

TOWN PLANNING BOARD

Minutes of 581st Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 9.6.2017

Present

Director of Planning
Mr Raymond K.W. Lee

Chairman

Mr Ivan C.S. Fu

Ms Janice W.M. Lai

Dr F.C. Chan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Mr Alex T.H. Lai

Mr Stephen L.H. Liu

Miss Winnie W.M. Ng

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

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

Principal Environmental Protection Officer (Strategic Assessment),
Environmental Protection Department
Mr C.F. Wong

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

Deputy Director of Planning/District
Ms Jacinta K.C. Woo

Secretary

Absent with Apologies

Mr H.W. Cheung

Vice-chairman

Professor K.C. Chau

Ms Christina M. Lee

Mr H.F. Leung

Mr Philip S.L. Kan

Dr C.H. Hau

Dr Lawrence K.C. Li

In Attendance

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

Chief Town Planner/Town Planning Board
Ms Sally S.Y. Fong

Town Planner/Town Planning Board
Mr Eric C.Y. Chiu

Agenda Item 1

Confirmation of the Draft Minutes of the 580th RNTPC Meeting held on 26.5.2017

[Open Meeting]

1. The Secretary said that subsequent to the circulation of the draft minutes of the 580th RNTPC meeting to Members, an editorial error was found and paragraph 85(b) was proposed to be amended as follows:

“no operation between 6:00 p.m. and ~~7:00~~**9:00** a.m. on Mondays to Fridays, as proposed by the applicant, is allowed on the Site during the planning approval period;”

2. The Committee agreed that the draft minutes of the 580th RNTPC meeting held on 26.5.2017 were confirmed subject to the above amendment.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Sai Kung and Islands District

Agenda Item 3

Section 12A Application

[Open Meeting]

Y/SK-PK/7

Application for Amendment to the Approved Pak Kong and Sha Kok Mei Outline Zoning Plan No. S/SK-PK/11, To rezone the application site from “Green Belt” to “Residential (Group C) 4”, Lots 242A S.A and 242A RP (Part) in D.D. 213 and Adjoining Government Land, Lung Mei Tsuen Road, Sai Kung, New Territories

(RNTPC Paper No. Y/SK-PK/7)

4. The Committee noted that the applicant’s representative requested on 19.5.2017 deferment of the consideration of the application for two months so as to allow time for preparation of further information to resolve comments from relevant government departments. It was the first time that the applicant requested deferment of the application.

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

Sha Tin, Tai Po and North District

Agenda Item 4

Section 12A Application

[Open Meeting]

Y/MOS/4

Application for Amendment to the Approved Ma On Shan Outline Zoning Plan No. S/MOS/22, To rezone the application site from “Other Specified Uses” annotated “Educational and Recreational Development”, “Green Belt”, “Government, Institution or Community” Zones and an area shown as 'Road' to “Residential (Group C) 4”, “Government, Institution or Community”, “Green Belt” Zones and an area shown as 'Road', Various Lots in D.D. 167 and Adjoining Government Land, Nai Chung, Ma On Shan, New Territories
(RNTPC Paper No. Y/MOS/4A)

6. The Secretary reported that the application was submitted by Prelong Limited, a subsidiary of Sun Hung Kai Properties Limited (SHK), and Llewelyn-Davies Hong Kong Limited (LD), AECOM Asia Company Limited (AECOM) and Ramboll Environ Hong Kong Limited (Environ) were three of the consultants of the applicant. The following Members had declared interests on the item:

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|---------------------|--|
| Mr Ivan C.S. Fu |] having current business dealings with SHK, |
| |] AECOM and Environ; |
| Ms Janice W.M. Lai |] |
| Dr C.H. Hau | - having current business dealings with AECOM; |
| Mr Stephen L.H. Liu | - having past business dealings with SHK and LD; |
| Miss Winnie W.M. Ng | - being a Director of the Kowloon Motor Bus (1933) Company Limited (KMB) and SHK was one of the shareholders of KMB; and |
| Ms Christina M. Lee | - being the Secretary-General of the Hong Kong |

Metropolitan Sports Events Association which had obtained sponsorship from SHK before.

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

8. The Committee noted that the applicant's representative requested on 26.5.2017 deferment of the consideration of the application for two months so as to allow time for preparation of further information to address departmental comments and to update the relevant technical assessment. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information to respond to departmental and public comments with revised technical assessments.

9. 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 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.

[Mr Ivan C.S. Fu and Mr K.C. Siu arrived to join the meeting at this point.]

