Since it was the second deferment of the application and a total of four months had been allowed, no further deferment would be granted unless under very special circumstances.

[Mr William W.T. Wong, Senior Town Planner/Sai Kung and Islands (STP/SKIs), was invited to join this meeting at this point.]

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-TMT/56 Proposed House (New Territories Exempted House - Small House) in
"Green Belt" zone, Lot No. 25 S.B in D.D. 216, Nam A, Tai Mong
Tsai, Sai Kung
(RNTPC Paper No. A/SK-TMT/56)

Presentation and Question Sessions

40. Mr William W.T. Wong, STP/SKIs, with the aid of a PowerPoint presentation, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. Major departmental comments were summarised as follows:
 - (i) the Chief Engineer/Construction, Water Supplies Department

objected to the application as the site was within the Upper Indirect Water Gathering Ground (UIWGG);

- (ii) the Commissioner for Transport had reservation on the application, and such type of 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, approval of the application would set an undesirable precedent case. The resulting cumulative adverse traffic impact could be substantial;
 - (iii) the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) objected to the application from the landscape planning perspective. The site was situated in a large piece of native woodland, which was cleared in 2009. Approval of the application might set an undesirable precedent attracting similar clearance of existing woodland before application and created fragmented landscape within the “Green Belt” (“GB”) zone. Existing green buffer between the woodland and Nam A Village should be maintained in order to preserve the existing woodland at the north of the site; and
 - (iv) other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, six public comments from World Wide Fund of Nature Hong Kong, Kadoorie Farm and Botanic Garden Corporation and individuals were received and all objected to the application on the grounds that the proposed Small House development was not in line with the planning intention of the “GB” zone, the Interim Criteria for Assessing Planning Application for NTEH/Small House Development in the New Territories (the Interim Criteria) and the Town Planning Board Guidelines No. 10 for Application for Development within “GB” Zone (TPB PG-No. 10); approval of the application would set an undesirable precedent for similar developments in the vicinity; and the

proposed development might have adverse landscape impacts on the surrounding environment; and

- (e) PlanD's views – PlanD did not support the application based on the assessment set out in paragraph 12 of the Paper. The proposed Small Housing development was not in line with the planning intention of the “GB” zone. There were neither exceptional circumstances nor strong planning grounds in the submission for a departure from the planning intention. The application did not comply with the Interim Criteria and the TPB PG No. 10 in that the site fell within the UIWGG, and there was no information in the submission to demonstrate that the water quality within the UIWGG would not be affected by the proposed development. The site was presently covered with common herbs and shrubs, forming part of the wider “GB” in the area which should be maintained as a green buffer between the woodland to the north of the site and Nam A Village. Moreover, approval of the application would set an undesirable precedent for other similar applications in the subject “GB” zone in the future. The cumulative effect of approving such application would result in a general degradation of the environment and bring about adverse landscape impact on the area.

41. Members had no question on the application.

Deliberation Session

42. After deliberation, the Committee decided to reject the application. The reasons were:

- “(a) the proposed Small House development is not in line with the planning intention of the “Green Belt” (“GB”) zone which is 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 is a general presumption against development within this zone. There are no exceptional circumstances or strong planning grounds in the

submission for a departure from the planning intention;

- (b) the proposed development is not in line with the Interim Criteria for Assessing Planning Application for New Territories Exempted House/Small House development in the New Territories and the Town Planning Board Guidelines No. 10 for Application for Development within “GB” Zone in that the site falls within Upper Indirect Water Gathering Ground, and there is no public sewerage connection available in the vicinity. The applicant fails to demonstrate that the proposed development will not have adverse impact on the water quality within the water gathering ground; and

- (c) approval of the application will set an undesirable precedent for other similar applications within the “GB” zone. The cumulative effect of approving such applications will result in a general degradation of the environment and bring about cumulative adverse impact on the water quality and landscape of the area.”

[The Chairman thanked Mr William W.T. Wong, STP/SKIs, for his attendance to answer Members’ enquiries. Mr Wong left the meeting at this point.]

Sha Tin, Tai Po and North District

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

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/541 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” zones, Lot No. 626 RP
in D.D. 82, Lei Uk Tsuen, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/541)

43. The Secretary reported that a replacement page and a missing page of the Paper were sent to Members on 21.4.2016.

44. Mr Alex T.H. Lai declared an interest in the item as his parents owned a house in Ta Kwu Ling. The Committee noted that the property of Mr Alex T.H. Lai’s parents had direct view of the site and agreed that he should be invited to leave the meeting temporarily.

[Mr Alex T.H. Lai left the meeting temporarily at this point.]

Presentation and Question Sessions

45. 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) the proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – departmental comments were set out in

paragraph 9 and Appendix V of the Paper. Major departmental comments were summarised as follows:

- (i) the Director of Agriculture, Fisheries and Conservation did not support the application from the agricultural development point of view. The site comprised active farmland and abandoned land overgrown with vegetation, and active farming activities were also noted in the vicinity of the site. Access path and water supply were available, and the site possessed potential for agricultural uses;
 - (ii) the Commissioner for Transport had reservation on the application, as such type of development should be confined within the “Village Type Development (“V”) zone as far as possible. Although additional traffic generated by the proposed development was not expected to be significant, approval of the application would set an undesirable precedent case. The resulting cumulative adverse traffic impact could be substantial;
 - (iii) the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) had reservation on the application from the landscape planning point of view. The site was surrounded by agricultural land and some of them were active farmland. There was no other Small House in close proximity to the site. Approval of the application might set an undesirable precedent of spreading Small House development outside the “V” zone in an uncoordinated manner and would thus erode the rural landscape character of the area; and
 - (iv) other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, ten public comments were received. A North District Council member supported the application as it was good for the villagers. Another two public comments

from the Chairmen of Fanling District and Sheung Shui District Rural Committees indicated that they had no comment on the application. The other seven public comments from the World Wide Fund for Nature Hong Kong, Kadoorie Farm and Botanic Garden Corporation, and five individuals objected to the application mainly on the grounds that the proposed Small House development was not in line with the planning intention of the “Agriculture” (“AGR”) zone; agricultural activities were still active within the area; Small House should be developed at the existing village cluster; the proposed development was incompatible with the rural landscape character; and approval of the application would set an undesirable precedent; and

- (e) PlanD’s views – PlanD did not support the application based on the assessment set out in paragraph 11 of the Paper. The proposed Small House development was not in line with the planning intention of the “AGR” zone. Approval of the application might set an undesirable precedent to extend village development in the “AGR” zone. Land was still available within the subject “V” zone for Small House development and capable to meet the outstanding Small House applications. It was considered more appropriate to concentrate those proposed Small House developments close to the existing village cluster within the subject “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services.

46. Members had no question on the application.

Deliberation Session

47. After deliberation, the Committee decided to reject the application. The reasons were:

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain

fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the current submission for a departure from the planning intention; and

- (b) land is still available within the “Village Type Development” zone of Lei Uk Tsuen which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructures and services.”

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/542 Proposed Temporary Warehouse for Storage of Construction Materials and Metalware for a Period of 3 Years in “Government, Institution or Community” zone, Government Land in D.D.46, Tai Tong Wu, Fanling
(RNTPC Paper No. A/NE-TKL/542)

48. Mr Alex T.H. Lai declared an interest in the item as his parents owned a house in Ta Kwu Ling. The Committee noted that Mr Alex T.H. Lai had not yet returned to the meeting.

Presentation and Question Sessions

49. 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 temporary warehouse for storage of construction materials and metalware for a period of 3 years;

- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were domestic structures in close proximity of the site. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, three public comments were received. A public comment from an individual stated that the site should be reserved for Government, institution or community use to meet the shortfall in the Fanling area. The other two public comments from the Chairman of the Sheung Shui District Rural Committee and a North District Council member indicated that they had no specific comment on the application; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the proposed temporary warehouse for storage of construction materials and metalware could be tolerated for a period of 3 years based on the assessment set out in paragraph 11 of the Paper. The proposed temporary warehouse was not in line with the planning intention of the “Government, Institution or Community” (“G/IC”) zone. However, there was at present no designated use for the site and approval of the application for a period of 3 years would not affect its long-term planning and development. Although DEP did not support the application, the construction materials and metalware would only be stored within enclosed structures within the site and only light goods vehicle would be used for delivery of goods. Besides, there was no record of environmental complaint in the past 3 years. To address the concern of DEP, approval conditions restricting the operation hours, no operation on Sundays and public holidays, and prohibiting workshop activities at the site were recommended. Regarding the adverse public comments, the departmental comments and planning assessment above were relevant.

50. In response to the Chairman’s question, Mr Wallace W.K. Tang, STP/STN, said that the subject “G/IC” zone was reserved to satisfy the future demand of local residents for

community facilities. Yet, there was at present no designated development scheme/use for the “G/IC” zone.

Deliberation Session

51. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.4.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays is allowed, as proposed by the applicant, on the site during the planning approval period;
- (c) no medium and heavy goods vehicle exceeding 5.5 tonnes including container tractor/trailer as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on the site at any time during the planning approval period;
- (d) no dismantling and workshop activities shall be carried out on the site at any time during the planning approval period;
- (e) no storage of used electrical appliances, computer/electronic parts or any other types of electronic waste is allowed on the site at any time during the planning approval period;
- (f) the maintenance of the existing drainage facilities at all times during the planning approval period;
- (g) the submission of a condition record of existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.7.2016;

- (h) the provision of boundary fencing on the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.10.2016;
- (i) the submission of proposals 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 22.10.2016;
- (j) in relation to (i) above, the provision of 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 22.1.2017;
- (k) the submission of a 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 22.10.2016;
- (l) in relation to (k) above, the implementation of a 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 22.1.2017;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (g), (h), (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;
and
- (o) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

52. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix IV of the Paper.

[Mr Alex W.T. Lai returned to join the meeting at this point.]

Agenda Items 9 and 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/503 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” zones, Lot No. 87 RP in D.D. 9, Kau Lung Hang Village, Tai Po
(RNTPC Paper No. A/NE-KLH/503)

A/NE-KLH/504 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” zones, Lot No. 87 S.A in D.D. 9, Kau Lung Hang Village, Tai Po
(RNTPC Paper No. A/NE-KLH/504)

53. The Committee noted that the two applications were similar in nature and the sites were located in close proximity to each another and within the same “Agriculture” (“AGR”) and “Village Type Development” (“V”) zones. The Committee agreed that the applications should be considered together.

54. The Secretary reported that two replacement pages of the Paper for application No. A/NE-KLH/504 were tabled for Members’ reference.

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Papers. The Director of Agriculture, Fisheries and Conservation did not support the applications from the agricultural point of view as the sites within the “AGR” zone had high potential for rehabilitation of agricultural activities. Other concerned government departments had no objection to or no adverse comment on the applications;
- (d) during the first three weeks of the statutory publication periods, one public comment objecting to each of the applications was received from an individual mainly on the ground of being not in line with the planning intention of the “AGR” zone; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessment set out in paragraph 11 of the Papers. The proposed Small Houses were not incompatible with the surrounding area which was predominantly rural in nature. The sites were located near existing village houses within the subject “V” zone in the east and were the subject of two previously approved planning applications for the same use respectively. There was no major change in the planning circumstances in the area. Regarding the adverse public comments, the planning assessment above was relevant.

56. Members had no question on the applications.

Deliberation Session

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

should be valid until 22.4.2020, and after the said date, the permissions should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. Each of the permissions was subject to the following conditions:

- “(a) the submission and implementation of a landscape and tree preservation 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;
- (c) the connection of the foul water drainage systems to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (d) the provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.”

58. The Committee also agreed to advise each of the applicants to note the advisory clauses as set out at Appendix VII of the Paper.

