

TOWN PLANNING BOARD

**Minutes of 568th Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 11.11.2016**

Present

Director of Planning
Mr K.K. Ling

Chairman

Professor K.C. Chau

Ms Janice W.M. Lai

Ms Christina M. Lee

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 Alex T.H. Lai

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

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

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

Dr Lawrence K.C. Li

In Attendance

Assistant Director of Planning/Board
Ms Lily Y.M. Yam

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

Town Planner/Town Planning Board
Miss Karmin Tong

Agenda Item 1

Confirmation of the Draft Minutes of the 567th RNTPC Meeting held on 28.10.2016

[Open Meeting]

1. The draft minutes of the 567th RNTPC meeting held on 28.10.2016 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Fanling, Sheung Shui and Yuen Long East District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/YL-NTM/2 Application for Amendment to the Approved Ngau Tam Mei Outline Zoning Plan No. S/YL-NTM/12, To rezone the application site from “Comprehensive Development Area” to “Comprehensive Development Area (1)”, Lots 435 S.A (Part), 436 S.A (Part), 438, 439, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 456 (Part), 457 (Part), 459 (Part), 460, 461 (Part), 462 (Part), 463 (Part), 464 (Part), 465, 466, 467, 468, 469, 470 (Part), 471, 472, 473, 474, 476, 478, 479, 480, 481, 482, 483, 484 S.A (Part), 485, 486, 492, 493, 494, 495 (Part), 516, 517, 518, 520 (Part), 521 S.A (Part), 522 (Part), 541 S.A (Part), 542 S.A (Part), 543 S.A (Part), 545 S.A (Part), 547, 548, 549, 550, 551, 552, 555, 556, 559, 560, 562, 563 (Part), 564 S.A (Part), 572 S.A (Part), 573, 574, 575 S.A (Part), 576 S.A (Part) in D.D. 105 and Adjoining Government Land in Shek Wu Wai, Yuen Long, New Territories
(RNTPC Paper No. Y/YL-NTM/2)

3. The Secretary reported that the application was submitted by Bonus Plus Company Limited, which was a subsidiary of Sun Hung Kai Properties Limited (SHK), and Double Good Limited with Llewelyn-Davies Hong Kong Limited (LD), Ramboll Environ Hong Kong Limited (Environ), AECOM Asia Company Limited (AECOM), MVA Asia Limited (MVA), Ronald Lu & Partners (HK) Limited (RLP) and Ove Arup & Partners Hong Kong Limited (Arup) as six of the consultants of the applicants. The following Members had declared interests in the item:

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

- Ms Janice W.M. Lai - having current business dealings with SHK, Environ and AECOM;
- Mr Stephen L.H. Liu - having current business dealings with SHK, LD and RLP;
- Dr C.H. Hau - having current business dealings with AECOM;
- Mr Alex T.H. Lai - his firm having current business dealings with Arup;
- Ms Christina M. Lee - being the Secretary-General of the Hong Kong Metropolitan Sports Events Association which had obtained sponsorship from SHK before; and
- Miss Winnie W.M. Ng - being a Director of the Kowloon Motor Bus Company (1933) Limited (KMB) and SHK was one of the shareholders of KMB.

4. The Committee noted that Mr Ivan C.S. Fu had tendered apologies for being unable to attend the meeting and Ms Janice W.M. Lai, Mr Stephen L.H. Liu and Miss Winnie W.M. Ng had not yet arrived to join the meeting. The Committee noted that the applicants had requested for deferment of consideration of the application, and agreed that as the interest of Ms Christina M. Lee was indirect and Dr C.H. Hau and Mr Alex T.H. Lai had no involvement in the application, they could stay in the meeting.

5. The Committee noted that the applicant requested on 31.10.2016 for deferment of consideration of the application for two months in order to allow more time for preparation of further information to address departmental comments received on the application, including air ventilation assessment and ecological impact assessment. It was the first time that the applicants requested for deferment of the application.

6. After deliberation, the Committee decided to defer a decision on the application as requested by the applicants pending the submission of further information from the applicants. 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 applicants. If the further information submitted by the applicants 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 applicants 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 Janice W.M. Lai, Mr Philip S.L. Kan and Mr Stephen L.H. Liu arrived to join the meeting at this point.]

Agenda Item 4

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/YL-NTM/3 Application for Amendment to the Approved Ngau Tam Mei Outline Zoning Plan No. S/YL-NTM/12, To rezone the application site from "Comprehensive Development Area" to:
Option 1 - "Residential (Group B)1" or
Option 2 - "Comprehensive Development Area (2)", Lots 850 RP, 851 RP, 862, 863 RP, 864, 865, 866, 867, 868, 869, 870, 871, 872, 920, 921, 948 RP, 949 RP and 4210 in D.D. 104 and Adjoining Government Land, Ngau Tam Mei, Yuen Long, New Territories
(RNTPC Paper No. Y/YL-NTM/3B)

7. The Secretary reported that the application was submitted by City Movement Limited, which was a subsidiary of Henderson Land Development Company Limited (HLD) with AECOM Asia Company Limited (AECOM) and MVA Asia Limited (MVA) as two of the consultants of the applicant. The following Members had declared interests in the item:

Mr Ivan C.S. Fu - having current business dealings with HLD, AECOM and MVA;

- Ms Janice W.M. Lai - having current business dealings with HLD and AECOM;
- Mr Stephen L.H. Liu - having current business dealings with HLD;
- Mr H.F. Leung - being an employee of the University of Hong Kong which had received a donation from a family member of the Chairman of HLD before;
- Professor K.C. Chau - being an employee of the Chinese University of Hong Kong which had received a donation from a family member of the Chairman of HLD before;
- Dr Lawrence K.C. Li - being the Treasurer of the Hong Kong Polytechnic University which had obtained sponsorship from HLD before;
- Ms Christina M. Lee - being the Secretary-General of the Hong Kong Metropolitan Sports Events Association which had obtained sponsorship from HLD before;
- Mr Peter K.T. Yuen - being a member of the Board of Governors of the Hong Kong Arts Centre which had received a donation from an Executive Director of HLD before; and
- Dr C.H. Hau - having current business dealings with AECOM.

8. The Committee noted that Mr Ivan C.S. Fu and Dr Lawrence K.C. Li had tendered apologies for being unable to attend the meeting. The Committee noted that the applicant had requested for deferment of consideration of the application and agreed that as the interests of Mr H.F. Leung, Professor K.C. Chau, Ms Christina M. Lee and Mr Peter K.T. Yuen were indirect and Dr C.H. Hau had no involvement in the application, they could stay in the meeting. As the interests of Ms Janice W.M. Lai and Mr Stephen L.H. Liu were direct, they could stay in the meeting but should refrain from participating in the discussion.

9. The Committee noted that the applicant requested on 3.11.2016 for deferment of consideration of the application for two months in order to allow time for preparation of more information, including conducting an ecological survey to cover the dry season, and to address the comments of the Agriculture, Fisheries and Conservation Department. It was the third time that the applicant requested for deferment of the application. Since the last deferment, the applicant had submitted responses and technical clarifications to address the comments of the Architectural Services Department, Water Supplies Department, Geotechnical Engineering Office of Civil Engineering and Development Department, and Urban Design and Landscape Unit of Planning Department on 24.8.2016.

10. 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 the submission of further information, no further deferment would be granted unless under very special circumstances.

Sha Tin, Tai Po and North District

Agenda Item 5

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/ST/34 Application for Amendment to the Approved Sha Tin Outline Zoning Plan No. S/ST/32, To rezone the application site from “Village Type Development” to “Government, Institution or Community (1)”, Lots 63, 296 (Part), 331 RP (Part) and 393 S.B RP (Part) in D.D. 185, Sheung Wo Che, Sha Tin, New Territories
(RNTPC Paper No. Y/ST/34)

11. The Secretary reported that the application was submitted by Sai Lam Temple Foundation Limited. The following Members had declared interests in the item:

Mr Alex T.H. Lai - his firm having current business dealings with Sai Lam Temple Foundation Limited; and

Mr Martin W.C. Kwan - having relative’s ashes stored in Sai Lam Temple.

12. The Committee noted that the applicant had requested for deferment of consideration of the application and agreed that as Mr Alex T.H. Lai had no involvement in the application, he could stay in the meeting. As the interest of Mr Martin W.C. Kwan was direct, he could stay in the meeting but should refrain from participating in the discussion.

13. The Committee noted that the applicant requested on 25.10.2016 for deferment of consideration of the application for two months in order to allow more time for preparation of further information to address the comments raised by relevant government departments. It was the first time that the applicant requested for deferment of the application.

14. 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.

Sai Kung and Islands District

Agenda Item 6

Section 16 Application

[Open Meeting]

A/SK-TLS/49 Proposed Public Utility Installation (Package Substation) and
Excavation of Land in "Green Belt" zone, Government Land in D.D.
253, Clear Water Bay Road, Tseng Lan Shue, Sai Kung, New
Territories
(RNTPC Paper No. A/SK-TLS/49)

15. The Secretary reported that the application was submitted by CLP Power Hong Kong Limited (CLP). The following Members had declared interests in the item:

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

Ms Christina M. Lee - being the Secretary-General of the Hong Kong Metropolitan Sports Events Association which had obtained sponsorship from CLP before.

16. The Committee noted that the applicant had requested for deferment of consideration of the application and agreed that as the interest of Ms Christina M. Lee was indirect, she could stay in the meeting. As the interest of Mr Stephen L.H. Liu was direct, he could stay in the meeting but should refrain from participating in the discussion.

17. The Committee noted that the applicant requested on 25.10.2016 for deferment of consideration of the application for two months in order to allow more 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.