Tuen Mun and Yuen Long West District

Agenda Item 5

Section 12A Application

[Open Meeting]

Y/TM/19 Application for Amendment to the Approved Tuen Mun Outline Zoning Plan No. S/TM/33, To rezone the application site from “Open Space”, “Government, Institution or Community” to “Government, Institution or Community”, Lots 491 (part), 492 (part), 495RP (part), 498RP, 500, 501 (part), 502RP (part), 503, 717RP in D.D. 374 and Adjoining Government Land, So Kwun Wat, Tuen Mun, New Territories
(RNTPC Paper No. Y/TM/19)

10. The Secretary reported that MVA Hong Kong Limited (MVA) was one of the consultants of the applicant. Mr Ivan C.S. Fu had declared an interest on the item for having current business dealings with MVA. The Committee noted that the applicant had requested deferral of consideration of the application and agreed that as Mr Fu had no involvement in the application, he could stay in the meeting.

11. The Committee noted that the applicant’s representative requested on 23.5.2017 deferment of the consideration of the application for two months so as to allow time for preparation of further information to respond to departmental comments. It was the first time that the applicant requested deferment of the application.

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

applicant that two months were allowed for preparation of the submission of the further information and no further deferment would be granted unless under very special circumstances.

Agenda Item 6

Section 12A Application

[Open Meeting]

Y/YL/10

Application for Amendment to the Approved Yuen Long Outline Zoning Plan No. S/YL/23, To rezone the application site from "Government, Institution or Community" to "Residential (Group A)1", Lots 2231 RP, 2232, 2233, 2235, 2236, 2237, 2238, 2239 (Part), 2240 (Part), 2241 (Part), 2296 (Part), 2297 (Part), 2300 (Part), 2302 (Part), 2303 (Part), 2304 RP, 2305 (Part), 2306 RP (Part) and 2497 RP(Part) in D.D. 120 and Adjoining Government Land, Yuen Long, New Territories

(RNTPC Paper No. Y/YL/10)

[Withdrawn]

[Ms Janice W.M. Lai, Miss Winnie W.M. Ng and Mr C.F. Wong 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 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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/235A)

Presentation and Question Sessions

13. 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 as such type of development should be confined within the “Village Type Development” (“V”) zone as far as possible but considered that the application involving development of one Small House only could be tolerated. The Chief Town Planner/Urban Design and Landscape, Planning Department

(CTP/UD&L, PlanD) had reservation on the application as its approval would encourage the spreading of village houses into the “Green Belt” (“GB”) zone leading to deterioration of its landscape character. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, four public comments were received from Designing Hong Kong Limited, Sai Kung Planning Concern Front and two individuals objecting to the application. Major grounds of objection were set out in paragraph 11 of the Paper; and
- (e) the PlanD’s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. Although the proposed Small House development was not in line with the planning intention of the “GB” zone, the proposed development was considered not incompatible with the surrounding environment which was mainly rural in character with clusters of village houses. Although CTP/UD&L, PlanD had reservation on the application, no extensive clearance of vegetation would be involved and significant changes or disturbances to the existing landscape character and resources were not anticipated. The application was considered generally in line with Town Planning Board Guidelines No. 10. The application also generally complied with the Interim Criteria for Consideration of Application for New Territories Exempted House /Small House in New Territories in that more than 50% of the footprint of the Small House fell within village ‘environs’ and there was a general shortage of land in the “Village Type Development” zone of Pak Kong Village in meeting the Small House demand. Other concerned government departments had no objection to or no adverse comment on the application. Planning permissions had previously been granted for development of Small House at the site and the relevant approval conditions had been fulfilled except for the implementation of landscape proposal. The scale of the proposed Small House development was the same as the previously approved scheme. Regarding the public comments received, the comments of government departments and the planning assessments above

were relevant.

14. Members had no question on the application.

Deliberation Session

15. 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 9.6.2021, 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 condition :

“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.”

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

Agenda Item 8

Section 16 Application

[Open Meeting]

A/SK-PK/240 Proposed House (New Territories Exempted House - Small House) in
 “Green Belt” Zone, Lot 470 S.B RP in D.D. 222, Pak Kong, Sai Kung,
 New Territories

 (RNTPC Paper No. A/SK-PK/240)

17. The Committee noted that the applicant’s representative requested on 23.5.2017 deferment of the consideration of the application for two months so as to allow time for preparation of further information and responses to comments from government departments. It was the first time that the applicant requested deferment of the application.

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

Agenda Item 9

Section 16 Application

[Open Meeting]

A/SK-PK/241 Proposed House (New Territories Exempted House - Small House) in
 “Green Belt” Zone, Lot 470 S.B ss.3 in D.D. 222, Pak Kong, Sai Kung,
 New Territories
 (RNTPC Paper No. A/SK-PK/241)

19. The Committee noted that the applicant’s representative requested on 23.5.2017 deferment of the consideration of the application for two months so as to allow time for preparation of further information and responses to comments from government departments. It was the first time that the applicant requested deferment of the application.

