

TOWN PLANNING BOARD

**Minutes of 577th Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 7.4.2017**

Present

Director of Planning
Mr Raymond K.W. Lee

Chairman

Professor K.C. Chau

Mr Ivan C.S. Fu

Ms Janice W.M. Lai

Mr H.F. Leung

Dr F.C. Chan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr C.H. Hau

Mr Alex T.H. Lai

Dr Lawrence K.C. Li

Miss Winnie W.M. Ng

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

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

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

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

Deputy Director of Planning/District
Miss Fiona S.Y. Lung

Secretary

Absent with Apologies

Mr H.W. Cheung

Ms Christina M. Lee

Mr Stephen L.H. Liu

In Attendance

Chief Town Planner/Town Planning Board
Mr Kepler S.Y. Yuen

Town Planner/Town Planning Board
Mr Harris K.C. Liu

Agenda Item 1

Confirmation of the Draft Minutes of the 576th RNTPC Meeting held on 17.3.2017

[Open Meeting]

1. The draft minutes of the 576th RNTPC meeting held on 17.3.2017 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

(i) Amendment to Confirmed Minutes of 565th RNTPC meeting held on 30.9.2016

2. The Secretary reported that an editorial error was found in the approval condition (j) in paragraph 164 on page 92 of the confirmed minutes of the RNTPC meeting held on 30.9.2016. A page showing the proposed amendment to the minutes was sent to Members. The Committee agreed to the rectification of the confirmed minutes to reflect that the approval condition (j) should be to the satisfaction of the Director of Planning, instead of the Director of Drainage Services. The applicant would be notified of the rectification accordingly and the amended minutes would be uploaded to the Town Planning Board website.

(ii) Amendment to Confirmed Minutes of 566th RNTPC meeting held on 14.10.2016

3. The Secretary reported that as pointed out by a commenter of a rejected application (No. A/YL-PS/523), editorial errors were found in paragraph 113(d) on page 69 of the confirmed minutes of the RNTPC meeting held on 14.10.2016. A page showing the proposed amendment to the minutes was tabled at the meeting. The Committee agreed to the rectification of the confirmed minutes to reflect the objection grounds of a public comment. The commenter as well as the applicant would be notified of the rectification accordingly and the amended minutes would be uploaded to the Town Planning Board website.

Fanling, Sheung Shui and Yuen Long East District

Agenda Item 3

Section 12A Application

[Open Meeting]

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/3C)

4. The Secretary reported that the application was submitted by City Movement Limited, which was a subsidiary of Henderson Land Development Company Limited (HLD). AECOM Asia Co. Limited (AECOM) and MVA Hong Kong Limited (MVA) were two of the consultants of the applicant. The following Members had declared interests on 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;

- Dr C.H. Hau - having current business dealings with AECOM and being an employee of the University of Hong Kong (HKU), which received a donation from a family member of the Chairman of HLD before;

- Mr H.F. Leung - being an employee of HKU, which 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 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 obtained sponsorship from HLD before;
- Ms Christina M. Lee - being the Secretary-General of the Hong Kong Metropolitan Sports Events Association, which obtained sponsorship from HLD before; and
- Mr Peter K.T. Yuen - being a member of the Board of Governors of the Hong Kong Arts Centre, which received a donation from an Executive Director of HLD before.

5. The Committee noted that the applicant had requested deferment of consideration of the application, Mr Stephen L.H. Liu and Ms Christina M. Lee had tendered apologies for being unable to attend the meeting, and Ms Janice W.M. Lai, Mr Peter K.T. Yuen and Dr C.H. Hau had not yet arrived to join the meeting. The Committee agreed that Mr H.F. Leung, Professor K.C. Chau and Dr Lawrence K.C. Li could stay in the meeting as their interests were indirect. As the interest of Mr Ivan C.S. Fu was direct, the Committee agreed that he could stay in the meeting but should refrain from participating in the discussion.

6. The Committee noted that the applicant requested on 3.4.2017 deferment of the of consideration of the application for two months in order to allow time for the applicant to address departmental comments. It was the fourth time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted and updated the Ecological Review to address departmental comments.

7. 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 fourth deferment and a total of eight months had been allowed for preparation of submission of further information, this was the last deferment, and no further deferment would be granted.

[Ms Janice W.M. Lai, Mr Peter K.T. Yuen and Dr C.H. Hau arrived to join the meeting at this point.]

Sai Kung and Islands District

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

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-PK/234	Proposed House (New Territories Exempted House – Small House) in “Green Belt” and “Village Type Development” Zones, Lots 492 S.A ss.1 and 492 S.C in D.D. 222, Pak Kong, Sai Kung, New Territories (RNTPC Paper No. A/SK-PK/234)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. The Commissioner for Transport (C for T) had reservation on the application but considered that the application involving one Small House 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 comments were received from the Sai Kung Planning Concern Front and an individual, all raising objections to the application. The major objection grounds were set out in paragraph 11 of the Paper; 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. Though the proposed development was not in line with the planning intention of the “Green Belt” zone, the site was mostly vacant and overgrown with grass and shrubs and the proposed Small House was not incompatible with the surrounding areas predominated by village houses and shrubs. The application generally met the Town Planning Board Guidelines No. 10 in that no adverse impact on the natural landscape was envisaged as no extensive clearance of vegetation would be involved. The application was also in line 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 Small House fell within the village ‘environ’ of Pak Kong Village and land available within the “Village Type Development” zone was insufficient to meet the future Small House demand. Although C for T had reservation on the application, development of one Small House could be tolerated. Regarding the

adverse public comments, the comments of concerned departments and the assessments above were relevant.

9. Members had no question on the application.

Deliberation Session

10. 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 7.4.2021, 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 sewerage connection to the existing sewer to the satisfaction of the Director of Drainage Services or of the TPB; and
- (b) the submission and implementation of a landscaping proposal to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 5

Section 16 Application

[Open Meeting]

A/SK-PK/235 Proposed House (New Territories Exempted House - Small House) in “Green Belt” Zone, Lots 588 S.B (Part), 592 S.B (Part) and 592 RP (Part) in D.D. 222 and Adjoining Government Land, Pak Kong, Sai Kung, New Territories
(RNTPC Paper No. A/SK-PK/235)

12. The Committee noted that the applicant requested on 31.3.2017 deferment of the

consideration of the application for one month in order to allow time to resolve the departmental comments. It was the first time that the applicant requested deferment of the application.

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

Agenda Item 6

Section 16 Application

[Open Meeting]

A/SK-TLS/50 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/50)

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

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

Mr Alex T.H. Lai - his firm having past business dealings with CLP; and

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

15. The Committee noted that the applicant had requested deferment of consideration of the application and Mr Stephen L.H. Liu and Ms Christina M. Lee had tendered apologies for being unable to attend the meeting. The Committee agreed that Mr Alex T.H. Lai could stay in the meeting as his interest was indirect.

16. The Committee noted that the applicant requested on 17.3.2017 deferment of the consideration of the application for one month in order to allow time to resolve departmental comments. It was first time that the applicant requested deferment of the application.

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

Agenda Item 7

Section 16 Application

[Open Meeting]

A/SLC/146 Proposed Temporary Holiday Camp (Caravan Holiday Camp) for a Period of 3 Years in "Coastal Protection Area" Zone, Lots 62, 63, 64, 65, 66 S.B, 66 RP and 67 in D.D. 331 and Adjoining Government Land, Cheung Sha, Lantau Island, New Territories
(RNTPC Paper No. A/SLC/146)

18. The Committee noted that the applicant requested on 18.3.2017 deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

19. 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 William W.T. Wong, STP/SKIs, for his attendance to answer Members' enquiries. Mr Wong left the meeting at this point.]

Sha Tin, Tai Po and North District

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

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/163 Proposed Government Refuse Collection Point in "Agriculture" Zone,
Government Land near junction of Man Kam To Road and Sha Ling
Road, Sha Ling, Sheung Shui, New Territories
(RNTPC Paper No. A/NE-FTA/163B)

20. The Secretary reported that the application was submitted by the Civil Engineering and Development Department (CEDD) and Ove Arup & Partners Hong Kong Limited (Arup) was the consultant of the applicant. The following Members had declared interests on the item :

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

Dr C.H. Hau - conducting contract research projects with CEDD; and

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

21. The Committee agreed that Ms Janice W.M. Lai and Dr C.H. Hau should be invited to leave the meeting temporarily for the item as their interests were direct. The Committee also agreed that Mr Ivan C.S. Fu could stay in the meeting as he had no involvement in the application.

[Ms Janice W.M. Lai and Dr C.H. Hau left the meeting temporarily at this point.]

Presentation and Question Sessions

22. 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 government refuse collection point (RCP);
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. 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 from the Chairman of Sheung Shui District Rural

Committee and a North District Council (NDC) member, both indicated no comment on the application. The District Officer (North) also conveyed that the Vice-chairman of Ta Kwu Ling District Rural Committee, a NDC member, and the Indigenous Inhabitant Representative and Resident Representative of San Uk Ling had no comment on the application; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. The proposed government RCP for the reprovisioning of the nearby existing RCP affected by road widening works would continue to provide refuse collection service to the locals. Given that the proposed RCP was small in scale, approval of the application would not frustrate the long-term planning intention of the area and concerned departments had no objection to or no adverse comment on the application. Approval conditions were recommended to address technical concerns of relevant departments. There was no adverse public comment on the application.

23. Members had no question on the application.

Deliberation Session

24. 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 7.4.2021, 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 fire service installations and water supplies for fire-fighting to the satisfaction of the Director of Fire Services 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;

- (c) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (d) the submission and implementation of protective measures for the raw water mains at/near of the site to the satisfaction of the Director of Water Supplies or of the TPB.”

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

[Ms Janice W.M. Lai and Dr C.H. Hau returned to join the meeting at this point.]

Agenda Item 9

Section 16 Application

[Open Meeting]

A/NE-LYT/582 Proposed School (Non-Profit Making School) in “Government, Institution or Community” and “Green Belt” Zones, Lots 2122 RP (Part) and 1671 in D.D. 83 and Adjoining Government Land in D.D. 51 and D.D. 83, Fanling, New Territories
(RNTPC Paper No. A/NE-LYT/582)

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

Agenda Items 10 to 16

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/617 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Green Belt” Zones, Lot 162 S.B ss.4 in D.D. 46, Ma Mei Ha Tsuen, Fanling, New Territories

A/NE-LYT/618	Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 162 S.B ss.5 in D.D. 46, Ma Mei Ha Tsuen, Fanling, New Territories
A/NE-LYT/619	Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 162 S.B ss.6 in D.D. 46, Ma Mei Ha Tsuen, Fanling, New Territories
A/NE-LYT/620	Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 162 S.B ss.7 in D.D. 46, Ma Mei Ha Tsuen, Fanling, New Territories
A/NE-LYT/621	Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 162 S.B ss.8 in D.D. 46, Ma Mei Ha Tsuen, Fanling, New Territories
A/NE-LYT/622	Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Green Belt” Zones, Lot 162 S.B ss.9 in D.D. 46, Ma Mei Ha Tsuen, Fanling, New Territories
A/NE-LYT/623	Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Green Belt” Zones, Lot 162 S.B ss.12 in D.D. 46, Ma Mei Ha Tsuen, Fanling, New Territories (RNTPC Paper No. A/NE-LYT/617 to 623)

27. The Committee noted that the seven applications were similar in nature and the application sites were located close to one another and within or partly within the same “Agriculture” (“AGR”) zone. The Committee agreed that the seven applications would be considered together. The Committee also noted that replacement pages (pages 9 and 10 of the Paper), with revised paragraphs 11 and 12.7, had been dispatched to Members before the meeting.