18. 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 7

Section 16 Application

[Open Meeting]

A/SLC/145 Proposed Public Utility Installation (Sewage Pumping Station) and Excavation of Land for Proposed Sewage Pumping Station and Underground Sewers in "Coastal Protection Area" zone, Government Land in Chi Ma Wan Road at Pui O and Ham Tin, Lantau Island, New Territories
(RNTPC Paper No. A/SLC/145)

19. The Secretary reported that the application was submitted by the Drainage Services Department (DSD). Ms Janice W.M. Lai, who had current business dealings with DSD, had declared interest in the item.

20. The Committee noted that the applicant had requested for deferment of consideration of the application and agreed that Ms Janice W.M. Lai, whose interest was direct, could stay in the meeting but should refrain from participating in the discussion.

21. The Committee noted that the applicant requested on 25.10.2016 for deferment of consideration of the application for two months in order to allow more time for the applicant to resolve the technical comments raised by government departments. It was the first time that the applicant requested for deferment of the application.

22. 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 8

Section 16 Application

[Open Meeting]

A/TKO/107 Proposed Flat in "Residential (Group E)" zone, Junk Bay Town Lot 2 & Extension (Part) and Tseung Kwan O Town Lot 22 and Adjoining Government Land, Shek Kok Road, Area 85, Tseung Kwan O, New Territories

(RNTPC Paper No. A/TKO/107)

23. The Secretary reported that ADI Limited (ADI) and Ramboll Environ Hong Kong Limited (Environ) were two of the consultants of the applicant. The following Members had declared interests in the item:

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

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

25. The Secretary reported that a letter from The Office of Christine Fong and Chris Cheung, Sai Kung District Council (方國珊張美雄聯合議員辦事處) providing comments on the application was received by the Town Planning Board Secretariat before the meeting. Members noted.

26. The Committee noted that the applicant requested on 27.10.2016 for deferment of consideration of the application for two months in order to allow more 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.

27. 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.

Sha Tin, Tai Po and North District

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

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/905 Proposed Shop and Services (Retail Shop) in “Industrial” zone, Unit A, G/F, Wah Wai Industrial Building, 1-7 Wo Heung Street, Fo Tan, Sha Tin, New Territories
(RNTPC Paper No. A/ST/905)

28. The Secretary reported that the site was located at Fo Tan. The following Members had declared interests in the item:

Professor K.C. Chau - co-owning with his spouse a flat in Fo Tan; and

Mr Samson S.S. Lam - owning a flat and two car parking spaces in Fo Tan.

29. The Committee agreed that as the properties of Professor K.C. Chau and Mr Samson S.S. Lam had no direct view of the site, they could stay in the meeting.

Presentation and Question Sessions

30. 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 proposed shop and services (retail shop);

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Fire Services had no in-principle objection to the application and advised that the building was protected with a sprinkler system so that the maximum permissible aggregate commercial floor area on G/F was 460m² in accordance with the Town Planning Board Guidelines for Use/Development within “Industrial” Zone (TPB PG-No. 25D). The applied use should be counted up to the aggregate commercial floor area. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received raising objection to the application on the grounds that the redecoration of the application premises might affect the building structure and there was fire safety concern. No local objection/view was received by the District Officer (Sha Tin); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed use was not incompatible with the industrial and industrial-related uses in the subject industrial building and the surrounding developments. Similar applications had been approved on the ground floor of the adjacent industrial buildings. The aggregate commercial floor area on the ground floor of the subject industrial building would be 459.982m², if the floor area of the application premises was included, which was within the maximum permissible limit of 460m². The proposed use generally complied with TPB PG-No. 25D, including the fire safety and traffic aspects, and concerned government departments had no objection to or no adverse comment on the application. However, a temporary approval of three years was recommended in order not to jeopardise the long-term planning intention of industrial use for the subject premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area.

31. Members had no question on the application.

Deliberation Session

32. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 11.11.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission of the fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.5.2017;
- (b) in relation to (a) above, the implementation of the fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.8.2017; and
- (c) if any of the above planning conditions (a) or (b) 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.”

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

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

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/906 Proposed Temporary Shop and Services (Construction Materials Store) for a Period of 3 Years in “Industrial” zone, Workshop 5A (Part), G/F, Veristrong Industrial Centre, 34-36 Au Pui Wan Street, Fo Tan, Sha Tin, New Territories
(RNTPC Paper No. A/ST/906)

34. The Secretary reported that the site was located at Fo Tan. The following Members had declared interests in the item:

Professor K.C. Chau - co-owning with his spouse a flat in Fo Tan; and

Mr Samson S.S. Lam - owning a flat and two car parking spaces in Fo Tan.

35. The Committee agreed that as the properties of Professor K.C. Chau and Mr Samson S.S. Lam had no direct view of the site, they could stay in the meeting.

Presentation and Question Sessions

36. 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 proposed temporary shop and services (construction materials store) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Fire Services had no in-principle objection to the application and advised that the building was protected with a sprinkler system so that the maximum permissible aggregate commercial floor area on G/F was 460m² in accordance with the Town Planning Board Guidelines for Use/Development within “Industrial” Zone (TPB PG-No. 25D). The applied use should be counted up to the aggregate commercial floor area. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Sha Tin); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The temporary use under application was small in scale and was not incompatible with the industrial and industrial-related uses in the subject industrial building and the surrounding developments. Similar applications had been approved on the ground floor of the subject industrial buildings. The subject industrial building was subject to a maximum permissible limit of 460m² for aggregate commercial floor area on the ground floor, but the limit did not apply to uses which were ancillary to or for the purposes of supporting the industrial activities. The temporary use under application generally complied with TPB PG-No. 25D, including the fire safety and traffic aspects, and concerned government departments had no objection to or no adverse comment on the application. There was no change in planning circumstances since the approval of the previous application.

37. Members had no question on the application.

Deliberation Session

38. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 11.11.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission of the fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.5.2017;
- (b) in relation to (a) above, the implementation of the fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.8.2017; and
- (c) if any of the above planning conditions (a) or (b) 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.”

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

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/164 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 202 RP in D.D. 52, Sheung Shui Wa Shan,
Sheung Shui, New Territories
(RNTPC Paper No. A/NE-FTA/164)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. The Commissioner for Transport (C for T) had reservation on the application and considered that Small House development should be confined within the “Village Type Development” (“V”) zone. However, as the application only involved the construction of one Small House, the application could be tolerated. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, two public comments were received. The Chairman of the Sheung Shui District Rural Committee (SSDRC) indicated no comment on the application, while an individual objected to the application mainly on the grounds of the proposed Small House development being not in line with the planning intention of the “Agriculture” (“AGR”) zone and setting of undesirable precedent. The District Officer (North) of Home Affairs Department conveyed that the Chairman of SSDRC, the three Indigenous Inhabitant Representatives (IIRs) of Sheung Shui Heung (one of them being an incumbent North District Council Member), the Resident Representative (RR) of Sheung Shui Heung, the IIR of Wa Shan Village, and the RR of Wa Shan Village indicated no comment on the application;
- (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. Although the proposed Small House was not in line with the planning intention of the “AGR” zone, the Director of Agriculture, Fisheries and Conservation had no strong view on the application as the site had low potential for agricultural rehabilitation. The proposed Small House was not entirely incompatible with the rural landscape character of the area. The proposed Small House generally complied with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that more than 50% of the footprint of the proposed Small House fell within the village ‘environ’ of Wa Shan Village. While land available within the “V” zone was insufficient to fully meet the future Small House demand, it could meet the outstanding Small House applications. The site was the subject of a previously approved application (No. A/NE-FTA/90) which had lapsed in January 2013 and there were approved similar Small House applications at different stages of development nearby. Other concerned departments had no objection to or no adverse comment on the application. Regarding the adverse public comment, the assessments above were relevant.

41. Members had no question on the application.

Deliberation Session

42. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 11.11.2020, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

Agenda Item 12

Section 16 Application

[Open Meeting]

A/NE-TKL/550 Proposed Temporary Warehouse for Building Materials, Waste Paper and Waste Plastic for Recycling for a Period of 3 Years in “Agriculture” zone, Lots 965 RP (Part) and 966 RP in D.D. 82, Ping Che Road, Ping Che, New Territories
(RNTPC Paper No. A/NE-TKL/550)

44. The Secretary reported that the site was at Ping Che. Mr Alex T.H. Lai, whose

father co-owned two lots of land in Ping Che, Ta Kwu Ling, had declared interest in the item.

45. The Committee noted that the applicant had requested for deferment of consideration of the application, and agreed that as the properties of Mr Alex T.H. Lai's father had no direct view of the site, he could stay in the meeting.

46. The Committee noted that the applicant requested on 25.10.2016 for deferment of 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 the Highways Department and Drainage Services Department. It was the second time that the applicant requested for deferment of the application. Since the last deferment, the applicant had submitted further information and clarification to address the comments of Chief Town Planner/Urban Design and Landscape of Planning Department and Director of Environmental Protection in September and October 2016 respectively.

47. 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 the submission of further information, no further deferment would be granted unless under very special circumstances.

Agenda Item 13

Section 16 Application

[Open Meeting]

A/NE-KLH/521 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 313 S.A ss.1 in D.D. 9, Kau Lung Hang, Tai
Po, New Territories
(RNTPC Paper No. A/NE-KLH/521)

48. The Committee noted that the applicant requested on 7.11.2016 for deferment of 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 departments on the submitted sewerage proposal. It was the second time that the applicant requested for deferment of the application. Since the last deferment, the applicant had submitted further information on the sewerage proposal on 22.9.2016, but the Environmental Protection Department and Drainage Services Department had comments on the proposal.

49. 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 the submission of further information, no further deferment would be granted unless under very special circumstances.

