

TOWN PLANNING BOARD

Minutes of 567th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 28.10.2016

Present

Director of Planning
Mr K.K. Ling

Chairman

Professor K.C. Chau

Ms Janice W.M. Lai

Mr H.F. Leung

Dr F.C. Chan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr C.H. Hau

Mr Stephen L.H. Liu

Miss Winnie W.M. Ng

Chief Traffic Engineer/New Territories West,
Transport Department
Mr Samson S.S. Lam

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

Principal Environmental Protection Officer (Strategic Assessment),
Environmental Protection Department
Mr Johnson M.K. Wong

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

Mr Ivan C.S. Fu

Ms Christina M. Lee

Mr Alex T.H. Lai

Dr Lawrence K.C. Li

In Attendance

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

Chief Town Planner/Town Planning Board
Ms Doris S.Y. Ting

Town Planner/Town Planning Board
Ms Anita M.Y. Wong

Agenda Item 1

Confirmation of the Draft Minutes of the 566th RNTPC Meeting held on 14.10.2016

[Open Meeting]

1. The draft minutes of the 566th RNTPC meeting held on 14.10.2016 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

(i) Amendment to the Confirmed Minutes of 561st RNTPC Meeting held on 29.7.2016

2. The Secretary reported that a typographical error of the validity date was spotted on page 73 of the confirmed minutes of the RNTPC meeting held on 29.7.2016. A page showing the proposed amendment to the minutes was tabled at the meeting. The Committee agreed to the rectification of the confirmed minutes to reflect that the temporary planning approval given to application No. A/YL-PS/521 should be valid for a period of 3 years until 29.7.2019, instead of 13.7.2019. The applicant would be notified of the rectification accordingly and the amended minutes would be uploaded to the Town Planning Board website.

(ii) Request for Access to Information from a Member of the Public

3. The Secretary reported that since August 2016, a member of the public had sent a number of emails to the Secretariat of Town Planning Board (the Board) claiming that the Board had a marked change in its policy in considering the Small House applications in “Agriculture” and “Green Belt” zones in that the recent applications were almost unanimously approved, and requested the Secretariat to provide justifications.

4. The Secretariat had replied that member of the public three times on the subject matter stating that the Board considered each application based on relevant planning

considerations and its individual merits, and also pointed out that there were cases rejected by the Board. Despite of the replies, that member of the public had sent another email to the Secretariat, the Chairman and the Director of Planning on 15.10.2016 repeating her views that the Board had changed its policy in consideration of such applications. The email and the Secretariat's previous reply were displayed on the visualiser for Members' information. The Committee noted the emails from that member of the public and the Secretariat's previous replies, and agreed that the Secretariat would reply that member of the public direct reiterating its previous response.

Sai Kung and Islands District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/I-CC/6 Further Consideration of Application for Amendment to the Approved Cheung Chau Outline Zoning Plan No. S/I-CC/7, 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, New Territories
(RNTPC Paper No. Y/I-CC/6A)

5. The Secretary reported that the application was submitted by Corona Land Company Limited, which was a subsidiary of Hongkong Land Limited (Hongkong Land) with Landes Limited (Landes) as one of the consultants of the applicant. The following Members had declared interests in this item:

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

Mr Ivan C.S. Fu
Ms Janice W.M. Lai

} having current business dealings with Landes.

6. The Committee noted that Mr Ivan C.S. Fu had tendered apology for being unable to attend the meeting and Ms Janice W.M. Lai had not yet arrived to join the meeting. As the interest of Mr Stephen L.H. Liu was direct, the Committee agreed that he should be invited to leave the meeting temporarily for this item.

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

7. The following representatives from the Planning Department (PlanD) and the representatives of the applicant 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 Edwin Ng
Mr Kim Chan
Miss Esther Leung
Mr Ted Lam

} Applicant's representatives

Presentation and Question Sessions

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

The Proposal and Background

(a) the applicant proposed to rezone the application site (the Site) (about

2,154m²) from “Residential (Group C) 5” (“R(C)5”) to “R(C)8” with proposed plot ratio (PR) of 0.8, site coverage (SC) of 40% and building height (BH) of 3 storeys on the approved Cheung Chau Outline Zoning Plan (OZP) No. S/I-CC/7 to facilitate a private residential development comprised of six houses;

- (b) during the consideration of the application on 22.4.2016, the Committee noted that 74 trees were proposed to compensate the loss of 74 trees. However, Members raised concerns on the proposed tree compensation in terms of landscape quality and how to ensure implementation of the tree compensation proposal. Members generally considered that tree preservation for the Site was necessary and the tree preservation and landscape proposal submitted by the applicant was insufficient to address their concerns. After deliberation, the Committee decided to defer making a decision on the application pending submission of further information by the applicant to provide more detailed information on tree compensation to address Members’ concern;

Further Information

- (c) the applicant submitted further information (FI) to provide more detailed information on the proposed tree compensation scheme, which listed out principal pre-requisite design considerations in formulating a Landscape Master Plan, including (a) sufficiency of tree growth spacing; (b) promotion of native tree species; (c) feasibility of delivering new trees to the site; (d) growing conditions for new trees; and (e) requirement for human activities;
- (d) according to the applicant, there were two possible ways to address Members’ concern on the Diameter at Breast Height (DBH) compensation ratio, either by increasing the number of compensatory trees, or to increase the size of compensatory trees by means of DBH. Two other tree compensation schemes (Schemes B and C) were prepared to compare with the original tree compensation scheme (Scheme A), which was set out in paragraph 2.4 of the Paper. Scheme A comprised of 74 compensatory trees

with DBH of 100mm. Scheme B comprised of 85 compensatory trees (+11 trees) with DBH of 110mm while Scheme C comprised of 98 compensatory trees (+24 trees) with DBH of 130mm. However, the applicant considered that Schemes B and C proposed were technically not feasible for reasons of difficulties in delivery, impede pedestrian circulation and in conflict with passive recreational activities or severely affect sunlight penetration and wind permeability, and severe pruning would be required for delivery;

- (e) the applicant considered that the original scheme (i.e. Scheme A) to be the most preferable scheme for the Site, which had taken into account all fundamental pre-requisite requirements for planting new trees and all technical challenges related to the delivery of trees under difficult site condition. Should the Committee consider that additional trees must be provided, the applicant had no objection to add three new trees (i.e. Scheme D), but the undesirable planting locations of those trees would impose undesirable visual impact on future residents;

Departmental Comments

- (f) the Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD was consulted on the FI and had no adverse comment on the application as all proposed tree compensation schemes showed that it was feasible to provide a minimum 1:1 compensation ratio in quantity. As a rezoning application, the quantity of trees to be removed and the compensatory tree planting were preliminary. To ensure optimal compensation ratio, the best way was to make use of prevailing control on tree removal and compensation for private development. A tree preservation clause in land lease was crucial and should be considered such that the applicant would need to demonstrate tree removal was genuinely necessary, supplemented by adequate compensatory tree plantings;

Public Comments

- (g) during the statutory publication period, no public comment was received;

PlanD's View

- (h) having regard to the FI provided by the applicant, PlanD maintained its view of having no objection to the proposed rezoning based on the assessments set out in paragraph 4 of the Paper, which were summarised as follows:
 - (i) CTP/UD&L, PlanD had no adverse comment on the application from the landscape planning point of view and considered that to ensure optimal compensation ratio, the best way was to make use of prevailing control on tree removal and compensation for private development. Hence a tree preservation clause in land lease was crucial. It was noted that land exchange would be required for the proposed development where normally there would be tree preservation and landscaping clauses in the new lease; and
 - (ii) relevant government departments had no objection to or no adverse comment on the application, and there was no public comment on the application. In view that the Site was not at a prominent viewing location, the low-rise, low density nature of the proposed residential development, and the feasibility of providing landscape mitigation matters, development based on the proposed development restrictions was considered not incompatible with the existing environment and landscape characters of the surrounding area.

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

9. The Chairman then invited the applicant's representatives to elaborate on the application. Mr Kim Chan said that the applicant had submitted FI to address Members' concern on the DBH compensation ratio of the tree compensation scheme. The applicant would also like to elaborate more on the rationale of devising and recommending the original tree compensation scheme.