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House) on each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) objected the applications as those sites were being occupied by a nursery garden and had potential for agricultural rehabilitation. The Commissioner for Transport (C for T) had reservation on the applications but considered that construction of seven Small Houses could be tolerated. Other concerned departments had no objection to or no adverse comment on the applications;
- (d) during the first three weeks of statutory publication period, six public comments on application No. A/NE-LYT/617 and five comments on each of applications No. A/NE-LYT/618 to 623 were received. A North District Council member supported all applications and the Chairman of Fanling District Rural Committee had no comment on all applications. Objecting comments were received from Designing Hong Kong Limited and individuals and the major objection grounds were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments set out in paragraph 12 of the Paper. Though the proposed Small House developments were not in line with the planning intention of the “AGR” zone and some were also not in line with that of the “Green Belt” (“GB”) zone, they were not incompatible with the surrounding land uses predominated by village houses, temporary structures, tree groups and vacant land. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria), more than 50% of the footprint of the proposed Small Houses fell within the village ‘environ’ of Ma Mei Ha Tsuen and land was

available within the “Village Type Development” zone to meet outstanding Small House application but not for future Small House demand. Nevertheless, the sites were the subject of previously approved planning applications No. A/NE-LYT/453 to 458 and 461 which were expired in January 2016. Despite objecting to the applications from agricultural viewpoint, DAFC had no objection to those applications which partly falling within the “GB” zone from nature conservation viewpoint and the Chief Town Planner/Urban Design & Landscape, PlanD had no objection to the applications. Besides, C for T considered the development of seven Small Houses could be tolerated. Significant landscape and traffic impacts were not anticipated. Those applications with portions partly falling within “GB” zone generally complied with the Town Planning Board Guidelines No. 10 (TPB PG-No. 10) given that the sites were in close proximity to the existing Ma Mei Ha Tsuen. As for the concern on some of the proposed Small Houses encroaching onto an existing village access, concerned departments, including C for T, had no adverse comment on that aspect as the concerned village access was on private land. Regarding the adverse public comments, the comments of concerned departments and the assessments above were relevant.

29. A Member enquired what the planning implication to the area would be, if the current applications which were located in “AGR” and “GB” were approved. In response, Mr Wallace W.K. Tang, STP/STN, said that in considering future planning application for Small House development which falling within the “AGR” and/or “GB” zone, the assessment criteria set out in the Interim Criteria and TPB PG-No. 10 would be taken into account and each of the planning application would be considered on its individual merits.

Deliberation Session

30. The Committee noted from Plans A-3 and A-2a of the Paper that the vegetation within the “GB” zone was still intact and an application which fell entirely within the “GB” zone was rejected by the Committee previously. A Member stressed that approval of the current applications should not set precedents for other similar application for Small House development within the subject “GB” zone in future, as the current applications were

approved on special consideration that the sites were the subject of previously approved applications for the same use, which lapsed in January 2016. Another Member concurred with the same view.

31. After deliberation, the TPB decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the permissions should be valid until 7.4.2021, 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. Each of the permissions 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.”

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

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/624 Proposed Utility Installation for Private Project (Transformer Room - Indoor Substation) in “Agriculture” and “Recreation” Zones, Lot 2870 S.A in D.D. 51, Tong Hang, Fanling, New Territories
(RNTPC Paper No. A/NE-LYT/624)

33. The Secretary reported that CLP Power Hong Kong Limited (CLP) was the consultant of the applicant. The following Members had declared interests on the item :

- Mr Stephen L.H. Liu - having current business dealings with CLP;
- Mr Alex T.H. Lai - his firm having past business dealings with CLP; and
- Ms Christina M. Lee - being the Secretary-General of the Hong Kong Metropolitan Sports Events Association which obtained sponsorship from CLP before.

34. The Committee noted that Mr Stephen L.H. Liu and Ms Christina M. Lee had tendered apologies for being unable to attend the meeting. As the interest of Mr Alex T.H. Lai was indirect, the Committee agreed that he could stay in the meeting.

Presentation and Question Sessions

35. 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 utility installation for private project (transformer room – indoor substation);
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the application from agricultural point of view as the site had potential for agricultural rehabilitation. 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 comments were received. A North District Council member supported the application and the Chairmen of Sheung Shui District Rural Committee (RC) and Fanling District RC had no comment on the application. An

individual raised queries about the proposed development; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. The proposed utility installation was necessary for the provision of electricity supply to village houses in the vicinity and was not incompatible with the rural character of the surrounding areas. Significant adverse environmental, landscape, drainage and traffic impacts were not anticipated and concerned departments, except DAFC, had no objection to or no adverse comment on the application. Though DAFC objected from agricultural development viewpoint, only 9.2% (i.e. 6.5m²) of the site fell within the “Agriculture” (“AGR”) zone and the site was the subject of three previously approved applications for the same use but with different scale. The proposed development was not entirely in conflict with the planning intentions of “AGR” and “Recreation” zones. As for the concern on the site encroaching onto an existing footpath, approval condition prohibiting the encroachment was recommended. There was no adverse public comment against the application and the comments of concerned departments and the assessments were relevant to the queries raised in the public comment.

36. Some Member raised the following questions :

- (a) noting that the site was the subject of three previous applications for similar utility installation use, which were approved between 2007 and 2014, what the reason was for the delayed implementation of the approved applications;
- (b) in view of the advance of technology and the similar demand for electricity, why the gross floor area (GFA) of the proposed development under the current application was larger than that of the previously approved schemes; and
- (c) what the reason was for using a much larger site of about 70.4m² to

accommodate the proposed development with a footprint of about 30.7m².

37. Mr Wallace W.K. Tang, STP/STN, made the following responses :

- (a) the applicant had not provided information on why the previously approved planning applications were not implemented. With reference to a table comparing development parameters of the last and current application in paragraph 1.3 of the Paper, the total GFA increased from 14.11m² to 30.72m² and the building height increased from about 3m to 5m. According to the justifications put forth by the applicant, the current application was to meet the latest design requirements of CLP;
- (b) the applicant had not provided information on the increase in GFA under the current scheme. Nevertheless, the type of electricity substation was changed from a package substation under the previous application to a transformer room – indoor substation under the current application; and
- (c) the site area reflected the area of the private lot owned by the applicant. Land area to be covered by the proposed public utility installation would be about 30.7m².

Deliberation Session

38. 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 7.4.2021, 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 proposed development should not encroach onto the existing footpath to the immediate southeast of the site;
- (b) the submission and implementation of fire service installations and water supplies for fire-fighting proposal to the satisfaction of the Director of Fire

Services or of the TPB;

- (c) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (d) the submission and implementation of protective measures against pollution to the nearby watercourse to the satisfaction of the Director of Water Supplies or of the TPB; and
- (e) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

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 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-MKT/2 Proposed Temporary Container Trailer Park with Ancillary Storage and Office for a Period of 3 Years in “Agriculture” Zone, Lots 632 S.A RP and 633 S.A RP in D.D. 90, Lin Ma Hang Road, Man Kam To, Sheung Shui, New Territories
(RNTPC Paper No. A/NE-MKT/2A)

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 temporary container trailer park with ancillary storage and

office for a period of three years;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Commissioner for Transport (C for T) did not support the application as the applicant failed to provide information on vehicular access arrangement, traffic impact assessment, width and location of the vehicular access points, class of vehicles and number of parking spaces. The Director of Environmental Protection (DEP) also did not support the application as there were domestic structures in the vicinity and two records of substantiated environmental complaints relating to waste pollution and miscellaneous aspects were received in 2016. Also suspected illicit filling facilities were spotted during site inspection. The Divisional Commander (Ta Kwu Ling Division), Hong Kong Police Force (DVC, HKPF) considered the application unacceptable as the site was proposed to store mechanical oil and other inflammable fluid but without providing details on any safety measures. Also, the turning of long vehicle into and out of the site would create substantial danger to other road users. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application in that vegetation clearance had been noticed at the site and approval of the application would set an undesirable precedent encouraging similar vegetation removal prior to obtaining planning permission which would cause adverse impact on the landscape resource. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as there were active agricultural activities in the vicinity and the site could be used for plant nursery or greenhouse. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of statutory publication period, six comments were received. The Chairman of Sheung Shui District Rural Committee and a North District Council (NDC) member indicated no comments, while Kardoorie Farm and Botanic Garden Corporation, World Wide Fund for Nature Hong Kong, the Hong Kong Bird Watching Society and another NDC member objected to or raised concern on the application. The

District Officer (North) also conveyed that objections were received from the Indigenous Inhabitant Representative (IIR) and Resident Representative (RR) of San Uk Ling and RR of Muk Wu, while a NDC member and IIR of Muk Wu supported the application. Major objection grounds were set out in paragraph 10 of the Paper; and

- (e) 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 “Agriculture” (“AGR”) zone and DAFC did not support the application. There was no strong justification in the submission to merit a departure from the planning intention, even on a temporary basis. Concerned departments, including C for T, DVC, HKPF, DEP and CTP/UD&L, PlanD did not support or had reservation on the application from traffic, road safety, environmental and landscape planning perspectives. Since vegetation clearance was found at the site, approval of the application would set an undesirable precedent encouraging site clearance prior obtaining planning permission. Regarding the adverse public comments, the assessments above were relevant.

41. A Member asked whether the site was subject to any enforcement action. In response, Mr Wallace W.K. Tang, STP/STN, said that a complaint against the site was received and the Central Enforcement and Prosecution Section, PlanD was undertaking investigation. Besides, suspected illegal filling facilities were spotted during site inspection by the Environmental Protection Department and had been referred to relevant department to follow up.

Deliberation Session

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

- “(a) the application is not in line with the planning intention of the “Agriculture” (“AGR”) zone for the area which is primarily intended to retain and safeguard good 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 justifications in the submission for a departure from such planning intentions, even on a temporary basis;

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

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-PK/115 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 1594 S.C in D.D. 91, Kai Leng, Sheung Shui,
New Territories
(RNTPC Paper No. A/NE-PK/115)

Presentation and Question Sessions

43. 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 IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site possessed potential for agricultural rehabilitation. The Commissioner for Transport (C for T) had reservation on the application but considered that construction of one Small House 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, five comments were received. A North District Council (NDC) member supported the application and the Chairman of Sheung Shui District Rural Committee had no comment on the application. The remaining comments received from Designing Hong Kong Limited and individuals objected to the application. The District Officer (North) also conveyed that another NDC member and the Indigenous Inhabitant Representative and Resident Representative of Kai Leng had no comment on the application. The major objection grounds were set out in paragraph 10 of the Paper; 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 “Agriculture” zone and DAFC did not support the application, it was not incompatible with the surrounding rural setting predominated by village houses, temporary structures and vacant/follow agricultural land. The application was in line with the Interim Criteria for Consideration of Application for NTEH/Small House Development in New Territories as more than 50% of the footprint of the proposed Small House fell within the village ‘environ’ (‘VE’) of Kai Leng Village and land within the “Village Type Development” zone was insufficient to meet the outstanding Small House applications and future Small House demand. Besides, the site was in close proximity to the existing village proper of Kai Leng. Concerned departments, except DAFC, had no objection to the application and C for T considered that the development of one Small House could be tolerated. Significant adverse impact on the surrounding

areas was not anticipated. Also, there were 86 similar applications approved within the same “AGR” zone between 2001 and 2017. Regarding the adverse public comments, the comments of concerned departments and the assessments above were relevant.

44. Members had no question on the application.

Deliberation Session

45. Noted that the ‘VE’ of Kai Leng Village was almost fully occupied by the existing and approved Small House developments, a Member supported the application.

46. 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 7.4.2021, 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.