20. 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 10

Section 16 Application

[Open Meeting]

A/TKO/109 Proposed Flat (Departmental Quarters for Customs and Excise Department) in “Government, Institution or Community” Zone, Government Land in Area 123, Po Lam Road, Tseung Kwan O, New Territories
(RNTPC Paper No. A/TKO/109A)

21. The Secretary reported that the site was located in Tseung Kwan O and Urbis Limited (Urbis) 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 Urbis; and
]	
Ms Janice W.M. Lai]	
Mr K.C. Siu	-	his spouse owning a property in Tseung Kwan O.

22. The Committee noted that the applicant had requested deferral of consideration of the application and agreed that as Mr Ivan C.S. Fu and Ms Janice W.M. Lai had no involvement in the application and the property of Mr K.C. Siu’s spouse had no direct view of the application site, they could stay in the meeting.

23. The Committee noted that the applicant’s representative requested on 29.5.2017 deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the comments of government departments. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information including revised air ventilation assessment (expert evaluation), landscape and visual impact assessment, traffic impact assessment and preliminary environmental reports in response to departmental comments.

24. 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 three months had been allowed for preparation of submission of further information, no further deferment would be granted unless under very special circumstances.

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

Sha Tin, Tai Po and North District

[Mr C.T. Lau, Senior Town Planner/Sha Tin, Tai Po and North (STP/STN), was invited to the meeting at this point.]

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/528 Proposed House (New Territories Exempted House - Small House) in
"Green Belt" Zone, Lot 713 RP in D.D. 9, Yuen Leng Village, Tai Po,
New Territories
(RNTPC Paper No. A/NE-KLH/528)

Presentation and Question Sessions

25. 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 Engineer/Consultant Management, Drainage Services Department advised that the proposed sewerage scheme for Yuen Leng Village had been degazetted and there was no fixed programme for the implementation of the concerned sewerage works. The Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) objected to the application as the applicant failed to demonstrate that the proposed house was able to be connected to the planned public sewerage system and the wastewater generated from the proposed house would not cause water pollution to the Water Gathering Grounds (WGG). The Director of Environmental Protection (DEP) also did not support the application as the site was within WGG and there was no fixed programme for the proposed public sewer. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as the approval of which might set an undesirable precedent. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, three public comments were received from World Wide Fund for Nature Hong Kong and individuals objecting to the application. Major grounds of objection were set out in paragraph 11 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 12 of the Paper. The proposed Small House development was not in line with the planning intention of “Green Belt” zone. The site was within the upper indirect WGG. The applicant proposed to connect the Small House development

to the proposed public sewerage system. However, the said sewerage scheme was degazetted and there was currently no fixed programme for the implementation of the proposed sewerage works. Both CE/C, WSD and DEP did not support the application. In this regard, the proposed development did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories. Regarding the public comments received, the comments of government departments and the planning assessments above were relevant.

26. A Member noted from Plan A-2a and the aerial photograph in Plan A-3 of the Paper that some approved Small Houses located to the northeast of the site had yet to be developed. In response, Mr C.T. Lau, STP/STN, said that those Small House applications were approved by the Committee in 2000 and 2001. Since the approved developments had not commenced within the validity period, the planning permissions had lapsed.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of “Green Belt” zone, which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong planning justification provided in the submission to justify 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 applicant fails to demonstrate that the proposed development located within water gathering grounds would be able to be connected to the existing and planned sewerage system and

would not cause adverse impact on the water quality and natural landscape in the area;

- (c) the approval of the application would set an undesirable precedent for other similar applications in the area. The cumulative impacts of approving such applications would result in a general degradation of the natural environment and landscape quality of the area; and
- (d) land is still available within the “Village Type Development” (“V”) zone of Yuen Leng and Kau Lung Hang which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.”

Agenda Item 12

Section 16 Application

[Open Meeting]

A/NE-FTA/166 Proposed Temporary Open Storage of Recycling Materials for a Period of Three Years in “Other Specified Uses” annotated “Port Back-up Uses” Zone, an area shown as 'Road' and “Government, Institution or Community”, Lot 147 in D.D. 52, Fu Tei Au, Sheung Shui, New Territories
(RNTPC Paper No. A/NE-FTA/166A)

28. The Committee noted that the applicant’s representative requested on 24.5.2017 deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the further comments of Transport Department. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted a traffic impact assessment and a site layout.

29. 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 13

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 Three 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/555B)

30. 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 lots of land in Ping Che area. The Committee noted that the applicant had requested deferral of consideration of the application and agreed that as the properties of Mr Lai's father had no direct view of the site, he could stay in the meeting.