[Mr K.F. Tang arrived to join the meeting at this point.]

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/592 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 748 S.D in D.D. 19, Chung Uk Tsuen, Tai Po,
New Territories
(RNTPC Paper No. A/NE-LT/592)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper, which were summarised as follows:
 - (i) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural development point of view as the site had high potential for rehabilitation of agricultural activities;
 - (ii) the Chief Engineer/Construction, Water Supplies Department objected to the application as the site was located within the upper indirect Water Gathering Ground (WGG) and there was no proposed public sewer in the vicinity of the site. Compliance with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria) could not be

established;

- (iii) the Director of Environmental Protection did not support the application as the site was located within WGG and it was technically impracticable for the applicant to make connection to the public sewerage system due to level differences between the proposed Small House and the public sewer at the north-western side of the proposed development;
 - (iv) the Commissioner for Transport had reservation on the application, but considered that the proposed development could be tolerated given that it involved one Small House only;
 - (v) other 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, one public comment was received from an individual who objected to the application mainly on the grounds of the proposed development being not in line with the planning intention of “Agriculture” (“AGR”) zone, loss of agricultural land and setting of undesirable precedent. No local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed Small House 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. The proposed development did not comply with the Interim Criteria in that the applicant failed to demonstrate that the proposed Small House located within the WGG would be able to be connected to the existing sewerage system and would not cause adverse impact on the water quality in the area. While land available within the “Village Type Development” (“V”) zone was insufficient to fully meet the future Small House demand, it could meet the

outstanding Small House applications. It was considered more appropriate to concentrate the proposed Small House development within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services. Two similar applications (No. A/NE-LT/525 and 527) were rejected in 2015 mainly for reasons of the development being not in line with the Interim Criteria. The planning circumstances of the current application were similar to those of the two rejected cases.

51. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone which is primary to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the current submission for a departure from the planning intention;
- (b) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the applicant fails to demonstrate that the proposed development located within water gathering grounds would be able to be connected to the existing or planned sewerage system and would not cause adverse impact on the water quality in the area; and
- (c) land is still available within the “Village Type Development” (“V”) zones of Chung Uk Tsuen, Fong Ma Po, Tong Min Tsuen and San Uk Tsai which are primarily intended for Small House development. It is considered

more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.”

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/593 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Government Land in D.D. 19, Lam Tsuen San
Tsuen, Tai Po, New Territories
(RNTPC Paper No. A/NE-LT/593)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Commissioner for Transport had reservation on the application and considered that Small House development should be confined within the “Village Type Development” (“V”) zone. However, as the application only involved the construction of one Small House, the application could be tolerated. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public

comment was received from an individual who objected to the application mainly on the grounds of the proposed development being not in line with the planning intention of “Agriculture” (“AGR”) zone, loss of agricultural land and setting of undesirable precedent. No local objection/view was received by the District Officer (Tai Po); and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. Although the proposed Small House was not in line with the planning intention of the “AGR” zone, the Director of Agriculture, Fisheries and Conservation had no strong view on the application as the site was surrounded by Small Houses and had low potential for agricultural rehabilitation. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, more than 50% of the footprint of the proposed Small House fell within the village ‘environs’ of Lam Tsuen San Tsuen. While land available within the “V” zone was insufficient to fully meet the future Small House demand, it could meet the outstanding Small House applications. The proposed Small House, which fell within the upper indirect water gathering grounds, would also be able to be connected to the planned sewerage system in the area. Concerned departments had no objection to or no adverse comment on the application. Regarding the adverse public comment, the assessments above were relevant.

54. Members had no question on the application.

Deliberation Session

55. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 11.11.2020, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

Agenda Item 16

Section 16 Application

[Open Meeting]

A/NE-LT/594 Proposed House (New Territories Exempted House) in “Agriculture” zone, Lot 1282 in D.D. 10 and Adjoining Government Land, Ng Tung Chai, Tai Po, New Territories
(RNTPC Paper No. A/NE-LT/594)

57. The Committee noted that the applicant requested on 27.10.2016 for deferment of consideration of the application for two months in order to allow more time for the applicant to clarify with Lands Department on the issue of house entitlement of the application site. It was the first time that the applicant requested for deferment of the application.

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

meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

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

[Mr David Y.T. Lui left the meeting at this point.]

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/612 Proposed 2 Houses (New Territories Exempted Houses) in “Green Belt” zone, Lots 715 and 722 in D.D. 5, Chuk Hang Village, Tai Po, New Territories
(RNTPC Paper No. A/TP/612)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed two houses (New Territories Exempted Houses (NTEHs));
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Commissioner for Transport had reservation on the application and considered that such type of development should be confined within the “Village Type Development” zone. However, as the application only involved the construction of two

houses, the application could be tolerated. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, four public comments were received from individuals who objected to the application mainly on the grounds of the proposed development being not in line with the planning intention of “Green Belt” (“GB”) zone, non-compliance with the 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 causing environmental nuisances and possible impact on a mature camphor tree in the vicinity of the site. No local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments made in paragraph 12 of the Paper. The subject development of two 2-storey NTEHs in the “GB” zone would only be considered in exceptional circumstances and must be justified with very strong planning grounds. The proposed development was considered not incompatible with the surrounding areas which were predominantly rural in character with village houses, temporary structures and wooded areas. The proposed gross floor area of 225.6m² and building height of two storeys under application were in accordance with the building entitlement of the two New Grant lots. The proposed development was generally in line with TPB PG-No. 10. Concerned government departments had no objection to or no adverse comment on the application. The circumstances of the current application were similar to those of the previously approved application (No. A/TP/348), including the lease entitlement, and thus the application might be given sympathetic consideration for having exceptional circumstances. Regarding the public comments, relevant departments had no adverse comment on the application and the assessments above were relevant.

60. A Member noted that one of the applicants was a female. In response, the Chairman said that the subject application was for NTEH and not Small House development.

He pointed out that NTEH was a built-form with defined dimension and the gender of an applicant had no bearing on the development of NTEH. The current application involved development of NTEHs in compliance with the lease entitlement.

61. Another Member asked about the difference between the subject application and the previous application No. A/TP/348 and the reasons for rejecting the last previous application No. A/TP/604. In response, Mr C.T. Lau, STP/STN, made reference to Plan A-2b of the Paper and said that application No. A/TP/604 with a different site boundary involved a proposed 3-storey development which had exceeded the building height of 2 storeys as permitted under the lease. The current proposal was similar to that of application No. A/TP/348 in terms of site boundary and development intensity.

Deliberation Session

62. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 11.11.2020, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the provision of septic tank, as proposed by the applicants, to the satisfaction of the Director of Lands or of the TPB;
- (b) the submission and implementation of tree preservation for the existing *Cinnamomum camphora* and landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (c) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB.”

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

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/613 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” zone, Lot 918 S.A ss.1 in D.D. 26, Wong Yue Tan
Village, Tai Po, New Territories
(RNTPC Paper No. A/TP/613)

64. The Committee noted that a replacement page (page 8 of the Paper), incorporating the revised paragraph 11.3 of the Paper, was tabled at the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department had strong reservation on the application as approval of the application would set an undesirable precedent to similar Small House applications in the “Green Belt” (“GB”) zone and leading to further degradation of the existing landscape character. The Commissioner for Transport had reservation on the application and considered that such type of development should be confined within the “Village Type Development (“V”) zone. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, three public comments were received from Kadoorie Farm and Botanic Garden Corporation, the Hong Kong Bird Watching Society and an individual who objected to the application mainly on the grounds of the proposed development being not in line the planning intention of “GB” zone, non-compliance with the 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), land was still available within the “V” zone for Small House development, being a suspected ‘destroy first, build later’ case, having adverse environmental impact, and setting of undesirable precedent. No local objection/view was received by the District Officer (Tai Po); and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed development was not in line with the planning intention of the “GB” zone. The application did not comply with TPB PG-No. 10 and the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria) in that the proposed development had involved extensive clearance in vegetation and would induce adverse landscape impact on the surrounding area. Approval of the application would set an undesirable precedent to similar Small House applications in the “GB” zone and leading to further degradation of the existing landscape character. Regarding the Interim Criteria, more than 50% of the footprint of the proposed Small House fell within the village ‘environs’ of Wong Yue Tan. While land available within the “V” zone was insufficient to fully meet the future Small House demand, it could meet the outstanding Small House applications. It was considered more appropriate to concentrate the proposed Small House development within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services.

66. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of “Green Belt” (“GB”) zone, which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong planning justification in the submission to justify a departure from the planning intention;
- (b) the proposed development does not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that the proposed development has involved extensive clearance of vegetation and generated adverse landscape impact to the area;
- (c) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories in that it has involved clearance of vegetation and would cause adverse landscape impact on the surrounding areas;
- (d) the approval of the application would set an undesirable precedent for other similar applications in the area. The cumulative impacts of approving such applications would result in a general degradation of the natural environment and landscape quality of the area; and
- (e) land is still available within the “Village Type Development” (“V”) zone of Wong Yue Tan for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.”

Agenda Item 19

Section 16 Application

[Open Meeting]

A/NE-TT/1 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” zone, Government Land in D.D. 289, Ko Tong, Tai Po,
New Territories
(RNTPC Paper No. A/NE-TT/1)

68. The Secretary said that the draft Tai Tan, Uk Tau, Ko Tong and Ko Tong Ha Yeung OZP No. S/NE-TT/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance on 19.8.2016. A total of ten representations, of which five representations objecting to the land use planning in Ko Tong Village and the “Green Belt” (“GB”) zone where the application site was situated and another representation proposing to rezone the said “GB” zone, were received. According to the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No. 33), a decision on a section 16 application would be deferred if the zoning of the subject site was still subject to outstanding adverse representation yet to be submitted to the Chief Executive in Council (CE in C) for consideration and the substance of the representation was relevant to the subject application. In that regard, it was considered appropriate to defer the consideration of the application pending the submission of the OZP together with the representations to CE in C and CE in C’s final decision on the representations.