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

Agenda Item 20

Section 16 Application

[Open Meeting]

A/NE-PK/88 Temporary Place of Recreation, Sports or Culture (Hobby Farm and Ancillary Barbecue Site) for a Period of 3 Years in “Agriculture” and “Green Belt” Zones, Lots 2120 and 2122 S.A & S.B in D.D. 91 and Adjoining Government Land, Ping Kong, Sheung Shui, New Territories

(RNTPC Paper No. A/NE-PK/88B)

48. The Committee noted that the applicant requested on 22.3.2017 deferment of the consideration of the application for two months in order to allow time for preparation of further information to address further departmental comments. It was the third time that the applicant requested deferment of the application. Since the last deferment, the applicant submitted further information on 10.2.2017 including a response-to-comments table and a revised Geotechnical Planning Review Report.

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

Agenda Item 21

Section 16 Application

[Open Meeting]

A/NE-STK/10 Proposed Filling of Pond for Permitted Agricultural Use in
 “Recreation” Zone, Lot 2079 (Part) in D.D. 41, Sha Tau Kok, New
 Territories

 (RNTPC Paper No. A/NE-STK/10)

50. The Committee noted that the applicant requested on 23.3.2017 deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

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

Agenda Item 22

Section 16 Application

[Open Meeting]

A/NE-TKL/555 Temporary Open Storage of Construction Materials and Equipment with Ancillary Storage of Construction Equipment and Tools and Site Office for a Period of 3 Years in “Agriculture” Zone, Lots 1098 (Part), 1099 S.A (Part), 1099 S.B (Part), 1100, 1101 and 1105 S.A RP in D.D. 82 and Adjoining Government Land, Ping Che, New Territories
(RNTPC Paper No. A/NE-TKL/555A)

52. The Secretary reported that the site was located in Ping Che and Mr Alex T.H. Lai had declared interest on the item as his father co-owned two land lots in Ping Che area. The Committee noted that the applicant had requested deferment of consideration of the application and that Mr Lai had left the meeting temporarily.

53. The Committee noted that the applicant requested on 27.3.2017 deferment of the consideration of the application for two months in order to allow time for preparation of further information to address further departmental comments. It was the second time that the applicant requested deferment of the application. Since the last deferment, the application submitted further information including a response-to-comments table and a traffic impact assessment report in response to the departmental comments.

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

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/561 Temporary Public Utility Installation (Telephone Exchange) for a Period of 5 Years in “Agriculture” Zone and an area shown as ‘Road’, Government Land in D.D. 82, Ping Che Road, Ta Kwu Ling, New Territories
(RNTPC Paper No. A/NE-TKL/561)

55. The Secretary reported that the application was submitted by PCCW-HKT Telephone Limited (PCCW). The following Members had declared interests on the item :

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

Mr Alex T.H. Lai - his father co-owning two land lots in Ping Che area.

56. The Committee agreed that Mr Ivan C.S. Fu should be invited to leave the meeting temporarily for the item as his interest was direct and noted that Mr Alex T.H. Lai had left the meeting temporarily.

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

Presentation and Question Sessions

57. 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 temporary public utility installation (telephone exchange) for a period of five years;
- (c) departmental comments – departmental comments were set out in

paragraph 8 of the Paper. 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. A North District Council (NDC) member supported the application and the Chairman of the Sheung Shui District Rural Committee (RC) had no comment. The remaining public comment from an individual raised concerns on the application as set out in paragraph 9 of the Paper. The District Officer (North) also conveyed that the Vice-chairman of Ta Kwu Ling District RC, a NDC member, the Indigenous Inhabitant Representative and Resident Representative of Tai Po Tin Village had no comment on the application; and
- (e) the Planning Department (PlanD)'s views – PlanD considered the temporary use could be tolerated for a period of five years based on the assessments set out in paragraph 10 of the Paper. The application was to continue the existing telephone exchange use for the provision of telephone service in Ta Kwu Ling area. Given that the applied use was small in scale, concerned departments had no adverse comment on the application and approval of the application on a temporary basis for another five years would not jeopardise the long-term planning intention of the “Agriculture” zone. Besides, the applied use would unlikely cause adverse impact on the surrounding areas. Regarding the concerns raised by the public comment, the comments of concerned departments and the assessments above were relevant.

58. Members had no question on the application.

Deliberation Session

59. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 7.4.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission of a maintenance condition record of the landscape planting within the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.10.2017;
- (b) the submission of a condition record of the existing drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.10.2017;
- (c) 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 7.10.2017;
- (d) in relation to (c) above, the implementation 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 7.1.2018;
- (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; and
- (f) 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.”

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

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

Agenda Item 24

Section 16 Application

[Open Meeting]

A/NE-TKLN/6 Temporary Retail Shop, Canteen and Ancillary Office for a Period of 3 Years in “Green Belt” and “Recreation” Zones, Lot 387 S.B RP (Part) in D.D. 78, Tsung Yuen Ha, Ta Kwu Ling, New Territories
(RNTPC Paper No. A/NE-TKLN/6)

61. The Committee noted that the applicant requested on 24.3.2017 deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

[Mr Alex T.H. Lai returned to join the meeting and Mr David Y.T. Lui left the meeting at this point.]

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/525 Temporary Warehouse for Storage of Recreational Equipments for a Period of 3 Years in “Green Belt” Zone, Lots No. 617 S.B ss.1 and 618 S.B RP (Part) in D.D. 9, Nam Wa Po, Kau Lung Hang, Tai Po, New Territories
(RNTPC Paper No. A/NE-KLH/525A)

63. The Committee noted that a replacement page (page 5 of the Paper), rectifying typographical errors in paragraph 10.1.1(b), was tabled at the meeting for Members’ reference.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary warehouse for storage of recreational equipments 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 village house was located in the vicinity of the site and environmental nuisance was expected. 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 objecting public comment was received. The major objection grounds were set out in paragraph 11 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessment set out in paragraph 12 of the Paper. The site was the subject of seven previous applications for similar temporary storage use approved between 1995 and 2012. Though DEP did not support the application, the application was small in scale and there was no environmental complaint against the site in the past three years. Other concerned departments had no adverse comment on the application and relevant approval conditions were recommended to address DEP's concerns. In view of the above and that there was no major change in planning circumstances since the last planning approval, sympathetic consideration could be given to the application. Regarding the adverse public comment, the comments of concerned departments and the assessments above were relevant.

65. Members had no question on the application.

Deliberation Session

66. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.4.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation between 5:00 p.m. and 9:30 a.m., as proposed by the applicants, is allowed on the site during the planning approval period;
- (b) no workshop activities shall be carried out on the site at any time during the planning approval period;
- (c) no sinking of wells, blasting, drilling or piling works are allowed on the site at any time during the planning approval period;
- (d) the maintenance of existing trees and landscape plantings on the site at all times during the planning approval period;

- (e) the maintenance of existing drainage facilities implemented on the site at all times during the planning approval period;
- (f) the submission of proposals of preventive measures against water pollution within the upper indirect water gathering grounds within 6 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the TPB by 7.10.2017;
- (g) in relation to (f) above, the implementation of proposals of preventive measures against water pollution within the upper indirect water gathering grounds within 9 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the TPB by 7.1.2018;
- (h) the submission of fire service installations (FSIs) and water supplies for fire fighting proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.10.2017;
- (i) in relation to (h) above, the provision of FSIs 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 7.1.2018;
- (j) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (k) if any of the above planning conditions (f), (g), (h) or (i) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (l) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/605 Proposed Public Utility Installation (Package Substation) in
“Agriculture” Zone, Government Land in D.D. 7, Hang Ha Po, Lam
Tsuen, Tai Po, New Territories
(RNTPC Paper No. A/NE-LT/605)

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

- Mr Stephen L.H. Liu - having current business dealings with CLP;
- Mr Alex T.H. Lai - his firm having past business dealings with CLP; and
- Ms Christina M. Lee - being the Secretary-General of the Hong Kong Metropolitan Sports Events Association which obtained sponsorship from CLP before.

69. The Committee noted that Mr Stephen L.H. Liu and Ms Christina M. Lee had tendered apologies for being unable to attend the meeting and agreed that Mr Alex T.H. Lai could stay in the meeting as his interest was indirect.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed public utility installation (package substation);
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned 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
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. The proposed electricity package substation was small in scale and was an essential public utility facility to enhance the electricity supply to the existing villages and future development in the area. It was not incompatible with the surrounding rural environment and adverse impact due to the proposed development was not anticipated. Concerned departments had no adverse comment on the application.

71. Members had no question on the application.

Deliberation Session

72. With reference to the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) that an arborist should be employed if trimming to a nearby tree was required, a Member considered that whether DAFC's requirement should be addressed by imposing an approval condition. The Committee noted that the recommended advisory clause (d) had incorporated DAFC's comments and the concerned tree was located outside the site boundary.

73. 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 7.4.2021, 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 protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB; and
- (b) the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB.”

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

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/600 Proposed Religious Institution (Proposed Additional Accommodation for Second Buddhist Resource Centre) and Minor Relaxation of Restrictions in Gross Floor Area and Site Coverage in “Government, Institution or Community (1)” Zone, Tai Po Town Lot 198, 88 Universal Gate Road, Tai Po, New Territories
(RNTPC Paper No. A/NE-TK/600A)

75. The Secretary reported that Ove Arup & Partners Hong Kong Limited (Arup) was one of the consultants of the applicant. The following Members had declared interests on the item :

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

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

Presentation and Question Sessions

77. With the aid of a PowerPoint presentation, 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 religious institution (proposed additional accommodation for second Buddhist Resource Centre (BRC)) and minor relaxation of restrictions in gross floor area (GFA) and site coverage (SC);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned bureau and departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of publication period, a total of 1,247 comments were received, among which 1,245 comments received in the form of standard letters supporting the application. The remaining two comments from a group of villagers of San Tau Kok village and an individual objected to the application. Major supporting and objection grounds were set out in paragraph 10 of the Paper; 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 proposal was generally in line with the planning intention of the “Government, Institution or Community (1)” (“G/IC(1)”) zone and the Secretary for Home Affairs had no objection to the application from the religious policy point of view. The proposed development involving the conversion of the existing inaccessible voids inside the raised platform of Guan Yin Statue for the proposed BRC use resulting in an increase in GFA of 2,400 m² and SC from 28% to 33% as compared to the restrictions stipulated on the Outline Zoning Plan would not lead to visual change to its physical bulk nor adverse landscape impact. Besides, the submitted traffic

impact assessment demonstrated that adverse traffic impact was not anticipated and the number of visitors as stated in the Traffic/Visitor Management Plan (TVMP) would remain unchanged. Concerned departments had no objection to or no adverse comments on the application and considered that the submitted technical assessments were acceptable. Regarding the adverse public comments, the comments of concerned departments and the assessments above were relevant.

78. Some Members raised the following questions :

- (a) when the proposed development would be completed;
- (b) what the utilization rate of the religious institution was since its operation;
- (c) noting that only the inaccessible void inside the raised platform would be involved, what the reason was for an increase in SC;
- (d) how the SC of the site was calculated; and
- (e) whether there was any similar application for minor relaxation of the restriction on SC approved by the Committee.

79. Mr C.T. Lau, STP/STN, made the following responses :

- (a) no information on the development programme was provided by the applicant. Generally speaking, the proposed development would take at least two to three years to complete as the submission of general building plans would be required for the proposed works;
- (b) no information on the utilisation rate was provided by the applicant. According to the TVMP accepted by the Commissioner for Transport under the previous planning application No. A/NE-TK/182, the maximum number of visitors per day was controlled to not more than 5,400 persons during festive period, while that for non-festive period ranged from 200 to

300 persons. The control of maximum number of visitors as well as pre-registration arrangements currently implemented would continue. The Committee also noted that a list of organisations paying visit to the religious institute during 2014 to 2016 was provided in the applicant's submission which was attached in Appendix Ia of the Paper;

- (c) the inaccessible void under the raised platform of Guan Yin Status was not included in SC calculation in the previous approval, whilst the proposed BRC would be accountable for SC calculation according to the Buildings Department;
- (d) according to the Notes of "G/IC(1)" zone, the maximum SC of the site was 28%. In determining SC of the site, the area that was covered by the buildings erected thereon would be included, unless otherwise exempted from SC calculation; and
- (e) the subject application was the first planning application for minor relaxation of restriction on SC in the "G/IC(1)" zone. Nevertheless, there were similar applications approved by the Committee in other areas.

