

TOWN PLANNING BOARD

Minutes of 601st Meeting of the Rural and New Town Planning Committee held at 11:15 a.m. on 20.4.2018

Present

Director of Planning
Mr Raymond K.W. Lee

Chairman

Mr H.W. Cheung

Vice-chairman

Dr F.C. Chan

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Mr K.K. Cheung

Dr C.H. Hau

Miss Winnie W.M. Ng

Mr L.T. Kwok

Mr K.W. Leung

Mr Ricky W.Y. Yu

Chief Traffic Engineer/New Territories West,
Transport Department
Mr Patrick K.H. Ho

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

Principal Environmental Protection Officer (Strategic Assessment),
Environmental Protection Department
Mr Raymond W.M. 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 Ivan C.S. Fu

Mr David Y.T. Lui

Dr Lawrence K.C. Li

Mr Stephen L.H. Liu

Dr Jeanne C.Y. Ng

In Attendance

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

Chief Town Planner/Town Planning Board
Ms April K.Y. Kun

Town Planner/Town Planning Board
Miss Gloria Y.L. Sze

Agenda Item 1

Confirmation of the Draft Minutes of the 600th RNTPC Meeting held on 6.4.2018

[Open Meeting]

1. The draft minutes of the 600th RNTPC meeting held on 6.4.2018 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Tuen Mun and Yuen Long West District

Agenda Item 3

Section 12A Application

[Open Meeting]

Y/YL-LFS/9

Application for Amendment to the Draft Lau Fau Shan & Tsim Bei Tsui Outline Zoning Plan No. S/YL-LFS/8, To Rezone the Application Site from “Recreation” to “Government, Institution or Community (1)”, Lots 1966 S.A, 1966 RP, 1968, 1969, 1970, 1975 RP and 2024 RP (Part) in D.D. 129 and Adjoining Government Land, Lau Fau Shan, Yuen Long
(RNTPC Paper No. Y/YL-LFS/9)

3. The Secretary reported that the application was submitted for proposed rezoning from “Recreation” to “Government, Institution or Community (1)” for religious institution with recreational uses and ancillary columbarium, with Ramboll Environ Hong Kong Limited (Environ) as one of the consultants of the applicant. The following Members had declared interests on the item:

- Mr H.W. Cheung (The Vice-chairman) - being a member of the Private Columbaria Licensing Board; and
- Mr Ivan C.S. Fu - being a member of the Private Columbaria Appeal Board; and having current business dealings with Environ.

4. The Committee noted that the applicant had requested deferment of consideration of the application and Mr Ivan C.S. Fu had tendered apologies for being unable to attend the meeting. The Committee agreed that as the interest of the Vice-chairman was indirect, he could stay in the meeting.

5. The Committee noted that the applicant's representative requested on 4.4.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments of the Transport Department, the Highways Department, the Lands Department, the Urban Design and Landscape Unit of the Planning Department, and to respond to public comments. It was the first time that the applicant requested deferment of the application.

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

Agenda Item 4

Section 12A Application

[Open Meeting]

Y/YL-PN/8

Application for Amendment to the Approved Sheung Pak Nai & Ha Pak Nai Outline Zoning Plan No. S/YL-PN/9, To Rezone the Application Site from “Agriculture” to “Residential (Group C)”, Lot 8 in D.D. 135 and Adjoining Government Land, Nim Wan Road, Sheung Pak Nai, Yuen Long
(RNTPC Paper No. Y/YL-PN/8)

7. The Committee noted that the applicant’s representative requested on 29.3.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

Sai Kung and Islands District

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

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-CWBS/26 Proposed Public Utility Installation (Sewage Treatment Plant and Underground Sewers) and Excavation of Land and Re-provisioning of Refuse Collection Point in “Conservation Area” Zone, Government Land in D.D. 241, Po Toi O, Sai Kung
(RNTPC Paper No. A/SK-CWBS/26A)

9. The Secretary reported that the application was submitted by the Drainage Services Department (DSD) and the application site (the site) was located in Clearwater Bay. Black & Veatch Hong Kong Limited (B&V) and Urbis Limited (Urbis) were two of the consultants of the applicant. The following Members had declared interests on the item:

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| Dr C.H. Hau | - | conducting contract research projects with DSD; |
| Mr K.K. Cheung | - | his firm having current business dealings with DSD and B&V; |
| Mr Ivan C.S. Fu | - | having current business dealings with Urbis; and |
| Mr David Y.T. Lui | - | co-owning with spouse two houses in Clearwater Bay. |

10. The Committee noted that Mr Ivan C.S. Fu and Mr David Y.T. Lui had tendered apologies for being unable to attend the meeting. The Committee agreed that as the interest of Dr C.H. Hau was direct, he should leave the meeting temporarily for the item. The Committee also agreed that Mr K.K. Cheung could stay in the meeting as he had no involvement in the application.