69. After deliberation, the Committee decided to defer a decision on the application pending the CE in C’s decision on the Tai Tan, Uk Tau, Ko Tong and Ko Tong Ha Yeung OZP and the adverse representations in respect of the OZP.

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

Fanling, Sheung Shui and Yuen Long East District

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

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/FSS/242 Columbarium in “Government, Institution or Community” zone, Lot 5174 (Part) in D.D. 51 and Adjoining Government Land, Fung Ying Seen Koon, Fanling, New Territories
(RNTPC Paper No. A/FSS/242C)

70. The Secretary reported that Ramboll Environ Hong Kong Limited (Environ) was one of the consultants of the applicant. Ms Janice W.M. Lai and Mr Ivan C.S. Fu, who had current business dealings with Environ, had declared interests in the item.

71. The Committee noted that Mr Ivan C.S. Fu had tendered apologies for being unable to attend the meeting and as Ms Janice W.M. Lai had no involvement in the application, she could stay in the meeting.

Presentation and Question Sessions

72. With the aid of a PowerPoint presentation, Mr Otto K.C. Chan, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the columbarium use involving regularisation of 22,933 niches provided in 12 existing ancestral halls within Fung Ying Seen Koon (FYSK);

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper which were summarised as follows:
- (i) the Commissioner for Transport (C for T) had no in-principle objection to the submitted Traffic Impact Assessment (TIA) and the proposed traffic and crowd management measures subject to that the proposed measures could be enforced;
 - (ii) the Commissioner of Police (C of P) had no comment on the application on the technical aspect. However, he expressed concerns over the traffic impact and increase in passenger and pedestrian flow at Fanling MTR Station, resulting from the expansion of Wo Hop Shek columbarium facilities and the opening of the Sandy Ridge Cemetery and Columbarium in future. As Fanling and Sheung Shui MTR Stations would be used as an interchange for sweepers to access these sites, a drastic increase in passenger and pedestrian flow was expected at those MTR Stations during worshipping season;
 - (iii) the Director of Environmental Protection (DEP) could not support the application unless there was an approval condition prohibiting burning of joss paper, candle and joss stick within the site;
 - (iv) other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the statutory publication periods, a total of 3,511 public comments were received. Among them, 982 comments submitted by the Chairman and three members of North District Council (NDC) and members of the general public supported the application for reasons that the columbarium was a necessary facility and was compatible with the surrounding areas; FYSK was a non-government organisation serving the local community for a long time; and the premises was easily accessible and near Fanling MTR Station. There were 2,507 comments from members of the general public

objecting to the application on the grounds that the application would generate influx of visitors, adverse traffic and air pollution impacts to the surroundings; the applied use was not necessary as the Government would provide columbarium niches in the region in the near future; and the columbarium use was not in line with the land lease terms and involved illegal occupation of government land. The remaining 13 comments from the Chairman of Fanling District Rural Committee (FDRC), a NDC member and a member of the general public indicated no comment on the application;

- (e) the District Officer (North) of Home Affairs Department conveyed that the incumbent NDC member and one Indigenous Inhabitant Representative (IIR) of Fanling Wai supported the application as the applied use would relieve the shortage of columbarium niches. The Resident Representative of Fanling Wai objected to the application on the ground that the pedestrian access within FYSK was narrow. The Chairman of FDRC and the remaining IIRs of Fanling Wai had no comment on the application; and
- (f) 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 applied columbarium use was not in conflict with the religious institution of FYSK which was an existing religious institution providing different religious services for its members and community. The applied use generally complied with the Town Planning Board Guidelines No. 16 for 'Application for Development/Redevelopment within "Government, Institution or Community" ("G/IC") zone for uses other than Government, institution or community (GIC) uses under section 16 of the Town Planning Ordinance' (TPB PG-No. 16) in that the use and scale of the development was not incompatible with the religious use and temple setting at FYSK and the surrounding GIC uses; the provision of GIC facilities would not be jeopardised; and the development would not cause adverse traffic and environmental impacts. To address the concerns of C for T, C of P and DEP, relevant approval conditions were recommended. Other relevant government departments had no in-principle objection to or no adverse

comment on the application. The Committee had approved two similar applications (No. A/FSS/171 and A/FSS/195) for columbarium use within a “G/IC” zone on the same OZP and the situation of the current application was comparable to those applications. Regarding the public comments, the comments of government departments and assessments above were relevant.

Environmental Impact

73. The Chairman enquired about the location of the four existing furnaces within FYSK. In response, Mr Otto K.C. Chan, STP/FSYLE, made reference to Plan A-2 of the Paper and said that one of the furnaces was located to the south-east of the site, while the other three furnaces were situated to the further north and north-west within FYSK.

74. Noting that the existing furnaces were outside the site but within FYSK, a Member enquired whether no joss paper burning as proposed by the applicant applied only to the application site or the entirety of FYSK. In response, Mr Otto K.C. Chan clarified that the applicant had undertaken to prohibit joss paper burning activities within the site, i.e. the 12 ancestral halls under application. As regards the joss paper burning activities outside the site but within FYSK, the applicant had proposed to carry out mitigation measures, including restricting the use of the furnaces by visitors during festival days and shadow periods and deploying staff to regulate the use of these furnaces at designated timeslots.

75. The Chairman enquired whether there was any information on the existing conditions of the concerned furnaces. In response, Mr K.F. Tang, Assistant Director (Environmental Assessment), Environmental Protection Department, said that as the existing furnaces were not eco-furnaces, burning of joss paper activities should not be allowed unless upgrading of the facilities was implemented. Mr. K.F. Tang opined that the approval condition restricting joss paper burning activities should cover the entire FYSK.

Columbarium Use at FYSK

76. In response to the Chairman’s enquiry, Mr Otto K.C. Chan with reference to Drawing A-3 explained that the structures under application were the 12 existing ancestral halls with columbarium niches within FYSK.

77. In reply to a Member's enquiry about the status of the columbarium under application, Mr Otto K.C. Chan said that according to the Information on Private Columbaria published by the Development Bureau, the subject columbarium was included in Part B, which set out the private columbaria made known to the Lands Department (LandsD) and/or PlanD which are pending checking for compliance with the relevant requirements or those that have been confirmed to be not compliant with the user restrictions in the land leases and/or statutory town planning requirements and/or illegally occupying government land. With regard to the other question raised by the same Member, Mr Otto K.C. Chan replied that there were 13 structures within FYSK that had columbarium niches, namely the 12 ancestral halls under the current application and Wing Yam Hall (永蔭堂) which was covered by a previous planning approval (No. A/FSS/171). There was another ancestral hall, i.e. Wing Tai Hall (永泰堂), within FYSK that housed only ancestral tablets with no storage of human ashes.

Traffic and Pedestrian Impacts

78. A Member enquired if the submitted TIA had only taken into account the number of visitors associated with the columbarium, but not other uses within FYSK, such as Wing Tai Hall, which would also likely attract visitors during festival periods. Another Member shared similar concerns and asked whether sufficient information had been provided in the TIA to assess the impact of the development on the road traffic and railway networks. Mr. Otto K.C. Chan replied that the TIA had made reference to a survey on estimate of visitor generation for the niches conducted at the Kwai Chung Crematorium and Cemetery and had adopted a more conservative Ching Ming Festival peak hour visitor generation rate of 0.248. He further said that the traffic and pedestrian impacts were assessed based on the additional intake and subsequent full occupation of the 22,933 columbarium niches under application, on top of the 5,040 niches already approved under the previous application. The Secretary drew Members' attention to Paragraphs 2.14 and 2.15 of the revised TIA at Appendix Ik of the Paper which had detailed the assumed number of columbarium niches at FYSK in conducting the said TIA.

79. Mr Samson S.S. Lam, Chief Traffic Engineer/New Territories West, Transport Department enquired about the proposed pre-booking system and asked whether the pedestrian traffic generation had been adjusted taking into account such system being in place. Mr. Otto K.C. Chan explained that the TIA had revealed that there would be a demand for about 110 parking spaces and the applicant undertook to reserve a maximum of 120 parking spaces at two adjacent public car parks during the festival days and their shadow periods. The TIA had also concluded that most visitors were likely to arrive by public transport, whilst the percentage of visitors travelling by private car was only about 13% during festival days. The pre-booking system was aimed at allowing visitors travelling by private vehicle to reserve car parking spaces in advance. In reply to another enquiry from Mr. Samson S.S. Lam about measures on restricting non-visitors from entering FYSK during festival periods, Mr Otto K.C. Chan said that though the applicant had not provided any information in that respect, the applicant would be required to submit a Traffic and Crowd Management Plan to the satisfaction of relevant departments should the application be approved by the Committee and the concern could be further addressed at that juncture.

Other Matters

80. A Member enquired whether the applicant had to obtain a licence to operate the columbarium if the application was approved. Mr. Otto K.C. Chan replied that whilst the Food and Health Bureau had introduced a Private Columbaria Bill under which a licensing regime would be established to regulate the operation of private columbaria, such Bill had yet to be enacted. In response to another enquiry from the same Member, Mr. Otto K.C. Chan said as that there was no information on the profile or background of the commenters of the application.

81. A Member asked whether there would be licence fees charged for columbarium use. The Chairman pointed out that charging of licence fee was not a planning consideration of the application. He drew Members' attention to the comments of the Lands Department (LandsD) as set out in paragraph 9.1.2(b) of the Paper and supplemented that land administration related matters, including applications for land exchange, which might include payment of premium and administration fee, would be dealt with by LandsD.