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/505 Proposed Temporary Retail Shop for Agricultural Product with Ancillary Office and Car Park for a Period of 3 Years in “Agriculture” zone, Lot No. 446 S.G in D.D. 7, Tai Wo Service Road West, Tai Po
(RNTPC Paper No. A/NE-KLH/505)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary retail shop for agricultural product with ancillary office and car park 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) did not support the application from the agricultural development point of view as the site fell within the “Agriculture” (“AGR”) zone. There were active agricultural activities in the vicinity and the site had high potential for rehabilitation of agricultural activities. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, five public comments submitted by individuals were received objecting to the application mainly on the grounds of being not in line with the planning intention of the “AGR” zone and setting of undesirable precedent; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the proposed temporary retail shop for agricultural product with ancillary office and car park could be tolerated for a period of 3 years based on the assessment set out in paragraph 11 of the Paper. Although DAFC did not support the application, the proposed use was temporary in nature and it was not expected to frustrate the long-term planning intention of the “AGR” zone. Regarding the adverse public comments, the planning assessment and departmental comments above were relevant.

60. In response to a Member’s question, Mr C.T. Lau, STP/STN said that there was a waterworks reserve located to the east of the site, i.e. a water pipe for Dongjiang Water, and therefore no blasting works could be carried out beyond the No Blasting Limit.

Deliberation Session

61. After deliberation, the Committee decided to approve the applications on a temporary basis for a period of 3 years until 22.4.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 9:00 p.m. and 9:00 a.m. daily, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) the submission of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.10.2016;
- (c) in relation to (b) above, the implementation of a landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.1.2017;
- (d) the submission of a 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 22.10.2016;
- (e) in relation to (d) above, the implementation of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.1.2017;
- (f) the submission of fire service installations and water supplies for fire-fighting proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.10.2016;
- (g) in relation to (f) above, the implementation of fire service installations and water supplies for fire-fighting proposals within 9 months from the date of

planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.1.2017;

- (h) if the above planning condition (a) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (i) if the above planning conditions (b), (c), (d), (e), (f) or (g) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (j) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

62. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix III of the Paper and amended the following clause to rectify a typographical error:

“(d)(iii) *besides* car parking, other activities such as car maintenance, repairing or washing activities shall not be allowed in the site;”

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

Agenda Item 12

Section 16 Application

[Open Meeting]

A/NE-LT/561 Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years in “Agriculture” zone and area shown as ‘Road’, Lot No. 1000 S.B RP in D.D. 8 and Adjoining Government land, Ping Long, Tai Po
(RNTPC Paper No. A/NE-LT/561)

63. The Committee noted that the applicant on 8.4.2016 requested for deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the departmental comments. It was the second time that the applicant requested for deferment of the application.

64. 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. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information. Since it was the second deferment of the application and a total of four months had been allowed, no further deferment would be granted unless under very special circumstances.

Agenda Items 13 and 14

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/574 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 No. 889 in D.D. 28, Tai Mei Tuk, Tai Po
(RNTPC Paper No. A/NE-TK/574 and 575)

A/NE-TK/575 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 No. 896 in D.D. 28, Tai Mei Tuk, Tai Po
(RNTPC Paper No. A/NE-TK/574 and 575)

65. The Committee noted that the two applications were similar in nature and the sites were located in close proximity to each another and within the same “Village Type Development” (“V”) zone. The Committee agreed that the applications should be considered together.

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) the renewal of planning approval for temporary eating place (outside seating accommodation (OSA) of a restaurant) for a period of 3 years at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the applications;
- (d) during the first three weeks of the statutory publication period, no public comment was received; and

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

- (e) the Planning Department (PlanD)’s views – PlanD considered that the two proposed OSA could be tolerated for a period of 3 years. The applications complied with the Town Planning Board Guidelines No. 34B for Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development and the Town Planning Board Guidelines No. 15A for Application for Eating Place within “V” in Rural Areas under Section 16 of the Town Planning Ordinance.

67. Members had no question on the applications.

Deliberation Session

68. After deliberation, the Committee decided to approve the applications on a temporary basis for a period of 3 years until 3.5.2019, each on the terms of the applications as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 10:00 p.m. and 12:00 noon, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) if the above planning condition (a) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (c) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

69. The Committee also agreed to advise the applicants to note the advisory clauses as set out at Appendix IV of the Paper.

Agenda Item 15

Section 16 Application

[Open Meeting]

A/NE-TK/576 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” zone, Government land in D.D. 28, Tai Mei Tuk Village,
Tai Po

(RNTPC Paper No. A/NE-TK/576)

70. The Committee noted that the applicant on 11.4.2016 requested for deferment of the consideration of the application for two months in order to allow time for preparation of further information to clarify with the Lands Department to support the application. It was

the first time that the applicant requested for deferment of the application

71. 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. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/577 Proposed House (New Territories Exempted House - Small House) in
"Green Belt" zone, Lots No. 593 S.D and 596 S.A in D.D. 28, Tai Mei
Tuk Village, Tai Po
(RNTPC Paper No. A/NE-TK/577)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH - Small House));
- (c) departmental comments – departmental comments were set out in

paragraph 11 and Appendix V of the Paper. Major departmental comments were summarised as follows:

- (i) the Commissioner for Transport 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;
 - (ii) the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) had reservation on the application from the landscape planning perspective. The applicant failed to demonstrate that the proposed Small House would have no adverse landscape impact on the surrounding areas. Should the application be approved, similar applications would be encouraged in the area and the cumulative effects of these developments would result in further degradation of landscape quality, and inevitably alter the landscape character of the surrounding areas;
 - (iii) the Head of Geotechnical Engineering Office, Civil Engineering and Development Department considered that the site might affect or be affected by slope feature, and the slope stability condition was unknown; and
 - (iv) other concerned government departments had no objection to or no comment on the application;
- (d) during the first three weeks of the statutory publication period, eight public comments from World Wide Fund for Nature Hong Kong, Designing Hong Kong Limited and individuals were received objecting to the application mainly for the reasons of being not in line with the planning intention of “Green Belt” (“GB”) zone; the proposed Small House development would affect the existing natural landscape; and setting undesirable precedent for similar applications and cumulative impacts resulting in degradation of the natural environment; and

- (e) PlanD's views – PlanD did not support the application based on the assessment set out in paragraph 13 of the Paper. The proposed Small House development was not in line with the planning intention of the “GB” zone, and would likely involve site formation, slope stabilization and other associated works that necessitate clearance of natural vegetation and tree felling. The proposed development was considered not complying with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories and the Town Planning Board Guidelines No. 10 for Application for Development within “GB” zone under section 16 of the Town Planning Ordinance in that the proposed development would cause adverse landscape and geotechnical impacts on the surrounding areas. Since land was still available within the concerned “V” zones for Small House development and capable to meet the outstanding Small House applications, it was considered more appropriate to concentrate the proposed Small House within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services.

73. Members had no question on the application.

Deliberation Session

74. After deliberation, the Committee decided to reject the application. The reasons were:

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zoning for the area which is 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 is a general presumption against development within this zone;
- (b) the proposed development does not comply with the Town Planning Board Guidelines No. 10 for Application for Development within “GB” zone under section 16 of the Town Planning Ordinance in that the proposed

development would affect the existing natural landscape and adversely affect slope stability in the area;

- (c) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the proposed development would cause adverse landscape and geotechnical impacts on the surrounding areas; and
- (d) land is still available within the “Village Type Development” (“V”) zone of Lung Mei, Tai Mei Tuk and Wong Chuk Tsuen which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.”

Agenda Item 17

Section 16 Application

[Open Meeting]

A/ST/897 Proposed Private Club in “Industrial” zone, Room 10, 16/F, Fo Tan Industrial Centre, 26-28 Au Pui Wan Street, Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/897)

75. The Committee noted that the applicant on 1.4.2016 requested for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the departmental comments. It was the first time that the applicant requested for deferment of the application

76. 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. If the further information submitted by the applicant was not substantial and

could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

[The Chairman thanked Mr Wallace W.K. Tang and Mr C.T. Lau, STPs/STN, for their attendance to answer Members' enquiries. They left the meeting at this point.]

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

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

77. Since the applicant's representatives for application No. Y/YL-HT/2 had already arrived, the Chairman suggested and Members agreed to discuss agenda item 38 first.

Tuen Mun and Yuen Long West District

[Mr David C.M. Lam, District Planning Officer/Tuen Mun and Yuen Long West (DPO/TMYLW) and Mr Edmond S.P. Chiu, Town Planner/Tuen Mun and Yuen Long West (TP/TMYLW), were invited to the meeting at this point.]

Agenda Item 38

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/YL-HT/2 Application for Amendment to the Approved Ha Tsuen Outline Zoning Plan No. S/YL-HT/10 and Approved Ping Shan Outline Zoning Plan No. S/YL-PS/16, To rezone the application site from “Residential (Group D)” and “Green Belt” to “Residential (Group A)”, Lots No. 1308 RP, 1510 RP, 1511, 1513 (Part), 1514, 1515, 1521 (Part), 1524 (Part), 3937 (Part) and 3938 in D.D. 124 and Adjoining Government Land, Hung Shui Kiu, Yuen Long
(RNTPC Paper No. Y/YL-HT/2A)

78. The Secretary reported that the site was located at Ha Tsuen. Masterplan Ltd. (Masterplan), LWK & Partners Architects Ltd. (LWK), Ove Arup & Partners Hong Kong Ltd. (Arup) and Ramboll Environ Hong Kong Ltd. (Environ) were four of the consultants of the applicant. The following Members had declared interests in the item:

- Mr Ivan C.S. Fu - being the Director of LWK; and having current business dealings with Masterplan, Arup and Environ;

- Mr Stephen L.H. Liu - having current business dealings with LWK; and

- Ms Janice W.M. Lai - having current business dealings with Environ; her husband being a shareholder of a company owning two pieces of land in Ha Tsuen.

79. The Committee noted that the interest of Mr Ivan C.S. Fu was direct and agreed that he should be invited to leave the meeting temporarily. The Committee also noted that Mr Stephen L.H. Liu and Ms Janice W.M. Lai had no involvement in the application and the land of the company of Ms Janice W.M. Lai's husband had no direct view of the site, and agreed that they could stay in the meeting.

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

Presentation and Question Sessions

80. The following representatives from the Planning Department (PlanD) and the representatives of the applicants were invited to the meeting at this point:

Mr David C.M. Lam - District Planning Officer/Tuen Mun and Yuen Long West (DPO/TMYLW)

Mr Edmond S.P. Chiu - Town Planner/Tuen Mun and Yuen Long West (TP/TMYLW)

Mr Ian Brownlee
Mr Benson Poon
Mr Aaron Wong
Mr Michael Choi
Mr Roger Chan
Ms Joyce Wong
Mr Calvin Chiu
Mr Chris Foot

} the applicant's representatives

81. The Chairman extended a welcome and explained the procedure of the hearing. He then invited Mr David C.M. Lam, DPO/TMYLW, to brief Members on the background of the application. With the aid of a PowerPoint presentation, Mr David C.M. Lam presented the application and covered the following aspects as detailed in the Paper.