31. The Committee noted that the applicant's representative requested on 25.5.2017 deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the further comments of Transport Department (TD). It was the third time that the applicant requested deferment of the application. Since

the last deferment, the applicant had submitted further information including responses to comments with supporting tables and revised figures to address the comments of TD.

32. 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.

[The Chairman thanked Mr C.T. Lau, STP/STN, for his attendance to answer Members' enquiries. Mr Lau left the meeting at this point.]

Fanling, Sheung Shui and Yuen Long East District

[Ms Ivy C.W. Wong, Senior Town Planner/Fanling, Sheung Shui and Yuen Long East (STP/FSYLE), was invited to the meeting at this point.]

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/551 Temporary Open Storage of Construction Materials and Machinery for a Period of 3 Years in “Agriculture” Zone, Lot 4 in D.D. 110, Tai Kong Po, Yuen Long, New Territories
(RNTPC Paper No. A/YL-KTN/551A)

Presentation and Question Sessions

33. 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 temporary open storage of construction materials and machinery for a period of three years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Commissioner for Transport (C for T) commented that due to insufficient information provided by the applicant, he was unable to assess the application from traffic aspect. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as active agricultural activities could be found in its vicinity and the site possessed potential for agricultural uses such as plant nursery or greenhouse. The Director of Environmental Protection (DEP) did not

support the application as there were sensitive receivers in vicinity of the site (the nearest residential dwelling was about 20m away) and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) also had reservations on the application from the landscape planning perspective since vegetation within the site had been cleared with only 3 mature trees (*Melia azedarach*) in good condition left and the setting of an undesirable precedent for site modification prior to application might lead to further degradation of the existing landscape resources. In addition, the site was located very close to “Conservation Area” zone and adverse landscape impact was anticipated. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, four public comments were received from Kadoorie Farm and Botanic Garden, World Wide Fund for Nature Hong Kong, Designing Hong Kong and an individual objecting to the application. Major grounds of objection 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 temporary use was not in line with the planning intention of the “Agriculture” (“AGR”) zone and DAFC did not support the application. The application did not comply with the Town Planning Guidelines No. 13E in that the site, which fell within Category 3 areas, was not the subject of previous approval and the applicant failed to demonstrate that there would be no adverse environmental and landscape impacts arising from the development. CTP/UD&L, PlanD had reservation and DEP did not support the application in this regard. Seven similar applications within the same “AGR” zone and Category 3 areas had been rejected by the Committee since 2008. Although there were also seven similar applications covering two sites that had been approved by the Committee, the approved applications had unique background and circumstances and their approval should not be considered as precedent for other applications.

Regarding the public comments received, the comments of government departments and the planning assessments above were relevant.

34. Members had no question on the application.

Deliberation Session

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

- “(a) the development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is 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 there is no previous approval granted at the Site and there are adverse departmental comments on the application;
- (c) the applicant fails to demonstrate that the development would not generate adverse environmental and landscape impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.”

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/558 Temporary Warehouse (Storage of Pet Supplies and Gardening Goods) with Ancillary Office for a Period of Three Years in “Comprehensive Development Area” and “Other Specified Uses” annotated “Railway Reserve” Zones, Lots 3513 (Part), 3841 S.B, 3842 S.A, 3843 S.A, 3847 S.A (Part), 3874, 3875, 3876, 3877, 3878 (Part) and 3884 (Part) in D.D. 104 and Adjoining Government Land, Kam Tin, Yuen Long, New Territories
(RNTPC Paper No. A/YL-KTN/558A)

Presentation and Question Sessions

36. 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 temporary warehouse (storage of pet supplies and gardening goods) with ancillary office for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD2-2, RDO, HyD) advised that the site fell within the administrative route protection boundary and area of influence of the proposed Northern Link (NOL). According to the Railway Development Strategy 2014, the indicative implementation window of NOL was from 2018 to 2023 subject to review. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. existing residential structures located to the immediate west, northwest and further south of the site and environmental nuisance was expected. Other concerned

government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, five public comments were received from the San Tin Rural Committee, Pok Wai Village Office, Pok Wai villagers and an individual objecting to the application. Major grounds of objection 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. About 42% of the site fell within the “Other Specified Uses” annotated “(Railway Reserve)” zone which was intended primarily for railway development of the NOL. The Chief Estate Surveyor/Railway Development, Lands Department advised that the programme of land resumption would follow the project programme regardless of the validity period of the planning permission to be granted. The remaining part (about 58%) of the site fell within the “Comprehensive Development Area” (“CDA”) zone with no known development programme. Approval of the application on a temporary basis for three years would not jeopardise the implementation of the NOL nor frustrate the long-term planning intention of the “CDA” zone. The applied use was considered not incompatible with the surrounding areas which were mixed with residential dwellings/structures, car parking, storage, cultivated agricultural land, unused/vacant land. While DEP did not support the application as environmental nuisance was expected, no environmental complaint was received in the past three years. Other relevant departments had no adverse comment on the application. The concerns of DEP and technical requirements of other departments could be addressed by imposing approval conditions. Regarding the public comments received, the comments of government departments and the planning assessments above were relevant.