80. In response to a Member's concern on the fire safety implication of the proposed BRC, Mr C.T. Lau, STP/STN, said that the Director of Fire Services had no specific comment on the application and detailed fire services requirement would be formulated at the building plans submission stage.

Deliberation Session

81. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.4.2021, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission and implementation of a Traffic/Visitor Management Plan

(with the incorporation of the turnaround arrangement) to the satisfaction of the Commissioner for Transport or of the TPB; and

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

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

Agenda Item 28

Section 16 Application

[Open Meeting]

A/NE-TK/606 Proposed Temporary Toilet for a Period of 3 Years in “Conservation Area” Zone, Government Land in D.D. 28, Tai Mei Tuk, Tai Po, New Territories
(RNTPC Paper No. A/NE-TK/606)

83. The Committee noted that the applicants requested on 28.3.2017 deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. It was the first time that the applicants requested deferment of the application.

84. 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 two 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.

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/607 Proposed House (New Territories Exempted House - Small House) in
 “Green Belt” Zone, Lot 562 in D.D. 26, Ha Tei Ha Village, Tai Po,
 New Territories

 (RNTPC Paper No. A/NE-TK/607)

Presentation and Question Sessions

85. 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 10 and Appendix IV of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) did not support the application as tree felling would be required for the proposed development and the vegetation covering the site in 2016 had been cleared. Approval of the application might set an undesirable precedent encouraging site clearance prior obtaining planning permission. The Commissioner for Transport (C for T) had reservation on the application in that Small House development should be confined within the “Village Type Development” (“V”) zone as far as possible but considered that the application only involving construction of one Small House could be tolerated. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of statutory publication period, four comments

were received. A District Council member supported the application, while the Hong Kong Bird Watching Society, Designing Hong Kong Limited and an individual raised objections to the application. Major objection grounds were set out in paragraph 11 of the Paper; and

- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed Small House development was not in line with the planning intention of the “Green Belt” (“GB”) zone and there was a general presumption against development within the “GB” zone. The application did not comply with Town Planning Board Guidelines No. 10 in that the proposed development would cause adverse landscape impact. It also did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories as land was still available within the “V” zone of Ha Tei Ha to 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. Regarding the adverse public comments, the assessments above were relevant.

86. Some Member raised the following questions :

- (a) the status and background of a domestic structure located to the immediate south to the approved application No. A/TP/269, as shown on Plan A-2a; and
- (b) as compared with Plans A-3 and A-4a, if vegetation clearance at the site had occurred before seeking planning permission.

87. Mr C.T. Lau, STP/STN, made the following responses :

- (a) the concerned domestic structure was a village house which was built before the gazette of the first statutory plan of Ting Kok area; and

- (b) Plan A-3 was an aerial photo taken on 19.9.2016 and Plan A-4a was a site photo taken on 28.2.2017. It was estimated that vegetation clearance at the site was undertaken during that period of time.

Deliberation Session

88. A Member said that there was wetland located to the further east of the site and the subject “GB” zone served as a buffer area for the wetland. Given that the area was of high conservation value, the Member supported PlanD’s recommendations to reject the application and considered that in assessing any development proposals in that area, the Agriculture, Fisheries and Conservation Department should take into account the potential ecological impact of the development proposals.

89. Noting that the Paper indicated land available within the “V” zone of Ha Tei Ha was still capable for accommodating 18 Small Houses, a Member enquired how that figure was derived. The Committee noted that the figure was estimated based on the assumption of 1 ha of land for accommodating 40 Small Houses.

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

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zone which is to define the limits of urban development areas and there is a general presumption against development within “GB” zone. There is no strong justification in the 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 the New Territories in that the proposed development would cause adverse landscape impact on the surrounding areas;
- (c) 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 and the associated site formation works would involve tree felling and affect the existing natural landscape in the surrounding areas;

- (d) land is still available within the “Village Type Development” (“V”) zone of Ha Tei Ha which is 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; and
- (e) the approval of the application would set an undesirable precedent for other similar applications in the area. The cumulative effect of approving such applications would result in a general degradation of the natural environment and landscape quality of the area.”

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/623 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” and “Village Type Development” Zones, Lot 416 S.S in
D.D. 21, Pun Shan Chau, Tai Po, New Territories
(RNTPC Paper No. A/TP/623)

Presentation and Question Sessions

91. 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 10 and Appendix IV of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as the proposed development would require the removal of existing vegetation, which would inevitably undermine the function and continuity of the “Green Belt” (“GB”) zone. Approval of the application might also encourage Small House development encroaching onto the “GB” zone and degrading the landscape quality of the area. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of statutory publication period, 10 comments were received from Designing Hong Kong Limited, World Wide Fund for Nature Hong Kong and individuals, all raising objections to the application. The District Officer/Tai Po also conveyed an objecting public comment. Major objection grounds were set out in paragraph 11 of the Paper; and
- (e) PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed Small House development was not in line the planning intention of the “GB” zone and there was a general presumption against development within “GB” zone. The application did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria) in that land was still available within the “Village Type Development” (“V”) zone of Pun Shan Chau for Small House development. 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. CTP/UD&L, PlanD objected to the application for reason of causing adverse landscape impact and the proposed development might involve clearance of existing natural vegetation. In this regard, the application also did not comply with the Town Planning Board Guidelines 10 and the Interim Criteria. Regarding the objecting public comments, the

assessments above were relevant.

92. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zoning for the area which is to define the limits of urban development areas by natural physical features so as to contain urban sprawl and to provide passive recreational outlets. There is a general presumption against development within this zone;
- (b) the proposed development does not comply with the Town Planning Board Guidelines No. 10 for Application for Development within “GB” zone under section 16 of the Town Planning Ordinance in that the proposed development would involve clearance of natural vegetation affecting the existing natural landscape in the area. The applicant fails to demonstrate that the proposed development would have no adverse landscape impact on the surrounding areas;
- (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 there is no general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of Pun Shan Chau and the proposed development would have adverse landscape impact on the surrounding areas; and
- (d) land is still available within the “V” zone of Pun Shan Chau village which is 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 31

Section 16 Application

[Open Meeting] (Presentation and Question Sessions Only)

A/TP/624 Proposed Religious Institution and Columbarium in “Green Belt” Zone, Lots 6 R.P., 56 (Part), 440 S.A R.P., 441 R.P., 443 S.A, 443 R.P. (Part) and 445 in D.D. 24 and Adjoining Government Land, No. 43 Ma Wo Road, Tai Po, New Territories

(RNTPC Papers No. A/TP/624 and A/TP/624A)

94. The Chairman remarked that two RNTPC Papers, one for consideration of the request for deferment and another for consideration of the planning application, were sent to Members. The Committee was invited to consider the paper on whether to accede to the applicant’s request for deferment first.

Presentation and Question Sessions

95. Mr C.T. Lau, STP/STN, presented the following main points as detailed in the Paper No. A/TP/624 :

- (a) the applicant requested on 24.3.2017 deferment of the consideration of the application for two months so as to allow time for preparation of further information to address departmental and public comments. It was the first time that the applicant requested deferment under the current application;
- (b) the site was the subject or formed part of the subject of eight section 16 applications and two section 12A rezoning applications for similar religious institution or religious institution and columbarium uses since 2008. Among which, five section 16 applications and one section 12A application were rejected by the Committee or the Town Planning Board (the Board)

on review, whilst the remaining applications were withdrawn by the applicant before consideration by the Committee;

- (c) on 6.4.2017, the applicant submitted further information (FI) in response to departmental comments, which was tabled at the meeting for Members' consideration. The FI mainly provided responses to traffic aspects to address the comments of the Commissioner for Transport (C for T) and the Commissioner of Police (C of P). Both departments were consulted on the FI and generally considered the FI could not satisfactorily address their concerns; and
- (d) the Planning Department (PlanD) did not support the request for deferment in that the applicant had sufficient opportunities to address departmental and public comments under previous applications, which were similar in nature of the current application, and the deferment would affect the interests of other relevant parties as a large number of public objection had been received during the first three weeks of statutory publication period. Besides, the two requests for deferment made by the applicant under the previous application No. A/TP/598 were not acceded to by the Committee at the section 16 stage and the Board at the section 17 stage. Rejecting the current request for deferment was in line with the Board/Committee's previous decisions. Should the Committee agree not to defer a decision on the application, the application would be submitted to the Committee for consideration at this meeting.

96. Noting that the Committee would generally accede to the first request for deferment, a Member asked for details of the rejection grounds. In response, Mr C.T. Lau, STP/STN, said that the applicant had submitted a number of similar applications since 2008 which all were subject to strong public objection. The request for deferment did not meet the criteria as set out in the Town Planning Board Guidelines No. 33 (TPB PG-No. 33) in that the applicant had sufficient opportunities to address the departmental and public concerns on the application and should resolve those concerns before submission of a new planning application.

97. At the invitation of the Chairman, the Secretary explained that the TPB PG-No. 33 set out the reasons for deferment, including the need to consult other relevant departments, the provision of important supplementary information, and awaiting recommendations of planning-related study or proposal. The Guidelines also indicated that in considering the request for deferment, whether the right or interest of other concerned parties would be affected should be taken into account.

98. Some other Members raised the following questions :

- (a) whether the technical assessments submitted under the current application had addressed the departmental comments raised under previous applications;
- (b) whether the current request for deferment was made on the ground to allow time for the applicant to address departmental comments; and
- (c) whether a fee was charged for submission of the request for deferment.

99. Mr C.T. Lau, STP/STN, made the following responses :

- (a) as compared to the previous planning applications, the current application was very similar in nature but with different scale of development. Technical assessments, including traffic impact assessment (TIA), were submitted under the current application, but those assessments were unable to address the concerns of relevant departments;
- (b) since concerned departments had adverse comments on the applicant's submissions, the applicant requested deferment for two months to prepare FI to address departmental comments; and
- (c) no fee was charged for submission of planning application as well as request for deferment.

100. Although the Committee would generally accede to the first request for deferment in order to allow the applicant to submit further information to address departmental comments, a Member considered that the current request for deferment did not meet the criteria set out in TPB PG-No. 33 and should not warrant favourable consideration in that a number of previous applications had been submitted, there was no significant change in the development proposal and the applicant should be very familiar with the technical concerns of the planning application raised by concerned departments. The same Member also considered that the applicant intended to prolong the planning process by repeated submission of planning applications/requests for deferment. Another Member concurred with the same view and said that the acts of the applicant was an abuse of the planning application mechanism.

101. The Committee also noted that the existing columbarium use at the site might be subject to the licensing requirement under the future Private Columbarium Bill and the applicant had the right to apply for a review of the decision of the Committee. Any further information could be submitted at the section 17 review stage.

102. After deliberation, the Committee decided not to agree to the applicant's request for deferment since the request did not meet the criteria as set out in Town Planning Board Guidelines No. 33 in that there was no reasonable ground for deferment of consideration of the application since the applicant had sufficient opportunities to address departmental and public comments and the deferment would affect the interests of other relevant parties as a large number of public objections had been received. The Committee also agreed to consider the application at this meeting.