Background

- (a) the application was to rezone the site from “Residential (Group D)” (“R(D)”) and “Green Belt” (“GB”) to “Residential (Group A)” (“R(A)”) for private residential development on the approved Ha Tsuen Outline Zoning Plan (OZP) No. S/YL-HT/10 (about 74%) and approved Ping Shan OZP No. S/YL-PS/16 (about 26%);
- (b) the site was located at the rural fringe at the foothill of Yuen Tau Shan to the west of Kong Sham Western Highway (KSWH);
- (c) the site was within the Hung Shui Kiu New Development Area (HSK NDA) and was mainly zoned “Industrial” (“I”) and partly shown as ‘Road’ on the Recommended Outline Development Plan (RODP) of HSK NDA. A minor portion of the site fell outside the HSK NDA boundary;

The Proposal

- (d) the major proposed development parameters of the indicative scheme were as follows:

Site Area	:	about 36,000 m ²
Total Domestic Gross Floor Area (GFA)	:	233,900 m ²
Club House	:	5,847.5 m ² (on podium)
(non-accountable for GFA calculation)		
Maximum Plot Ratio (PR)	:	6.5
Maximum Site Coverage	:	16%
No. of Blocks	:	10
Building Height (BH)	:	156.7mPD to 170mPD
No. of Storeys	:	40 including one basement car park
No. of Flats	:	about 3,680
Average Flat Size	:	63.5 m ²

Private Open Space	:	minimum 10,020m ²
Landscaping Area	:	about 10,800 m ²
Greening Coverage	:	>30% (including 15% as pedestrian greening area)
Private Car Parking Spaces	:	
• For Residents		386
• For Visitors		50
Motorcycle Parking Spaces	:	37
Bicycle Parking Spaces	:	200
Loading/Unloading Bays (Light Goods Vehicles)	:	5
Design Population		about 9,900

- (e) a minimum 20m buffer between the proposed residential development and KSWH was proposed to minimize the air and noise impacts;

Departmental Comments

- (f) departmental comments were set out in paragraph 8 of the Paper. Major departmental comments were summarised as follows:

Land Use Compatibility

- (i) the Chief Town Planner (CTP)/Studies and Research, Planning Department (PlanD) considered that the application was not in line with the planning and urban design principles of the RODP of HSK NDA. Approval of such would jeopardize the long term development of HSK NDA;

Environmental and Sewerage

- (ii) the Director of Environmental Protection could not support the application as the applicant should submit a land contamination report and a new sewerage impact assessment and revise the fixed

noise source impact assessment. The applicant should also address the industrial/residential interface and land contamination issues;

Ecological

- (iii) the Director of Agriculture, Fisheries and Conservation had reservation on the application and advised that the applicant should address the ecological concern on potential disturbance to an active egret at San Sang San Tsuen;

Traffic

- (iv) the Assistant Commissioner for Transport/New Territories considered that the Traffic Impact Assessment should cover the scenario where the road system of HSK NDA was not yet in place and requested for assessments of the traffic impact on local roads and junctions, and also had comments on the assumptions used in the traffic modelling;

Urban Design

- (v) the CTP/Urban Design and Landscape (UD&L), PlanD considered that the proposed development would result in sporadic expansion of residential development and the resultant building bulk would be incongruous with the existing context. The proposed development would also pre-empt the recommendations of the HSK NDA Study. The single-aspect design for noise-abatement would be visually undesirable, and the applicant failed to indicate how the implementation of the proposed visual mitigation measures would be effectively ensured;

Air Ventilation

- (vi) CTP/UD&L, PlanD also considered that the Air Ventilation

Assessment Expert Evaluation report was not acceptable as it lacked essential information and was considered incomprehensive. The applicant failed to demonstrate the proposed development would not impose adverse air ventilation impact on the surrounding wind environment, and how the proposed mitigation measures would be implemented should the application be approved;

Landscape

- (vii) CTP/UD&L, PlanD had reservation on the application from landscape planning aspect as the proposed development was not compatible with the existing rural landscape and the planned “I” zone under the RODP of HSK NDA. Besides, there was substantial loss of trees with inadequate compensation, and there was no tree survey for the planned road access and hence the overall impact of the proposed development could not be ascertained. There was also insufficient information on the boundary treatment, and inadequate tree buffering with the “GB” and “Conservation Area” zones. Last but not least, there was no ecological survey to substantiate the proposed development would not have any significant ecological impacts;
- (viii) other concerned government departments had no objection to or no adverse comment on the application;

Public Comments

- (g) during the first three weeks of the statutory publication period, nine public comments were received from members of the public, the Ha Tsuen Rural Committee, Kadoorie Farm and Botanic Garden Corporation, villagers from San Sang Tsuen and Designing Hong Kong Limited objecting to the application mainly on the following grounds:
 - (i) the site should be developed for public housing to accommodate the

affected five villages under the HSK NDA Study;

- (ii) the proposed development would affect the indigenous villagers, *feng shui*, existing agricultural operation, environment and ecology of the surrounding areas. There were no facilities or infrastructure to support the additional population arising from the proposed development;
- (iii) no residential development should be allowed within area zoned “GB”. Brownfield site should be developed instead;
- (iv) there was inadequate information on landscape and visual mitigation measures. The visual impact assessment was not reliable. A comprehensive tree removal and compensatory planting plan should be provided. Greenery coverage of at least 30% should also be provided;
- (v) there was a lack of buffer between the proposed development and the logistic hub/highway;
- (vi) the proposed development with not in line with the planning intention of the “GB” and “R(D)” zones, as well as the “I” zone on the RODP of HSK NDA;
- (vii) concerns were expressed over the suspected “destroy first, built later”;
- (viii) the proposed development would impose impacts on the egretry within the surrounding areas; and

PlanD's Views

- (h) PlanD did not support the application based on the assessment set out in paragraph 10 of the Paper. The site was situated within a rural fringe

setting, predominantly occupied by vacant land, fallow or cultivated agricultural land, vegetated area/slopes and scattered residential dwelling. The proposed high-rise residential development would be out of context from the rural setting of the area. There was no strong justification to support the proposed rezoning for high density residential development. The applicant failed to demonstrate that the proposed development would not impose adverse visual, air ventilation, ecological, environmental, sewerage and traffic impacts on the surrounding areas. The long-term development of the area was subject to comprehensive re-planning being examined under the HSK NDA Study. Approval of the application would jeopardize the long-term development of HSK NDA.

82. The Chairman then invited the applicant's representatives to elaborate on the application. With the aid of a PowerPoint presentation, Mr Ian Brownlee made the following main points:

- (a) the site was largely a brownfield site which was subject to illegal dumping since 2011. The applicant took action to report to the Hong Kong Police Force, and the Environmental Protection Department and the Lands Department had carried out prosecution against trespassing and illegal dumping revealed. The illegal dumping was an on-going problem for the land owner;
- (b) the site context was inaccurately described by PlanD in that the site was currently paved or had been dumped upon over the years, and was covered by weeds, and its surrounding areas had open storage and unauthorised development;
- (c) housing supply was one of the most important policy objectives in Hong Kong. The proposed residential development would make a significant contribution to the housing supply market by providing 3,680 flats;
- (d) the "GB" portion of the site was de-vegetated, under-utilised, deserted and formed, which fell within the definition of brownfield site. The proposed

development was considered in line with the Policy Address in that brownfield sites in HSK should be better utilised, and the de-vegetated “GB” sites could be rezoned for residential purpose;

- (e) the Government had taken initiatives to rezone several brownfield sites or reinstatement slopes for residential development which had been approved by the Town Planning Board (TPB). The application was a private-sector initiative to increase the development intensity of the site which was considered compatible with the surrounding developments;
- (f) the applicant commenced preparation of the application in 2014 while the site had not been included in the HSK NDA Study at that moment. The site was later zoned as “I” in 2015 on the RODP of HSK NDA. The site was indeed in close proximity to the “Regional and Economic Civic Hub” (proposed under the HSK NDA Study);
- (g) taking into account the planning of HSK NDA, the major justifications for the application were summarised as follows:
 - (i) the planning intention of the site and the area were going to change in which the future development would be guided by the context of HSK NDA;
 - (ii) the development schedule of the proposed development would be in line with the implementation of HSK NDA in terms of roads and service provision;
 - (iii) the application was re-assessed in the above long-term planning context and was considered compatible;
- (h) relevant government departments objected to the proposed development simply because they had to defend the existing land use proposals of HSK NDA; and

- (i) the extension of the “Logistics, Enterprise and Technology Quarter” (proposed under the HSK NDA Study) linking up the site to the further south was not logical, with no real justification provided for zoning the site as “T”.

83. With the aid of the PowerPoint presentation, Mr Benson Poon elaborated the proposed development scheme as follows:

- (a) the site was opposite to the proposed residential sites in HSK NDA with PRs of 5.5 to 6.5 and in proximity to the commercial and mixed-use sites with PRs of 7, 8 and 9.5. The proposed development, in terms of character and building mass, was considered compatible with the surrounding area. The site was also in close proximity to the HSK MTR Station (within 600m). References could be made to the future developments surrounding the planned Kai Tak MTR Station and the existing developments surrounding the Tai Koo MTR Station;
- (b) during the Stage 3 Public Engagement of the HSK NDA Study, the applicant had made a submission to PlanD suggesting the rezoning of the “T” zone for private and public housing with a PR of 6.5 and BH of 40 storeys, together with the provision of supporting community facilities. Such proposal would provide 12,000 residential units, and help strengthen the strategic role of HSK NDA;
- (c) the proposed development would provide 3,680 flats, and its completion year would be 2025, after the first population intake for HSK NDA with the planned infrastructure and transport network were built;
- (d) the proposed development would provide a basement carpark and cycling facilities, and was in close proximity to various public transport facilities. A new access road was proposed with only minor adjustment to the planned road network of HSK NDA;
- (e) the open storage in the adjacent lot had been cleared and the potential

industrial/residential interface issue had been resolved; and

- (f) the proposed development would be compatible with the future townscape.

84. With the aid of the PowerPoint presentation, Mr Chris Foot explained the tree issues and visual compatibility of the proposed development, which were summarized as follows:

- (a) the site was not well-vegetated, and most of the trees identified were young and common species. There were only nine trees in the subject “GB” zone;
- (b) a total of 287 new trees would be planted. Regarding the compensation ratio in terms of quantity, it would 0.81:1 and 2.76:1 for the subject “R(D)” and “GB” zones respectively. All possible opportunities for new tree planting would be explored. The greenery coverage of the site would be around 30%;
- (c) the proposed development would be visually integrated with HSK NDA and the surrounding areas, and respect the existing topography including the ridgeline of Yuen Tau Shan; and
- (d) the proposed development would create an organic edge for HSK NDA and would be well integrated with the natural landscape. Visual corridors and building separations would also be provided.

85. Mr Ian Brownlee concluded the presentation which was summarized as follows:

- (a) approval of the application could allow early implementation of the proposed development. Land exchange would provide the mechanism to ensure all technical concerns could be addressed;
- (b) the site was suitable for early implementation within the future HSK NDA;

- (c) the site should be considered as part of the “Regional Economic and Civic Hub” for optimizing the production of flats for both private and public housing;
- (d) the proposed development would not jeopardize the future development of HSK NDA but would make a significant contribution to meeting the long-term housing and land supply needs; and
- (e) should the Committee consider the proposal acceptable, the Committee was invited to direct PlanD to reconsider whether the planned “I” zone within HSK NDA should be used for private and public housing development, even if the rezoning application was not approved.

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

86. In response to a Member’s question, Mr David C.M. Lam, DPO/TMYLW, said that the planned development in the “I” zone would be with a PR of 3 and BH of 4 storeys, while the proposed development would be with a PR of 6.5 and BH of 40 storeys. There would be a big difference in terms of development intensity.

87. In response to the Chairman’s question on the possible external road to and from Tuen Mun as indicated on Plan Z-5 of the Paper, Mr David C.M. Lam said that it was a strategic road connection between northwest New Territories and Tuen Mun Town Centre. The alignment of the said connection had not yet been confirmed and would be subject to further investigation. Notwithstanding that, the planning of HSK NDA had catered for the said connection.

88. A Member asked how long it would take to walk to the planned HSK MTR Station from the site. In response, Mr David C.M. Lam said the site was about 600m to 700m from the HSK MTR Station. Mr Ian Brownlee supplemented that it would take around 10 to 15 minutes to walk there.

89. In response to a Member’s question on the Regional Economic and Civic Hub, Mr Ian Brownlee said that it was proposed by the Government, and intended to be a Central

Business District for the northwest New Territories. It would take advantage of the road connections with the Hong Kong International Airport and the Shenzhen Bao'an Airport, as well as Qianhai in Shenzhen. The Chairman supplemented that the positioning of HSK NDA was proposed in the HSK NDA Study. The main objective of the Study was to capitalize the opportunities created by the planned HSK MTR Station and to develop HSK area into a regional centre.

90. The same Member further asked how the proposed residential development would complement with the role of HSK NDA as a Regional Economic and Civic Hub. In response, Mr Ian Brownlee said that HSK MTR Station was the focal point of the Hub. The major component of the Hub (i.e. commercial use) would be located around the MTR station. The core residential area in HSK NDA would be located opposite to the site while community use would be located to the south. According to the HSK NDA Study, industrial use was proposed across KSWH opposite to the residential sites. However, it was considered more appropriate to have residential use at the site taking into account its proximity to the MTR station. It was also noted that to the north of the site would be the employment area of HSK NDA.