37. The Chairman and some Members raised the following questions/comments:

- (a) whether the temporary warehouse would affect the development of NOL which had an implementation window between 2018 to 2023;
- (b) given that the site would be required for the development of NOL, whether the need for land resumption was a crucial factor for consideration; and
- (c) noting that the site was currently used for warehouse, whether the use had obtained prior planning permission, and the background information concerning the warehouse use of the site.

38. Ms Ivy C.W. Wong, STP/FSYLE, made the following responses:

- (a) as advised by RDO, HyD, the implementation window of NOL from 2018 to 2023 was tentative and there was no firm development programme yet. Subject to the Board's approval of the application, the applicant would be advised that the site might be subject to land resumption for implementation of NOL which might take place at any time before the expiry of the temporary planning permission; and
- (b) the site was the subject of previous planning applications for temporary storage of gloves and office use, with the latest one rejected by the Committee in 1995. The site was currently being used for the applied use without valid planning permission and it was not the subject of any active enforcement action. If there was sufficient evidence to demonstrate that the site was involved in unauthorised development, it would be subject to planning enforcement action by the Planning Authority.

Deliberation Session

39. The Chairman stated that it was not uncommon for the Committee or the Town Planning Board (the Board) to consider applications for temporary uses on sites pending implementation of a public project. If there was firm programme for the project, temporary approval, if granted, would be subject to an approval period to tie in with the programme.

For project without firm programme, flexibility would normally be allowed in the approval period. As regards sites subject to suspected unauthorised developments, there were cases that the Board granted subsequent approval upon application and there were also cases that the Board rejected the application for regularisation of the use. Each case would be considered on its individual merits and circumstances.

40. Noting that the site was currently being used for warehouse without planning permission, a Member was concerned that approval of the application would be seen as encouraging the use or modification of land without first obtaining the necessary planning permission and might undermine the effectiveness of planning control in the long run. That Member considered that the Board should send out a clear message to the public that such practice of “destroy first, build later” or “build first, apply later” should not be encouraged. Another Member echoed with this view.

41. A Member however considered that the current mechanism of planning application, which allowed applicants to apply for planning permission to regularise unauthorised development, provided an opportunity for the Board and relevant government departments to impose control on the use with a view to minimising its nuisance and impacts on the surrounding areas. It might not be a strong ground for the Committee to reject an application solely because the site was used for the applied use without obtaining prior planning permission. Another Member supported that view and considered that a pragmatic approach should be adopted by the Committee in considering such type of application for regularisation of uses. Each case should be considered on its individual circumstances and merits.

42. In response to a Member’s enquiry, the Chairman remarked that if there was sufficient evidence showing that a site was an unauthorised development, the Planning Authority would issue an Enforcement Notice (EN) to the owner and operator of the site requiring the unauthorised development to cease before a specified date, and take prosecution action, as appropriate, for non-compliance with the EN. For the subject site, it was currently not involved in any enforcement action. The Chairman added that planning permission would not carry retrospective effect. Besides, the applicant would need to comply with other relevant legislation.

43. With reference to paragraph 5.2 of the Paper, the Chairman pointed out that the site was the subject of a previous application (No. A/DPA/YL-KTN/1) for proposed temporary storage of gloves and office use for a period of three years approved with conditions by the Committee in 1991. Part of the structures on site was covered by a Short Term Waiver (STW) granted by the Lands Department (LandsD) for the purpose of “storage of gloves and office”.

44. Mr Edwin W.K. Chan, Assistant Director/Regional 3, LandsD supplemented that storage use was not in breach of the lease conditions, but erection of buildings/structures on agricultural land required a STW from LandsD. Mr Chan continued to say that if land resumption was required for public purposes, whether the site was covered by planning permission for temporary uses would not have impact on the land resumption process.

45. Noting that some of the structures at the site were covered by a STW, a Member was of the view that the application should not be regarded as a “destroy first, built later” case, and sympathetic consideration could be given. Another Member, however, expressed reservation on the application as the current use of the site had not obtained prior planning permission. That Member also considered that the approval period of three years might affect the implementation of the NOL and, if approved, a shorter approval period should be considered.

46. A Member was of the view that the temporary warehouse development for a period of three years could be tolerated on the consideration that RDO, HyD had no objection to the application and part of the structures at the site were covered by a STW. There might be a need to establish some guiding principles on how regularisation cases would be considered in the future.