Presentation and Question Sessions

103. With the aid of a PowerPoint presentation, Mr C.T. Lau, STP/STN, presented the application and covered the following aspects as detailed in the Paper No. A/TP/624A:

- (a) background to the application;
- (b) the proposed religious institution and columbarium (redevelopment);

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. C for T did not support the application and considered the submission insufficient to justify that the traffic arrangement was acceptable. The traffic arrangement scheme and the TIA were based on the proposed new access arrangement, but whether the proposal could be effectively implemented was doubtful. Also, the TIA had underestimated the parking demand and the trip generation of the development. C of P objected to the application for reasons of limited parking space available within the site and in the vicinity and significant increase in traffic flow during festive period. The Chief Town Planner/Urban Design and Landscape, PlanD (CTP/UD&L, PlanD) had reservation on the application as gradual vegetation clearance and tree felling were observed over the years. Approval of the application might set an undesirable precedent encouraging vegetation clearance within the “Green Belt” (“GB”) zone. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of statutory publication period, a total of 1,540 public comments, all objecting to the application, were received from a Legislative Council member, a Tai Po District Council member, Designing Hong Kong Limited, the Alliance against Chung Woo Ching Sai’s Columbarium at Tai Po Ma Wo, Alliance for the Concerns over Columbarium Policy and individuals. The District Officer/Tai Po (DO/TP) also commented that objections from residents of Ma Wo, Classical Gardens and Dynasty View still prevailed. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) 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 and not compatible with the existing residential developments in the area. There was no strong planning justification in the submission for the proposed scale of the building/demolition works. C for T, C of P and

CTP/UD&L had adverse comments on the application and there were known and suspected unauthorised building works (UBWs) as well as gradual vegetation clearance and tree felling found at the site. The application was not in line with the Town Planning Board Guidelines No. 10 in that the applicant failed to demonstrate that there would be no adverse traffic and landscape impacts caused by the proposed development. Approval of the application would set an undesirable precedent for similar applications, encouraging 'destroy first, build later' activities and extensive vegetation clearance. As compared to the previous application No. A/TP/598, the total GFA and the number of car parking spaces had been reduced by 46% and 9.4% respectively, but other major development parameters and the number of niches and memorial photo-plates remained largely unchanged. There was no strong planning justification in the submission to warrant a departure from the previous decisions of the Committee and the Board. Regarding the adverse public comments, the comments of relevant departments and assessments above were relevant.

104. Members had no question on the application.

Deliberation Session

105. A Member asked about the implication on the existing columbarium use at the site if the current application was rejected by the Committee. The Committee noted that UBWs and the existing columbarium use at site were subject to enforcement actions undertaken by the relevant authorities. Nevertheless, the applicant could apply to the Board to review the decision of the Committee or might submit another planning application.

106. Noting that the existing development at the site was the result of 'destroy first, build later' activities, the columbarium use was not compatible with the surrounding residential uses, the applicant failed to justify that no adverse traffic and landscape impacts would be caused by the proposed development, the previous applications were rejected by the Committee or the Board, and there was no significant change in planning circumstances, Members generally supported PlanD's recommendations to reject the application.

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

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zone which is to define 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 this planning intention;
- (b) the proposed columbarium use is considered not compatible with the existing residential developments in the surrounding areas;
- (c) the application 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 applicant fails to demonstrate that the proposed development would have no adverse traffic and landscape impacts on the surrounding areas; and
- (d) approval of the application would set an undesirable precedent for similar applications in the “GB” zone, encouraging ‘destroy first, and build later’ activities and extensive vegetation clearance. The cumulative effect of approving such applications would result in adverse traffic impact on the surrounding area and a general degradation of the natural environment and landscape quality in the area.”

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

Agenda Item 32

Section 16 Application

[Open Meeting]

A/ST/917 Comprehensive Development with Government, Institution or Community Facilities and Public Transport Interchange in “Comprehensive Development Area (1)” Zone, East Rail Fo Tan Station and its adjoining area at Au Pui Wan Street and Lok King Street, Sha Tin, New Territories
(RNTPC Paper No. A/ST/917)

108. The Secretary reported that Masterplan Limited (Masterplan), Ove Arup & Partners Hong Kong Limited (Arup), Dennis Lau & Ng Chun Man (H.K.) Limited (DLNKM), MVA Hong Kong Limited (MVA) and Ramboll Environ Hong Kong Limited (Environ) were five of the consultants of the applicant. The following Members had declared interests on the item :

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

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

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

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

109. The Committee noted that Mr Stephen L.H. Liu had tendered apology for being unable to attend the meeting and that the applicant had requested deferment of consideration of the application. Since Professor K.C. Chau’s property did not have a direct view of the site, and Mr Ivan C.S. Fu and Ms Janice W.M. Lai had no involvement in the application, the Committee agreed that they could stay in the meeting

110. The Committee noted that the applicant requested on 24.3.2017 deferment of the consideration of the application for two months in order to allow time for preparation of

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

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

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

[The meeting was adjourned for a 5-minute break and Mr Ivan C.S. Fu left the meeting at this point.]

Fanling, Sheung Shui and Yuen Long East District

Agenda Item 33

Section 16 Application

[Open Meeting]

A/KTN/32

Social Welfare Facility (Residential Care Home for Persons with Disabilities) in "Village Type Development" Zone, Lots 1386 RP (Part), 1387 S.A, 1387 S.B (Part), 1387 RP (Part), 1388 S.A (Part), 1388 RP (Part) in D.D. 95 and Adjoining Government Land, No. H75 and No. H76, Ho Sheung Heung, Sheung Shui, New Territories
(RNTPC Paper No. A/KTN/32)

112. The Secretary reported that the site was located in Kwu Tung North and Dr C.H. Hau had declared interest on the item as he owned a property in Kwu Tung North area. The Committee noted that the applicant had requested deferment of consideration of the application and agreed that Dr C.H. Hau could stay in the meeting as his property did not have a direct view of the site.

113. The Committee noted that the applicant requested on 28.3.2017 deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

[Ms S.H. Lam, Ms Ivy C.W. Wong and Ms Emily P.W. Tong, Senior Town Planners/Fanling, Sheung Shui and Yuen Long East (STPs/FSYLE), were invited to the meeting at this point.]

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/448 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” Zones, Lot 546 S.A in
D.D. 100, Tsiu Keng Village, Sheung Shui, New Territories
(RNTPC Paper No. A/NE-KTS/448)

Presentation and Question Sessions

115. Ms S.H. Lam, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site possessed potential for agricultural rehabilitation. The Commissioner for Transport (C for T) had reservation on the application and considered that Small House development should be confined with the “Village Type Development” (“V”) zone. However, the application which involved one Small House could be tolerated. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) also had reservation on the application in that approval of the application might encourage more similar applications, thus irreversibly altering the landscape character of the “Agriculture” (“AGR”) 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, six public

comments were received. A North District Council member supported the application and the Chairman of Sheung Shui District Rural Committee indicated no comment on the application. Remaining comments from Kadoorie Farm and Botanic Garden Corporation, World Wide Fund for Nature Hong Kong and two individuals objected to the application. Major objection grounds were set out in paragraph 11 of the Paper; and

- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “AGR” zone and DAFC did not support the application. There was no strong planning justification in the submission for a departure from the planning intention. With regard to the Interim Criteria for Consideration of Application NTEH/Small House in New Territories, though the footprint of the proposed Small House fell entirely within the village ‘environs’ of Tsiu Keng Village, land was still available in the “V” zone to meet the outstanding Small House applications. It was more appropriate to concentrate Small House development within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services. Approval of the application would result in further proliferation of Small House development in the “AGR” zone. Regarding the adverse public comments, the comments of concerned departments and planning assessments above were relevant.

116. Members had no question on the application.

Deliberation Session

117. A Member supported PlanD's recommendation and considered that the agriculture land in Kwu Tung South possessed high potential for agricultural rehabilitation. Such consideration should be taken into account in assessing future planning applications in the area.

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

were :

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone in the Tsui Keng area 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; and

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

Agenda Item 35

Section 16 Application

[Open Meeting]

A/NE-KTS/449 Renewal of Planning Approval for Temporary Godown with Ancillary Office and Staff Quarters Use for a Period of 3 Years in “Recreation” Zone, Lots 1623 S.B, 1624 S.A to S.I, 1624 RP, 1626, 1628, 1629 and 1631 to 1637 in D.D. 100 and Adjoining Government Land, Ying Pun, Kwu Tung South, New Territories
(RNTPC Paper No. A/NE-KTS/449)

119. The Secretary reported that Ove Arup & Partners Hong Kong Limited (Arup) was one of the consultants of the applicant. The following Members had declared interests on the item :

- (b) the temporary open storage of waste metals, construction materials and vehicle maintenance workshop for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site possessed potential for agricultural uses. The Director of Environmental Protection (DEP) also did not support the application as the site was adjoining local residential dwellings and environmental nuisance were expected. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as approval of the application would set an undesirable precedent encouraging site modification prior to obtaining planning approval. 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, six public comments were received from a Yuen Long District Council member, the Tai Kong Po Resident Representative, the World Wide Fund for Nature Hong Kong, Kadoorie Farm and Botanic Garden Corporation, Designing Hong Kong Limited and an individual, raising objections to the application. Major objection grounds were set out in paragraph 11 of the Paper; and
- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The applied use was not in line with the planning intention of the "Agriculture" ("AGR") zone and DAFC did not support the application. Also, DEP and CTP/UD&L, PlanD did not support or had reservation on the application respectively and adverse environmental and landscape impacts would be anticipated. The site falling within Category 3 areas under the Town Planning Board Guidelines No. 13E (TPB PG-No. 13E). The application did not comply with the TPB PG-No. 13E in that there was no previous approval granted at the site and there were adverse departmental and public comments on the application. Hence, the application did not warrant sympathetic consideration and approval of the application, even on a temporary basis,

would set an undesirable precedent for similar application in the “AGR” zone. Regarding the adverse public comments, the assessments above were relevant.

124. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is to retain and safeguard good agricultural land for agricultural purposes. This zone is also intended to retain fallow arable land with good potential for rehabilitation. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the application does not comply with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that the proposed development is not compatible with the surrounding land uses which are predominated by residential structures/dwellings and vacant/unused land. There is also no previous approval granted at the site and there are adverse departmental comments and local objections against the application;
- (c) the applicant fails to demonstrate that the proposed development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for other similar applications in this part of the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.”

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

Agenda Item 37

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/553 Renewal of Planning Approval for Temporary Open Storage of Building Materials with Ancillary Site Office and Staff Lounge for a Period of 3 Years in “Agriculture” Zone, Lots 377 S.C RP (Part), 379 RP (Part), 380 RP (Part), 381 RP (Part), 382 RP (Part), 412 RP (Part) and 414 (Part) in D.D. 110, Pat Heung, Yuen Long, New Territories
(RNTPC Paper No. A/YL-KTN/553)

Presentation and Question Sessions

126. Ms Ivy C.W. Wong, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the renewal of planning approval for temporary open storage of building materials with ancillary site office and staff lounge for a period of three years;
- (c) departmental comments – department comments were set out in paragraph 10 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site had high potential for agricultural rehabilitation. The Director of Environmental Protection (DEP) did not support the application as residential dwellings were located in the vicinity and environmental nuisance was expected. 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 from Designing Hong Kong Limited and an individual, all objecting to the application. The major objection grounds were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of three years based on the assessments set out in paragraph 12 of the Paper. Though the applied use was not in line with the planning intention of the “Agriculture” (“AGR”) zone and DAFC did not support the application, it was not incompatible with the surrounding land uses predominated by open storage/storage yards, workshop and warehouse. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “AGR” zone. The application was in line with the Town Planning Board Guidelines No. 34B in that the site was the subject of a previous planning approval for the same use, all approval conditions under the last planning approval had been complied with, and there had been no major change in planning circumstances since the last planning approval. Despite DEP's objection to the application, there was no environmental complaint against the site in the past three years and relevant approval conditions were recommended to address DEP's concerns. Other concerned departments had no adverse comment on the application. Regarding the adverse public comments, the comments of concerned departments and the assessments above were relevant.