10. With the aid of a PowerPoint presentation, Mr Ted Lam made the following main

points:

- (a) DBH was defined as the diameter of the tree trunk measured from 1.3m above the ground;
- (b) in the overall landscape planning and design of a proposed development, considerations like how to increase diversity of tree species and how to enhance greening effect had to be taken into account. Moreover, different DBH compensation ratio would be adopted for different site taking into account of site constraints;
- (c) there were five principal pre-requisite design considerations in formulating a landscape master plan, including tree preservation and compensation scheme. They were:
 - (i) sufficiency of tree growth spacing – according to Development Bureau’s (DEVB) guidelines on proper planting practice, adequate spacing between trees must be provided regardless whether they were retained trees, transplanted trees or newly planted trees. For the proposed development, a planting space of 4m between each new tree was proposed to fulfil DEVB’s guidelines. Should inadequate spacing be provided, it would lead to poor health and structure of trees in the long run;
 - (ii) promotion of native tree species – in selecting tree species for any development site, a fundamental principle of “right species at right place” should be followed. As the Site was located on a hill slope, priority would be given to selecting native tree species such as *Celtis sinensis* (朴樹), *Cinnamomum camphora* (樟), *Liquidambar formosana* (楓香) and *Schima superba* (木荷) in order to maintain the existing ecological environment;
 - (iii) feasibility of delivering new trees to the site – the Site was located on the hill slope of Cheung Chau, about 1.3km away from the Cheung

Chau Ferry Pier. There was no vehicular access to the Site, thus delivery of new trees would have to rely on the existing sloping, winding and narrow tracks with widths ranging from 1.3m to 1.6m and steep gradient up to a maximum of 24 degrees. In view of the existing narrow track leading to the Site, it was estimated that pruning of about 29% and 41.8% would be required for trees with DBH of 110mm and 130mm respectively before delivery. That would not be acceptable as it contravened DEVB's guideline on maximum tree pruning ratio of not exceeding 25% of the original crown. Moreover, it was also not technically feasible to transport those trees with DBH exceeding 100mm having regard to their height, weight and crown size by any of the three tree transportation methods feasible on Cheung Chau (i.e. by pickup truck, bamboo post or flat platform trolley). In view of the above considerations and the need to achieve maximum greening effect within a short time, only trees with DBH of 100mm could be selected for tree compensation at the Site;

- (iv) growing conditions of new trees – adequate space should be provided for tree growth. It was more preferable to plant trees in at-grade planting beds rather than on-slab planters as it would allow new trees to establish a healthy root system to ensure healthy growth and stability. Sufficient space should also be provided above ground to allow the maturity of the tree and avoid imbalance tree form. The optimal separation distance from nearby building was minimum 2m;
 - (v) requirement for human activities – the location of the proposed new trees should not impede normal pedestrian circulation. A 1.5m-wide unobstructed footpath should be provided. Moreover, reasonable amount of open space should be provided for residents' enjoyment;
- (d) all of the above principal pre-requisite design considerations were reflected in the original tree compensation scheme (i.e. Scheme A) to achieve the optimal greening effect. Under Scheme A, majority of the open area was already planted with new trees. Spatial requirement for trees had been duly

taken into account to avoid overlapping in coverage. However, the two other schemes were either defective or infeasible. For Scheme B, the location of the additional new trees which would obstruct normal pedestrian circulation was undesirable and unacceptable. For Scheme C, which was prepared to demonstrate a DBH compensation ratio of 1:1, the planting of additional new trees would affect sunlight penetration and wind permeability to the Site as some of the proposed new trees would be planted at the roof of each house;

- (e) having assessed the 3 tree compensation schemes, Scheme A was the most preferable and ideal scheme for the Site as it would be able to provide a quantity compensation ratio of 1:1; achieve most balanced use of land for planting of new trees and residents' enjoyment; minimal pruning was required for delivery requirement; achieved most desirable tree spacing; meet the principal pre-requisite design considerations; and achieve immediate greening effect; and
- (f) while DBH compensation ratio would depend on the site situation, a ratio of less than 1:1 would normally be considered acceptable by government departments. Should Members considered that additional trees must be provided at the Site, the applicant had no objection to add 3 additional trees at the Site which would then increase the DBH compensation ratio from 1:0.59 to 1:0.61. However, it would lead to undesirable visual effect and would also obstruct normal pedestrian circulation at the proposed development.

11. Mr Kim Chan supplemented that CTP/UD&L, PlanD had no adverse comment on the FI and had no further comment on the application. Hence, the original Scheme A was considered reasonable and acceptable from landscape planning point of view.

12. A Member asked what species of large trees were found within the Site and its surrounding. In response, Mr Ted Lam, with reference to a tree survey plan, said that the existing tree cluster at the eastern part of the Site was *Leucaena leucocephala* (銀合歡) while other larger trees in the vicinity of the Site were mainly common hill side species such as

Cinnamomum camphora (樟).

13. The same Member asked whether consideration had been given to planting smaller trees instead of heavy standard trees since the Site was located on a hill and prone to strong wind. The proposal of planting heavy standard trees for the sake of increasing the DBH compensation ratio might not be the most desirable. In response, Mr Ted Lam concurred with the Member's view and said that the tree species to be planted and the landscape proposal for the Site would be subject to change taking into account the comments of relevant government departments at the detailed design stage. In response to the same Member's question on the selection of tree species for compensation, Mr Ted Lam said that in selecting tree species for compensation, a balance among various factors such as the site context, the growth rate and supply of different tree species, their greening effect and aesthetic value had to be struck.

14. A Member asked whether consideration had been given to adjusting the layout of the proposed development to improve the tree compensation proposal. In response, Mr Ted Lam said that the current application was a s.12A application, the layout of the proposed development would be subject to detailed design and the tree preservation and landscape proposal would be submitted to Lands Department (LandsD) and Architectural Services Department (ArchSD) for approval. Concerned departments would use the same set of technical guidelines in tree preservation and compensation currently adopted by the applicant in vetting the tree preservation and landscape proposal.

15. Noting that the site was located on a slope, a Member considered that it was more ideal to plant trees in clusters instead of on individual basis. This Member asked whether the proposed location of new trees was within the private gardens of the proposed houses. In response, Mr Ted Lam replied in the affirmative. The same Member went on to ask about the soil type for planting of the trees. Mr Ted Lam said that upon completion of the site formation works a layer of 600mm good soil would be laid above ground over those proposed planting area. Moreover, a tree pit of 1.2m (L) x 1.2m (W) x 1.2 (H) would be dug for planting of trees and be filled with good planting soil. In response to the same Member's further question, Mr Ted Lam said that ArchSD had promulgated some general specifications on the composition of good soil. The landscape contractor would also be required to provide soil tests for approval.

16. Mr Kim Chan supplemented that the current application was a rezoning application and that the landscape and tree preservation proposal submitted in support of the application was preliminary in nature. Tree felling and tree compensation proposal for the Site would be submitted to LandsD for comment and approval at the detail designed stage.

17. 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

18. The Chairman said that it was a further consideration of the rezoning application as the applicant had been requested to provide additional information to address Members' concern on tree compensation raised at the previous meeting. He then requested the Secretary to recapitulate the background of the current rezoning application. The Secretary said that current application was a s.12A application where the applicant sought to rezone the Site from "R(C)5" to "R(C)8" which mainly involved increase in development restrictions. During consideration of the application on 22.4.2016, Members generally considered that the development restrictions proposed by the applicant was acceptable as they were largely compatible with those of the surrounding developments. While noting that the Site could be used for residential development even without the rezoning and that a landscape clause would be imposed in the future land lease subject to the scrutiny by relevant government departments, Members still considered that tree preservation for the Site was necessary and the applicant should provide more detailed information on tree compensation to address their concerns. Consideration of the application was therefore deferred pending applicant's submission of FI.

19. A Member considered that while Scheme A was acceptable due to the technical difficulty in tree transportation in Cheung Chau, the overall landscape design and tree compensation proposal in terms of design, compensatory tree species and location of tree

planting should be improved. This Member remarked that the existing soil specifications were not ideal as the proportion of soil components was too flexible. Moreover, having regard to the soil quality of Cheung Chau, it might be better for smaller trees or hedges to be planted in the Site.

20. Another Member shared the same view and said that different species of trees would have a different DBH to tree crown ratio. This Member had no objection to the application, but considered that the applicant should be reminded to carefully review the appropriate species for tree compensation at the detailed design stage.

21. The Chairman concluded that Members generally had no in-principle objection to the rezoning application. The Committee noted that a landscape clause would be included in the new lease and the applicant would be required to submit the landscape proposal to relevant government departments for approval. Members' views on the landscape and tree preservation proposal for the Site should be duly taken into account by concerned departments in vetting the landscape submission in future.

22. After further deliberation, the Committee decided to agree to the application, the Chief Executive in Council would be requested to refer the approved Cheung Chau Outline Zoning Plan (OZP) No. S/I-CC/7 to the Board for amendment. An amendment to the approved OZP would be submitted to the Committee for approval prior to gazetting under the provisions of the Ordinance.

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

Sha Tin, Tai Po and North District

Agenda Item 4

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/NE-TK/16 Application for Amendment to the Approved Ting Kok Outline Zoning Plan No. S/NE-TK/19, To rezone the application site from “Green Belt” to “Village Type Development”, Government land adjoining Lots 242, 243 and 248 in D.D. 27, Sha Lan Village, Shuen Wan, Tai Po, New Territories

(RNTPC Paper No. Y/NE-TK/16)

23. The Committee noted that replacement pages (pages 3 and 4 of the Paper) incorporating revisions to paragraphs 6.1(b) and 8.1.1(c) of the Paper were tabled at the meeting. The Committee also noted that the applicant had indicated that he would not attend the meeting.