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

Deliberation Session

Proposed Development Intensity

92. A Member said that the BH of the proposed development was considered too excessive and not compatible with the surrounding rural area. Another Member said that the proposed rezoning to residential use might not be entirely unacceptable, but the proposed PR and BH were excessive.

93. A Member considered that the proposed PR was too high in that the proposed development would have adverse visual impacts. The Member was also concerned that approval of the application might set an undesirable precedent for other similar applications in the vicinity.

Land Use Planning and Implications on Future Development of HSK NDA

94. A Member considered that employment opportunity was very crucial for HSK NDA, and hence it was necessary to maintain the planned “I” zone in HSK NDA. The Member did not support the application.

95. A Member asked how the Government could ensure that the existing industrial activities in HSK area would be migrated to the planned “I” zone under the HSK NDA Study in future. In response, the Chairman said that the implementation mechanism would need to be further considered. At present, the Committee should focus the discussion on the proposed development from the land use planning perspective.

96. The Chairman said that the Committee could consider the application from two perspectives. First, in the context of the current OZP, the “R(D)” zone was intended for low-density residential development, while there was a general presumption against development within the “GB” zone. Second, the applicant had assumed that HSK NDA would be implemented and the proposed development would be supported by the planned infrastructure and road network in HSK NDA, but the applicant had not demonstrated that the planned infrastructure and road network would be able to support the additional population arising from the proposed development.

97. A Member said that based on the current OZP, the application could not be supported as it was without sufficient justifications.

98. A Member said that the proposed development was large in scale and considered that approval of the application would affect the future development of HSK NDA. Hence, the Member did not support the application.

99. A Member agreed to reject the application but asked whether the proposed

development should be forwarded to PlanD for consideration in its planning of HSK NDA as requested by the applicant. In response, the Chairman said that the relevant section of PlanD had been consulted when the application was circulated for departmental comments, and indicated that the proposed development would not be in line with proposals under the HSK NDA Study. After further discussion, the Committee agreed that the proposed development could be forwarded to PlanD for reference.

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

- “(a) the site is located in an area predominantly rural in character. The proposed high-density residential development on the site will be out of the context of the surrounding areas. There is no strong planning justification for the proposed rezoning;
- (b) the applicant fails to demonstrate that the proposed rezoning would not lead to adverse visual, air ventilation, ecological, environmental, sewerage and traffic impacts on the surrounding areas; and
- (c) the long-term development of the general area is subject to on-going Planning and Engineering Study for Hung Shui Kiu New Development Area. The approval of the application would pre-empt the recommendations of the Study.”

General Discussion on Declaration of Interests

101. Arising from the deliberation of planning application No. Y/YL-HT/2, Members had a general discussion on the declaration of interests for planning application. Noting that in some occasions Members might not know the mother company of an applicant, a Member enquired whether such information would be provided by the Town Planning Board (TPB) Secretariat. Another Member also asked whether there would be any procedural impropriety if some Members were found to have conflict of interests after the meeting.

102. In response, the Chairman said that the main objective of declaration of interests

by Members was to avoid any conflict of interests in the processing of an application. In this regard, the TPB Secretariat would strive to check the background information of the applicant as far as possible. The principle of the declaration of interests would be to the best knowledge of Members. A Member shared the same view.

[Mr Ivan C.S. Fu returned to join the meeting and Mr Stephen L.H. Liu left the meeting temporarily at this point.]

Fanling, Sheung Shui and Yuen Long East District

Agenda Item 18

Section 16 Application

[Open Meeting]

A/FSS/249 Columbarium in “Government, Institution or Community” zone, The Emperor Hall (G/F, 1/F, 2/F, 3/F, 5/F and 6/F only), 18 Sha Tau Kok Road-Lung Yeuk Tau, Fanling
(RNTPC Paper No. A/FSS/249)

103. The Committee noted that the applicant on 7.4.2016 requested for deferment of the consideration of the application for two months in order to allow time for preparation of responses to the comments of relevant government departments. It was the first time that the applicant requested for deferment of the application

104. 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. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee’s consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special

circumstances.

[Mr Kevin C.P. Ng, Mr Kepler S.Y. Yuen and Mr K.T. Ng, Senior Town Planners/Fanling, Sheung Shui and Yuen Long East (STPs/FSYLE), were invited to the meeting at this point.]

[Mr Alex T.H. Lai left the meeting at this point.]

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KTN/24 Temporary Public Vehicle Park (including private cars, light goods vehicles and medium goods vehicles) with Ancillary Resting Room, Storage Containers and Office for a Period of 2 Years in “Government, Institution or Community” and “Other Specified Uses” annotated “Amenity Area” zones and area shown as 'Road', Lots No. 664 RP (Part), 665 RP (Part), 667 (Part) and 672 (Part) in D.D. 96, Kwu Tung, Sheung Shui
(RNTPC Paper No. A/KTN/24)

Presentation and Question Sessions

105. Mr Kevin C.P. Ng, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the temporary public vehicle park (including private cars, light goods vehicles and medium goods vehicles) with ancillary resting room, storage containers and office for a period of 2 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP)

did not support the application as there were sensitive receivers of domestic uses in the vicinity of the site and environmental nuisance was expected. There were also complaints on waste against the site recorded in the past 3 years from 2012 to 2015. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, four public comments were received from three members of the North District Council (NDC), one member of the Fanling District Rural Committee (RC) and an individual. Two NDC members and the RC member had no comment on the application while the other NDC member and the individual objected to the application on the grounds that the site was located close to domestic area and the applied use would generate a lot of traffic affecting the livelihood of the residents; the applied use was not in line with the planning intention of the site; and there was traffic impact on Castle Peak Road; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary public vehicle park could be tolerated for period of 1 year based on the assessment set out in paragraph 11 of the Paper. The Project Manager (New Territories East), Civil Engineering and Development Department advised that the site fell within the advanced package of Kwu Tung North New Development Area (KTN NDA) and the effective period of permission for the application should be granted to a date no later than mid 2017 in order not to pose as a constraint to the implementation of the KTN NDA. In view of the above, the application could be tolerated on a temporary basis for a period of 1 year, instead of 2 years sought under application. Although DEP did not support the application, all complaints received within the past 3 years were found non-substantiated. To address DEP's environmental concern, approval conditions restricting the operating hours, the types of vehicles and activities on-site were recommended. Regarding the adverse public comments, the applicant had indicated that parking and reversing of vehicles would not be undertaken outside the site; relevant approval conditions were recommended to address the local concern; and the departmental comments and planning assessment above

were relevant.

106. Members had no question on the application.

Deliberation Session

107. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year, instead of 2 years sought, until 22.4.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 8:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no heavy goods vehicle (i.e. exceeding 5.5 tonnes) including container trailer/tractor as defined in the Road Traffic Ordinance is allowed to be parked/stored on the site at any time during the planning approval period;
- (d) no car washing, vehicle repair, dismantling, paint spraying or other workshop activities are allowed on the site at any time during the planning approval period;
- (e) no parking and reverse movement of vehicles shall be allowed on public road outside the site at any time during the planning approval period;
- (f) the submission of a 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 22.7.2016;
- (g) in relation to (f), the implementation of a 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 22.10.2016;

- (h) the submission of fire service installations proposals within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.7.2016;
- (i) in relation to (h), the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.10.2016;
- (j) the submission of a landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.7.2016;
- (k) in relation to (j) above, the implementation of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.10.2016;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (m) if any of the above planning conditions (f), (g), (h), (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

108. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix IV of the Paper.

Agenda Item 20

Section 16 Application

[Open Meeting]

A/NE-KTS/415 Temporary Storage of Pet Supplies and Beverages with Ancillary Office for a Period of 3 Years in “Recreation” zone, Lots No. 1669 S.A ss.1 RP (Part), 1670 S.A ss.1 RP, 1671 S.A ss.1, 1673 S.A and 1675 S.B ss.1 S.A RP (Part) in D.D. 100 and Adjoining Government Land, Kwu Tung South, Sheung Shui
(RNTPC Paper No. A/NE-KTS/415B)

109. The Committee noted that the applicant on 15.4.2016 requested for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address further comments of the Transport Department (TD). It was the third time that the applicant requested for deferment of the application. Since the last deferment, the applicant had submitted further information to address comments of TD.

110. 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. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee’s consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information. Since it was the third deferment of the application and a total of six months had been allowed, no further deferment would be granted unless under very special circumstances.

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/497 Temporary Eating Place (Outside Seating Areas) and Ancillary Parking Spaces for a Period of 3 Years in “Village Type Development” zone, Lots 216 S.S RP (part), 237 S.B RP, 237 S.B ss.3 S.A, 237 S.B ss.4 S.A, 237 S.B ss.4 S.B (part), 237 S.B ss.4 RP, 237 S.B ss.12 RP, 237 S.B ss.13 RP, 237 S.B ss.14 RP in D.D.103, and Adjoining Government Land, Ying Ho Road, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/497B)

111. The Secretary reported that four replacement pages of the Paper were sent to Members on 20.4.2016.

Presentation and Question Sessions

112. Mr Kepler S.Y. Yuen, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the temporary eating place (outside seating areas) and ancillary parking spaces for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;

[Mr Stephen L.H. Liu returned to join the meeting at this point.]

- (d) during the first three weeks of the statutory publication period, one public comment from a local resident was received objecting to the application on the grounds that there was an increasing number of eating places operated

in the New Territories Exempted Houses in the area; the proposal would invite more traffic and illegal parking in the area; and a balanced land use planning decision should be made taking into consideration of traffic, hygiene, logistic support, community needs, and the impacts on the neighbourhood; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary eating place (outside seating areas) and ancillary parking spaces could be tolerated for a period of 3 years based on the assessment set out in paragraph 12 of the Paper. The application was in line with the Town Planning Board Guidelines No. 15A for Application for Eating Place within “Village Type Development” Zone in Rural Areas. Regarding the adverse public comment, concerned government departments, including the Food and Environmental Hygiene Department and the Transport Department, had no objection to the outside seating areas and parking spaces. Illegal activities would also be enforced by the Hong Kong Police Force, the Lands Department and other relevant departments.

113. Members had no question on the application.

Deliberation Session

114. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.4.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no vehicles without valid licences issued under the Road Traffic (Regulation and Licensing of Vehicles) Regulations are allowed to be parked/stored on the site at any time during the planning approval period;
- (c) no medium or heavy goods vehicles exceeding 5.5 tonnes, including

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

- (d) a notice should be posted at a prominent location of the site at all time 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 site during the planning approval period;
- (e) the provision of a boundary fence for the site within 3 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 22.7.2016;
- (f) the submission of a drainage proposal within 6 months of from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.10.2016;
- (g) in relation to (f) above, the implementation of the 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 22.1.2017;
- (h) 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 22.10.2016;
- (i) in relation to (h) 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 22.1.2017;
- (j) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.10.2016;

- (k) in relation to (j) above, the implementation of the 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 22.1.2017;
- (l) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (m) if any of the above planning conditions (e), (f), (g), (h), (i), (j) or (k), is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (n) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

115. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix VI of the Paper.