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

Presentation and Question Sessions

11. With the aid of a PowerPoint presentation, 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 public utility installation (sewage treatment plant and underground sewers) and excavation of land and reprovisioning of refuse collection point (RCP);
- (c) departmental comments – departmental comments were set out in paragraph 8 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 periods, two public comments were received with one from a Sai Kung District Council member supporting the application and one from an individual raising concerns on the application. Major supporting views and concerns were set out in paragraph 9 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 10 of the Paper. While there was a general presumption against development within “Conservation Area” (“CA”) zone, essential infrastructure projects with overriding public interest might be permitted and the proposed development formed part of the proposed sewerage system for treatment of sewage generated from village houses in Po Toi O. The applicant had demonstrated that the site was the only feasible site amongst the four possible sites for development with local support and minimal impacts. The site was located at the fringe of the “CA” zone and not incompatible

with the rural character of the surrounding areas. No significant visual impact was anticipated and residual landscape impact would be reduced with mitigation measures proposed in the Landscape and Visual Impact Assessment, which had been reviewed under the regime of the Environmental Impact Assessment Ordinance. Concerned government departments had no objection to or no adverse comment on the application from environmental, drainage, water supply, geotechnical and traffic aspects and the existing RCP, on street car parks and disabled car park would be re-provisioned in the proposed development. Regarding the adverse public comment, the comments of government departments and planning assessments above were relevant.

12. Members had no question on the application.

Deliberation Session

13. 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 20.4.2022, 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 design and provision of temporary traffic arrangements during construction to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the submission and implementation of a landscape and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (c) the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB;
- (d) the submission of a Natural Terrain Hazard Study and implementation of the necessary geotechnical remedial works recommended therein to the

satisfaction of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department or of the TPB; and

- (e) the design and provision of a refuse collection point to the satisfaction of the Director of Food and Environmental Hygiene or of the TPB.”

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

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

Agenda Item 6

Section 16 Application

[Open Meeting]

A/SK-HC/284 Proposed Public Utility Installation (Sewerage Treatment Plant and Underground Sewers) in an area shown as ‘Road’, Government Land in D.D. 214 and D.D. 244, Ho Chung, Sai Kung
(RNTPC Paper No. A/SK-HC/284)

15. The Secretary reported that the application was submitted by the Drainage Services Department (DSD), with Black & Veatch Hong Kong Limited (B&V) as the consultant of the applicant. The following Members had declared interests on the item:

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|----------------|---|--|
| Dr C.H. Hau | - | conducting contract research projects with DSD;
and |
| Mr K.K. Cheung | - | his firm having current business dealings with
DSD and B&V. |

16. The Committee noted that the applicant had requested deferment of consideration of the application. As the interest of Dr C.H. Hau was direct, the Committee agreed that he could stay in the meeting but should refrain from participating in the discussion. The Committee also agreed that Mr K.K. Cheung could stay in the meeting as he had no

involvement in the application.

17. The Committee noted that the applicant requested on 28.3.2018 deferment of the consideration of the application for one month in order to allow time to prepare further information to address departmental comments. 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 one month was allowed for preparation of the submission of 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. He left the meeting at this point.]

Sha Tin, Tai Po and North District

Agenda Item 7

Section 16 Application

[Open Meeting]

A/NE-PK/129 Temporary Private Car Park (Private Car and Light Goods Vehicle) for a Period of 2 Years in “Agriculture” Zone, Lots 1511 S.Q and 1511 RP in D.D. 91, Kai Leng, Sheung Shui
(RNTPC Paper No. A/NE-PK/129)

19. The Committee noted that the applicant’s representative requested on 11.4.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments. 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 further information and no further deferment would be granted unless under very special circumstances.

[Mr Tim T.Y. Fung, Senior Town Planner/Shu Tin, Tai Po and North (STP/STN), was invited to the meeting at this point.]