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

Mr C.K. Soh - District Planning Officer/Shu Tin, Tai Po and North (DPO/STN); and

Mr P.Y. Yung - Senior Town Planner/Shu Tin, Tai Po and North (STP/STN)

Presentation and Question Sessions

25. With the aid of a PowerPoint presentation, Mr C.K. Soh, DPO/STN, presented the application and covered the following aspects as detailed in the Paper:

The Proposal

- (a) the application was to rezone the application site (the Site) (about 210m²) from “Green Belt” (“GB”) to “Village Type Development” (“V”) on the approved Ting Kok Outline Zoning Plan (OZP) to facilitate the development of two proposed Small Houses;

Justifications from the Applicant

- (b) the justifications put forth by the applicant in support of the application were set out in paragraph 2 of the Paper;

The Site

- (c) the Site was located at the foothill of a wooded slope at the western fringe of Sha Lan which formed part of the well vegetated “GB” zone. It fell entirely within the village ‘environs’ (‘VE’) of Shuen Wan Sha Lan near several village houses and was not accessible by vehicle. The surrounding areas were predominantly rural in character with the village proper of a few villages concentrated on areas to the east and further south of the Site;
- (d) the Site was the subject of three previous s.16 planning applications (No. A/NE-TK/502, 507 and 508) for Small House developments. All the applications were rejected by the Committee or by the Town Planning Board (the Board) on review in 2014 mainly on the grounds of being not in line with the planning intention of “GB” zone, not complying with Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ (TPB PG-No. 10) and the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories (Interim Criteria), and encourage similar applications, the cumulative impact would result in general degradation of the environmental and landscape quality of the area;

- (e) there was no similar s.12A application in the same “GB” zone. However, there were 15 s.16 applications for Small House development in the same “GB” zone. Of which 10 were rejected on similar grounds as set out above and 5 were approved mainly on consideration that there was a general shortage of land in meeting the Small House demand, and no adverse environmental impact to the surrounding area;

Departmental Comments

- (f) departmental comments were set out in paragraph 8 of the Paper, which were summarised as follows:
 - (i) the Commissioner for Transport had reservation on the application as such type of development should be confined within the “V” zone on the OZP as far as possible. Although additional traffic generated by the proposed development was not expected to be significant, such type of development outside the approved “V” zone, if permitted, would set an undesirable precedent for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial. Notwithstanding, the current application could be tolerated as it only involved construction of two Small Houses;
 - (ii) the Chief Town Planner/Urban Design and Landscape, PlanD objected to the application from landscape planning point of view as it was likely that the proposed development would unavoidably require slope cutting, foundation works, site formation, vegetation clearance and tree removal, which might affect an area larger than the site. Significant adverse impacts on existing landscape resources were highly anticipated, yet the applicant had not provided information to demonstrate that the adverse impacts could be mitigated. Approval of the application would set an undesirable precedent to other similar applications in the area resulting in urban sprawl and degradation of existing landscape resources;

- (iii) other relevant departments had no objection to or no adverse comment on the application;

Public Comments

- (g) during the first three weeks of the statutory publication periods, 47 comments were received from Kadoorie Farm and Botanic Garden Corporation, Chairman of Sha Lan Villas Committee, a consultancy company representing 18 owners of Sha Lan Villas and individual members of the public. They objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of “GB” zone, TPB-PG No. 10 and the Interim Criteria in that the proposed rezoning would cause adverse impacts on slope stability, general degradation of the environmental, natural landscape resources and the living quality of the area;

PlanD's Views

- (h) PlanD did not support the application based on the assessments set out in paragraph 10 of the Paper, which were summarised as follows:
 - (i) the Site was located at the foothill of a wooded slope at the western fringe of Sha Lan which formed part of a well vegetated “GB” zone. There was a general presumption against development within this zone. The concerned “GB” zone served as a natural buffer among the village settlements. Approval of the rezoning application would result in encroachment of Small House developments onto the well vegetated slope and undermine the function and integrity of the “GB” zone;
 - (ii) young and mature trees in good condition were found within the Site. Small House developments associated with the current rezoning to “V” would unavoidably require slope cutting, foundation works, site formation, vegetation clearance and tree removal, which might affect

an area larger than the Site. In this regard, CTP/UD&L, PlanD objected to the application as significant adverse impacts on existing landscape resources was anticipated;

- (iii) C for T had reservation on the rezoning application as it would set an undesirable precedent for similar applications and the resulting cumulative adverse traffic impact could be substantial;
- (iv) although land available within the “V” zone of the concerned villages could not fully meet the 10-year Small House demand forecast, there was still sufficient land available to meet the outstanding Small House applications. Moreover, there was provision for Small House development in “GB” zone under the planning permission system and each case would be considered by the Board on individual merits;
- (v) the Site was the subject of three previous applications for Small House development rejected by the Committee or the Board on review. While there was no similar s.12A application, there were 15 applications for Small House development in the subject “GB” zone, some were located in the immediate vicinity of the site. Ten of those applications were rejected for being not in line with the planning intention and not complying with TPB PG-No. 10 and the Interim Criteria. For the 5 approved applications, they were partly located within “V” zone and at a distance from the natural hillsides thus were not expected to have significant landscape impact on the surrounding areas; and
- (vi) there were public comments objecting to the application.

26. As the applicant did not attend the meeting and there were no questions from Members, the Chairman said that the hearing procedure for the application had been completed and the Committee would deliberate on the application. He thanked PlanD’s representatives for attending the meeting. Mr C.K. Soh, DPO/STN and Mr P.Y. Yung, STP/STN left the meeting at this point.

Deliberation Session

27. The Committee noted that the Site formed part of a well vegetated “GB” zone and land was still available within the “V” zone of the concerned villages to meet the Small House demand.

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

- “(a) the Site forms part of a well vegetated hill slope in the “Green Belt” (“GB”) zone. The current zoning of “GB” on the Outline Zoning Plan was considered an appropriate zoning 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 no strong justifications for the proposed rezoning of the Site from “GB” to “Village Type Development” (“V”). The approval of the rezoning application will result in encroachment of Small House developments onto the well vegetated area and undermine the function and integrity of the “GB” zone;
- (b) the applicant fails to demonstrate that the proposed development would not have adverse landscape impacts on the surrounding area;
- (c) approval of the application would set an undesirable precedent for similar applications. The cumulative effect would result in encroachment of the “GB” zone by development and cause adverse landscape and traffic impacts in the area; and
- (d) land is still available within the “V” zone of Shuen Wan Sha Lan, Chim Uk, Chan Uk and Lei Uk 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 5

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/TP/24 Application for Amendment to the Draft Tai Po Outline Zoning Plan No. S/TP/25, To rezone the application site from “Residential (Group C)” to “Residential (Group C) 11”, Various lots in D.D. 34 and 36 and Adjoining Government land, Tsiu Hang, Tai Po, New Territories (RNTPC Paper No. Y/TP/24)

29. The Committee noted that replacement pages (pages 13 and 14 and Appendix III of the Paper) had been dispatched to Members before the meeting. The Committee also noted that the applicant had indicated that he would not attend the meeting.

30. The Secretary reported that the application was submitted by Ford World Development Limited, which was a subsidiary of Henderson Land Development Company Limited (HLD) with AECOM Asia Company Limited (AECOM) and LWK & Partners Architect Limited (LWK) as two of the consultants of the applicant. The following Members had declared interests in this item:

- Mr Ivan C.S. Fu - being the Director of LWK and having current business dealings with HLD and AECOM;

- Ms Janice W.M. Lai - having current business dealings with HLD and AECOM;

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

- Dr C.H. Hau - having current business dealings with AECOM;

- Mr H.W. Cheung - owning a flat in Tai Po Market, Heung Sze Wui Street;

- Professor K.C. Chau - being an employee of the Chinese University of Hong Kong which received a donation from a family member of the Chairman of HLD before;
- Mr H.F. Leung - being an employee of the University of Hong Kong which received a donation from a family member of the Chairman of HLD before;
- Ms Christina M. Lee - being the Secretary-General of the Hong Kong Metropolitan Sports Events Association which has solicited sponsorship from HLD before;
- Mr Peter K.T. Yuen - being a member of the Board of Governors of the Hong Kong Arts Centre which received a donation from an Executive Director of HLD before; and
- Dr Lawrence K.C. Li - being the Treasurer of the Hong Kong Polytechnic University which had obtained sponsorship from HLD before.

31. The Committee noted that Mr H. W. Cheung, Mr Ivan C.S. Fu, Ms Christina M. Lee and Dr Lawrence K.C. Li had tendered apologies for being unable to attend the meeting. As the interests of Ms Janice W.M. Lai and Mr Stephen L.H. Liu were direct, the Committee agreed they should be invited to leave the meeting temporarily for the item. As the interests of Dr C.H. Hau, Professor K.C. Chau, Mr H.F. Leung and Mr Peter K.T. Yuen were indirect, the Committee agreed that they could stay in the meeting.

[Ms Janice W.M. Lai and Mr Stephen L.H. Liu left the meeting temporarily at this point.]