47. At the request of the Chairman, the Secretary explained that the Board had previously discussed on the approaches to handle “destroy first, build later” cases with a view to preventing further degradation of the rural environment. In general, for sites which had been subject to suspected unauthorised development that had changed the physical state of the site, the Board would take into account the condition of the site before it was changed/disrupted when considering an application. A Member said that the approach to deter “build first, apply later” activities should also be further discussed separately, if

required.

48. As Members' views were diverse, the Chairman invited Members to take a vote. A vote was then taken. The majority of Members considered that the temporary warehouse with ancillary office under application could be tolerated for a period of three years.

49. After deliberation, the Committee decided to approve the application on a temporary basis for a period of three years until 9.6.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 5:30 p.m. and 9:30 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation between 2:00 p.m. and 5:30 p.m. on Saturday, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (d) no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (e) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the Site at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse into/from public road at any time during the planning approval period;
- (g) the existing trees and landscape plantings on the Site should be maintained at all times during the planning approval period;

- (h) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.12.2017;
- (i) in relation to (h) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.3.2018;
- (j) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.12.2017;
- (k) in relation to (j) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.3.2018;
- (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 any of 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 application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 16

Section 16 Application

[Open Meeting]

A/YL-KTN/562 Proposed Temporary Animal Boarding Establishment for a Period of Three Years in “Agriculture” Zone, Lots 954 S.A, 954 RP and 955 in D.D. 107, Fung Kat Heung, Kam Tin, Yuen Long, New Territories
(RNTPC Paper No. A/YL-KTN/562)

51. The Committee noted that the applicant’s representative requested on 26.5.2017 deferment of the consideration of the application for two months so as to allow time for preparation of further information in response to government departments’ comments. It was the first time that the applicant requested deferment of the application.

52. 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 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/733 Temporary Place of Recreation, Sports or Culture (Hobby Farm and Ancillary Agriculture learning center) for a Period of Three Years in “Agriculture” Zone, Lots 1732 (B-C) S.A, 1732 (B-C) S.B and 1732 (B-C) RP (Part) in D.D. 106, Kam Sheung Road, Pat Heung, Yuen Long, New Territories
(RNTPC Paper No. A/YL-KTS/733A)

53. The Secretary reported the site was located at Kam Tin South and Ms Janice W.M. Lai had declared an interest on the item as her family member owned a house at Cheung Po Tsuen, Kam Tin South. As the property of Ms Janice W.M. Lai’s family member had no direct view of the application site, the Committee agreed that she could stay in the meeting.

Presentation and Question Sessions

54. 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 temporary place of recreation, sports or culture (hobby farm and ancillary agriculture learning centre) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from an individual objecting to the application. Major grounds of objection 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 proposed use was generally in line with the planning intention of the “Agriculture” (“AGR”) zone. The Director of Agriculture, Fisheries and Conservation (DAFC) had no strong view on the application from the agricultural point of view. Approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “AGR” zone. The proposed hobby farm was considered not incompatible with the surrounding areas which were rural in character. Relevant departments consulted had no adverse comment on the application. Regarding the public comment received, the comments of government departments and the planning assessments above were relevant.

55. Members had no question on the application.

Deliberation Session

56. After deliberation, the Committee decided to approve the application on a temporary basis for a period of three years until 9.6.2020, 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. to 9:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site, as proposed by the applicant, at any time during the planning approval period;
- (c) no public announcement system, portable loudspeaker or audio amplification system is allowed to be used on the Site during the planning approval period;

- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the existing boundary fence on the Site shall be maintained at all times during the planning approval period;
- (f) the submission of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.12.2017;
- (g) in relation to (f) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.3.2018;
- (h) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.12.2017;
- (i) in relation to (h) 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 9.3.2018;
- (j) in relation to (i) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (k) the submission of a fire service installation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.12.2017;
- (l) in relation to (k) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.3.2018;

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

57. 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/YL-KTS/737 Proposed Temporary Shop and Services (Real Estate Agency, Interior Design Office, Bicycle Retail Store, Chinese Medical Clinic, Convenience Store, Retail Store, Supermarket, Courier Service Counter, Pet Salon, Pet Clinic and ancillary management office) for a Period of Three Years in “Residential (Group C)” Zone, Lots 341, 342, 343 and 344 (Part) in D.D.109, Kam Sheung Road, Kam Tin, Yuen Long, New Territories
(RNTPC Paper No. A/YL-KTS/737)

58. The Secretary reported the site was located at Kam Tin South and Ms Janice W.M. Lai had declared an interest on the item as her family member owned a house at Cheung Po Tsuen, Kam Tin South. As the property of Ms Janice W.M. Lai’s family

member had no direct view of the application site, the Committee agreed that she could stay in the meeting.