Deliberation Session

82. Members had further discussion regarding the control on joss paper burning within FYSK. A member raised concern on whether the approval condition to restrict joss paper burning activities under the current application could be enforced as it would be hard to differentiate visitors of the columbarium niches from other visitors of FYSK who would also be utilizing the same furnaces. Noting that a large proportion (about 66%) of the columbarium niches were already occupied and there had been environmental complaints associated with joss paper burning within FYSK received in the past, some Members were of the view that the existing furnaces within FYSK would need to be upgraded to the Director of Environment's (DEP) satisfaction. Mr. K.F. Tang supplemented that there was technology available for the upgrading purpose.

83. Noting the grave concerns raised by various Members regarding joss paper burning activities, the Chairman suggested and Members agreed that relevant approval conditions requiring the submission and implementation of proposal for upgrading the existing furnaces within FYSK to the satisfaction of DEP could be imposed to ensure no adverse environmental impact. As regards the scale of the upgrading works for the furnaces, such details would be subject to further liaison and agreement with DEP. Members agreed that the imposition of such approval conditions were reasonable, fairly and reasonably related to the development and implementable by the applicant. In connection to the proposed approval conditions, a Member suggested that the recommended advisory clause (f) regarding DEP's comment should be suitably amended to delete the reference to the site under application. Members agreed.

84. On the traffic aspect, the Chairman remarked that FYSK was conveniently located in close proximity to existing MTR station and that the railway system had captured a large share of visitors travelling to and from FYSK. Mr. Samson S.S. Lam, Chief Traffic Engineer/New Territories West, Transport Department concurred and supplemented that given the strategic location of FYSK, it was reasonable to assume that visitors would likely choose to take mass public transport which could avoid traffic congestion on roads. Significant change in the pedestrian/traffic flow arising from the regularisation of the subject columbarium use was unlikely.

85. In conclusion, the Committee agreed that the application could be approved. Members went through the approval conditions and advisory clauses for the application as stated in paragraph 12.2 and Appendix V of the Paper and agreed that they should be suitably amended to reflect Members' views as expressed at the meeting. Members noted that the conditions would be subject to revocation for non-compliance and that the applicant was entitled to review the conditions under section 17 of the Town Planning Ordinance if the applicant was aggrieved by the decision.

86. 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 11.11.2020, 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 planning permission and the conditions attached thereto ("the Conditions") for the development should not lapse when the development was undertaken and should continue to have effect as long as the completed development or any part of it was in existence and the Conditions were fully complied with. The permission was subject to the following conditions :

- “(a) the maximum number of niches within the site should not exceed 22,933;
- (b) no burning activity, as advised by the applicant, is allowed within the site;
- (c) the submission of a revised Traffic Impact Assessment within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 11.5.2017;
- (d) the submission of a Traffic and Crowd Management Plan at least two months before the festive periods (i.e. Ching Ming and Chung Yeung) to the satisfaction of the Commissioner for Transport and Commissioner of Police or of the TPB;
- (e) in relation to (d) above, the implementation of the approved Traffic and Crowd Management Plan to the satisfaction of the Commissioner for Transport and Commissioner of Police or of the TPB;

- (f) the submission of an upgrading proposal for the existing furnaces within Fung Ying Seen Koon within 6 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the TPB by 11.5.2017;
- (g) in relation to (f) above, the implementation of the approved upgrading proposal for the existing furnaces within Fung Ying Seen Koon to the satisfaction of the Director of Environmental Protection or of the TPB;
- (h) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.5.2017;
- (i) in relation to (h) above, the implementation of drainage proposals within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.8.2017;
- (j) the submission of proposals for fire service installations and water supplies for fire-fighting within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.5.2017;
- (k) in relation to (j) above, the provision of proposals for fire service installations and water supplies for fire-fighting within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.8.2017;
- (l) if any of the above planning conditions (a), (b), (e) or (g) is not complied with, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (m) if any of the above planning conditions (c), (d), (f), (h), (i), (j) or (k) is not complied with by the specified time frames, the approval hereby given shall cease to have effect and shall on the same date be revoked without further

notice.”

87. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix V of the Paper incorporating the following amendment:

“(f) to note the DEP’s comment that to address the air quality impacts from burning of joss paper activities at Fung Ying Seen Koon, the applicant is advised to follow...”

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

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/FSS/251 Proposed Office (Money-lending Business-Back Office) in “Industrial” zone, 5/F (Part), Yanjing Building, 11 On Lok Mun Street, Fanling, New Territories
(RNTPC Paper No. A/FSS/251A)

Presentation and Question Sessions

88. With the aid of a PowerPoint presentation, Mr Otto K.C. Chan, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed office (money-lending business – back office);
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, five public comments were received. One comment from a teacher of the adjacent primary school objected to the application on the ground that the proposed money-lending office would cause security problem and harassment to the school. Two comments from the Chairman and a member of the North District Council (NDC) supported the application as the proposed use would unlikely affect the surrounding environment and could introduce new business to the area and provide more job opportunities and meet stakeholders' needs. The remaining two comments from the Chairman of the Fanling District Rural Committee (FDRC) and a member of the public indicated no comment on the application;
- (e) the District Officer (North), Home Affairs Department, conveyed that the Chairmen of New Territories North District Manufacturers' Association of Hong Kong Limited and Fanling Industrial Centre Owners' Corporation (OC) supported the application. The Chairman of FDRC and the incumbent NDC member had no comment on the application, while the OC Chairmen of On Tai Industrial Centre, On Hing Industrial Centre and Techno Centre did not reply to the consultation; and
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The proposed development complied with the Town Planning Board Guidelines No. 25D on 'Use/Development within "Industrial" Zone' (TPB PG-No. 25D) in that the applicant had demonstrated there was a need for the proposed use as no office building or suitable alternative accommodation could be found in Fanling. The proposed office use was not incompatible with the ancillary office use of the remaining part of the 5/F of the subject industrial building. In view of the small scale of the proposed office and its nature of operation, no significant adverse traffic and environmental impacts were anticipated. Also, as the proposed use did not involve direct provision of customer services and goods, the Director of Fire Services had no objection to the application. There were

13 similar approved applications for office uses at the premises units within On Lok Tsuen area and approval of the current application was consistent with the Committee's previous decisions. Whilst the applicant had applied for the proposed use on a permanent basis, a temporary approval period of three years was recommended to allow the Committee to better monitor the provision of industrial floor space in the area. Regarding the public comment on security concerns, the applicant had clarified that the proposed money lending office was a back office and no direct service would be provided at the premises, and the Commissioner of Police (C of P) had no comment on the application.

89. Members had no question on the application.

Deliberation Session

90. In response to a Member's enquiry regarding money lending licence requirements, Mr Otto K.C. Chan, STP/FSYLE, said that C of P had been consulted and had no comment on the application.

91. The Chairman remarked that although the On Lok Tsuen Industrial area was retained as "Industrial" zone, there had been relaxation of development restrictions in the area in recent years so as to allow better utilisation of the land resources and increase job opportunities. The Committee, when opportunity arose, might consider exploring whether there was scope to allow uses that did not attract a large number of visiting members of the public to the premises, such as back-up offices, to operate on a longer basis so as to allow continuity of those uses in the area.

92. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 11.11.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission of proposals for fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.5.2017;

- (b) in relation to (a) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.8.2017; and
- (c) if any of the above planning conditions (a) or (b) 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.”

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

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KTN/30 Social Welfare Facility (Residential Care Home for Persons with Disabilities) in “Village Type Development” zone, Lots 1397 RP (Part), 1400 S.B ss.2 (Part), 1400 S.B ss.3 (Part) and 1400 S.B RP (Part) in D.D. 95 and Adjoining Government Land, Ho Sheung Heung, Sheung Shui, New Territories
(RNTPC Paper No. A/KTN/30)

94. The Committee noted that replacement pages (pages 9 and 12 of the Paper and page 2 of Appendix V of the Paper), incorporating the revised paragraphs 9.1.9(d) and 12.2(a) to 12.2(e) of the Paper and advisory clause (j) respectively were tabled at the meeting.

Presentation and Question Sessions

95. 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 social welfare facility (residential care home for persons with disabilities);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application. The Director of Social Welfare (D of SW) advised that under the Residential Care Homes (Persons with Disabilities) Ordinance, residential care home for persons with disabilities (RCHD) must be operated with a licence or certificate of exemption (CoE) and its operation must comply with the statutory requirements. The subject RCHD was issued with a CoE by his department on 1.2.2013 in accordance with the Residential Care Homes (Persons with Disabilities) Ordinance with conditions of improvements for full compliance with the licensing requirements, including seeking planning permission from the Town Planning Board to use the site for operating an RCHD;
- (d) during the first three weeks of the statutory publication period, three public comments were received from two North District Council (NDC) members and a member of the general public. One NDC member had no comment on the application and suggested that the villagers in the vicinity should be consulted. The other NDC member opined that there were a number of social welfare facilities in the vicinity, which would cause nuisance to nearby residents, and Ho Sheung Heung and the Sheung Shui District Rural Committee (SSDRC) should be consulted. The member of the general public objected to the application mainly on the grounds of suitability to place beds in the sitting room of the Small House and its effect on the psychological conditions of the patients;
- (e) the District Officer (North), Home Affairs Department had consulted the locals regarding the application. The NDC member of the subject constituency, the Chairman of SSDRC, who was also one of the two Indigenous Inhabitant Representatives (IIRs) of Ho Sheung Heung, and the

other IIR of Ho Sheung Heung had no comment on the application. The Resident Representative of Ho Sheung Heung could not be reached during the consultation period; and

- (f) 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. While the development was not entirely in line with the planning intention of the “Village Type Development” (“V”) zone and there was insufficient land within the “V” zone to meet the Small House demand in Ho Sheung Heung, the applied development could nevertheless provide residential care home services to person with disabilities. The residential nature of the subject private residential care home was not incompatible with the surrounding developments which were mainly village houses. As advised by D of SW, obtaining planning permission was part of the conditions of the CoE in order to allow the private residential care home to continue to provide service to persons with disabilities who were in need of residential care. It was not anticipated that the applied use would cause significant adverse traffic, environmental, drainage, sewerage, fire safety and landscape impacts on the surrounding area. Relevant government departments consulted had no adverse comment on the application. There had been no material change in the planning circumstances within the site and its surrounding areas since the granting of approval to the previous application (No. A/KTN/12) and the approval of the current application was in line with the previous decision of the Committee. Since the previous application submitted by the same applicant for the same applied use was revoked due to non-compliance with the approval conditions, a shorter compliance period was recommended to monitor the progress of compliance with the approval conditions. Regarding the adverse public comments, the applicant had clarified that no bed was provided at the sitting and dining area and the activities of patients would only be carried out within the enclosed site and nuisance to the nearby residents would be minimal.