127. Members had no question on the application.

Deliberation Session

128. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 24.5.2017 until 23.5.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container trailers/tractors, 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 dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities are allowed on the site at any time during the planning approval period;
- (e) the existing boundary fencing on the site shall be maintained at all times during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (h) the submission of a record of the existing drainage facilities on the site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.8.2017;
- (i) the submission of a tree preservation proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 24.11.2017;

- (j) in relation to (i) above, the implementation of the tree preservation proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 24.2.2018;
- (k) the implementation of the accepted fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.11.2017;
- (l) 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;
- (m) if the above planning conditions (h), (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (n) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 38

Section 16 Application

[Open Meeting]

A/YL-KTN/554 Temporary Warehouse for Musical Instruments, Posters, Documents and ancillary caretaker's office & quarter for a Period of 3 Years in "Agriculture" and "Industrial (Group D)" Zones, Lots 812 S.A (Part) and 813 S.A (Part) in D.D. 107, Kam Tin, Yuen Long, New Territories (RNTPC Paper No. A/YL-KTN/554)

130. The Committee noted that the applicant requested on 3.4.2017 deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

131. 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 39

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/555 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 750 S.A RP in D.D. 110, Tai Kong Po, Kam
Tin, Yuen Long, New Territories
(RNTPC Paper No. A/YL-KTN/555)

Presentation and Question Sessions

132. Ms Ivy C.W. Wong, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. 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 comments were received, all raising objections to the application. The major objection grounds were set out in paragraph 11 of the Paper; 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. Though the proposed Small House development was not in line with the planning intention of the “Agriculture” zone, the Director of Agriculture, Fisheries and Conservation (DAFC) had no objection to the application as the site was surrounded by domestic structures and its potential for agricultural rehabilitation was low. It was also considered not

incompatible with the surrounding land uses. The application met the Interim Criteria for Consideration of Application for NTEH/Small House Development in New Territories (the Interim Criteria) in that the site was located entirely within the village ‘environ’ and there was no “Village Type Development” (“V”) zone for Tai Kong Po to meet future Small House demand. Sympathetic consideration could be given to the application according to the Interim Criteria. Concerned departments had no objection to or no adverse comment on the application and relevant approval conditions were recommended to address their technical concerns. Regarding the adverse public comments, the comments of relevant department and the assessments above were relevant.

133. Members had no question on the application.

Deliberation Session

134. 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 7.4.2021, 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; and
- (b) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

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

- (b) the proposed house development with minor relaxation of building height restriction from 6m to 6.6m, and filling and excavation of land;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication periods, a total of 20 public comments were received. Comments received from a Yuen Long District Council (YLDC) member and four individuals supported the application. The remaining comments received from villagers, the Chairman of Pat Heung Rural Committee, another YLDC member and Pat Heung Sheung Tsuen Village Office objected to the application. The major objection grounds were set out in paragraph 10 of the Paper; 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 house development was in line with the planning intention of the “Residential (Group D)” zone and was not incompatible with the surrounding area. Approval of the application could serve as a catalyst to phase out non-conforming and undesirable rural industrial-related uses in the vicinity. Given the scale of proposed building height relaxation from 6m to 6.6m and the proposed excavation and filling of land for site formation and backfilling for landscaping purpose, significant adverse visual and landscape impacts were not anticipated. The applicant also submitted various technical assessments to demonstrate that the proposed development would not generate adverse traffic, sewerage, drainage, environmental, ecological and geotechnical impacts on the surrounding areas with the implementation of suitable mitigation measures. Concerned departments had no adverse comment on the application and their technical concerns could be addressed by recommended approval conditions. Regarding the adverse public comments, the comments of concerned departments and the assessments above were relevant.

139. Noting that flooding risk was a concern raised in the public comments, a Member enquired if the site and its surroundings suffered high flooding risk. In response, Ms Ivy C.W. Wong, STP/FSYLE, said that there was no information indicating that the site and its surroundings was a flooding blackspot and the Drainage Services Department had no adverse comment on the submitted drainage impact assessment.

Deliberation Session

140. 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 7.4.2021, 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 of a revised Traffic Impact Assessment and the design and implementation of the road improvement measures as proposed therein to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the design and provision of vehicular access and car parking and loading/unloading facilities for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the submission of an environmental assessment (including air quality and noise aspects) and the implementation of mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the TPB;
- (d) the implementation of the drainage system, as proposed by the applicant, to the satisfaction of the Director of Drainage Services or of the TPB;
- (e) the submission and implementation of tree preservation and landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (f) the submission and implementation of proposals for emergency vehicular

access, water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and

- (g) the submission of a revised landslide hazard assessment and implementation of mitigation works suggested therein to the satisfaction of the Head (Geotechnical Engineering Office), Civil Engineering and Development Department or of the TPB.”

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

Agenda Item 41

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NSW/253 Renewal of Planning Approval for Temporary Private Swimming Pool and Garden Use for a Period of 3 Years in “Village Type Development” Zone, Lots 3730 S.E (Part), 3733 (Part), 3734 S.A (Part), 3734 S.B ss.1, 3734 S.B RP (Part), 3734 RP (Part) and 3535 RP (Part) in D.D. 104, Pok Wai, Nam Sang Wai, Yuen Long, New Territories
(RNTPC Paper No. A/YL-NSW/253)

Presentation and Question Sessions

142. Ms Emily P.W. Tong, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the renewal of planning approval for temporary private swimming pool and garden use for a period of three years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. 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 raising objection to the application. The major objection grounds were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a further period of three years based on the assessments set out in paragraph 12 of the Paper. Given the temporary nature of the development and that there was no imminent Small House development on the site, the long-term planning intention of the “Village Type Development” (“V”) zone would not be jeopardised. The application was in line with the Town Planning Board Guidelines No. 34B in that the 3-year approval period sought was the same as that of the previous application and all the approval conditions under the last application had been complied with. Also, concerned departments had no objection to or no adverse comment on the application and technical concerns of the departments could be addressed by the recommended approval conditions. Though the site fell within the Wetland Buffer Area under the Town Planning Board Guidelines No. 12C, application for temporary uses was exempted from the requirement of the submission of Ecological Impact Assessment. Approval of the current application was in line with the previous decision of the Committee. Regarding the adverse public comment, the assessments above were relevant.

143. Members had no question on the application.

Deliberation Session

144. After deliberation, the Committee decided to approve the application on a temporary basis for a period of three years from 16.4.2017 until 15.4.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following

conditions :

- “(a) the swimming pool should not be open to members of the public;
- (b) the landscape planting within the site should be maintained at all times during the planning approval period;
- (c) the drainage facilities implemented for the development on the site should be maintained properly at all times during the planning approval period;
- (d) the submission of condition records of the existing drainage facilities on site within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 16.10.2017;
- (e) the submission of a fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.10.2017;
- (f) in relation to (e) above, the implementation of the fire service installations proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services of the TPB by 16.1.2018;
- (g) if any of the above planning conditions (a), (b) or (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (h) if any of the above planning conditions (d), (e) or (f) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (i) upon 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.”

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

[Dr C.H. Hau left the meeting at this point.]

Agenda Item 42

Section 16 Application

[Open Meeting]

A/YL-NSW/254 Proposed Religious Institution (Church) in “Undetermined” Zone, Lots 732 S.A and 732 S.B in D.D. 115, Nam Sang Wai, Yuen Long, New Territories
(RNTPC Paper No. A/YL-NSW/254)

146. The Committee noted that the applicant requested on 23.3.2017 deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

147. 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 43

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/342 Renewal of Planning Approval for Temporary Lorry and Container Tractor/ Trailer Park with Ancillary Workshop and Staff Canteen for a Period of 3 Years in “Open Storage” Zone, Lot 647 RP (Part) in D.D. 99, Lots 2971 RP (Part), 2972 (Part), 2975 (Part) , 2976, 2977, 2978 RP, 2979, 2980, 2981 RP, 2982 RP, 2983 RP (Part), 2986 RP, 2987 RP (Part) and 2988 RP in D.D. 102 and Adjoining Government Land, Ngau Tam Mei, Yuen Long, New Territories
(RNTPC Paper No. A/YL-NTM/342)

Presentation and Question Sessions

148. Ms Emily P.W. Tong, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the renewal of planning approval for temporary lorry and container tractor/trailer park with ancillary workshop and staff canteen for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity and environmental nuisance was expected. Other concerned 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
- (e) the Planning Department (PlanD)’s views – PlanD considered that the

temporary use could be tolerated for a further period of three years based on the assessments set out in paragraph 12 of the Paper. The applied use was generally in line with the planning intention of the “Open Storage” zone and was compatible with the open storage yards and workshops in the surrounding areas. The application was in line with the Town Planning Board Guidelines No. 34B in that there had been no major change in planning circumstances, all the approval conditions under the previous approval had been complied with and the 3-year approval period sought was the same as that in the previous application. Although DEP did not support the application, there was no environmental complaint against the site in the past three years and relevant approval conditions were recommended to address any potential environmental impacts.

149. Members had no question on the application.

Deliberation Session

150. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 26.4.2017 to 25.4.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) in relation to (a) above, no operation between 7:00 a.m. and 10:00 a.m. and between 5:00 p.m. and 11:00 p.m. on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) the existing trees and landscape planting on the site should be preserved and maintained at all times during the planning approval period;
- (d) no material is allowed to be stored/dumped and no vehicle is allowed to be

parked within 1m of any tree on the site at all times during the planning approval period;

- (e) the submission of a drainage proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 26.10.2017;
- (f) in relation to (e) above, the implementation of the drainage proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 26.1.2018;
- (g) in relation to (f) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (h) the implementation of the accepted fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.10.2017;
- (i) if any of the above planning conditions (a), (b), (c), (d) 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; and
- (j) if any of the above planning conditions (e), (f) 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.”

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

Agenda Item 44

Section 16 Application

[Open Meeting]

A/YL-ST/502 Temporary Public Vehicle Park (excluding container vehicle) for a Period of 3 Years in “Green Belt” and “Village Type Development” Zones, Lots 268 RP and 269 (Part) in D.D. 96 and Lots 457, 458, 459, 460 RP and 461 in D.D. 99, San Tin, Yuen Long, New Territories
(RNTPC Paper No. A/YL-ST/502)

152. The Committee noted that the applicant requested on 29.3.2017 deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

153. 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 45

Section 16 Application

[Open Meeting]

A/YL-ST/503 Proposed Eating Place, Place of Entertainment, Shops and Services, and Minor Relaxation of Height Restriction and Excavation of Land in “Other Specified Uses” annotated “Service Stations” Zone, Lots 661 S.C RP, 669 RP, 674 RP (Part) and 733 RP (Part) in D.D. 99 and Adjoining Government Land, San Tin, Yuen Long, New Territories (RNTPC Paper No. A/YL-ST/503)

154. The Secretary reported that the application was submitted by Topcycle Development Limited, which was a subsidiary of Henderson Land Development Company Limited (HLD). Masterplan Limited (Masterplan), AECOM Asia Co. Limited (AECOM), Ramboll Environ Hong Kong Limited (Environ) and Environmental Resources Management (ERM) were four of the consultants of the applicant. The following Members had declared interests on the item :

- Mr Ivan C.S. Fu - having current business dealings with HLD, Masterplan, AECOM and Environ;
- Ms Janice W.M. Lai - having current business dealings with HLD, AECOM and Environ;
- Mr Stephen L.H. Liu - having current business dealings with HLD;
- Dr C.H. Hau - having current business dealings with AECOM and being an employee of the University of Hong Kong (HKU), which received a donation from a family member of the Chairman of HLD before;
- Mr Alex T.H. Lai - his firm having past business dealings with ERM;

- Mr H.F. Leung - being an employee of HKU, which 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 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 obtained sponsorship from HLD before;
- Ms Christina M. Lee - being the Secretary-General of the Hong Kong Metropolitan Sports Events Association, which obtained sponsorship from HLD before; and
- Mr Peter K.T. Yuen - being a member of the Board of Governors of the Hong Kong Arts Centre, which received a donation from an Executive Director of HLD before.