Presentation and Question Sessions

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

Mr C.K. Soh - District Planning Officer/Shu Tin, Tai Po and North (DPO/STN); and

Mr P.Y. Yung - Senior Town Planner/Shu Tin, Tai Po and North (STP/STN)

33. With the aid of a PowerPoint presentation, Mr C.K. Soh, DPO/STN, presented the application and covered the following aspects as detailed in the Paper:

The Proposal

- (a) the applicant proposed to rezone the application site (the Site), with an area of about 3.64ha (including 21,840m² of government land) from “Residential (Group C)” (“R(C)”) to “R(C)”11 on the draft Tai Po Outline Zoning Plan (OZP) No. S/TP/25 to facilitate a proposed residential development. The proposed “R(C)”11 zone would be subject to a maximum plot ratio (PR) of 1.2 and maximum building height (BH) of 48mPD, 55mPD and 65mPD. There was no change to the “R(C)” zoning of the Site on the approved Tai Po OZP No. S/TP/26 currently in force;
- (b) the Site was divided into two portions, with the northern portion being Site A and the southern portion being Site B. The applicant proposed to dedicate Site A (about 1.42ha comprising of about 12,140m² of government land and about 2,020m² private land) to the Government for disposal and retain Site B (about 2.22ha comprising of 9,700m² of government land and 12,580m² of private land) for its own development through land exchange. Site A would have a domestic gross floor area (GFA) of about 16,994m² for 289 flats, to be accommodated in four residential towers ranging from 12 to 14 storeys over one storey of basement car park (47.65mPD to 53.95mPD). Site B would have a domestic GFA of about 26,739m² for 506 flats, to be accommodated in five residential towers ranging from 9 to 13 storeys over electrical and mechanical floor/clubhouse/basement carpark (62.8mPD to 64mPD). The major proposed development parameters of the indicative residential scheme were set out in paragraph 1.2 of the Paper;

- (c) according to the applicant's submission, the proposed design layout with the provision of mitigation measures including building separations, building setback and open area would result in an improvement in air ventilation performance within and in the vicinity of the Site when compared with the OZP compliant scheme;
- (d) according to the tree survey, a total of 285 trees were proposed to be retained, 34 trees would be transplanted, 379 trees were proposed to be felled and 492 new trees would be planted within the Site;
- (e) to alleviate traffic noise impact, the separation between the domestic blocks and Tolo Highway had been maximised. Setback of buildings, self-protecting building design and arrangement, and architectural fins would be adopted for the proposed development;
- (f) detailed assessments on the aspects of traffic, engineering, environment, air ventilation, visual and landscape had been carried out for the proposed development. All concluded that there would be no adverse landscape, infrastructural, traffic, air ventilation, geotechnical or environmental impacts;

Departmental Comments

- (g) departmental comments were set out in paragraph 8 of the Paper. Relevant government departments had no objection to or no adverse comment on the application;

Public Comments

- (h) during the statutory publication periods, a total of 1,876 public comments were received, including 785 supporting comments, 1,090 objecting comments and one comment offering views. Amongst them, comments from the residents of Deerhill Bay, Providence Peak, a District Council

member, Designing Hong Kong Limited and the Village Representatives of Cheung Shue Tan Village and Tai Po Mei Village were received objecting to the application. The supporting and objecting views were set out in paragraph 9 of the Paper and summarised as follows:

Supporting Comments

- (i) the Site was appropriate to be developed into a medium-density medium-rise residential buildings;
- (ii) the proposed development was consistent with government policy initiative to increase flat supply and would make good use of abandoned land and precious land resources;
- (iii) the proposed development was compatible with the existing neighbouring uses and would not result in any adverse landscape, infrastructural, traffic, air ventilation or environmental impact;

Objecting Comments

- (iv) the proposed development would result in excessive PR and would be incompatible with the low-rise low-density residential development in the surrounding areas;
- (v) the proposed development was bulky and out of scale with the neighbouring developments, would involve immense vegetation clearance and tree felling, and would cause adverse visual, traffic, ecological and environmental impacts on the area;
- (vi) the proposed development would affect the view of Deerhill Bay;
- (vii) there was insufficient traffic infrastructures and supporting facilities;
- (viii) the Site comprised of large portion of government land, which should

not be offered to private developers without going through land sale or tendering procedures. That might create the “transfer of benefit” and “conflict of interest”;

- (ix) the *feng shui* of Cheung Shue Tan and Tai Po Mei would be adversely affected;
- (x) setting of an undesirable precedent;

PlanD's Views

- (i) PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper, which were summarised as follows:
 - (i) in terms of local characteristics and development intensity, the “R(C)” zone was intended primarily for low-rise, low-density residential developments. The permitted PR for “R(C)” zone under the OZP ranged from 0.4 to 1.5 and maximum BH from 4 to 12 storeys (over 3 storeys of car park). According to the overall BH concept for the Tai Po area, the Site was situated within the Urban Fringe sub-area where low to medium-rise developments between 4 to 15 storeys would be appropriate. The proposed BHs of 9 to 14 storeys for the proposed development was in line with the BH concept for this sub-area and compatible with other residential development in the surrounding area;
 - (ii) on land utilisation and policy aspect, the 2014 Policy Address had announced that for the low density zone with PR of less than 1, consideration could be given to increase the PR by 100% subject to confirmation of traffic and infrastructural capacities and no adverse impact on local characteristics and the surrounding environment. The proposed increase in development intensity to a PR of 1.2 was in line with the Policy Address and the Government’s initiative to increase housing supply;

- (iii) in terms of land use compatibility, the Site was situated within a low-density residential neighbourhood. The adjacent residential developments were predominantly low to medium rise buildings with a maximum BH of 12 storeys to its west at a higher level. The proposed development was considered not incompatible with the surrounding land use context;
- (iv) on urban design and visual impact, the proposed maximum BH restriction would create an additional step for the current height profile in the locality. The slightly adverse visual impact from cycle track along Pok Yin Road was considered tolerable;
- (v) with proposed mitigation and design measures, the proposed development would have no adverse traffic, environmental, drainage, sewerage, landscape, visual and air ventilation impacts. Relevant government departments had no adverse comment on the technical assessments and proposed residential development; and
- (vi) for planning control on the future development, the applicant owned about 30% of the Site while the other 10% and 60% were owned by others and the Government respectively. A land exchange was required for implementation of the development proposal and appropriate development controls such as submission of Master Layout Plan, Master Landscape Plan and quantitative air ventilation assessment, where necessary, could be imposed in the lease conditions. Piecemeal development of individual private lots was unlikely as they were generally located on sloping ground and without vehicular access.

Visual Impact

34. A Member asked DPO/STN to elaborate on the slight adverse visual impact of the proposed development when viewed from Pak Shek Kok. With the aid of a photomontage, Mr Soh said that when viewed from the cycle track at Pok Yin Road, the

proposed development at Site B was visually compatible with those medium-rise residential developments at Deerhill Bay on the upper slope where a distinct BH profile could be seen. On the other hand, although the BH of the proposed development of Site A was lower than the development platforms of Deerhill Bay, its visual compatibility with the low-rise house developments of Deerhill Bay behind it was less desirable as the stepped BH profile so created was less pronounced. Nevertheless, the slight adverse visual impact was considered tolerable given its transient nature mainly affecting cyclists or drivers.

35. A Member asked whether the same visual impact would result when viewed from the private residential developments at Pak Shek Kok. In response, Mr Soh replied in the affirmative, but supplemented that in selecting vantage points for assessing visual impact, only locations that were accessible and frequented by the public would be selected. In general, private views would not be taken into account in the visual assessment.

Development Intensity

36. In response to the Chairman's enquiry on the development restrictions for Deerhill Bay and Pak Shek Kok area and whether they were compatible with the current proposal, Mr Soh explained with the aid of Plan Z-2a of the Paper that Deerhill Bay, which was zoned "R(C)5" on the OZP, had a relatively low development intensity with PR of 0.32 in view of its large site area. In terms of BH, the northern part of Deerhill Bay was occupied by houses of 3 storeys in height while the southern part was occupied by developments of 12 storeys over 3 storeys of car park. To the west of Deerhill Bay were some schools of about 8 storeys high. To the north of Deerhill Bay were two low-rise low-density residential developments, each with a PR of about 0.4 and BH of 4 storeys. At the Pak Shek Kok area, the private residential developments had a PR of about 3 and 3.5 and a BH of 30m to 45m. The proposed BHs under the current application were generally compatible with those of the surrounding developments and a stepped BH profile descending from the hill slope towards the waterfront area would be maintained.

37. A Member asked whether the BH of Site A as shown in the indicative scheme had been maximised in accordance with the development restrictions of the proposed "R(C)11" zone. In response, Mr Soh said that the maximum BH for Site A as proposed under "R(C)11" was 55mPD. The applicant had proposed a stepped BH profile ranging

from 55mPD at the southern part to 48mPD at the northern part. For Site B, a maximum BH of 65mPD was proposed having regard to the topography of the Site. Moreover, the proposed GFA for both Site A and Site B under the indicative scheme had already been developed up to the maximum PR proposed under “R(C)11” zone.

38. The same Member went on to ask whether the development scheme for Site A would be different should it be developed by another developer in future. Mr Soh explained that the current application was a rezoning application and the scheme submitted was indicative in nature aiming to demonstrate the feasibility of the proposed development parameters. As for the future development of Site A and/or Site B, the future developer would have to follow the development restrictions stipulated on the OZP. Moreover, in the land exchange process for Site B, the development restrictions to be imposed in land lease would have to make reference to the parameters proposed in the current application. For Site A, the Government would generally make reference to the indicative scheme proposed under the current application subject to the incorporation of other appropriate development/design restrictions into the Conditions of Sale.

39. Noting the government’s initiative to maximise the development potential of housing land at suitable location, a Member asked whether there was any guideline for assessing such increase in development intensity. The Chairman said that the 2014 Policy Address had announced that for the low density zone with PR of less than 1, consideration could be given to increase the PR by 100% subject to the acceptability in planning terms. Planning permission for such increase in development intensity was required and each application would be considered on its own merits. As the proposed increase in development intensity currently proposed were substantial, it could not be processed under s.16 application for minor relaxation of development restrictions. In response to the same Member’s question on how the benchmark of 100% increase in development intensity was derived, the Chairman said that based on PlanD’s previous analysis, it was considered that a 100% increase of PR in low density zones might be acceptable subject to confirmation of technical feasibility. Mr Soh supplemented that PlanD had also previously proposed to relax the development intensity of a housing site in Tai Po from 0.6 to 1.2. The relaxation was supported by technical assessments which demonstrated that such scale of increase would not have adverse impacts on the environment and was compatible with the local characteristics.