Deliberation Session

97. 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 of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.2.2017;
- (b) in relation to (a) above, the implementation of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.5.2017;
- (c) the submission of proposals for fire service installations and water supplies for firefighting within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.2.2017;
- (d) in relation to (c) above, the provision of fire service installations and water supplies for firefighting within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.5.2017; and
- (e) if any of the above planning conditions (a), (b), (c) or (d) 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.”

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

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/539 Temporary Open Storage of Vehicles (Lorries, Vans and Private Cars) for Sale for a Period of 3 Years in “Residential (Group D)” zone, Lot 667 (Part) in D.D. 110, Kam Tin Road, Yuen Long, New Territories (RNTPC Paper No. A/YL-KTN/539)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of vehicles (lorries, vans and private cars) for sale for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. residential dwellings located to the north of the site less than 10m away, and environmental nuisances were expected. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from a general public objecting to the application on the grounds of inefficient use of land, setting of undesirable precedent for perpetuating similar uses and removing incentive for implementing the “Residential (Group D)” (“R(D)”) zone. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the

temporary open storage of vehicles (lorries, vans and private cars) for sale could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The site fell within Category 3 areas under Town Planning Board Guidelines for ‘Application and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB-PG No. 13E). Although the applied use was not in line with the planning intention of the “R(D)” zone, there was no known programme for any permanent development at the site and approval on a temporary basis would not frustrate the long term planning intention of the “R(D)” zone. The applied use was not incompatible with the surrounding areas which were intermixed with open storage/storage yards, workshop, parking lot, tailor shop, residential dwellings/structures, agricultural land and vacant/unused land. 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 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 previous planning approvals for the same open storage use granted at the site. Since the previous application was revoked due to non-compliance with the approval conditions, a shorter compliance period was recommended to monitor the progress of compliance with the approval conditions. Regarding the adverse public comments, the planning assessments above were relevant.

100. Members had no question on the application.

Deliberation Session

101. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 11.11.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 7:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;

- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities, as proposed by the applicant, shall be carried out on the site at any time during the planning approval period;
- (d) no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) no reversing of vehicles into or out from the site is allowed at any time during the planning approval period;
- (f) the existing trees and landscape plantings on the site shall be maintained at all times during the planning approval period;
- (g) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (h) the provision of fire services installations within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.2.2017;
- (i) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (j) if the above planning condition (h) 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

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

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

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/540 Proposed Temporary Shop and Services (Plant Showroom) for a Period of 3 Years in “Agriculture” zone, Lots 107 (Part) and 158 RP (Part) in D.D. 110, Tsat Sing Kong, Pat Heung, Yuen Long, New Territories
(RNTPC Paper No. A/YL-KTN/540)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary shop and services (plant showroom) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from a general public objecting to the application on the grounds of the proposed development not being in line with the planning

intention of the “Agriculture” (“AGR”) zone and approving the application would result in encroachment of farmland and contravention of the Government’s New Agricultural Policy as announced in the 2016 Policy Address. No local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)’s views – PlanD considered that the proposed temporary shop and services (plant showroom) could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Although the proposed use was not entirely in line with the planning intention of the “AGR” zone, the Director of Agriculture, Fisheries and Conservation had no adverse comment on the application and temporary approval of the application would not frustrate the long-term planning intention of the “AGR” zone. Concerned government departments had no objection to or no adverse comments on the application. There was no major change in planning circumstances since the last planning approval. Sympathetic consideration could be given to the current application and approval of the current application was in line with the Committee’s previous decision. Regarding the public comment, the assessments above were relevant.

104. Members had no question on the application.

Deliberation Session

105. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 11.11.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 5:00 p.m. and 10:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;

- (c) no medium or heavy goods vehicles exceeding 5.5 tonnes including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (d) no reversing of vehicle into or out from the site is allowed at any time during the planning approval period;
- (e) the existing trees and landscape plantings on the site shall be maintained at all times during the planning approval period;
- (f) the implementation of the accepted drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.5.2017;
- (g) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 11.5.2017;
- (h) in relation to (g) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 11.8.2017;
- (i) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (j) if any of the above planning conditions (f), (g) or (h) 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
- (k) upon expiry of the planning permission, the reinstatement of the site to an

amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 25

Section 16 Application

[Open Meeting]

A/YL-KTN/541 Proposed Temporary Shop and Services (Plant Showroom) for a Period of 3 Years in “Agriculture” zone, Lots 1037 S.A (Part), 1037 S.B (Part) and 1037 S.C (Part) in D.D. 109 and Adjoining Government Land, Tai Kong Po, Pat Heung, Yuen Long, New Territories
(RNTPC Paper No. A/YL-KTN/541)

107. The Committee noted that the applicant requested on 26.10.2016 for deferment of consideration of the application for two months in order to allow more time for the applicant to prepare further information to address the comments of the Agriculture, Fisheries and Conservation Department. It was the first time that the applicant 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 Item 26

Section 16 Application

[Open Meeting]

A/YL-KTS/718 Proposed Temporary Shop and Services (Motor Vehicles Showroom) for a Period of 3 Years in “Other Specified Uses” annotated “Rural Use” zone, Lots 566, 613 and 616RP in D.D. 106, Ng Ka Tsuen, Kam Sheung Road, Kam Tin, Yuen Long, New Territories
(RNTPC Paper No. A/YL-KTS/718)

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

110. The Committee noted that the applicant had requested for deferment of consideration of the application, and agreed that as the property of Ms Janice W.M. Lai’s family member had no direct view of the site, she could stay in the meeting.

111. The Committee also noted that the applicant requested on 26.10.2016 for deferment of 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 the Transport Department and Drainage Services Department. It was the first time that the applicant requested for deferment of the application.

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

Agenda Item 27

Section 16 Application

[Open Meeting]

A/YL-KTS/719 Proposed Temporary Open Storage of Construction Machinery, Private Cars and Vehicle Parts for a Period of 3 Years in “Other Specified Uses” annotated “Rural Use” zone, Lots 395 RP and 398 RP in D.D. 106, Kam Sheung Road, Yuen Long, New Territories
(RNTPC Paper No. A/YL-KTS/719)

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

114. The Committee noted that the applicant had requested for deferment of consideration of the application, and agreed that as the property of Ms Janice W.M. Lai’s family member had no direct view of the site, she could stay in the meeting.

115. The Committee also noted that the applicant requested on 25.10.2016 for deferment of consideration of the application for a period of two months so as to allow time for preparation of further information on drainage and fire service installations proposals in support of the application. It was the first time that the applicant requested for deferment of the application.

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

information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 28

Section 16 Application

[Open Meeting]

A/YL-KTS/721 Proposed Temporary Shop and Services (Real Estate Agency, Pet Salon, Bicycle Retail Store and Convenience Store) for a Period of 3 Years in “Residential (Group C)” zone, Lots 341 (Part), 342 (Part) and 344 (Part) in D.D. 109, Kam Sheung Road, Kam Tin, Yuen Long, New Territories
(RNTPC Paper No. A/YL-KTS/721)

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

118. The Committee noted that the applicant had requested for deferment of consideration of the application, and agreed that as the property of Ms Janice W.M. Lai’s family member had no direct view of the site, she could stay in the meeting.

119. The Committee also noted that the applicant requested on 26.10.2016 for deferment of 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 departments. It was the first time that the applicant requested for deferment of the application.

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

meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 29

Section 16 Application

[Open Meeting]

A/YL-MP/252 Proposed Temporary Agricultural Use (Farming) for a Period of 3 Years in "Conservation Area" zone, Lot 47 RP (Part) in D.D. 101, Mai Po, Yuen Long, New Territories
(RNTPC Paper No. A/YL-MP/252)

121. The Secretary reported that the site was at Mai Po. Dr Lawrence K.C. Li, who owned a property at Mai Po, had declared interest in the item. The Committee noted that Dr Lawrence K.C. Li had tendered apologies for being unable to attend the meeting.

122. The Committee noted that the applicant requested on 31.10.2016 for deferment of consideration of the application for a period of two months so as to allow time for preparation of further information to address departmental comments. It was the first time that the applicant requested for deferment of the application.