155. The Committee noted that Mr Stephen L.H. Liu and Ms Christina M. Lee had tendered apologies for being unable to attend the meeting and that the applicant had requested deferment of consideration of the application. The Committee also noted that Mr Ivan C.S. Fu, Ms Janice W.M. Lai, Mr Alex T.H. Lai and Dr C.H. Hau had already left the meeting. The Committee agreed that Mr H.F. Leung, Professor K.C. Chau, Dr Lawrence K.C. Li and Mr Peter K.T. Yuen could stay in the meeting as their interests were indirect.

156. The Committee noted that the applicant requested on 27.3.2017 deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

157. 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 S.H. Lam, Ms Ivy C.W. Wong and Ms Emily P.W. Tong, STPs/FSYLE, for their attendance to answer Members' enquiries. Ms Lam, Ms Wong and Ms Tong left the meeting at this point.]

Tuen Mun and Yuen Long West District

Agenda Item 46

Section 16 Application

[Open Meeting]

A/TM-LTY Y/331 Proposed Shop and Services (Retail Market) and Minor Relaxation of Building Height Restriction in "Village Type Development" Zone, Lot 669 S.B RP in D.D. 130 and Adjoining Government Land, junction of Castle Peak Road and Lam Tei Main Street, Tuen Mun, New Territories
(RNTPC Paper No. A/TM-LTY Y/331)

158. The Committee noted that the applicant requested on 21.3.2017 deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

159. 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 47

Section 16 Application

[Open Meeting]

A/TM-LTY Y/332 Proposed Shop and Services, Eating Place, Religious Institution (Shrine) and Minor Relaxation of Building Height Restriction in "Village Type Development" Zone, Lot 692 S.B RP in D.D. 130 and Adjoining Government Land, junction of Castle Peak Road and Lam Tei Main Street, Tuen Mun, New Territories
(RNTPC Paper No. A/TM-LTY Y/332)

160. The Committee noted that the applicant requested on 21.3.2017 deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

circumstances.

[Mr Edmond S.P. Chiu, Ms Phyllis K.Y. Lau 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 48

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/1051 Temporary Shop and Services (Convenience Store) for a Period of 3 Years in “Village Type Development” Zone, Lot 1089 (Part) in D.D. 125, Sik Kong Wai, Yuen Long, New Territories
(RNTPC Paper No. A/YL-HT/1051B)

162. The Secretary reported that the site was located in Ha Tsuen and Ms Janice W.M. Lai had declared interest on the item as her spouse was a shareholder of a company which owned two pieces of land in Ha Tsuen area. The Committee noted that Ms Lai had already left the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary shop and services (convenience store) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, a total of 25 comments were received. Among which, 23 comments, including one received from a Yuen Long District Council member, supported the application. The remaining two comments objected to the application. The District Officer/Yuen Long also conveyed that one public comment received from a villager of Sik Kong Wai, objecting to the application. The major objection grounds were set out in paragraph 10 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. The applied use was not entirely in conflict with the planning intention of the “Village Type Development” (“V”) zone as it could meet any demand for such service in the area and there was no Small House application received at the site. Approval of the application on a temporary basis would not frustrate the planning intention of the “V” zone. The applied use was also not incompatible with the surrounding village setting and no adverse impact on surrounding areas would be anticipated. Concerned departments had no adverse comments on the application and relevant approval conditions were recommended to address their technical concerns. Since the previous planning applications (No. A/YL-HT/822 and 977) were revoked due to non-compliance with approval conditions, a shorter compliance period was recommended to monitor the progress of compliance with approval conditions. Regarding the adverse public comments, the comments of relevant departments and the assessments above were relevant.

164. Members had no question on the application.

Deliberation Session

165. Noted that the applicant undertook not to provide toilet and other sewage discharge facilities within the site in the submission, Mr Johnson M.K. Wong, Principal Environmental Protection Officer (Strategic Assessment), Environmental Protection

Department, suggested an additional approval condition for prohibiting sewage discharge on site should be imposed to monitor the compliance. The Committee agreed.

166. A Member raised concern that two previous approvals were revoked. The Committee noted that a shorter compliance period was recommended to closely monitor the progress of compliance with approval conditions. Should the application be revoked again due to non-compliance with approval conditions, sympathetic consideration might not be warranted and the unauthorised development on the site would be subject to enforcement actions undertaken by the Planning Authority.

167. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.4.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 9:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no vehicle is allowed to enter/exit or to be parked/stored on the site at any time during the planning approval period;
- (c) the submission of a drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.7.2017;
- (d) in relation to (c) above, the implementation of the 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 7.10.2017;
- (e) in relation to (d) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (f) the implementation of the accepted 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 7.10.2017;

- (g) the submission of a fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.7.2017;
- (h) in relation to (g) above, the implementation 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 7.10.2017;
- (i) no sewage discharge on site, as proposed by the applicant, is allowed at any time during the planning approval period;
- (j) if any of the above planning conditions (a), (b), (e) or (i) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (k) if any of the above planning conditions (c), (d), (f), (g) or (h) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (l) 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.”

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

Agenda Item 49

Section 16 Application

[Open Meeting]

A/YL-HT/1057 Temporary Open Storage of Construction Material and Warehouse for a Period of 3 Years in “Green Belt” Zone, Lots 192 S.A, 192 S.B and 193 in D.D. 125, Ha Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-HT/1057A)

169. The Secretary reported that the site was located in Ha Tsuen and Ms Janice W.M. Lai had declared interest on the item as her spouse was a shareholder of a company which owned two pieces of land in Ha Tsuen area. The Committee noted that Ms Lai had already left the meeting.

170. The Committee noted that the applicant requested on 21.3.2017 deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information providing responses to departmental comments including the traffic generation information on-site.

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

Agenda Item 50

Section 16 Application

[Open Meeting]

A/YL-HT/1075 Proposed Temporary Logistics Centre for a Period of 3 Years in “Open Storage” Zone, Lots 632 (Part), 633 (Part), 634, 635, 636 S.B. RP (Part) and 637 RP (Part) in D.D. 124, Lots 1996 RP (Part), 1997 (Part), 1998 RP (Part), 1999, 2000, 2001 (Part), 2003, 2004, 2005, 2006, 2007 RP (Part), 2008 RP (Part) and 2009 RP (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long, New Territories (RNTPC Paper No. A/YL-HT/1075)

172. The Secretary reported that the site was located in Ha Tsuen and Ms Janice W.M. Lai had declared interest on the item as her spouse was a shareholder of a company which owned two pieces of land in Ha Tsuen area. The Committee noted that Ms Lai had already left the meeting.

173. The Committee noted that the applicant requested on 23.3.2017 deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

Agenda Item 51

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/293 Renewal of Planning Approval for Temporary Open Storage of Marbles, Construction Materials, Aluminium Cans, Small-scale Machinery with Ancillary Workshop and 2 Loading and Unloading Spaces for Goods Vehicles Use for a Period of 3 Years in “Recreation” Zone, Lot 2227 (Part) in D.D. 129, Lau Fau Shan, Yuen Long, New Territories

(RNTPC Paper No. A/YL-LFS/293)

Presentation and Question Sessions

175. Ms Phyllis K.Y. Lau, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the renewal of planning approval for temporary open storage of marbles, construction materials, aluminium cans, small-scale machinery with ancillary workshop and two loading and unloading spaces for goods vehicles 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 in the vicinity and environmental nuisance was expected. 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 objecting public comment was received. The major objection grounds were set out in paragraph 11 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of three years based on the assessment set out in paragraph 12 of the Paper. Though the applied use was not in line with the planning intention of the “Recreation” (“REC”) zone, there was not known programme to implement the zoned use. Approval of the application on a temporary basis would not frustrate the planning intention of the “REC” zone. Also, it was not incompatible with the surrounding areas predominated by open storage yards and vehicle parks. The application was in line with the Town Planning Board Guidelines No. 13E in that the site falling within Category 3 areas was the subject of the previously approved applications for similar storage uses and concerned departments, except DEP, had no objection to or no adverse comment on the application. Although DEP did not support the application, there was no environmental complaint concerning the site in the past three years. Approval conditions had been recommended to address the concerns on the possible environmental nuisances or technical concerns of other relevant departments. The application was also in line with the Town Planning Board Guidelines No. 34B in that there was no major change in planning circumstances since the previous planning approval and no adverse planning implication arising from the renewal application, and all approval conditions under the previous planning application had been complied with. Regarding the adverse public comment, the comments of concerned departments and the assessments above were relevant.

176. Members had no question on the application.

Deliberation Session

177. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 26.4.2017 to 25.4.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 8:30 pm and 7:30 am, 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 exceeding 24 tonnes, including container trailer/tractor, as defined in the Roads (Traffic) Ordinance, as proposed by the applicant, is allowed to enter/exit or to be parked/stored on the site at any time during the planning approval period;
- (d) no vehicle over 10m long is allowed to enter/exit or to be parked/stored on the site at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to public road or reverse onto/from the public road at any time during the planning approval period;
- (f) the existing fencing on the site shall be maintained at all times during the planning approval period;
- (g) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (h) the submission of a condition record of the existing drainage facilities within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 26.7.2017;
- (i) the submission of a tree preservation and landscape proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 26.10.2017;
- (j) in relation to (i) above, the implementation of the tree preservation and

landscape proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 26.1.2018;

- (k) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS 251) within 6 weeks from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.6.2017;
- (l) the submission of a fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.10.2017;
- (m) in relation to (l) above, the implementation of the fire service installations proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.1.2018;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (o) if any of the above planning conditions (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.”

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

Agenda Item 52

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/294 Proposed Temporary Crawler Crane and Excavator Training Centre for a Period of 3 Years in “Recreation” Zone, Lot 1862 (Part) in D.D. 129, Lau Fau Shan, Yuen Long, New Territories
(RNTPC Paper No. A/YL-LFS/294)

179. The Secretary reported that the application was submitted by Chun Wo Construction and Engineering Company Limited (Chun Wo). The following Members had declared interests on the item:

Mr H.F. Leung - having current business dealings with Chun Wo; and

Mr Alex T.H. Lai - his firm having past business dealings with Chun Wo.

180. The Committee noted that Mr Alex T.H. Lai had already left the meeting and agreed that Mr H.F. Leung should be invited to leave the meeting temporarily for the item as his interest was direct.

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

Presentation and Question Sessions

181. Ms Phyllis K.Y. Lau, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary crawler crane and excavator training centre 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 there were sensitive receivers in the vicinity of the site and environmental nuisance was expected. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of statutory publication period, two comments were received from a Yuen Long District Council (YLDC) member and an individual. The YLDC member sought clarification on the number of training courses to be offered, while another commenter objected to the application. Major objection grounds were set out in paragraph 10 of the Paper; 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 “Recreation” (“REC”) zone and there was no strong planning justification provided in the submission to merit a departure from the planning intention. It was also not compatible with the surrounding land uses, which comprised vegetated land with a cluster of residential use. DEP did not support the application and no similar application had been approved in the “REC” zone. Approval of the application would set an undesirable precedent for similar applications. Regarding the public comments, the comments of concerned departments and the assessment above were relevant.

182. A Member enquired whether the subject training centre for crawler crane and excavator was necessary for training workers prior to taking up relevant duties. In response, Ms Phyllis K.Y. Lau, STP/TMYLW, said that according to the Labour Department, there were some other training centres in the territory offering similar training courses.