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/502 Proposed Six Houses (New Territories Exempted House) in “Agriculture” zone, Lots No. 948 S.A ss.3, 948 S.A ss.4, 948 S.A ss.5, 948 S.A ss.6, 948 S.A ss.7, 948 S.A ss.8, 948 S.A ss.9 S.A, 948 S.A ss.9 RP and 948 S.A ss.10 in D.D. 109, Tai Kong Po, Yuen Long
(RNTPC Paper No. A/YL-KTN/502A)

Presentation and Question Sessions

116. Mr Kepler S.Y. Yuen, STP/FSYLE, presented the application and covered the

following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed six houses (New Territories Exempted House (NTEH));
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) had some reservations on the application from landscape planning perspective. The proposed NTEHs in Lot 948 S.A ss.5 would be in conflict with the *Cinnamomum camphora* and extensive crown pruning would be required, and the construction of the NTEH would also disturb the roots affecting the health of the mature tree. Since there was no landscape and tree preservation proposal in the application, it was uncertain whether existing landscape resources could be preserved or adequately mitigated. The applicant should also clarify whether the existing boundary fence wall would be demolished, which might affect the two existing mature trees. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, three public comments were received from Designing Hong Kong Limited and general public objecting to the application on the grounds that the development was not in line with the planning intention of the “Agriculture” (“AGR”) zone and quality farmland should be preserved to support the new policy on sustainable development of agriculture; the development would generate adverse impacts the local traffic, drainage and agricultural land supply; no relevant impact assessment had been completed; the application would lead to illegal occupation of land, disharmony among residents and illegal criminal behaviour; cumulative impacts of existing and future Small House developments in the area should be considered; the development was suspected to be speculative residential development; and there would be possible and suspected misrepresentations of owners who might use their indigenous villager rights for unlawful development schemes of nearby

houses; and

- (e) PlanD's views – PlanD did not support the application based on the assessment set out in paragraph 11 of the Paper. The proposed NTEHs were not in line with the planning intention of the “AGR” zone. The applicant had not provided strong planning justification in the submission for a departure from such planning intention. The applicant also failed to demonstrate that the proposed NTEHs would not lead to adverse landscape impact. According to the District Lands Officer/Yuen Long, the house entitlement of the lots under application was subject to further verification by the Lands Department. The scale and intensity of the proposed NTEHs were much higher than that of the existing single 2-storey house on-site. Approval of the application would set an undesirable precedent for similar applications within the subject “AGR” zone. The cumulative effect of approving such applications would lead to degradation of the rural character and environment in the area.

117. Members had no question on the application.

Deliberation Session

118. After deliberation, the Committee decided to reject the application. The reasons were:

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. There is no strong planning justification in the submission or exceptional circumstance for a departure from the planning intention; and
- (b) the approval of the application would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would lead to degradation of the rural character and environment in the area.”

Agenda Item 23

Section 16 Application

[Open Meeting]

A/YL-KTN/510 Temporary Open Storage of Electrical Appliances for Recycling for a Period of 1 Year in “Agriculture” zone, Lots No. 97 S.A (Part), 97 S.B RP (Part), 106 (Part) and 107 (Part) in D.D. 110, Tsat Sing Kong, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTN/510A)

119. The Committee noted that the applicant on 11.4.2016 requested for deferment of the consideration of the application for two months so as to allow more time for preparation of a drainage proposal in supporting the application. It was the second time that the applicant requested for deferment of the application.

120. 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. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee’s consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information. Since it was the second deferment of the application and a total of four months had been allowed, no further deferment would be granted unless under very special circumstances.

Agenda Item 24

Section 16 Application

[Open Meeting]

A/YL-KTN/511 Temporary Open Storage of Vehicle Parts for a Period of 1 Year in
“Agriculture” zone, Lot No. 107 (Part) in D.D. 110, Tsat Sing Kong,
Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTN/511A)

121. The Committee noted that the applicant on 11.4.2016 requested for deferment of the consideration of the application for two months so as to allow more time for preparation of a drainage proposal in supporting the application. It was the second time that the applicant requested for deferment of the application.

122. 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. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee’s consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information. Since it was the second deferment of the application and a total of four months had been allowed, no further deferment would be granted unless under very special circumstances.

Agenda Item 25

Section 16 Application

[Open Meeting]

A/YL-KTN/512 Temporary Warehouse for Household Products for a Period of 1 Year in “Agriculture” zone, Lot No. 97 S.B RP (Part) in D.D. 110 and Adjoining Government Land, Tsat Sing Kong, Pat Heung, Yuen Long (RNTPC Paper No. A/YL-KTN/512A)

123. The Committee noted that the applicant on 11.4.2016 requested for deferment of the consideration of the application for two months so as to allow more time for preparation of a drainage proposal in supporting the application. It was the second time that the applicant requested for deferment of the application.

124. 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. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee’s consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information. Since it was the second deferment of the application and a total of four months had been allowed, no further deferment would be granted unless under very special circumstances.

Agenda Item 26

Section 16 Application

[Open Meeting]

A/YL-KTN/517 Temporary Private Car Park for Medium Goods Vehicles and Storage of Construction Materials for a Period of 3 Years in “Agriculture” zone, Lots No. 381 RP (Part), 382 RP (Part) and 412 RP (Part) in D.D. 110, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTN/517)

125. The Committee noted that the applicant on 15.4.2016 requested for deferment of the consideration of the application for two months in order to allow time for preparation of further information to respond to the comments of the Fire Services Department due to the changed in ingress/egress of the site. It was the first time that the applicant requested for deferment of the application

126. 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. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee’s consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 27

Section 16 Application

[Open Meeting]

A/YL-KTN/518 Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years in “Agriculture” zone, Lots No. 3 S.B-S.H, 4 (Part), 5 S.A-S.Z, 5 S.AA-S.AZ, 5 S.BA-S.BC, 5 RP, 6, 8 S.A-S.N, 8 RP, 9 S.B-S.N and 9 RP in D.D. 110 and Adjoining Government Land, Tai Kong Po, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTN/518)

127. The Committee noted that the applicant on 14.4.2016 requested for deferment of the consideration of the application for two months in order to allow time for preparation of further information to respond to the comments of the Transport Department. It was the first time that the applicant requested for deferment of the application

128. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee’s consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/680 Temporary Eating Place for a Period of 3 Years in “Residential (Group C)” and “Village Type Development” zones, Lot No. 424 (Part), Wing Lung Wai Lots No. 110 S.E (Part) and 110 RP (Part) in D.D. 109 and Adjoining Government Land, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/680B)

129. The Secretary reported that the site was located at Kam Tin South. Ms Janice W.M. Lai had declared an interest in the item as her family member owned a house at Cheung Po Tsuen, Kam Tin South.

130. The Committee noted that Ms Janice W.M. Lai had already left the meeting.

Presentation and Question Sessions

131. Mr Kepler S.Y. Yuen, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the temporary eating place for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the two statutory publication periods, a total of six public comments were received from individuals objecting to the application on the grounds that the temporary eating place would generate additional traffic which would aggravate the traffic congestion problem at Kam Tin Road; Government land should not be allocated to eating place

operator under Short Term Tenancy; residential sites should be used for its zoned use; and approval of the application would set an undesirable precedent; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary eating place could be tolerated for a period of 3 years based on the assessment set out in paragraph 12 of the Paper. The application was in line with the Town Planning Board Guidelines No. 15A for Application for Eating Place within “Village Type Development” Zone in Rural Areas. In view of the scale of the temporary eating place, it would also unlikely generate significant adverse environmental, traffic, landscape, drainage and sewerage impacts on the surrounding areas. Regarding the adverse public comments, the Commissioner of Transport had no comment on the application and the above planning assessments were relevant.

132. Members had no question on the application.

Deliberation Session

133. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.4.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (c) no reversing of vehicles into or out from the site is allowed at any time during the planning approval period;

- (d) the submission of water supplies for fire fighting and fire service installations proposals within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.10.2016;
- (e) in relation to (d) above, the implementation of water supplies for fire fighting and fire service installations proposals within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.1.2017;
- (f) the implementation of the accepted landscape proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 22.10.2016;
- (g) the submission of a tree preservation proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 22.10.2016;
- (h) in relation to (g) above, the implementation of the tree preservation proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 22.1.2017;
- (i) the submission of a drainage proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.10.2016;
- (j) in relation to (i) above, the implementation of the 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 22.1.2017;
- (k) in relation to (j) above, the maintenance of the implemented drainage facilities on the site at all times during the planning approval period;
- (l) if any of the above planning conditions (a), (b), (c) or (k) is not complied

with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;

(m) if any of the above planning conditions (d), (e), (f), (g), (h), (i) or (j) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall be revoked on the same date without further notice; and

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

134. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix V of the Paper.

Agenda Item 29

Section 16 Application

[Open Meeting]

A/YL-KTS/698 Proposed Temporary Open Storage of Construction Materials with Ancillary Site Office for a Period of 3 Years in “Agriculture” zone, Lots No. 1023 (Part) and 1024 in D.D. 113, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/698)

135. The Secretary reported that the site was located at Kam Tin South. Ms Janice W.M. Lai had declared an interest in the item as her family member owned a house at Cheung Po Tsuen, Kam Tin South.

136. The Committee noted that the applicant had requested for deferment of consideration of the application and Ms Janice W.M. Lai had already left the meeting.

137. The Committee noted that the applicant on 15.4.2016 requested for deferment of

the consideration of the application for two months in order to allow time for preparation of further information to address the traffic issues from the Transport Department. It was the first time that the applicant requested for deferment of the application

138. 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. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. 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 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/730 Proposed House (New Territories Exempted House - Small House) and Excavation of Land (about 1.2m in depth) in "Residential (Group D)" and "Village Type Development" zones, Lot No. 187 S.K ss.3 in D.D. 108, Ta Shek Wu, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/730)

139. The Secretary reported that the site was located at Pat Heung. Ms Janice W.M. Lai had declared an interest in the item as her family member owned a house at Leung Uk Tsuen, Pat Heung.

140. The Committee noted that Ms Janice W.M. Lai had already left the meeting.

Presentation and Question Sessions

141. Mr Kepler S.Y. Yuen, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House) and excavation of Land (about 1.2m in depth);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix III of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment objecting to the application was received from a member of public. The commenter, who claimed to be the land owner of an adjoining lot, raised concern that the proposed Small House development would block access to the existing agricultural land behind the site, and requested the applicant to provide an access as the access by the stream was narrow and dangerous; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment set out in paragraph 12 of the Paper. The proposed Small House development generally complied with the Interim Criteria for Assessing Planning Application for NTEH/Small House Development in the New Territories. Regarding the adverse public comment, relevant government departments, including the Transport Department and the Lands Department, had no adverse comments on the application. The applicant also stated that the existing track serving the area was not affected.

142. Members had no question on the application.

Deliberation Session

143. 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 22.4.2020, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- “(a) the provision of septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the TPB;
- (b) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (c) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB.”

144. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix V of the Paper.

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/731 Temporary Open Storage of Excavators and Loaders for a Period of 3 Years in “Residential (Group D)” zone, Lots No. 159 (Part), 160 (Part), 162 (Part), 163 (Part) and 164 (Part) in D.D. 108 and Adjoining Government Land, Ta Shek Wu, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/731)

145. The Secretary reported that the site was located at Pat Heung. Ms Janice W.M. Lai had declared an interest in the item as her family member owned a house at Leung Uk Tsuen, Pat Heung.

146. The Committee noted that Ms Janice W.M. Lai had already left the meeting.

147. The Secretary also reported that two replacement pages of the Paper were sent to Members on 20.4.2016.

Presentation and Question Sessions

148. Mr Kepler S.Y. Yuen, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the temporary open storage of excavators and loaders 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, i.e. residential structures/dwellings, located to the east and in the vicinity of the site, and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from a member of the public objecting to the application on the grounds that open storage use was not a Column 1 or 2 use in the “Residential (Group D)” (“R(D)”) zone, and the application should be rejected to encourage development of the site for other compatible uses; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary open storage of excavators and loaders could be tolerated for a period of 3 years based on the assessment set out in paragraph 12 of the

Paper. The development was generally in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that previous approvals for similar open storage use on the site had been granted since 2002. As there was no major change in planning circumstances since the last approval and the applicant had demonstrated effort in complying with the approval conditions, and that relevant government departments except DEP had no adverse comment on the application, sympathetic consideration could be given to the application. Although DEP did not support the application, there was no environmental complaint received in the past 3 years. To address the concerns of DEP, relevant approval conditions on restrictions of operation hours and activities to be allowed on-site were recommended. Regarding the adverse public comment, since no residential development proposal had been received for the site to date, temporary use of the site for open storage use would not frustrate the long-term planning intention of the “R(D)” zone. Moreover, no adverse impact was anticipated in accordance with departmental comments and assessment above.