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

Agenda Item 30

Section 16 Application

A/YL-ST/477 Proposed Eating Place, Place of Entertainment, Shops and Services, Minor Relaxation of Building Height Restriction and Excavation of Land in "Other Specified Uses" annotated "Service Stations" zone, Lots No. 661 S.C RP, 669 RP, 674 RP (Part), 733 RP (Part) in D.D. 99 and Adjoining Government Land, San Tin, Yuen Long, New Territories
(RNTPC Paper No. A/YL-ST/477)

124. The Committee noted that the application was withdrawn by the applicant.

Agenda Item 31

Section 16 Application

[Open Meeting]

A/YL-ST/496 Proposed Temporary Shop and Services (Grocery Store) for a Period of 3 Years in "Conservation Area" zone, Lots 2 (Part), 3 (Part) and 4 (Part) in D.D. 99, Ha Wan Tsuen, San Tin, Yuen Long, New Territories
(RNTPC Paper No. A/YL-ST/496)

125. The Committee noted that the applicant requested on 1.11.2016 for deferment of consideration of the application for a period of two months so as to allow time for preparation of further information to address departmental comments. It was the first time that the applicant requested for deferment of the application.

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

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

[The Chairman thanked Mr Otto K.C. Chan, Mr Jeff K.C. Ho and Mr Kepler S.Y. Yuen STPs/FSYLE, for their attendance to answer Members' enquiries. They left the meeting at this point.]

Tuen Mun and Yuen Long West District

[Ms Stella Y. Ng, Ms Jessica Y.C. Ho, Mr Vincent T.K. Lai 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.]

Agenda Item 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTYYY/318 Proposed Temporary Warehouse for Storage of Construction Materials for a Period of 3 Years in "Village Type Development" zone, Government Land adjoining Lot No. 1455 RP in D.D. 130, Lam Tei, Tuen Mun, New Territories
(RNTPC Paper No. A/TM-LTYYY/318)

Presentation and Question Sessions

127. 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 warehouse for storage of construction materials for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as the site was adjacent to a residential development, i.e. Fortress Garden, with the nearest residential use located at about 10m from the site boundary and the access road, and it was anticipated that the delivery and loading/unloading of construction materials involving heavy vehicles would cause environmental nuisance to the nearby residential uses. The Chief Town Planner/Urban Design and Landscape, Planning Department, had reservation on the application and commented that due to the lack of a tree preservation and landscape proposal, the overall impact to the landscape resources and landscape character could not be ascertained. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, 28 public comments were received. A resident of the Fortress Garden supported the application without giving reason, while an individual expressed that the construction materials should be covered and the site should have 24-hour security measures. The remaining 26 comments, which were submitted/co-signed by a member of the Tuen Mun District Council, Vice-Chairman of the Tuen Mun Rural Committee cum Village Representative of Tsing Chuen Wai, individual Small House applicants, residents of the Fortress Garden and individual members of the public, objected to the application on the grounds that there were on-going Small House applications at the site, the development would generate adverse impacts to the nearby residents and was not in line with the planning intention of the “Village Type Development” (“V”) zone, there was inadequate access arrangement and setting of undesirable precedent. No local objection/view was received by the District Officer (Tuen Mun); and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The development was not in line with the planning intention of the “V” zone and there was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis. The proposed use was considered not compatible with the residential development to the immediate west of the site. DEP did not support the application from environmental planning perspective and there was no information in the submission to demonstrate that the proposed use would not have adverse environmental impact on the nearby residential uses. As the Committee had not approved any warehouse development within the “V” zone, the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications with the “V” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

128. In response to a question from a Member's question, Ms Stella Y. Ng, STP/TMYLW, said that the warehouse to the north of the site was already in existence before the first publication of the Development Permission Area Plan for the area, and thus was regarded as an existing use which could be tolerated under the Town Planning Ordinance.

Deliberation Session

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

- “(a) the planning intention of the “Village Type Development” (“V”) zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and re-provisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. The development is not in line with the planning intention of the “V” zone. No strong planning justification has been given in the

submission for a departure from the planning intention, even on a temporary basis;

- (b) the proposed development is not compatible with the residential development to the immediate west of the site;
- (c) the applicant fails to demonstrate that the proposed use would not have adverse environmental impact on the nearby residential uses; and
- (d) the approval of the application would set an undesirable precedent for similar applications within the “V” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.”

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/494 Shop and Services (Real Estate Agency) in “Industrial” zone,
Workshop Q (Portion), G/F., Delya Industrial Centre, 7 Shek Pai Tau
Road, Tuen Mun, New Territories
(RNTPC Paper No. A/TM/494)

Presentation and Question Sessions

130. Ms Jessica Y.C. Ho, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the shop and services (real estate agency);
- (c) departmental comments – departmental comments were set out in

paragraph 10 of the Paper. The Director of Fire Services had no objection in principle to the application and advised that the building was protected with a sprinkler system so that the maximum permissible aggregate commercial floor area on G/F was 460m² in accordance with the Town Planning Board Guidelines for Use/Development within “Industrial” Zone (TPB PG-No. 25D). The applied use should be counted up to the aggregate commercial floor area. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, one public comment was received from a Tuen Mun District Council member who indicated support to the application. No local objection/view was received by the District Officer (Tuen Mun); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. Although the shop and services use was not entirely in line with the planning intention of the “Industrial” zone, it could provide real estate agency service to meet any such demand in the area. The use under application was small in scale and relevant government departments consulted had no adverse comments on or no objection to the application. The subject premises was located within a building protected by a sprinkler system and therefore the maximum permissible aggregate commercial floor area on the ground floor was 460m². The aggregate commercial floor area on the ground floor of the subject industrial building was 14.45m² which was within the maximum permissible limit of 460m². However, a temporary approval of three years was recommended in order not to jeopardise the long-term planning intention of industrial use for the subject premises. Approval of the application on a temporary basis of three years was consistent with the Committee’s previous decisions.

131. Members had no question on the application.

Deliberation Session

132. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 11.11.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission of fire service installations proposal for the application premises within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.5.2017;
- (b) in relation to (a) above, the implementation of fire service installations proposal for the application premises within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.8.2017; and
- (c) if any of the above planning conditions (a) or (b) 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.”

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

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/1053 Proposed Temporary Open Storage of Private Car, Tires and Construction Material with Ancillary Site Office for a Period of 3 Years in “Undetermined” zone, Lots 1824 S.A RP, 1824 S.B RP and 1824 S.C in D.D. 125, Ha Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-HT/1053)

134. The Secretary reported that the site was at Ha Tsuen. Ms Janice W.M. Lai,

whose spouse was a shareholder of a company owning two pieces of land in Ha Tsuen, had declared interest in the item. The Committee agreed that as the two pieces of land owned by the company of Ms Janice W.M. Lai's spouse had no direct view of the site, she could stay in the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary open storage of private car, tires and construction material with ancillary site office for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application because there were sensitive uses along the access road, i.e. Ping Ha Road, and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary open storage of private car, tires and construction material with ancillary site office could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Whilst the site fell within the boundary of the Planning and Engineering Study on the Hung Shui Kiu New Development Area, the development programme was being formulated and the approval of the application on a temporary basis would not jeopardise the long-term development of the

area. The applied use was not incompatible with the surrounding areas predominantly used for logistics centre and open storage. The application generally complied with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No.13E) in that the site fell within Category 1 areas which were considered suitable for open storage and port back-up uses; relevant proposals had been submitted to demonstrate that the proposed use would not generate adverse impacts; and the technical concerns of relevant government departments could be addressed through the implementation of approval conditions. Although DEP did not support the application, there was no substantiated environmental complaint pertaining to the site in the past three years and relevant approval conditions had been recommended to minimise any potential environmental nuisances. The site was the subject of 13 previous approved applications for similar open storage uses and there were 30 similar approved applications within the same “Undetermined” zone. Approval of the subject application was in line with the Committee’s previous decisions.

136. Members had no question on the application.

Deliberation Session

137. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 11.11.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation from 7:00 p.m. to 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;

- (d) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.5.2017;
- (e) in relation to (d) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.8.2017;
- (f) the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (g) the submission of a tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 11.5.2017;
- (h) in relation to (g) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 11.8.2017;
- (i) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.12.2016;
- (j) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 11.5.2017;
- (k) in relation to (j) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 11.8.2017;
- (l) the provision of fencing at the site within 6 months from the date of

planning approval to the satisfaction of the Director of Planning or of the TPB by 11.5.2017;

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

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

Agenda Item 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/1054 Proposed Temporary Vehicle Service Centre for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 3138 RP (Part), 3139 (Part), 3140, 3141 (Part) and 3143 (Part) in D.D. 129, Ha Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-HT/1054)

139. The Secretary reported that the site was at Ha Tsuen. Ms Janice W.M. Lai, whose spouse was a shareholder of a company owning two pieces of land in Ha Tsuen, had declared interest in the item. The Committee agreed that as the two pieces of land owned by the company of Ms Janice W.M. Lai’s spouse had no direct view of the site, she could stay in

the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary vehicle service centre for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application because there were sensitive uses in the vicinity and along the access road, i.e. Lau Fau Shan Road and Ping Ha Road, and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary vehicle service centre could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Whilst the site fell within the boundary of the Planning and Engineering Study on the Hung Shui Kiu New Development Area, the development programme was being formulated and the approval of the application on a temporary basis would not jeopardise the long-term development of the area. The proposed use was not incompatible with the surrounding areas predominantly used for vehicle service centres, logistics centre and open storage. Although DEP did not support the application, there was no environmental complaint pertaining to the site in the past three years and

relevant approval conditions had been recommended to minimise any potential environmental nuisances. There was one similar approved application in the adjoining site within the same “Comprehensive Development Area” zone. Approval of the subject application was in line with the Committee’s previous decision.