40. Noting that two BHs of 48mPD and 55mPD were proposed for Site A, a Member asked how the two BHs would be delineated on the OZP. In response, Mr Soh said that the applicant's delineation of the two BHs in Site A, which was based on its indicative scheme might not be most suitable. To allow more design flexibility for future developer, PlanD recommended that a maximum BH of 55mPD be stipulated for the entire Site A, and the requirement to adopt a stepped BH profile would be incorporated in the Explanatory Statement of the OZP and lease condition as appropriate.

Land Matters

41. A Member enquired about the mechanism of the land exchange and whether Site A would be developed by the applicant. In response, Mr Soh said that the applicant proposed to surrender the private lots in Site A to the Government in exchange for the government land in Site B. The applicant would also endeavour to acquire the private lots at Site B from other land owners. Should the land exchange proposal be agreed by the Government, Site A which entirely comprised of government land could be disposed by the Government upon completion of land exchange. In response to the same Member's questions on the proposed BH and disposal programme of Site A, Mr Soh said that the proposed BH for Site A as currently proposed was generally considered acceptable by PlanD. The disposal programme would depend on the timing for completion of land assembly and land exchange process by the applicant.

42. In response to a Member's question on the land exchange application of Site A, the Secretary said that the current application was a s.12A application where the applicant proposed to rezone the Site from "R(C)" to "R(C)11", in which the difference mainly involved increase in BH and PR. In support of the application, the applicant submitted an indicative scheme to demonstrate that the proposed BH and PR could be accommodated within the Site and that the proposal was feasible in all technical aspects. Should the Committee agree to the application, the OZP would be amended to rezone the Site to "R(C)11" with stipulation of PR and BH restrictions. If the proposal were to be implemented, there would be land administration matters to be dealt with such as consolidation of land ownership and surrendering of the private lots at Site A to the Government. The future disposal of Site A would have to comply with the statutory

development restrictions of the “R(C)11” zone under the OZP.

43. A Member remarked that while the applicant had proposed to surrender Site A to the Government for disposal by land exchange, given the site constraints of Site A, its land value might be lower as compared with Site B. The Chairman said that the assessment on land value and land exchange were land administration matters which was not a major consideration of the Committee.

Environmental and Ecological Aspect

44. Noting that Site A was located closer to Tolo Highway than Site B, a Member asked whether the development potential of Site A would be constrained by the adverse noise impact. In response, Mr Soh said that Site A was close to Tolo Highway and MTR East Rail Line. In support of this rezoning application, the applicant had conducted a noise impact assessment. As the northern part of Site A was densely vegetated and closer to the noise sources, the applicant proposed to concentrate the residential blocks at the central and southern portion of the Site to increase the separation distance. Moreover, mitigation measures including self-protecting building design, single aspect design and architectural fins were also proposed to minimise the adverse noise impact. With the implementation of the mitigation measures, the noise level of Site A could fully comply with the relevant standard set out by the Environmental Protection Department. It was anticipated that there would be no insurmountable noise impacts for Site A.

45. In response to a Member’s question, Mr Soh said that there were small natural streams within the Site. Noting that a public comment considered that an Ecological Impact Assessment (EcoIA) was necessary but the applicant had not done so, the same Member asked whether there would still be opportunity to require the applicant to conduct EcoIA if the application was approved. The Chairman said that the Site was already zoned “R(C)” on the OZP for residential development, the current application was to increase its development intensity. Mr Soh said that the requirement to conduct EcoIA could be incorporated into the lease during the land exchange stage should relevant government departments consider it necessary.

46. As the applicant did not attend the meeting and there were no more questions

from Members, the Chairman said that the hearing procedure for the application had been completed and the Committee would deliberate on the application. He thanked PlanD's representatives for attending the meeting. Mr C.K. Soh, DPO/STN and Mr P.Y. Yung, STP/STN left the meeting at this point.

Deliberation Session

47. Noting that the proposed rezoning would result in an increase in PR and BH and that part of the Site comprised of private lots, a Member asked whether payment of land premium would be required. In response, Mr Edwin W.K. Chan, Assistant Director/Regional 3, LandsD, said that nearly all the private lots within the Site were governed by Block Government Lease demised for agricultural use. Land exchange was required for implementation of the development proposal. The required land premium would be assessed based on the approved development parameters for the Site.

48. A Member noted that the Site was well vegetated and there were some quality tree species such as *Aquilaria sinensis* (土沉香) and *Alangium chinense* (八角楓) within the Site. Although the Site was already zoned "R(C)" on the OZP, this Member considered that an EcoIA should be conducted for the proposed development as the Site was located in proximity to the Tai Po Kau Nature Reserve and natural streams were found within the Site, and bird movements were recorded in the area. The ecological characteristics of the Site should be taken into account in the future design of the development. The Chairman said that the Member's concern on the need to conduct an EcoIA could be recorded which would be taken into account in the preparation of land lease in future where appropriate. Other requirements on tree survey, the preservation/compensation scheme as well as the landscape proposal would normally be incorporated into the lease.

49. After further deliberation, the Committee decided to agree to the application for rezoning the Site from "R(C)" to "R(C)11" with stipulation of PR and appropriate BH restrictions for the proposed residential development. The proposed amendments to the Outline Zoning Plan (OZP) would be submitted to the Committee for approval prior to gazetting under section 5 of the Town Planning Ordinance upon reference back of the OZP.

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

[Ms Janice W.M. Lai and Mr Stephen L.H. Liu returned to join the meeting at this point.]

Fanling, Sheung Shui and Yuen Long East District

Agenda Item 6

Section 12A Application

[Open Meeting]

Y/YL-PH/4 Application for Amendment to the Approved Pat Heung Outline Zoning Plan No. S/YL-PH/11, To rezone the application site from “Residential (Group D)” and an area shown as 'Road' to “Government, Institution or Community (1)”, Lots 111 and 116 to 119 in D.D. 108 and Adjoining Government Land, Fan Kam Road, Pat Heung, New Territories

(RNTPC Paper No. Y/YL-PH/4)

50. The Secretary reported that the application site was located in Pat Heung and Ove Arup & Partners Hong Kong Limited (ARUP) and WCWP International Limited (WCMP) were the consultants of the applicant. The following Members had declared interests in this item:

- Mr Ivan C.S. Fu - having current business dealings with Arup and WCWP;

- Mr Alex T.H. Lai - his firm having current business dealing with Arup; and

- Ms Janice W.M. Lai - her family member owning a property at Leung Uk Tsuen, Pat Heung.

51. The Committee noted that Mr Ivan C.S. Fu and Mr Alex T.H. Lai had tendered apologies for being unable to attend the meeting. As the property of Ms Janice W.M. Lai’s family member had no direct view of the application site, the Committee agreed that she

could stay in the meeting.

52. The Committee noted that the applicant requested on 13.10.2016 for deferment of the consideration of the application for two months so as 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.

53. 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.

Tuen Mun and Yuen Long West District

Agenda Item 7

Section 12A Application

[Open Meeting]

Y/YL-PS/3

Application for Amendment to the Approved Ping Shan Outline Zoning Plan No. S/YL-PS/16, To rezone the application site from "Green Belt" to "Industrial (Group D)", Lot 32 S.A RP (Part) in D.D. 127, Ping Shan, Yuen Long, New Territories
(RNTPC Paper No. Y/YL-PS/3)

54. The Secretary reported that RHL Surveyors Limited (RHL) was the consultant of the applicant. Mr H.F. Leung had declared an interest in this item as RHL had made

donation to the Department of Real Estate and Construction in the Faculty of Architecture of the University of Hong Kong, in which he was working. As Mr H.F. Leung's interest was indirect, the Committee agreed that he could stay in the meeting.

55. The Committee noted that the applicant requested on 18.10.2016 for deferment of the consideration of the application for two months so as to allow time for preparation of information for further submission. It was the first time that the applicant requested for deferment of the application.

56. 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 8

Section 12A Application

[Open Meeting]

Y/YL/10

Application for Amendment to the Approved Yuen Long Outline Zoning Plan No. S/YL/21, To rezone the application site from "Government, Institution or Community" to "Residential (Group A)1", Lots 2231 RP, 2232, 2233, 2235, 2236, 2237, 2238, 2239 (Part), 2240 (Part), 2241 (Part), 2296 (Part), 2297 (Part), 2300 (Part), 2302 (Part), 2303 (Part), 2304 RP, 2305 (Part), 2306 RP (Part) and 2497 RP(Part) in D.D. 120 and Adjoining Government Land, Yuen Long, New Territories

(RNTPC Paper No. Y/YL/10B)

57. The Secretary reported that Ove Arup and Partners Hong Kong Limited (Arup) and Ramboll Environ Hong Kong Limited (Environ) were two of the consultants of the applicant. The following Members had declared interest in this item:

Mr Ivan C.S. Fu - having current business dealings with Arup and Environ;

Ms Janice W.M. Lai - having current business dealings with Environ; and

Mr Alex T.H. Lai - his firm having current business dealing with Arup.

58. The Committee noted that Mr Ivan C.S. Fu and Mr Alex T.H. Lai had tendered apologies for being unable to attend the meeting. The Committee noted that the applicant had requested for deferment for consideration of the application and agreed that Ms Janice W.M. Lai could stay in the meeting as she had no involvement in the application.

59. The Committee noted that the applicant had requested on 13.10.2016 for deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the comments of relevant government departments. It was the third time the applicant had requested for deferment of the application. Since the last deferment, the applicant had submitted further information including new and revised visual impact assessments, a new traffic impact assessment and sewerage impact assessment and new and revised method statements for air ventilation assessment.