149. Members had no question on the application.

Deliberation Session

150. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.4.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities are allowed on the site at any time during the planning

approval period;

- (d) no reversing of vehicles into or out from the site is allowed at any time during the planning approval period;
- (e) the existing fencing on the site shall be maintained at all times during the planning approval period;
- (f) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (g) the submission of a record of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.7.2016;
- (h) the submission of a 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 22.10.2016;
- (i) in relation to (h) above, the implementation of the tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.1.2017;
- (j) the provision of fire extinguisher(s) within 6 weeks with a valid fire certificate (FS 251) from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.6.2016;
- (k) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.10.2016;
- (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 22.1.2017;

- (m) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (g), (h), (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (o) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

151. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix VII of the Paper.

Agenda Item 32

Section 16 Application

[Open Meeting]

A/YL-PH/732 Temporary Horse Riding School for a Period of 3 Years in “Residential (Group D)” zone, Lots No. 64 RP, 72 S.B ss.2 and 73 S.B RP in D.D. 108, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/732)

152. The Secretary reported that the site was located at Pat Heung. Ms Janice W.M. Lai had declared an interest in the item as her family member owned a house at Leung Uk Tsuen, Pat Heung.

153. The Committee noted that the applicant had requested for deferment of consideration of the application and Ms Janice W.M. Lai had already left the meeting.

154. The Committee noted that the applicant on 15.4.2016 requested 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 of the Transport Department. It was the first time that the applicant requested for deferment of the application

155. 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. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. 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 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/213 Temporary Camping Ground for Mediation Use for a Period of 3 Years
in "Conservation Area" zone, Lots No. 1556 (Part) and 1558 in D.D.
114, Shek Kong, Yuen Long
(RNTPC Paper No. A/YL-SK/213)

Presentation and Question Sessions

156. Mr Kepler S.Y. Yuen, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;

- (b) the temporary camping ground for meditation use 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 no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, three public comments were received from the Village Representative (VR) of Lui Kung Tin Tsuen, a Yuen Long District Council (YLDC) member and a general public. The VR and YLDC member raised objection to the application mainly on the grounds that there would be traffic congestion problem along the catchwater access road due to the increase in traffic flow during public holidays; and the large statue at the site would affect the *fung shui* of Pat Heung Temple and would create adverse psychological impact on local villagers. The general public opined that the nature of the conservation area should be respected and the impact of any activities should be kept to a minimum; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary camping ground for meditation use could be tolerated for a period of 3 years based on the assessment set out in paragraph 11 of the Paper. Since the temporary camping ground for meditation use did not involve tangible buildings or site formation but only wooden platforms or concrete fixtures mostly being placed on ground (occupying about 4.3% of the site), the applied use was considered not in conflict with the planning intention of the “Conservation Area” zone. The site was the subject of five previous approved applications for the same applied use. There had been no major change in planning circumstances since the granting of the first approval in 2010. Regarding the adverse public comments, concerned government departments have no adverse comment on the application.

157. Members had no question on the application.

Deliberation Session

158. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.4.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no new fixture or structure is allowed to be placed/built on the site during the planning approval period;
- (b) no trees within the site are allowed to be interfered with by any means, felled or topped at any time during the planning approval period;
- (c) no open burning, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (d) no chemicals, including fertilizers/pesticides, are allowed to be used or stored on the site at any time during the planning approval period;
- (e) no public announcement system, portable loudspeaker or any form of audio amplification system, as proposed by the applicant, is allowed to be used on the site at any time during the planning approval period;
- (f) the existing trees and landscape plantings on the site shall be maintained at all times during the planning approval period;
- (g) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (h) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

159. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix V of the Paper.

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/214 Renewal of Planning Approval for Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Village Type Development” zone, Lot No. 225 S.D (Part) in D.D. 112, Kam Sheung Road, Yuen Long
(RNTPC Paper No. A/YL-SK/214)

Presentation and Question Sessions

160. Mr Kepler S.Y. Yuen, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the renewal of planning approval for temporary shop and services (real estate agency) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary shop and services (real estate agency) could be tolerated for a

period of 3 years based on the assessment set out in paragraph 12 of the Paper. The application was in line with the Town Planning Board Guidelines No. 34B on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development in that there was generally no adverse comment from the concerned government departments and no local objection received, and there had been no major change in planning circumstances since the last planning approval in 2013. Besides, all the approval conditions under the last application had been complied with.

161. Members had no question on the application.

Deliberation Session

162. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years, and be renewed from 4.5.2016 until 3.5.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) the existing drainage facilities implemented on the site shall be maintained at all times during the planning approval period;
- (c) the submission of a record of the existing drainage facilities on the application site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.8.2016;
- (d) the submission of a tree preservation proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 4.11.2016;

- (e) in relation to (d) above, the implementation of the tree preservation proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 4.2.2017;
- (f) the implementation of the accepted fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.11.2016;
- (g) if any of the above planning conditions (a) or (b) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (h) if any of the above planning conditions (c), (d), (e) or (f) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (i) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

163. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix V of the Paper.

Agenda Item 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/320 Temporary Open Storage of Containers and Cargo Handling and Forwarding Facilities for a Period of 2 Years in “Comprehensive Development Area” zone, Various Lots in D.D. 104 and Adjoining Government Land, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/320C)

Presentation and Question Sessions

164. Mr K.T. Ng, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the temporary open storage of containers and cargo handling and forwarding facilities for a period of 2 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Commissioner for Transport did not support the application, as Chuk Yau Road/the access road leading to the site was comparatively narrow and it was not suitable for the use of heavy vehicles. The Director of Environmental Protection did not support the application on the grounds that the application would generate traffic of heavy vehicles; the site boundary was within 100m from the nearest residential building; and heavy vehicle traffic was expected to travel along an access road which was within 50m from the nearest sensitive uses. Environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the two statutory publication periods, a total of 73 public comments were received from a member of Yuen Long

District Council, two village representatives of San Wai Tsuen and individuals objecting to the application on the grounds that all the previous applications were rejected/revoked by the Committee/Town Planning Board (TPB) and the current applied use was an unauthorised development; the development was not in line with the “Comprehensive Development Area” (“CDA”) zone and also the TPB Guidelines No. 13E for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E); Chuk Yau Road was a narrow road not suitable for heavy vehicles; and the development would cause adverse environmental, traffic and drainage impacts on the surrounding area; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment set out in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “CDA” zone, and the applicant had not provided strong planning justification in the submission for a departure from the planning intention, even on a temporary basis. The application did not comply with the TPB PG-No. 13E in that there was no previous approval for open storage use granted at the site and further proliferation of such use was not acceptable. Moreover, there were adverse departmental comments and public objections against the application. The applicant also failed to demonstrate that the proposed development would not generate adverse traffic and environmental impacts on the surrounding areas. Approval of the application would set an undesirable precedent for similar applications, the cumulative effect of which would further degrade the environment of the area.

165. Members had no question on the application.

Deliberation Session

166. After deliberation, the Committee decided to reject the application. The reasons were:

- “(a) the proposed development is not in line with the planning intention of the “Comprehensive Development Area” (“CDA”) zone which is intended for comprehensive development/redevelopment of the area for residential use with commercial, open space and other supporting facilities. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;

- (b) the application does not comply with the Town Planning Board Guidelines No. 13E in that the proposed development is not compatible with the surrounding land uses with residential dwellings. There is also no previous approval for the applied uses granted at the site and there are adverse departmental comments and public objections against the application;

- (c) the applicant fails to demonstrate that the proposed development would not generate adverse environmental and traffic impacts on the surrounding areas; and

- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for other similar applications to proliferate into this part of the “CDA” zone. The cumulative effect of approving such application would result in a general degradation of the environment of the area.”

Agenda Item 36

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/329 Temporary Open Storage of Containers and Cargo Handling and Forwarding Facilities for a Period of 2 Years in “Comprehensive Development Area” zone, Lots No. 1750 (Part), 1751 (Part), 1753 (Part), 1796 S.D ss.1 (Part), 1768 (Part), 1769, 1770 (Part), 1771, 1772 S.A (Part), 1798, 1799 and 1800 (Part) in D.D. 104 and Adjoining Government Land, Chuk Yau Road, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/329)

Presentation and Question Sessions

167. Mr K.T. Ng, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the temporary open storage of containers and cargo handling and forwarding facilities for a period of 2 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Commissioner for Transport did not support the application, as Chuk Yau Road/the access road leading to the site was comparatively narrow and it was not suitable for the use of heavy vehicles. The Director of Environmental Protection did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, a total of 33 public comments were received from a member of Yuen Long District Council, a village representative of San Wai Tsuen and individuals

objecting to the application on the grounds that all the previous applications were rejected by the Committee/Town Planning Board (TPB) and the current applied use was an unauthorised development; the access road from the site leading to Chuk Yau Road involved land area of another application No. A/YL-NTM/320 which had not yet been approved by the Committee; the development generates adverse traffic and noise impact and pose danger to the nearby residents; and Chuk Yau Road was a narrow road not suitable for heavy vehicles; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment set out in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “Comprehensive Development Area” zone, and the applicant had not provided strong planning justification in the submission for a departure from the planning intention, even on a temporary basis. The application did not comply with the TPB Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that there was no previous approval for open storage use granted at the site and further proliferation of such use was not acceptable. Moreover, there were adverse departmental comments and public objections against the application. The applicant also failed to demonstrate that the proposed development would not generate adverse traffic and environmental impacts on the surrounding areas. Approval of the application would set an undesirable precedent for similar applications, the cumulative effect of which would further degrade the environment of the area.

168. Members had no question on the application.

Deliberation Session

169. After deliberation, the Committee decided to reject the application. The reasons were:

- “(a) the proposed development is not in line with the planning intention of the

“Comprehensive Development Area” (“CDA”) zone which is intended for comprehensive development/ redevelopment of the area for residential use with commercial, open space and other supporting facilities. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;

- (b) the application does not comply with the Town Planning Board Guidelines No. 13E in that the proposed development is not compatible with the surrounding land uses with residential dwellings. There is also no previous approval for the applied uses granted at the site and there are adverse departmental comments and public objections against the application;
- (c) the applicant fails to demonstrate that the proposed development would not generate adverse environmental and traffic impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for other similar applications to proliferate into this part of the “CDA” zone. The cumulative effect of approving such application would result in a general degradation of the environment of the area.”

[Mr Stephen L.H. Liu left the meeting at this point.]

Agenda Item 37

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/335 Temporary Public Vehicle Park (Including Private Cars and Container Vehicles) for a Period of 5 Years in “Open Storage” zone, Lots No. 111 RP (Part), 112 RP (Part) and 113 in D.D. 105 and Adjoining Government Land, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/335)

Presentation and Question Sessions

170. Mr K.T. Ng, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the temporary public vehicle park (including private cars and container vehicles) for a period of 5 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 residential dwellings found in the vicinity. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, no public comment had been received; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary public vehicle park (including private cars and container vehicles) could be tolerated for a period of 5 years based on the assessment set out in paragraph 12 of the Paper. The application was in line with the Town Planning Board Guidelines No. 13E for Application for Open

Storage and Port Back-up Uses in that suitable sites in San Tin area might be considered for cross-boundary parking facilities based on individual merits. Although DEP did not support the application, there was no environmental complaint related to the site in the past 3 years. To mitigate potential environmental impacts on the surrounding areas, approval conditions restricting operating hours and activity on-site and provision of boundary fencing were recommended.

171. Members had no question on the application.

Deliberation Session

172. A Member asked why the temporary use could be applied for a period of 5 years. In response, the Chairman said if the applied use was neither a Column 1 use nor Column 2 use of the concerned zoning on the Outline Zoning Plan (OZP), a maximum period of 3 years might be allowed for such temporary uses under the provision of the rural OZPs. Since the temporary use under application was a Column 2 use, there was no restriction on the duration but uses expected to be over 5 years would in general not be regarded as temporary uses.

173. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 22.4.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 11:00 p.m. and 7:00 a.m. for container vehicle parking, from Mondays to Saturdays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays for container vehicle parking, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no cutting, dismantling, melting, cleansing, repairing or other workshop activity is allowed on the site at any time during the planning approval period;

- (d) the drainage facilities on the site shall be maintained at all times during the planning approval period;
- (e) the submission of a photographic record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.7.2016;
- (f) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.10.2016;
- (g) in relation to (f) above, the implementation 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 22.1.2017;
- (h) 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 22.10.2016;
- (i) in relation to (h) 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 22.1.2017;
- (j) the provision of boundary fencing on the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.10.2016;
- (k) if any of the above planning conditions (a), (b) , (c) or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (l) if any of the above planning conditions (e), (f), (g), (h), (i) or (j) is not

complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

174. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix IV of the Paper.

[The Chairman thanked Mr Kevin C.P. Ng, Mr Kepler S.Y. Yuen and Mr K.T. Ng, STPs/FSYLE, for their attendance to answer Members’ enquiries. They left the meeting at this point.]

Tuen Mun and Yuen Long West District

[Mr David C.M. Lam, District Planning Officer/Tuen Mun and Yuen Long West (DPO/TMYLW), Ms Stella Y. Ng and Ms Bonita K.K. Ho, Senior Town Planners/Tuen Mun and Yuen Long West (STPs/TMYLW) and Mr Edmond S.P. Chiu, Town Planner/Tuen Mun and Yuen Long West (TP/TMYLW), were invited to the meeting at this point.]

Agenda Item 39

Section 12A Application

[Open Meeting]

Y/YL-PN/7

Application for Amendment to the Approved Sheung Pak Nai & Ha Pak Nai Outline Zoning Plan No. S/YL-PN/9, To rezone the application site from “Coastal Protection Area” to “Government, Institution or Community”, Lot No. 118 in D.D. 135 and Adjoining Government Land, Nim Wan Road, Ha Pak Nai
(RNTPC Paper No. Y/YL-PN/7)

175. The Committee noted that the applicant on 7.4.2016 had requested for deferment of the consideration of the application for two months in order to address comments raised by various government departments. It was the first time that the applicant requested for

deferment of the application.

176. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within three months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. 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 40

Section 16 Application

[Open Meeting]

A/TM-LTY Y/308 Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) with Ancillary Retail Shop for a Period of 3 Years in "Green Belt" zone, Lots No. 1028 S.A (Part) and 1028 RP in D.D. 130, Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/308)

177. The Committee noted that the applicant on 5.4.2016 requested 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 of relevant government departments. It was the first time that the applicant requested for deferment of the application

178. 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. If the further information submitted by the applicant was not substantial and

could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. 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 41

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/516 Temporary Public Vehicle Park (Private Cars) for a Period of 3 Years in "Village Type Development" zone, Lot No. 455 S.A RP in D.D. 122 and Adjoining Government Land, Hang Mei Tsuen, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/516)

Presentation and Question Sessions

179. Miss Stella Y. Ng, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the temporary public vehicle park (private cars) 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 no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from an individual objecting to the application on the grounds that the site should be used for village house development; villagers should park their vehicles in car ports on the ground floor; the

applied use was inefficient land use; and approval of the application would set an undesirable precedent; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary public vehicle park (private cars) could be tolerated for a period of 3 years based on the assessment set out in paragraph 11 of the Paper. Although the applied use was not entirely in line with the planning intention of the “Village Type Development” (“V”) zone, there was no Small House application at the site, and approval of the application on a temporary basis would not frustrate the long-term planning intention of the “V” zone. Regarding the adverse public comment, the departmental comments and planning assessment above were relevant.

180. Members had no question on the application.

Deliberation Session

181. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.4.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (c) a notice shall be posted at a prominent location of the site to indicate that no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site at all time during the planning approval period;

- (d) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the site at any time during the planning approval period;
- (e) no vehicle washing, vehicle repair, dismantling, paint spraying or other workshop activity is allowed on the site at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) the submission of a drainage proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.10.2016;
- (h) in relation to (g) above, the implementation of the drainage proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.1.2017;
- (i) in relation to (h) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (j) the submission of a fire service installations proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.10.2016;
- (k) in relation to (j) above, the implementation of the fire service installations proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.1.2017;
- (l) the submission of a tree preservation proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 22.10.2016;

- (m) in relation to (l) above, the implementation of the tree preservation proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 22.1.2017;
- (n) the provision of boundary fencing on the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.7.2016;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (i) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (p) if any of the above planning conditions (g), (h), (j), (k), (l), (m) or (n) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;
and
- (q) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

182. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix IV of the Paper.

Agenda Item 42

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/517 Temporary Shop and Services (Convenient Store) for a Period of 5
Years in “Village Type Development” zone, Lot No. 289 S.B in D.D.
123, Fuk Shun Street, Tai Tseng Wai, Yuen Long
(RNTPC Paper No. A/YL-PS/517)

Presentation and Question Sessions

183. Miss Stella Y. Ng, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the temporary shop and services (convenient store) for a period of 5 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary shop and services (convenient store) could be tolerated for a period of 5 years based on the assessment set out in paragraph 12 of the Paper. The Director of Agriculture and Fisheries had no comment on the application as the site and its surrounding area were paved and/or disturbed. Adverse ecological impacts were not envisaged. Since the last application No. A/YL-PS/475 submitted by the same applicant was revoked due to non-compliance with the approval conditions on submission of run-in/run-out proposal and submission of fire service installations proposal,

shorter compliance periods were recommended in order to closely monitor the progress on compliance with the associated approval conditions.

184. Members had no question on the application.

Deliberation Session

185. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 22.4.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 10:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (c) the submission of a condition record of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.7.2016;
- (d) the submission of a fire service installations proposal within 3 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.7.2016;
- (e) in relation to (d) above, the implementation of the fire service installations proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.10.2016;
- (f) if any of the above planning conditions (a) or (b) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;

- (g) if any of the above planning conditions (c), (d) or (e) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (h) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

186. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix IV of the Paper.

Agenda Item 43

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/975 Proposed Social Welfare Facility (Rehabilitation Home for Persons with Mental Disabilities) in “Village Type Development” zone, Lots No. 317 S.C (Part) and 317 S.F (Part) in D.D. 124, Shek Po Tsuen, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/975B)

187. The Secretary reported that the site was located at Ha Tsuen. Ms Janice W.M. Lai had declared an interest in the item, as her spouse was a shareholder of a company which owned two pieces of land in Ha Tsuen.

188. The Committee noted that Ms Janice W.M. Lai had already left the meeting.

Presentation and Question Sessions

189. Mr Edmond S.P. Chiu, TP/TMYLW, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;

- (b) the proposed social welfare facility (rehabilitation home for persons with mental disabilities);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the two statutory publication periods, a total of 65 public comments were received from the members of the public, Incorporated Owners of 88 Shek Po Road, Choza Rico Mutual Aid Committee and the residents of Shek Po Tsuen and Choza Rico objecting to the application mainly on the following grounds:
 - (i) the location of the residential care homes for persons with disabilities (RCHD) was accessible from a very narrow local track, the ambulance service might not be able to reach the RCHD and the local track might be overloaded by high usage. Moreover, the loading/unloading activities of the RCHD would block the road access and causes nuisances to other residents;
 - (ii) the sewerage, drainage and fire installation facilities of the New Territories Exempted House (NTEH) could not cope with the number of persons proposed. Furthermore, the RCHD often overloaded the existing drainage facilities and septic tank, leading to flooding of the area and causing hygiene problem;
 - (iii) the dormitory residents created noise nuisance and affected the nearby residents. Some of the dormitory residents were seen wandering around the area without supervision;
 - (iv) the RCHD was not a compatible land use and had been violated the deed of mutual covenant of Choza Rico for many years;
 - (v) according to the Recommended Outline Development Plan of the

Hung Shui Kiu New Development Area, the site was zoned “Village Type Development” and should not be used for RCHD; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment set out in paragraph 11 of the Paper. The RCHD had been in operation since June 2007. Adverse environmental, traffic, drainage, hygiene and landscape impacts from the RCHD on the surrounding areas were not envisaged. Regarding the adverse public comments, the applicant had clarified that all facilities and operation of the RCHD would strictly follow the Social Welfare Department (SWD)’s requirements and standards, and the loading/unloading activities would be carried out within the site. All concerned departments had no adverse comments on the application. The above planning assessment and considerations were relevant. Nevertheless, an advisory clause reminding the applicant to liaise with the nearby residents and village representatives to address their concerns was recommended.

190. Noting that the locals had strong objection to the application, the Chairman asked if relevant government departments, in particular SWD, had looked into the operation of the RCHD under application. In response, Mr Edmond S.P. Chiu, TP/TMYLW said that SWD had inspected the RCHD and investigated the public complaints received, and no significant problem was identified. Inspection would also be carried out by SWD from time to time to ensure that the RCHD met the licencing requirements.

Deliberation Session

191. 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 was subject to the following conditions:

- “(a) provision of fire service installations and water supplies for firefighting within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.1.2017; and

- (b) if the above planning condition is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

192. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix III of the Paper.

Agenda Item 44

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/1014 Temporary Logistics Centre for a Period of 3 Years in “Comprehensive Development Area” zone, Lots No. 95 (Part), 97 (Part) and 768 (Part) in D.D. 125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/1014)

193. The Secretary reported that the site was located at Ha Tsuen. Ms Janice W.M. Lai had declared an interest in the item as her spouse was a shareholder of a company which owned two pieces of land in Ha Tsuen.

194. The Committee noted that Ms Janice W.M. Lai had already left the meeting.

Presentation and Question Sessions

195. Mr Edmond S.P. Chiu, TP/TMYLW, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the temporary logistics centre 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 there were sensitive uses in the vicinity of the site and along Ping Ha Road, and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary logistics centre could be tolerated for a period of 3 years based on the assessment set out in paragraph 12 of the Paper. The proposed development was generally in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that the site fell within Category 1 areas which were considered suitable for open storage and port back-up uses; relevant proposals had been submitted to demonstrate that the proposed use would not generate adverse impacts; and technical concerns of relevant government departments could be addressed through the implementation of approval conditions. Although DEP did not support the application, there was no environmental complaint pertaining to the site in the past 3 years.

196. Members had no question on the application.

Deliberation Session

197. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.4.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 8:00 p.m. to 8:00 a.m., as proposed by the applicant, is allowed on the site during the approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant,

is allowed on the site during the planning approval period;

- (c) no cutting, dismantling, cleansing, repairing, compaction, tyre repair, vehicle repair, container repair and workshop activity is allowed on the site, as proposed by the applicant, at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from the public road is allowed at any time during the planning approval period;
- (e) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.7.2016;
- (g) the submission of a run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 22.10.2016;
- (h) in relation to (g) above, the implementation of the run-in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 22.1.2017;
- (i) the submission of a tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.10.2016;
- (j) in relation to (i) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.1.2017;
- (k) the submission of a fire service installations proposal within 6 months from

the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.10.2016;

- (l) in relation to (k) above, the implementation of the 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 22.1.2017;
- (m) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (f), (g), (h), (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (o) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

198. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix V of the Paper.

Agenda Item 45

Section 16 Application

[Open Meeting]

A/YL-HT/1015 Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Village Type Development” zone, Lots No. 1773 S.A ss.21 RP, 1777 S.B RP (Part), 1778 S.A RP in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long

(RNTPC Paper No. A/YL-HT/1015)

199. The Secretary reported that the site was located at Ha Tsuen. Ms Janice W.M. Lai had declared an interest in the item as her spouse was a shareholder of a company which owned two pieces of land in Ha Tsuen.

200. The Committee noted that the applicant had requested for deferment of consideration of the application and also noted that Ms Janice W.M. Lai had already left the meeting.

201. The Committee noted that the applicant on 11.4.2016 requested for deferment of the consideration of the application for one month in order to allow time for preparation of further information to address departmental comments. It was the first time that the applicant requested for deferment of the application

202. 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. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. 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 46

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/1016 Proposed Temporary Logistics Centre for a Period of 3 Years in “Comprehensive Development Area” zone, Lots No. 3016 (Part), 3017 (Part), 3018, 3026 RP, 3031 RP, 3032 RP, 3033 RP, 3034, 3035 RP (Part), 3039 (Part), 3040 RP (Part) and 3046 RP (Part) in D.D. 129, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/1016)

203. The Secretary reported that the site was located at Ha Tsuen. Ms Janice W.M. Lai had declared an interest in the item as her spouse was a shareholder of a company which owned two pieces of land in Ha Tsuen.