Deliberation Session

183. 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 “Recreation” (“REC”) zone, which is primarily for recreational developments for the use of the general public. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the applicant fails to demonstrate that the development would not generate adverse environmental impact on the surrounding areas; and
- (c) approval of the application would set an undesirable precedent for applications for other similar developments within the “REC” zone, the cumulative effect of which will result in a general degradation of the environment.”

[Mr H.F. Leung returned to join the meeting at this point.]

Agenda Item 53

Section 16 Application

[Open Meeting]

A/YL-TYST/832 Temporary Vehicle Repair Workshop for a Period of 3 Years in “Undetermined” Zone, Lot 1231 S.B ss. 1 (Part) in D.D. 119 and Adjoining Government Land, Pak Sha Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TYST/832)

184. The Committee noted that the applicant requested on 28.3.2017 deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

185. 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 54

Section 16 Application

[Open Meeting]

A/YL/226

Proposed Office cum Public Car Park with Ground Floor Retail Shops in "Other Specified Uses" annotated "Public Car Park with Ground Floor Retail Shops" Zone, 16 Hi Yip Street, Tung Tau Industrial Area, Yuen Long, New Territories (Yuen Long Town Lot 443)
(RNTPC Paper No. A/YL/226A)

186. The Committee noted that the applicant requested on 23.3.2017 deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information, including a revised traffic impact assessment and floor plans, in response to departmental comments.

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

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

Agenda Item 55

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL/230 Temporary Shop and Services (Real Estate Agency) for a Period of 6 Years in "Residential (Group A) 1" Zone, Lots 1890 S.C RP (Part) and 2273 S.B ss.3 (Part) in D.D. 120 and Adjoining Government Land, Kung Um Road, Yuen Long, New Territories
(RNTPC Paper No. A/YL/230)

Presentation and Question Sessions

188. 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 shop and services (real estate agency) for a period of six years;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, 23 public comments were received from the Incorporated Owners of La Grove,

Owners' Committee and Guest Service Centre of Park Signature, Winpo Development Limited and individuals, raising objections to or concerns on the application. Major objection grounds and concerns were set out in paragraph 9 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of six years based on the assessments set out in paragraph 10 of the Paper. The applied use was not entirely in conflict with the planning intention of the “Residential (Group A)” zone and it could provide real estate agency service to serve such demand in the area. The scale of development comprising one single-storey structure was not incompatible with the surrounding uses which were predominated by residential uses intermixed with warehouses and vehicle/car parks. Concerned departments had no objection to or no adverse comment on the application. Approval conditions were recommended to minimise any potential adverse impacts and nuisance arising from the applied use and to address the technical concerns of concerned departments. Regarding the public comments, the comments of concerned departments and the assessments above were relevant.

189. In response to a Member's enquiry, Mr Alan Y.L. Au, STP/TMYLW, said that according to the Covering Notes of the Yuen Long Outline Zoning Plan (OZP), temporary use(s) for a period of five years or less were always permitted as long as they complied with any other government requirements, whilst for temporary use(s) expected to be over five years, the uses must conform to the zoned use or planning permission had been obtained. The Chairman supplemented that the Yuen Long OZP was not a rural OZP, which allowed planning application for temporary uses not exceeding a period of three years, notwithstanding that the use was not in Column 2 of the rural OZP.

Deliberation Session

190. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 6 years until 7.4.2023, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 8:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) the submission of a revised 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 7.10.2017;
- (c) in relation to (b) 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 7.1.2018;
- (d) in relation to (c) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (e) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.10.2017;
- (f) in relation to (e) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.1.2018;
- (g) if any of the above planning conditions (a) 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;
- (h) if any of the above planning conditions (b), (c), (e) or (f) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (i) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 56

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/343-10 Application for Extension of Time for Compliance with Planning Condition (h) for the Approved Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years, Lots 4891 RP (Part), 4892 S.A, 4892 RP (Part) and 4893 (Part) in D.D. 116 and Adjoining Government Land, Tai Tong Road, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TT/343-10)

Presentation and Question Sessions

192. Mr Alan Y.L. Au, STP/TMYLW, drew Members' attention that replacement pages (Page 2 and Plan AA-2 of the Paper) and the applicant's letter dated 3.4.2017 to report the progress of obtaining the excavation permit had been tabled at the meeting for Members' reference. As shown on the visualizer, Mr Au said that another letter was submitted by the applicant on 7.4.2017 immediately before the meeting, reporting that the excavation permit had just been granted by the Highways Department (HyD). With the aid of a PowerPoint presentation, Mr Au then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the application for extension of time (EOT) for compliance with approval condition (h) on the provision of run-in/out for the approved temporary shop and services (real estate agency) for a period of three years under Application No. A/YL-TT/343;

- (c) departmental comments – departmental comments were set out in paragraph 5 of the Paper. The Chief Highway Engineer/New Territories East, HyD (CHE/NTE, HyD), who was responsible for processing of excavation permit application in the New Territories, advised that the applicant had submitted the Temporary Traffic Management (TTM)/Temporary Traffic Arrangement (TTA) three times and the last submission had been accepted on 31.3.2017. A works coordination report was also submitted on 28.3.2017 as part of the submission of application for excavation permit. Generally, one week was required for HyD to process the submission. However, the time required for excavation permit application process largely depended on the quality of applicant's submission. CHE/New Territories West, HyD and the Commissioner for Transport had no objection to or no adverse comment on the EOT application;
- (d) the Planning Department (PlanD)'s views – PlanD did not support the EOT application based on the assessments set out in paragraph 6 of the Paper. The current application was the 9th EOT application for compliance with approval condition (h) for an additional 3 months up to 16.7.2017 (a total of 30 months). In granting the last EOT application, the applicant had already been advised that it was the last EOT and no further extension would be granted. The applicant failed to justify why approval condition (h) could not be complied with within the extended compliance period of 27 months in total and to demonstrate genuine efforts had been made to comply with the approval condition. The approval condition (g) on the submission of run-in/out proposal was approved on 10.7.2015. Despite the repeated advice/reminders of HyD on the need for applying for an excavation permit between 2015 and 2017, the first application for excavation permit was only made to HyD on 28.7.2016 and essential information including the location of the excavation works was absent. Besides, the TTM/TTA required for excavation permit application was only accepted by the concerned department on 30.3.2017. There would be adverse planning implication arising from the approval of the current EOT application in that the extension period sought might come very close to the

expiry of the temporary planning permission and would set an undesirable precedent.

193. The Chairman remarked that in considering the current EOT application, the latest progress of compliance with the approval condition (h) should be taken into account.

194. Noting that the time taken for applying the excavation permit and for the compliance with approval condition (h) might be due to the submission of a wrong location plan by the applicant, a Member asked whether the applicant had provided any justifications for submitting a wrong plan. In response, Mr Alan Y.L. Au, STP/TMYLW, said the applicant did not provide any information on that aspect. However, the previous application No. A/YL-TT/301, which was revoked due to non-compliance with approval conditions including the provision of run-in/out, was submitted by the same applicant. Mr Au considered that the applicant should be familiar with the site.

Deliberation Session

195. The Chairman recapped the background of the application and the applicant's latest progress for compliance with approval condition (h). At the invitation of the Chairman, the Secretary explained that according to the Town Planning Board Guidelines No. 34B, the EOT for compliance with approval conditions should, under no circumstances, exceed the original validity period of the temporary permission. The general practice was to allow EOT up to three quarters of the validity period if strong justification had been put forth by the applicant. Should the current EOT application be rejected by the Committee, the applicant could apply for a review under section 17 of the Town Planning Ordinance.

196. A Member doubted whether the applicant could comply with the condition (h) before the expiry of the temporary planning permission despite the granting of the excavation permit. The same Member supported PlanD's recommendation and asked what the consequences would be if the temporary planning permission was revoked. The Committee noted that the Planning Authority might undertake enforcement actions against any unauthorised development(s) at the site after revocation of the temporary planning permission.

197. Noting that the site was currently in use and vehicles could enter/leave the site without a proper run-in/out, a Member questioned the need to construct the proposed run-in/out. The Committee noted that the design of proposed run-in/out would provide better protection to the pedestrian/road surface as well as the underground utility pipelines.

198. Given that the excavation permit had just been granted to the applicant and the relevant fee was paid by him, some Members considered the current EOT application could be allowed on sympathetic consideration but the applicant should be reminded that it was the last EOT. A Member enquired why one month EOT instead of three months sought was recommended if the Committee decided to approve the EOT application. The Committee noted that the recommendation of one month EOT was for closely monitoring the progress of compliance. The Chairman said that the compliance of approval condition (h) would be to the satisfaction of the Director of Highways or of the Board, which allowed flexibility for the Board/Committee to consider the applicant's submission for the compliance with condition (h).

199. After deliberation, the Committee decided to approve the application to extend the compliance period of approval condition (h) for one month from 16.4.2017 to 16.5.2017, instead of three months sought, for closely monitoring of the progress on compliance. The approval was subject to the following relevant conditions as stated in the original permission :

- “(a) no operation between 8:00 p.m. and 10:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no open storage activity is allowed on the site at any time during the planning approval period;
- (c) no vehicle parking, queuing and reverse manoeuvring are allowed on public road and at the vehicular access at any time during the planning approval period;
- (h) the provision of run-in/out to the satisfaction of the Director of Highways or of the TPB by 16.5.2017;

- (k) the maintenance of the implemented drainage facilities at all times during the planning approval period;
- (o) if any of the above planning conditions (a), (b), (c) or (k) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (p) 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
- (q) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

200. The Committee also agreed to advise the applicant that given the special circumstances, this was the last EOT granted under sympathetic consideration. No further extension would be granted so as to avoid the situation that the extension period sought might come very close to the expiry of the temporary permission.

[The Chairman thanked Mr Edmond S.P. Chiu, Ms Phyllis K.Y. Lau and Mr Alan Y.L. Au, STPs/TMYLW, for their attendance to answer Members' enquiries. Mr Chiu, Ms Lau and Mr Au left the meeting at this point.]

Agenda Item 57

Any Other Business

(i) Section 16A Application

[Open Meeting]

A/NE-TK/592-1 Application for Extension of Time for Compliance with Planning Conditions, G/F, No. 103A, Lung Mei, Tai Po, New Territories at Lot 1681 S.B. in D.D. 17
(RNTPC Paper No. A/NE-TK/592-1)

201. The Secretary reported that the application was approved with conditions by the Committee on 30.9.2016. The deadline for compliance with approval condition (b) on the submission of fire services installations (FSIs) and water supplies for fire-fighting proposal was on 30.3.2017 (i.e. within 6 months from the date of approval). On 21.3.2017, an application for extension of time for compliance with approval conditions (b) and (c) for an additional 3 months until 30.6.2017 and 30.9.2017 respectively was received, which was seven working days before the expiry of the specified time limit for approval condition (b). It was recommended not to consider the application as the deadline for compliance with condition (b) had already expired on 30.3.2017, and the planning approval for the subject application had ceased to have effect and had on the same date been revoked.

202. After deliberation, the Committee agreed not to consider the section 16A application as the planning permission was no longer valid at the time of consideration.

[Closed Meeting]

(ii) Charging a Fee for Planning Application

203. Noting that there was provision under the Town Planning (Amendment) Ordinance 2004 for charging fee for applications, a Member suggested the Government should re-consider charging a fee for planning application. The Committee noted that during the course of public consultation on the proposal of charging a fee for planning applications, there were concerns that it might impede the participation of the general public in submitting planning applications. The fee regulation for planning application was yet to

be executed.

(iii) Streamlining Meeting Procedures to Consider Request for Deferment

204. The same Member also suggested that the proceeding of meeting could be streamlined in processing the requests for deferment for the consideration of applications. The Chairman concurred and said that the Secretariat would explore how the meeting proceeding could be streamlined in due course.

205. There being no other business, the meeting closed at 6:30 p.m..