141. Members had no question on the application.

Deliberation Session

142. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 11.11.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 7:00 p.m. to 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;
- (d) no vehicle spraying activities, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (e) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.5.2017;
- (f) in relation to (e) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.8.2017;

- (g) the submission of 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 11.5.2017;
- (h) in relation to (g) above, the implementation of the run-in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 11.8.2017;
- (i) the submission of tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 11.5.2017;
- (j) in relation to (i) 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 11.8.2017;
- (k) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 11.5.2017;
- (l) in relation to (k) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 11.8.2017;
- (m) the provision of fencing at the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 11.5.2017;
- (n) 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;
- (o) if any of the above planning conditions (e), (f), (g), (h), (i), (j), (k), (l) or (m)

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

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

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

Agenda Item 36

Section 16 Application

[Open Meeting]

A/YL-HT/1055 Temporary Logistics Centre and Open Storage of Containers for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 31 RP (Part) and 32 RP in D.D. 128, Lots 2433 (Part), 2436 (Part), 2437 (Part), 2438 S.A RP (Part), 2438 S.B. (Part), 2958 (Part), 2959 (Part), 2960, 2961 S.A ss.1 (Part), 2961 S.A RP (Part), 2961 RP (Part), 2962 (Part), 2963 (Part), 2964, 2965, 2966, 2967, 2968 S.A, 2968 S.B, 2969, 2970, 2971, 2972, 2973, 2974 (Part), 2975 S.A (Part), 2975 S.B (Part), 2976 (Part), 2977 S.A (Part), 2977 S.B (Part), 2983 RP (Part), 2984, 2985, 2986, 2987, 2988, 2989 RP, 2991 RP (Part), 2992 RP, 2993, 2994, 2995, 2996, 2997, 2998, 2999 (Part), 3000 RP (Part), 3073 S.A (Part), 3073 RP, 3075 (Part), 3076 (Part), 3077 (Part), 3078 (Part), 3079, 3080, 3081, 3082 S.A, 3082 S.B, 3083, 3084, 3085, 3086 (Part), 3087 (Part), 3088 S.B (Part), 3096 (Part) and 3098 (Part) in D.D. 129 and Adjoining Government Land, Ha Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-HT/1055)

144. The Secretary reported that the site was at Ha Tsuen. Ms Janice W.M. Lai, whose spouse was a shareholder of a company owning two pieces of land in Ha Tsuen, had

declared interest in the item. The Committee noted that the applicant had requested for deferment of the consideration of the application, and agreed that as the two pieces of land owned by the company of Ms Janice W.M. Lai's spouse had no direct view of the site, she could stay in the meeting.

145. The Committee also noted that the applicant requested on 26.10.2016 for deferment of consideration of the application for a period of two months so as to allow time for preparation of further information to address departmental comments. It was the first time that the applicant requested for deferment of the application.

146. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. 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 37

Section 16 Application

[Open Meeting]

A/YL-TT/391 Social Welfare Facility (Residential Home for Persons with Disabilities) in "Village Type Development" zone, Lots 130 S.A, 130 S.B, 130 S.C, 130 S.D, 130 S.E and 130 RP in D.D. 118, Nam Hang Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TT/391)

147. The Committee noted that the applicant requested on 25.10.2016 for deferment of consideration of the application for a period of two months so as to allow time for preparation

of further information to address departmental comments. It was the first time that the applicant requested for deferment of the application.

148. 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 38

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/392 Temporary Warehouse for Storage of Vehicle Parts for a Period of 3 Years in "Agriculture" zone, Lots 1739 RP (Part), 1740 (Part) and 2385 (Part) in D.D. 118 and Adjoining Government Land, Tong Tau Po Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TT/392)

Presentation and Question Sessions

149. 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 temporary warehouse for storage of vehicle parts for a period of three years;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application because there were sensitive receivers of residential use in the vicinity, and environmental nuisance was expected. The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application from agricultural point of view as the site might still be suitable for agricultural uses such as plant nursery. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning perspective as the proposed use was incompatible with the planned use of the “Agriculture” (“AGR”) zone and gradual impact to the landscape resources and landscape character in the vicinity was observed. As the “AGR” zone acted as a buffer between the “Conservation Area” (“CA”) and “Open Storage” (“OS”) zones, approval of the application might likely set an undesirable precedent attracting other similar incompatible uses to the “AGR” zone and the cumulative impact of which would result in a general degradation of the landscape character of the area and diminishing the buffer to the “CA” zone. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during statutory publication period of the application, five public comments were received. Four of the comments from private individuals objected to the application mainly on the grounds of the use being near residential dwellings and not in line with the planning intention and Town Planning Board Guidelines, and setting of undesirable precedent. The other comment from a Yuen Long District Council Member indicated no comment on the application. No local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The applied use was not in line with the planning intention of the “AGR”

zone and there was no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis. The development was not compatible with the surrounding environment which mainly consisted of residential dwellings, fallow/cultivated agricultural land and vacant land. DAFC, DEP and CTP/UD&L, PlanD did not support or had reservation on the application. The applicant failed to demonstrate that the development would not cause adverse environmental and landscape impacts on the surrounding areas. There were four rejected similar applications within the same “AGR” zone and approval of the application would set an undesirable precedent and the cumulative effect of approving such application would result in general degradation of the rural environment of the area.

150. In response to the Chairman’s query, Mr Alan Y.L. Au, STP/TMYLW, said that there were existing trees to the north of the site and the subject “AGR” zone acted as a buffer between the “CA” and “OS” zones to the north and south of the site respectively. Approval of the application would diminish the function of the buffer area.

Deliberation Session

151. In response to a Member’s enquiry, the Chairman said that whether the use at the site constituted an unauthorised development was subject to investigation by PlanD. The Chairman recapitulated that as the site was in proximity to the “CA” zone, and the use under application would cause adverse landscape impact to the surrounding areas.

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

“(a) the development is not in line with the planning intention of the “Agriculture” (“AGR”) zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention,

even on a temporary basis;

- (b) the applicant fails to demonstrate that the development would not generate adverse environmental and landscape impacts on the surrounding areas; and
- (c) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such application would result in general degradation of the rural environment of the area.”

Agenda Item 39

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/393 Proposed Temporary Public Vehicle Park (Private Car) for a Period of
3 Years in “Agriculture” zone, Lot 2020 in D.D. 119 and Lot 3057 in
D.D. 120, Kiu Hing Road, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TT/393)

Presentation and Question Sessions

153. 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 temporary public vehicle park (private car) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural

point of view as the site had high potential for agricultural rehabilitation. The Commissioner for Transport (C for T) had concern on the impact of the additional traffic arising from the proposed development to the nearby road network. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning perspective. It was observed that the site, which was originally vegetated, was currently partially cleared and landscape impact had taken place. Approval of the application might likely set an undesirable precedent encouraging other similar applications to clear the site prior to obtaining planning permission. Moreover, the proposed car park would be in conflict with the existing trees on the western boundary and there was no proposed mitigation measures to screen the site from public frontage. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, two public comments were received from an individual and the Hong Kong Bird Watching Society. They objected to the application mainly on the grounds of the proposed development being not in line with the planning intention of the “Agriculture” (“AGR”) zone; inefficient use of land; setting of undesirable precedent; suspected “destroy first, build later” action; and causing adverse impacts on the conservation zone. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application 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 “AGR” zone and there was no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis. DAFC did not support the application from agricultural point of view. CTP/UD&L, PlanD had reservation on the application and C for T had concerns on the impact of the additional traffic arising from the proposed development. The applicant failed to demonstrate that the proposed development would not cause adverse landscape and traffic

impacts to the surrounding areas. There was no similar application approved in the same “AGR” zone and approval of the application would set an undesirable precedent and the cumulative effect of approving such application would result in general degradation of the rural environment and landscape quality of the area.

154. Members had no question on the application.

Deliberation Session

155. The Chairman drew Members’ attention that since the site was originally vegetated, but had subsequently been partially cleared, PlanD had landscape concern on the proposed development. C for T had also raised concerns on the traffic impact that might be generated by the proposed development.

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the applicant fails to demonstrate that the development would not generate adverse landscape and traffic impact on the surrounding areas; and
- (c) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such application would result in general degradation of the rural environment of the area.”

Agenda Item 40

Section 16 Application

[Open Meeting]

A/YL-TYST/814 Temporary Warehouse for Storage of Clothes and Household Products for a Period of 3 Years in “Undetermined” zone, Lots 747 (Part), 748 (Part), 749 (Part), 750 (Part), 752 (Part), 753 (Part), 754 (Part), 757 (Part), 758 (Part), 759 (Part), 760 S.A (Part), 760 S.B (Part), 761, 762, 763, 764 S.A (Part), 771 (Part), 789 (Part), 793 (Part), 794, 795, 796, 797, 798 (Part) and 804 RP (Part) in D.D. 117 and Adjoining Government Land, Kung Um Road, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TYST/814)

157. The Committee noted that the applicant requested on 25.10.2016 for deferment of consideration of the application for a period of two months so as to allow time for preparation of further information to address departmental comments. It was the first time that the applicant requested for deferment of the application.

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

[The Chairman thanked Ms Stella Y. Ng, Ms Jessica Y.C. Ho, Mr Vincent T.K. Lai and Mr Alan Y.L. Au, STPs/TMYLW, for their attendance to answer Members’ enquiries. They left the meeting at this point.]

Agenda Item 41

Any Other Business

[Open Meeting]

159. The Secretary informed Members that this was the last meeting of the Rural and New Town Planning Committee chaired by Mr K.K. Ling, Director of Planning, prior to his retirement. The Secretary proposed and Members agreed to express a vote of thanks to Mr Ling for his contributions to the Committee and wished him a happy and healthy retirement. Mr Ling thanked all Members for their support over the past years and expressed gratitude for Members' dedication which contributed to the smooth conduct of the Committee's business.

160. There being no other business, the meeting closed at 5:00 p.m..