204. The Committee noted that Ms Janice W.M. Lai had already left the meeting.

Presentation and Question Sessions

205. Mr Edmond S.P. Chiu, TP/TMYLW, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed temporary logistics centre 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 there were sensitive uses in the vicinity of the site and along Fung Kong Tsuen Road, and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public

comments were received. One of the commenters claiming himself as one of the stakeholders of the site objected to the application as he was not involved in the application. Another commenter, Designing Hong Kong Limited, objected to the application on the grounds that the proposed use was not in line with the planning intention of the “Comprehensive Development Area” (“CDA”) zone and would cause adverse traffic and road safety impacts; and

- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary logistics centre could be tolerated for a period of 3 years based on the assessment set out in paragraph 12 of the Paper. The proposed development was generally in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that the site fell within Category 1 areas which were considered suitable for open storage and port back-up uses; relevant proposals had been submitted to demonstrate that the proposed use would not generate adverse impacts; and technical concerns of relevant government departments could be addressed through the implementation of approval conditions. Although DEP did not support the application, there was no environmental complaint pertaining to the site in the past 3 years.

206. Members had no question on the application.

Deliberation Session

207. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.4.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 11:00 p.m. to 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;

- (c) no recycling, cutting, dismantling, cleansing, repairing and workshop activity, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from the public road is allowed at any time during the planning approval period;
- (e) the implementation of the accepted 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 22.10.2016;
- (f) the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (g) the submission of a tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.10.2016;
- (h) in relation to (g) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.1.2017;
- (i) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.10.2016;
- (j) in relation to (i) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.1.2017;
- (k) the provision of fencing within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB 22.10.2016;

- (l) if any of the above planning conditions (a), (b), (c), (d) or (f) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (m) if any of the above planning conditions (e), (g), (h), (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (n) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

208. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix VI of the Paper.

Agenda Item 47

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/375 Temporary Dog Hotel for a Period of 3 Years in “Village Type Development” zone, Lots No. 24 RP (Part), 26 RP (Part) and 28 RP (Part) in D.D. 118 and Adjoining Government Land, No. 169B, Tai Tong Road, Hung Tso Tin Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TT/375)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the temporary dog hotel 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 no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from an individual who expressed concerns on the inefficient use of land and that the site should be used for housing purpose; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary dog hotel could be tolerated for a period of 3 years based on the assessment set out in paragraph 11 of the Paper. Regarding the adverse public comment, the application was on a temporary basis and would not frustrate the long-term development of the area.

210. Members had no question on the application.

Deliberation Session

211. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.4.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 6:30 p.m. and 8:45 a.m. from Mondays to Fridays, 6:30 p.m. and 9:00 a.m. on Saturdays and 7:00 p.m. and 9:30 a.m. on Sundays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) the dogs shall be kept inside the enclosed boarding facilities between 6:30 p.m. and 9:00 a.m. on the site, as proposed by the applicant, during the planning approval period;

- (c) the existing double glazing windows installed for the boarding facilities shall be maintained at all times during the planning approval period;
- (d) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (e) the submission of records of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.7.2016;
- (f) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.10.2016;
- (g) in relation to (f) above, the implementation of the 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 22.1.2017;
- (h) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (i) if any of the above planning conditions (e), (f) or (g) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (j) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

212. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix IV of the Paper.

Agenda Item 48

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/787 Temporary Open Storage of Construction Machinery with Ancillary Site Office for a Period of 3 Years in “Undetermined” zone, Lots No. 2361 (Part), 2362 (Part), 2363 (Part), 2364 (Part), 2365 (Part), 2366 RP (Part), 2370, 2371, 2372 (Part) and 2374 (Part) in D.D. 120 and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long (RNTPC Paper No. A/YL-TYST/787)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of construction machinery 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 as there were sensitive receivers, i.e. residential structures, located to the south, southeast and in the vicinity of the site, and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary open storage of construction machinery with ancillary site office

could be tolerated for a period of 3 years based on the assessment set out in paragraph 12 of the Paper. The application was generally in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that the site fell within Category 1 areas which were considered suitable for open storage and port back-up uses; relevant proposals had been submitted to demonstrate that the proposed use would not generate adverse impacts; and technical concerns of relevant government departments could be addressed through the implementation of approval conditions. Although DEP did not support the application, there had been no environmental complaint concerning the site received in the past 3 years.

214. Members had no question on the application.

Deliberation Session

215. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.4.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 7:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (d) no repairing, dismantling, maintenance, cleansing or any other workshop activities, as proposed by the applicant, are allowed on the site at any time during the planning approval period;

- (e) no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (h) the submission of records of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.7.2016;
- (i) the provision of boundary fence on the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.7.2016;
- (j) the submission of a 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 22.10.2016;
- (k) in relation to (j) above, the implementation of the tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.1.2017;
- (l) the provision of fire extinguisher(s) with 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 3.6.2016;
- (m) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire

Services or of the TPB by 22.10.2016;

- (n) in relation to (m) above, the implementation of the 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 22.1.2017;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (p) if any of the above planning conditions (h), (i), (j), (k), (l), (m) or (n) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (q) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

216. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix VI of the Paper.

Agenda Item 49

Section 16 Application

[Open Meeting]

A/YL-TYST/788 Proposed Temporary Concrete Batching Plant for a Period of 5 Years
in “Open Storage” zone, Lot No. 2631 RP in D.D. 120, Shan Ha Road,
Yuen Long
(RNTPC Paper No. A/YL-TYST/788)

217. The Committee noted that the applicant on 11.4.2016 requested for deferment of

the consideration of the application for one month in order to allow additional time for liaising with relevant government departments, including the Transport Department and the Environmental Protection Department, as well as communicating with the local residents on their concerns and to submit further information to address the relevant comments. It was the first time that the applicant requested for deferment of the application

218. 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. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. 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 50

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL/219 Proposed Office and Shop and Services cum Public Open Space in
"Government, Institution or Community (1)" zone, Lots No. 1700
(Part), 1716 RP and 1717 RP (Part) in D.D. 120, Tai Kei Leng, Tai
Tong Road, Yuen Long
(RNTPC Paper No. A/YL/219A)

219. The Secretary reported that Ove Arup & Partners Hong Kong Ltd. (Arup) was the consultant of the applicant. The following Members had declared interests in the item:

Mr Ivan C.S. Fu	}	having current business dealings with Arup.
Mr Alex T.H. Lai		

220. The Committee noted that Mr Alex T.H. Lai had already left the meeting and Mr Ivan C.S. Fu had no involvement in the application, and agreed that he could stay in the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed office and shop and services cum public open space (POS);
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Chief Architect/Central Management Division 2, Architecture Services Department raised concern on the applicant’s justification for the provision of the POS on private land as part of the private development, and considered that the design layout and location of the POS was not satisfactory and should be reviewed. The Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) considered that the POS on G/F was rather narrow, irregular and majority of the POS was functioned as a passageway. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, five public comments expressing concerns on and support the application were received, which were summarised as follows:
 - (i) Designing Hong Kong Limited and a general public expressed concerns on the application mainly on the grounds that the proposal had not indicated how the planning intention of the “Government, Institution or Community” (“G/IC”) zone could be fulfilled; there

was no strong justification given in the submission for a departure from the planning intention; why there was no Government, institution and community (GIC) facilities provided at the site; and the POS on R/F with no independent access was restricted and could not be used by the public;

- (ii) the Village Representatives of Shap Pat Heung Tai Kei Leng Tsuen submitted two public comments on the application. One of them expressed no comment on the application whilst the other one supported the application mainly on the grounds of optimising the use of land resources, in line with the Government policy on brownfield sites and the Town Planning Board Guidelines No. 16 for Application for Development/Redevelopment within “G/IC” Zone for Uses other than GIC Uses (TPB PG-No. 16) compatibility with the surroundings, improvement of the quality of the neighbourhood, and no adverse impacts on the surroundings;
 - (iii) the remaining commenter supported the application without providing any reason; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment set out in paragraph 12 of the Paper. Although there was currently no designated GIC use for the “G/IC(1)” zone, it was considered that the site should be reserved for providing GIC facilities to cater for the unforeseen needs in future. The proposed development was primarily for non-GIC uses, and was not in line with the planning intention of the “G/IC” zone and the TPB PG-No. 16. No strong planning justification had been given to justify the deviation from the planning intention. Approval of the application would set an undesirable precedent for other similar applications within the “G/IC” zone on the Outline Zoning Plan. The cumulative effect of approving the application would jeopardise the planning intention of “G/IC” zone affecting the land available for GIC use.

222. The Chairman asked if there was any designated GIC use for the subject “G/IC(1)” zone. In response, Mr David C.M. Lam, DPO/TMYLW said that the site had been zoned “G/IC(1)” on the first Yuen Long Outline Zoning Plan (OZP) since 1991, and there was no known implementation programme for any GIC facilities on the site. PlanD would review the future use of the site from time to time taking into account the increasing number of new residential developments in Yuen Long South. In response to the Chairman’s question on the designated use for another “G/IC(1)” zone opposite to the site, Mr David C.M. Lam said the northern portion of that “G/IC(1)” zone had been developed; while the structure located within the southern portion had been identified as one of the 1,444 grade historic buildings.

223. In response to the Chairman’s further question, Mr David C.M. Lam said that the site was currently occupied by warehouse and for car service use.

224. Mr Edwin W.K. Chan, Assistant Director/Regional 3, Lands Department said that according to the Development Bureau (DevB)’s guidelines, under general circumstances, provision of POS within private development was not recommended. He asked whether the POS under application complied with the relevant guidelines. In response, Mr David C.M. Lam said that according to the POS in Private Developments Design and Management Guidelines issued by DevB, it was not recommended to accept provision of POS in private residential developments, unless there was a shortfall of open space in the district or there were special circumstances justifying the provision, so as to avoid individual owners being made responsible for the management and maintenance of the POS. Since there was sufficient planned open space provision in Yuen Long district, it was not recommended to accept the provision of POS in the subject application.

Deliberation Session

225. The Committee noted that approval of the application might set an undesirable precedent for similar applications within the “G/IC” zone on the OZP, and the site should be reserved for providing GIC facilities to cater for the unforeseen needs in future. The Committee also noted that there was one similar application located near the Yoho Town which was rejected previously by the Committee.

226. The Chairman said that the site was under private ownership but was zoned “G/IC(1)”, with no designated GIC use. Since the site was currently occupied by a temporary open storage of metal, it would be an improvement to the environment if the site could be developed. The Chairman considered that the applicant might be advised to apply for temporary uses for a period of 5 years. Should the site be requested for GIC use in future, the Government could resume the site.

227. A Member concurred with the Chairman’s view and considered that the proposed POS could not be accepted as a planning gain as it was not well designed. The Member further said that the site should be reserved for GIC uses but consideration would be given for temporary uses.

228. The Chairman concluded that the application should be rejected as recommended but PlanD should relay Members’ views to the applicant.

229. After deliberation, the Committee decided to reject the application. The reasons were:

- “(a) the “Government, Institution or Community” (“G/IC”) zone is intended primarily for the provision of Government, institution and community (GIC) facilities serving the needs of the local residents as well as the general public. The proposed development, which is predominantly for non-GIC use, is considered not in line with the planning intention of the “G/IC” zone. No strong planning justification has been given to justify the deviation from the planning intention; and
- (b) approval of the application would set an undesirable precedent for similar applications within the “G/IC” zone on the Outline Zoning Plan. The cumulative impact of approving such similar applications would affect the land available for GIC use.”

[The Chairman thanked Mr David C.M. Lam, DPO/TMYLW, Miss Stella Y. Ng and Ms Bonita K.K. Ho, STPs/TMYLW and Mr Edmond S.P. Chiu, TP/TMYLW for their attendance to answer Members’ enquiries. They left the meeting at this point.]

Agenda Item 51

Any Other Business

230. There being no other business, the meeting closed at 7:00 p.m..