60. 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. Since it was the third deferment and a total of six months had been allowed for preparation of submission of further information, no further deferment would be granted unless under very special circumstances.

Sai Kung and Islands District

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

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HC/248 Temporary Film Studio for a Period of 3 Years in “Recreation” and “Green Belt” zones, Lots 287 (Part), 288 (Part), 289S.A, 289RP, 295, 299, 309(Part), 815(Part) and Adjoining Government land in D.D. 247, Ho Chung, Sai Kung, New Territories
(RNTPC Paper No. A/SK-HC/248C)

Presentation and Question Sessions

61. Mr William W.T. Wong, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the temporary film studio for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Relevant government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, 3 public comments were received. One comment from a District Council member supported the application as it could promote film industry and local production and creation. The remaining two comments from members of Village Affairs Committee of Ho Chung Village and an individual objected the application mainly on the grounds that the proposed development was not in line with the planning intention of the “Recreation” zone, would create noise and nuisance to the local residents, was used as storage area rather than a film studio, and would create adverse traffic impact on the area; and

- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments set out in paragraph 12 of the Paper. The current application was similar to the last approved application (No. A/SK-HC/224) for the same use submitted by the same applicant. The last approved application was revoked due to non-compliance with the approval condition on the implementation of water supplies for fire fighting and fire service installations (FSI) proposal. Despite this, the applicant had complied with all other approval conditions. In the current application, the applicant had submitted information to demonstrate the feasibility of the proposed fire fighting measures and the Director of Fire Services considered the current FSI proposal acceptable and had no objection to the application. Other concerned government departments had no objection to or no adverse comment on the application. In view of the past revocation records, a shorter compliance period was recommended to closely monitor the progress on compliance with approval conditions. Regarding the adverse public comments, the planning assessments above were relevant.

62. A Member asked how to ascertain that the site was used for film production and whether there was any record of productions. In response, Mr William W.T. Wong said that during site inspection, venues and facilities for filming purposes were found within the site and they were in operation. While there were no records of actual production, it was understood that the site was rented out for film shooting.

63. Noting that a public comment mentioned that the site was used as storage area rather than a film studio, a Member asked whether such storage use was permitted at the site. In response, Mr Wong said that temporary storage on the site would require planning permission from the Town Planning Board.

Deliberation Session

64. Noting that most of the films were not locally produced in Hong Kong nowadays, a Member was concerned on how to ensure that the site would be used as a film studio if the application was approved.

65. The Chairman drew Members' attention to the comments of the Lands Department (LandsD) as set out in paragraph 10.1 of the Paper. Since the private land within the site was agricultural lots held under Block Government Lease, a Short Term Waiver (STW) would be required. The Chairman enquired whether the applied use of the site would also be monitored by LandsD through the granting of STW. Mr Edwin W.K. Chan, Assistant Director/Regional 3, LandsD said that a STW was required to permit the erection of structure at the site. For the subject case, fees for the STW would be evaluated based on the approved use of film studio and such use would be specified in the STW.

66. Noting that in the last approved application, the Water Services Department (WSD) had approved the fire hydrant provision but could not provide suitable water pipe, a member wondered if water supply would be available in the current application. The Committee noted from the latest FSI proposal submitted by the applicant that apart from the fire hydrant proposed near the entrance of the site, fire hydrants would also be installed at individual film studio and the existing water tank could be used to provide water for the new fire hydrants. This FSI proposal was considered feasible and acceptable by D of FS.

67. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 28.10.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

“(a) no outdoor shooting and related activities from 11:00 p.m. to 7:00 a.m. are

allowed within the development during the approval period;

- (b) no use of pyrotechnic materials is allowed within the development at any time during the approval period;
- (c) no medium or heavy goods vehicles are allowed to enter the film studio at any time during the approval period;
- (d) the submission of water supplies for fire fighting and 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 28.1.2017;
- (e) in relation to (d) above, the implementation of water supplies for fire fighting and fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.4.2017;
- (f) the submission of tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 28.1.2017;
- (g) in relation to (f) above, the implementation of tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 28.4.2017;
- (h) the submission of detailed proposals to ensure no pollution would occur to the water gathering grounds within 3 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the TPB by 28.1.2017;
- (i) in relation to (h) above, the implementation of detailed proposals to ensure no pollution would occur to the water gathering grounds within 6 months from the date of planning approval to the satisfaction of the Director of

Water Supplies or of the TPB by 28.4.2017;

- (j) if any of the above planning conditions (a), (b) or (c) 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; and
- (k) if any of the above planning conditions (d), (e), (f), (g), (h) or (i) 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.”

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

Agenda Item 10

Section 16 Application

[Open Meeting]

A/SK-PK/231 Proposed 3 Houses (New Territories Exempted Houses - Small Houses) in “Green Belt” and “Recreation” and “Village Type Development” zones, Lots 490 S.A ss.1, 490 S.B, 491 S.D ss.1, 491 RP, 492 S.B ss.2, 492 S.E, 492 S.G, 588 S.C RP and 588 RP in D.D. 222, Pak Kong, Sai Kung, New Territories
(RNTPC Paper No. A/SK-PK/231)

69. The Committee noted that the applicant requested on 25.10.2016 for deferment of the consideration of the application for a period of one month so as 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.

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

73. The Committee noted that the applicant had requested on 19.10.2016 for deferment of the consideration of the application for a period of two months so as to allow time for preparation of further information to address the comments of relevant government departments. It was the first time that the applicant had requested for deferment of the application.

74. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. 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 12

Section 16 Application

[Open Meeting]

A/SK-SKT/16 Proposed 19 Houses and Minor Relaxation of Plot Ratio Restriction (from 0.75 to 0.756) in "Residential (Group E)2" and "Green Belt" zones, Lots 8 S.B, 9 S.A and 9 S.B in D.D. 212 and Adjoining Government Land, Hong Kin Road, Sai Kung, New Territories
(RNTPC Paper No. A/SK-SKT/16A)

75. The Secretary reported that the site was located in Sai Kung Town. Ms Janice W.M. Lai had declared interest in this item as her spouse owned a shop in Sai Kung Town. The Committee noted that the applicant had requested for deferment for consideration of the application and agreed that Ms Janice W.M. Lai could stay in the meeting as the shop owned by her spouse had no direct view of the site.

76. The Committee noted that the applicant had requested on 20.10.2016 for deferment of the consideration of the application for a period of two months so as to allow more time for preparation of further information to address the comments of relevant government departments. It was the second time the applicant had requested for deferment of the application.

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

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

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/587 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” zones, Lot 889 RP in
D.D. 19, She Shan Tsuen, Lam Tsuen, Tai Po, New Territories
(RNTPC Paper No. A/NE-LT/587)

Presentation and Question Sessions

78. Mr P.Y. Yung, STP/STN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background on the application;
- (b) the proposed house (New Territories Exempted House – Small House);
- (c) departmental comments – departmental comments are set out in paragraph 9 and Appendix II of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural development point of view as there were activities in the vicinity and the site had high potential for rehabilitation of agricultural activities. Other relevant government departments had no objection to or no adverse comments on the application;
- (d) during the statutory publication periods, 8 public comments were received. Seven comments from Indigenous Inhabitant Representative and Resident Representative of She Shan Village and individual members of the public raised objection to the application mainly on the grounds that the proposed development would block the existing footpath and affecting the maintenance service. The remaining comment from an individual member of the public proposed to restrict the site formation level of the proposed development to avoid adverse environmental impact; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone and DAFC did not support the application from the agricultural development point of view. The site was located at the southern fringe of She Shan Village with a very small portion, mainly private land, being used as a footpath. The applicant had undertaken to maintain the footpath accessible to public during and after the construction work. The proposed Small House was not incompatible with the surrounding area which was predominantly rural in character with a mix of village houses, active and fallow agricultural land and tree groups. The site fell within the upper indirect water gathering grounds and the applicant had undertaken to connect the proposed Small House to the planned public sewerage system. Concerned departments had no objection to or no adverse comment on the application. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House Development in New Territories, more than 50% of the footprint of the proposed Small House fell within the village ‘environs’ of She Shan Village. While land available within the “Village Type Development” (“V”) was insufficient to fully meet the future Small House demand, it could meet the outstanding Small House applications. The site was located adjacent to the existing village houses and only a very minor portion of footprint of the proposed Small House (about 4.8m, 7.4%) fell outside the “V” zone. The Committee had approved one similar application in the proximity to the site within the same “AGR” zone in 2011 as the proposed development was able to be connected to the planned sewerage system. Regarding the adverse public comment, the assessments above were relevant.

79. Noting that some objecting public comments raised that the proposed development would block the existing footpath and affect the maintenance of public utilities, a Member asked whether there were underground public utilities beneath the existing footpath. Mr P.Y. Yung replied in the affirmative and said that the concern on maintaining the existing footpath for public use and maintenance of underground facilities could be

tackled during the processing of Small House application by Lands Department.

80. The same Member went on to ask whether the proposed Small House would encroach onto the existing footpath. In response, Mr Yung said a small portion of the footpath would be blocked by the proposed Small House but the applicant had undertaken to maintain the remaining footpath with width of about 2.5ft for use by the local villagers and the public. In response to the Chairman's question on the width of the existing footpath, Mr Yung said that the narrowest part of the existing footpath was about 1m in width. While a small part of the proposed Small House would encroach onto the existing footpath, the applicant would maintain a footpath of about 2.5ft wide for public access.