Presentation and Question Sessions

59. 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 temporary shop and services (real estate agency, interior design office, bicycle retail store, Chinese medical clinic, convenience store, retail store, supermarket, courier service counter, pet salon, pet clinic and ancillary management office) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservations on the application from the landscape planning point of view, and considered that the approval of the application would set an undesirable precedent for temporary uses in the area and the cumulative effect of which would degrade the rural character of the “Residential (Group C)” (“R(C)”) zone. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from an individual objecting to the application. Major grounds of objection were set out in paragraph 10 of the Paper. There was also one public comment which was received outside the statutory publication period and should be treated as not having been made in accordance with the provision of the Town Planning Ordinance; and
- (e) the 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. While the applied use was not entirely in line with the planning intention of the “R(C)” zone, the proposed retail facility would serve the local residents and there was no known programme for long-term development of the site. The proposed temporary shop and service use was considered not incompatible with the surrounding land uses. Part of the site was the subject of an approved application (No. A/YL-KTS/721) submitted by the same applicant. Approval of the current application was in line with the previous decision of the Committee. To address the concerns of CTP/UD&L, PlanD on landscape aspects, approval conditions on the submission and implementation of landscape proposal were recommended. Other relevant government departments consulted had no adverse comment on the application. Regarding the public comment received, the comments of government departments and the planning assessments above were relevant.

60. Members had no question on the application.

Deliberation Session

61. After deliberation, the Committee decided to approve the application on a temporary basis for a period of three years until 9.6.2020, 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 7:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site, as proposed by the applicant, at any time during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;

- (d) the submission of a modification work proposal of the existing public footpath and associated street furniture at the proposed entrance to the east of the Site within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport and the Director of Highways or of the TPB by 9.12.2017;
- (e) in relation to (d) above, the implementation of the modification work proposal of the existing public footpath and associated street furniture at the proposed entrance to the east of the Site within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport and the Director of Highways or of the TPB by 9.3.2018;
- (f) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.12.2017;
- (g) in relation to (f) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.3.2018;
- (h) in relation to (g) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (i) the submission of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.12.2017;
- (j) in relation to (i) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.3.2018;
- (k) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.12.2017;

- (l) in relation to (k) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.3.2018;
- (m) if any of the above planning conditions (a), (b), (c) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (d), (e), (f), (g), (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;
- (o) upon the expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the TPB;
and
- (p) upon the expiry of the planning permission, the reinstatement of the existing public footpath and associated street furniture at the proposed entrance to the east of the Site, at the applicant's own cost, to the satisfaction of the Commissioner for Transport and the Director of Highways or of the TPB."

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

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/221 Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of Three Years in “Village Type Development” Zone, Lot 782 (Part) in D.D.114 and Adjoining Government Land, Kam Sheung Road, Yuen Long, New Territories
(RNTPC Paper No. A/YL-SK/221A)

Presentation and Question Sessions

63. 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 temporary public vehicle park (private cars and light goods vehicles) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from an individual objecting to the application. Major grounds of objection 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. Although the applied use was not entirely in line with the planning intention of the “Village Type Development” (“V”) zone, there was no Small House application at the site and the temporary public vehicle park could serve the needs of the residents

in the vicinity. Approval of the application on a temporary basis would not jeopardise the planning intention of the “V” zone. The development was considered not incompatible with the uses in the surrounding areas. There was no environmental complaint against the site over the past three years. Relevant departments had no adverse comment on the application. The site was also the subject of a previously approved application for the same applied use and sympathetic consideration could be given to the current application. Regarding the public comment received, the comments of government departments and the planning assessments above were relevant.

64. Members had no question on the application.

Deliberation Session

65. After deliberation, the Committee decided to approve the application on a temporary basis for a period of three years until 9.6.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 10:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no vehicles without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations are allowed to be parked/stored on the Site at any time during the planning approval period;
- (c) no more than 27 private cars/light goods vehicles, as proposed by the applicant, are allowed to be parked on the Site at any time during the planning approval period;
- (d) no medium or heavy goods vehicles exceeding 5.5 tonnes, including coaches or container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;

- (e) a notice should be posted at a prominent location of the Site to indicate that no medium or heavy goods vehicles exceeding 5.5 tonnes, including coaches or container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (f) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities, as proposed by the applicant, shall be carried out on the Site at any time during the planning approval period;
- (g) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (h) the submission of a tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.12.2017;
- (i) in relation to (h) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.3.2018;
- (j) the existing drainage facilities on the Site shall be maintained at all time during the planning approval period;
- (k) the submission of a record of the existing drainage facilities on the Site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.9.2017;
- (l) the submission of a fire services 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 9.12.2017;

- (m) in relation to (l) above, the provision of fire services installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.3.2018;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (j) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (o) if any of the above planning conditions (h), (i), (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 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.”