Deliberation Session

81. To address Members and the public's concern on the blocking of the existing footpath, the Chairman suggested that an approval condition should be added to ensure the continued provision of the existing footpath, if the application was approved. In response to the Chairman's enquiry, Mr Edwin W.K. Chan, Assistant Director/Regional 3, Lands Department (LandsD) said that as the need to maintain the existing footpath open for public access was also a major concern of LandsD, such requirement would normally be included in granting the Small House application.

82. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 28.10.2020, 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) submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB;
- (c) 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; and

- (d) the existing footpath within the site should remain open for public access during and after construction of the proposed development, as proposed by the applicant, to the satisfaction of the Director of Lands or of the TPB.”

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

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/539 Proposed Temporary Open Storage (Construction Material) for a Period of 3 Years in “Agriculture” zone, Lots No. 1504 S.B, 1505, 1506, 1509 RP and 1510 RP in D.D. 76, Sha Tau Kok Road - Ma Mei Ha, Ta Kwu Ling, New Territories
(RNTPC Paper No. A/NE-TKL/539B)

Presentation and Question Sessions

84. 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 temporary open storage (construction material) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper, which were summarised as follows:

- (i) the Director of Environmental Protection (DEP) did not support the application as there were domestic structures in the vicinity of the site and environmental nuisance was expected;
 - (ii) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural development point of view as the site possessed good potential for agricultural rehabilitation;
 - (iii) other relevant government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, 5 public comments were received. One North District Council (NDC) member and the Chairman of Sheung Shui District Rural Committee had no comment on the application. Another NDC member commented that the traffic condition along Sha Tau Kok Road was busy and the applicant should undertake a traffic impact assessment for the proposed development. Kadoorie Farm and Botanic Garden Corporation and an individual member of the public objected to the application on the grounds that the proposed use was not in line with the planning intention of the “Agriculture” (“AGR”) zone, no strong planning justifications had been given, the development would general adverse impact on the surrounding environment, and would set an undesirable precedent. The District Officer (North) conveyed that the Indigenous Inhabitant Representative (IIR) and Resident Representative (RR) of Hung Leng, the RR of Leng Tsai, and the IIR and RR of Kan Tau Tsuen raised objection to the application mainly on the grounds that the proposed development would cause pollution, affect the tranquillity of the rural area, obstruct the traffic and threaten the health of the nearby residents. The Chairman of Fanling District Rural Committee, the incumbent NDC member and the IIR of Leng Tsai had no comment on the application; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessment set out in paragraph 12 of the Paper. The site fell within

Category 2 area under Town Planning Board Guidelines for ‘Application and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB-PG No. 13E). The proposed use was not in line with the planning intention of the “AGR” zone and DAFC did not support the application from agricultural development point of view. However, the site was situated in an area surrounded by similar open storage yards and warehouse/logistic centre uses, the proposed development was considered not incompatible with the surrounding land uses. Although DEP did not support the application, there was no environmental complaint received for the site in the past three years and relevant approval conditions restricting the operation hours, operation days and prohibiting workshop activities were recommended to address DEP’s concerns. Other concerned government departments had no objection to or no adverse comments on the application. The application generally complied with TPB PG-No. 13E in that there were no major adverse departmental comments on the application and the technical concerns of relevant government departments and local objection could be properly addressed through the implementation of relevant approval conditions. Regarding the adverse public comments, the planning assessments above were relevant.

85. Members had no question on the application.

Deliberation Session

86. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 28.10.2019, 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. from Mondays to Fridays, as proposed by the applicants, is allowed on the Site during the planning approval period;
- (b) no operation between 12:00 noon and 12:00 p.m. on Saturdays, and no operation on Sundays and public holidays, as proposed by the applicants, is

allowed on the Site during the planning approval period;

- (c) no container tractor/trailer as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (d) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the Site during the planning approval period;
- (e) 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 28.4.2017;
- (f) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 28.4.2017;
- (g) in relation to (f) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 28.7.2017;
- (h) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 28.4.2017;
- (i) in relation to (h) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 28.7.2017;
- (j) the provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.12.2016;

- (k) 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 28.4.2017;
- (l) in relation to (k) 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 28.7.2017;
- (m) 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 28.4.2017;
- (n) in relation to (m) 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 28.7.2017;
- (o) 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;
- (p) if any of the above planning conditions (e), (f), (g), (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.”

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

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/900 Shop and Services in “Other Specified Uses” annotated “Business” zone, Workshop 2, G/F, New Commerce Centre, 19 On Sum Street, Shek Mun, Sha Tin, New Territories
(RNTPC Paper No. A/ST/900)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the shop and services under application;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Relevant government departments had no objection to or not adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The ‘Shop and Services’ use at the application premises was considered generally in line with the planning intention of the “Other Specified Uses” annotated “Business” (“OU(B)”) zone. The use was small in scale and considered not incompatible with the industrial-related uses in the subject industrial building and the changing land use character of the area. The proposed use complied with the Town Planning Board Guidelines for

Development within the “OU(B)” zone (TPB-PG No. 22D) in that it would not induce adverse fire safety, traffic, environmental and infrastructural impacts on the developments within the subject building and the adjacent areas. Relevant government departments including Director of Fire Services and Commissioner for Transport had no objection to or no adverse comment on the application.

89. Members had no question on the application.

Deliberation Session

90. 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) the submission and implementation of the proposal for fire safety measures, including the provision of fire service installations and equipment at the application premises and means of escape separated from the industrial portion of the subject industrial building within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 28.4.2017; and
- (b) if the above planning condition (a) 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.”

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

[The Chairman thanked Mr P.Y. Yung, Mr Wallace W.K. Tang and Mr Kenny C.H. Lau, STPs/STN, for their attendance to answer Members’ enquiries. They left the meeting at this point.]

[Mr Martin W.C. Kwan left the meeting at this point.]

Fanling, Sheung Shui and Yuen Long East District

[Mr Jeff K.C. Ho, Senior Town Planner/Fanling, Sheung Shui and Yuen Long East (STP/FSYLE), was invited to the meeting at this point.]

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KTN/29 Renewal of Planning Approval for Temporary Shop and Services (Retail Shop) for a Period of 3 Years in “Government, Institution or Community” zone, Lot 1080 RP (Part) in D.D. 95, Ho Sheung Heung, Kwu Tung North, Sheung Shui, New Territories
(RNTPC Paper No. A/KTN/29)

92. The Secretary reported that the site was located in Kwu Tung North and Dr C.H. Hau had declared interest as he owned a property in Kwu Tung area. Dr C.H. Hau clarified that he resided in Ho Sheung Heung but had no direct view of the site. The Committee agreed that he could stay in the meeting.

Presentation and Question Sessions

93. Mr Jeff K.C. Ho, 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 (retail shop) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in

paragraph 10 of the Paper. Relevant government departments had no objection to or no adverse comments on the application;

- (d) during the first three weeks of the statutory publication period, 3 public comments were received. Two comments from North District Council (NDC) Members who no comment on the application while the remaining comment from a member of the public objected to the application on the grounds that the renewal of the proposed development would result in legitimising inappropriate use of the site and delaying the provision of permanent amenities. The District Officer (North) conveyed that the Resident Representative of Ho Sheung Heung supported the application while the Chairman of Sheung Shui District Rural Committee, and an Indigenous Inhabitant Representative of Ho Sheung Heung had no comment on the application; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of 3 years based on the assessment set out in paragraph 12 of the Paper. Although the proposed development was not in line with the planning intention of the “Government, Institution or Community” (“G/IC”) zone in Kwu Tung North area, the Site was within an abandoned school site with no designated Government, institution or community (GIC) use for the time being. It was considered that the renewal application for a further period of 3 years would not frustrate the long term planning intention of the “G/IC” zone. Moreover, the development generally complied with Town Planning Board (TPB) Guidelines for Application for Development/Redevelopment within “G/IC” Zone for Uses Other than GIC Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 16) and TPB Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34B). Concerned departments had no objection to or no adverse comment on the application. Regarding the adverse public comment, the planning assessments above were relevant.

94. Noting that the Site was zoned “G/IC” and was an abandoned school, a Member asked whether the structures at the site belonged to the Government. In response, Mr Jeff K.C. Ho said that the Site was on private land and the structures at the Site were not owned by the Government.

Deliberation Session

95. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 23.11.2016 until 22.11.2019, 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) to maintain all existing trees in healthy conditions during the planning approval period;
- (c) the submission of a conditional record of the existing drainage facilities approved under planning Application No. A/NE-KTN/174 within 3 months from the date of renewal of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.2.2017;
- (d) the submission of proposals for water supplies for fire-fighting and fire service installations within 6 months from the date of renewal of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.5.2017;
- (e) in relation to (d) above, the provision of water supplies for fire-fighting and fire service installations within 9 months from the date of renewal of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.8.2017;
- (f) if the above planning condition (a) or (b) 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; and

- (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.”

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

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

Agenda Item 17

Section 16 Application

[Open Meeting]

A/YL-KTN/538 Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years in “Agriculture” zone, Lots 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, New Territories
(RNTPC Paper No. A/YL-KTN/538)

97. The Committee noted that the applicant requested on 11.10.2016 for deferment of the consideration of the application for a period of one month so as to allow time for preparation of further information to address the comments of relevant government departments. It was the first time that the applicant had requested for deferment of the application.