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

[The Chairman thanked Ms Ivy C.W. Wong, STP/FSYLE, for her attendance to answer Members' enquiries. Ms Wong left the meeting at this point.]

Tuen Mun and Yuen Long West District

Agenda Items 20 and 21

Section 16 Applications

[Open Meeting]

A/TM-LTY Y/335 Proposed House (New Territories Exempted House - Small House) in “Residential (Group E)” Zone, Lot 215 S.C ss.3 S.A in D.D. 130, San Hing Tsuen, Tuen Mun, New Territories

A/TM-LTY Y/336 Proposed House (New Territories Exempted House - Small House) in “Residential (Group E)” Zone, Lots 215 S.C ss.2 and 215 S.C ss.3 RP in D.D. 130, San Hing Tsuen, Tuen Mun, New Territories
(RNTPC Paper No. A/TM-LTY Y/335 and 336)

67. The Committee noted that the two applications were similar in nature and the application sites were located in close proximity to each other and involved the same “Residential (Group E)” zone. The Committee agreed that the two requests for deferral would be considered together.

68. The Committee noted that the applicants’ representative requested on 1.6.2017 deferment of the consideration of the applications for one month so as to allow time for preparation of further information to address the comments of Planning Department. It was the first time that the applicants requested deferment of the application.

69. After deliberation, the Committee decided to defer a decision on the applications as requested by the applicants pending the submission of further information from the applicants. The Committee agreed that the applications 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 applications could be submitted to an earlier meeting for the Committee’s consideration. The Committee also agreed to advise the applicants 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.

[Mr Alan Y.L. Au, Senior Town Planner/Tuen Mun and Yuen Long West (STP/TMYLW), was invited to the meeting at this point.]

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/825 Temporary Open Storage of Construction Material with Ancillary Office for a Period of Three Years in “Undetermined” Zone, Lot 1195 in D.D. 119, Tong Yan San Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TYST/825A)

Presentation and Question Sessions

70. 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 open storage of construction material with ancillary office for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential use in the vicinity (with the nearest one about 20m to its southeast) and environmental nuisance was expected. In the past three years, there was one substantiated environmental complaint received in 2016 regarding flytipping of construction and demolition waste at the site. However, no malpractice was detected during site inspection and no legal

action was initiated. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, one public comment was received from an individual objecting to the application. Major grounds of objection 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 assessments set out in paragraph 12 of the Paper. The applied use was not in conflict with the planning intention of the “Undetermined” (“U”) zone. The use of the area was being reviewed under the Planning and Engineering Study for Housing Sites in Yuen Long South yet to be completed. Approval of the application on a temporary basis would not frustrate the long-term development of the area. The development was also not incompatible with the surrounding uses in the “U” zone. The application was generally in line with Town Planning Board Guidelines No. 13E in that the site fell within Category 1 areas suitable for open storage and port back-up use. While DEP did not support the application as there were sensitive receivers in the vicinity of the site and the site was the subject of a substantiated environmental complaint regarding flytipping of construction and demolition waste, the complaint was not related to environmental nuisance generated by the applied use. Relevant approval conditions were recommended to address the concerns on the possible environmental nuisances generated by the temporary use or to address the technical concerns of other concerned government departments. Regarding the public comment received, the comments of government departments and the planning assessments above were relevant.

71. Members had no question on the application.

Deliberation Session

72. After deliberation, the Committee decided to approve the application on a

temporary basis for a period of three years until 9.6.2020, 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 8:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no vehicle is allowed to enter/exit the Site between 3:00 p.m. and 10:00 a.m., as proposed by the applicant, during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the provision of boundary fence on the Site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.12.2017;
- (f) the submission of a tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.12.2017;
- (g) in relation to (f) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.3.2018;
- (h) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.12.2017;
- (i) in relation to (h) 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 9.3.2018;

- (j) in relation to (i) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (k) the provision of fire extinguisher(s) with valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.7.2017;
- (l) 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 9.12.2017;
- (m) in relation to (l) 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 9.3.2018;
- (n) if any of the above planning conditions (a), (b), (c), (d) or (j) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (o) if any of the above planning conditions (e), (f), (g), (h), (i), (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 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.”

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

[The Chairman thanked Mr Alan Y.L. Au, STP/TMYLW, for his attendance to answer Members' enquiries. Mr Au left the meeting at this point.]

Agenda Item 23

Any Other Business

74. There being no other business, the meeting closed at 4:00 p.m..