98. 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.

[The Chairman thanked Mr Jeff K.C. Ho, STP/FSYLE, for his attendance to answer Members' enquiries. He left the meeting at this point.]

Tuen Mun and Yuen Long West District

Agenda Item 18

Section 16 Application

[Open Meeting]

A/TM-LTYYY/316 Temporary Storage and Open Storage of Recycling Materials (Scrap Metal) with Ancillary Office for a Period of 3 Years in
"Residential (Group D)" zone, Lot 3862 RP in D.D. 124, Tuen Mun,
New Territories
(RNTPC Paper No. A/TM-LTYYY/316)

99. The Committee noted that the applicant requested on 11.10.2016 for deferment of the consideration of the application for a period of two months so as 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.

100. 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.

[Ms Stella Y. Ng and Mr Alan Y.L. Au, Senior Town Planners/Tuen Mun and Yuen Long West (STPs/TMYLW), were invited to the meeting at this point.]

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

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/317 Temporary Shop and Services (Retail Shop for Pet Food and Potted Plants) for a Period of 3 Years in "Residential (Group D)" zone,
Lots 3839 RP (Part) and 3840 RP (Part) in D.D. 124, Shun Tat Street,
Tuen Mun, New Territories
(RNTPC Paper No. A/TM-LTY Y/317)

Presentation and Question Sessions

101. Ms 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 proposed temporary shop and services (retail shop for pet food and potted plants) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Relevant government departments had no

objection to or no adverse comments on the application;

- (d) during the first three weeks of the statutory publication period, 2 public comments were received. A member of the Tuen Mun District Council supported the application without stating reason while a member of the public objected to the application on grounds of inefficient land use and not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments in paragraph 11 of the Paper. The planning intention of the “R(D)” zone was primarily for improvement and upgrading of existing temporary structures within the rural areas. There was no known development proposal to implement the zoned use. Approval of the application on a temporary basis for 3 years would not jeopardise the long-term planning intention of the “R(D)” zone. The applied use was not incompatible with the surrounding land. Concerned government departments had no objection to or no adverse comments on the application. Regarding the adverse public comment, the planning assessments above were relevant.

102. Members had no question on the application.

Deliberation Session

103. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 28.10.2019, 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. 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 run-in/run-out proposal within 6 months from the date of

the planning approval to the satisfaction of the Director of Highways or of the TPB by 28.4.2017;

- (c) in relation to (b) above, the implementation of run-in/run-out proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Highways or of the TPB by 28.7.2017;
- (d) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 28.4.2017;
- (e) in relation to (d) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 28.7.2017;
- (f) the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (g) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.4.2017;
- (h) in relation to (g) 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 28.7.2017;
- (i) the submission of a revised 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 28.4.2017;
- (j) in relation to (i) above, the implementation of a revised 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 28.7.2017;

- (k) 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 28.4.2017;
- (l) if the above planning condition (a) 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;
- (m) if any of the above planning conditions (b), (c), (d), (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 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.”

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

Agenda Item 20

Section 16 Application

[Open Meeting]

A/YL-PS/520 Proposed Shop and Services, Eating Place, Office and Place of Entertainment in “Undetermined” zone, Lot 636 S.B ss.5 in D.D. 124 and Adjoining Government land, Kiu Tau Wai, Ping Shan, Yuen Long, New Territories

(RNTPC Paper No. A/YL-PS/520)

105. The Secretary reported that the application was submitted by Beautiglory Investment Limited, which was a subsidiary of Sun Hung Kai Properties Limited (SHK) with Llewelyn-Davies Hong Kong Limited (LD) and MVA Hong Kong Limited (MVA) as two of

the consultants of the applicant. The following Members had declared interests in this item:

- Mr Ivan C.S. Fu - having current business dealings with SHK and MVA;
- Ms Janice W.M. Lai - having current business dealings with SHK;
- Mr Stephen L.H. Liu - having current business dealings with SHK and LD;
- Miss Winnie W.M. Ng - being a Director of the Kowloon Motor Bus Co. (1933) Ltd. (KMB) and SHK was one of the shareholders; and
- Ms Christina M. Lee - being the Secretary-General of the Hong Kong Metropolitan Sports Events Association which has solicited sponsorship from SHK before.

106. The Committee noted that Mr Ivan C.S. Fu and Ms Christina M. Lee had tendered apology for being unable to attend the meeting and Ms Janice W.M. Lai had already left the meeting. The Committee also noted that the applicant had requested for deferment of the consideration of the application and agreed that though the interests of Mr Stephen L.H. Liu and Miss Winnie W.M. Ng were direct, they could stay in the meeting but should refrain from participating in the discussion.

107. The Committee noted that the applicant requested on 17.10.2016 for deferment of the consideration of the application for a period of two months so as to allow time for preparation of further information to address the comments of relevant government departments. It was the first time the applicant had requested for deferment of the application.

108. 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 Items 21 and 22

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/524 Proposed Eating Place in "Residential (Group B) 2" zone, Shop 22,
G/F, Tak Cheung Building, 1 Hung Shui Kiu Main Street, Yuen Long,
New Territories
(RNTPC Paper No. A/YL-PS/524)

A/YL-PS/525 Proposed Eating Place in "Residential (Group B) 2" zone, Shop 32,
G/F, Tak Cheung Building, 1 Hung Shui Kiu Main Street, Yuen Long,
New Territories
(RNTPC Paper No. A/YL-PS/525)

109. The Committee noted that the two applications were similar in nature and the application premises were located in the same building. The Committee agreed that the applications could be considered together.

Presentation and Question Sessions

110. Ms Stella Y. Ng, STP/TMYLW, presented the applications and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed eating place at each of the application premises;
- (c) departmental comments – departmental comments were set in paragraph 9 of the Papers. Relevant government departments had no objection to or

no adverse comment on the applications;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessments set out in paragraph 11 of the Paper. Although the developments were not entire in line with the planning intention of the “Residential (Group B)2” zone, they were to make use of existing shops for eating place use and would not affect the existing domestic part of the building. Moreover, they could also provide restaurant services to the residential neighbourhood. The proposed developments were not incompatible with the uses of the same building or with the surrounding land uses. The proposed developments were small in scale and had no significant traffic, drainage and sewerage impact.

111. Members had no question on the application.

Deliberation Session

112. 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 were subject to the following condition:

“the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.”

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

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/390 Proposed House (New Territories Exempted House - Small House) in
 “Agriculture” and “Village Type Development” zones, Lot 2069 S.B in
 D.D. 119, Muk Kiu Tau Tsuen, Yuen Long, New Territories
 (RNTPC Paper No. A/YL-TT/390)

Presentation and Question Sessions

114. Mr Alan Y.L. Au, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House – Small House)
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix II of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) does not support the application from agricultural development point of view as the site was considered possessing potential for agricultural rehabilitation;
- (d) during the first three weeks of the statutory publication period, one comment was received from a member of the public raising objection mainly on grounds of not in line with the planning intention of the “Agriculture” (“AGR”) zone and setting of undesirable precedent; and
- (e) the Planning Department (PlanD)’s views – PlanD has no objection to the application based on the assessments set out in paragraph 12 of the Paper. The site fell partly within the “Village Type Development” (“V”) zone and partly within the “AGR” zone and DAFC did not support the application from agricultural development point of view. However, the site was

located at the northeastern fringe of Muk Kiu Tau Tsuen and close to the existing main village cluster to its southwest. The proposed Small House was not incompatible with the surrounding environment which was predominantly rural in character with agricultural land, residential structures and vacant land. Other concerned departments had no objection to or no adverse comment on the application. The current application generally met the Interim Criteria for Consideration of Application for NTHE/Small House Development in New Territories in that more than 50% of the proposed Small House footprint fell within the “Village Type Development” zone. While land was still available within the “V” zone to meet the outstanding Small House applications, it was insufficient to meet the long-term Small House demand. There were 3 similar applications straddling the subject “V” and/or “AGR” zones in the vicinity of the site previously approved by the Town Planning Board. Approval of the current application would be in line with the Committee’s previous decisions. Regarding the adverse public comment, the planning assessments above were relevant.

115. Members had no question on the application.

Deliberation Session

116. 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 28.10.2020, 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) provision of septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the TPB; and
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB.”

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

[The Chairman thanked Ms Stella Y. Ng and Mr Alan Y.L. Au, STPs/TMYLW, for their attendance to answer Members' enquiries. They left the meeting at this point.]

Agenda Item 24

Any Other Business

(i) Section 16A Application

[Open Meeting]

A/YL-PS/517-2 Application for Extension of Time (EOT) for Compliance with
Planning Condition, Lot 289 S.B in D.D. 123, Fuk Shum Street,
Tai Tseng Wai, Ping Shan, Yuen Long

118. The Secretary reported that the application was approved with conditions by the Committee on 22.4.2016. The deadline for compliance with approval condition (e) on the implementation of the fire service installations proposal was 22.10.2016.

119. The Committee noted that an application for EOT for compliance with approval conditions (e) was received by the Town Planning Board on 7.10.2016, which was within ten working days before the expiry of the specified time limit for approval condition (e). It was recommended not to consider the application as the deadline for compliance with conditions (e) had already expired on 22.10.2016, and the planning approval for the subject application had ceased to have effect and had on the same date been revoked.

120. Members agreed that the Committee could not consider the section 16A application as the planning permission no longer existed at the time of consideration.

121. There being no other business, the meeting closed at 5:15 p.m..