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/586 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 310 S.F in D.D. 77, Ping Che Kat Tin, Ta
Kwu Ling
(RNTPC Paper No. A/NE-TKL/586)

Presentation and Question Sessions

21. Mr Tim T.Y. Fung, STP/STN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. The Director of Environmental Protection (DEP) did not support the application as an “Industrial (Group D)” (“I(D)”) zone was located about 50m to the west of the application site (the site) and there would be potential industrial/residential interface issues, but there was no information or assessment in the application for addressing such issues. Also, the applicant had proposed sewer connection for the sewage disposal of the proposed development but the level drop in between was marginal and further details including sewer size, manhole cover level, manhole incoming and outgoing levels with due regard to the local topography should be provided to ensure no insurmountable problem for sewage disposal to public sewer by gravity means. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site had high potential for agricultural rehabilitation and there were active agricultural activities in the vicinity of

the site, and the proposed routing of the sewer connection would encroach upon the tree protection zones of a row of trees located on government land, with a number being large and mature. The Commissioner for Transport (C for T) had reservation on the application and considered that the proposed development should be confined within the “Village Type Development” (“V”) zone as far as possible. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, six public comments were received, with two public comments from the Chairman of the North District Council (NDC) and a NDC member supporting the application, one public comment from the Chairman of the Sheung Shui District Rural Committee indicating ‘no comment’ on the application, and the remaining three public comments from the Kadoorie Farm and Botanic Garden Corporation, World Wide Fund for Nature Hong Kong and an individual objecting to the application. The District Officer (North) advised that the incumbent NDC member, the Indigenous Inhabitant Representative and the Resident Representative had no comment on the application. Major supporting views and 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 “Agriculture” zone and DAFC did not support the application. DEP also did not support the application as the site was located about 50m to the east of an “I(D)” zone partly occupied by a vehicle repairing workshop and warehouses and the applicant had failed to demonstrate that the potential industrial/residential interface problem could be mitigated. The applicant had failed to demonstrate the feasibility of the sewerage proposal and the proposed routing of the sewer connection would encroach upon the tree protection zones of a row of trees located on government land. Regarding the Interim Criteria for Consideration of Application for NTEH/Small

House in New Territories (the Interim Criteria), while more than 50% of the footprint of the proposed Small House fell within the village 'environs' of Ping Che Kat Tin, land was still available within the "V" zone 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. The cumulative effect of approving such applications would result in a general degradation of the environment of the area. There was no significant change in planning circumstances since the two previous applications were rejected in 2010 and 2015 respectively. Three similar applications located to the immediate east of the site were rejected in 2015 and the circumstances of the subject application were similar to those rejected similar applications. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

22. Members had no question on the application.

Deliberation Session

23. Members noted that based on the records of the District Lands Officer/North, Lands Department (LandsD), the total number of outstanding Small House applications for Ping Che Village (including Ping Che, Ping Che Kat Tin and Ping Che Yuen Ha) was 53 while the 10-year Small House demand forecast for the same Village was 160. According to the latest estimate by PlanD, about 4.22 ha (equivalent to 177 Small House sites) of land were available in the "V" zones of Ping Che Village for Small House development. While land available within the "V" zones of Ping Che Village was insufficient to fully meet the 10-year Small House demand, it was noted that it could meet the outstanding 53 Small House applications. The Board had adopted a more cautious approach in approving applications for Small House development in recent years. Amongst others, in considering whether there was a general shortage of land in meeting Small House demand, more weighting had been put on the number of outstanding Small House applications provided by LandsD.

24. 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 Ping Che and Ta Kwu Ling 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;
- (b) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the proposed development is susceptible to environmental impacts of the industrial uses in the nearby “Industrial (Group D)” zone. The applicant fails to demonstrate in the submission that the potential industrial/residential interface issue would be mitigated;
- (c) the applicant fails to demonstrate in the submission that the proposed development would not have adverse sewerage impact on the surrounding areas; and
- (d) land is still available within the “Village Type Development” zones of Ping Che Village where land is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructures and services.”

[The Chairman thanked Mr Tim T.Y. Fung, STP/STN, for his attendance to answer Members’ enquiries. He left the meeting at this point.]

Fanling, Sheung Shui and Yuen Long East District

Agenda Item 9

Section 16 Application

[Open Meeting]

A/FLN/16 Temporary Public Vehicle Park (including Container Vehicle) and Goods Distribution and Storage Use for a Period of 3 Years in “Government, Institution or Community” and “Other Specified Uses” annotated “Port Back-up Uses” Zones and an area shown as ‘Road’, Lots 164 (Part), 167 RP, 167 S.B and 176 RP (Part) in D.D. 52, Sheung Shui Wa Shan, Fu Tei Au, Sheung Shui
(RNTPC Paper No. A/FLN/16A)

25. The Committee noted that the applicant’s representative requested on 3.4.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address further comments of the Transport Department (TD). It was the second time that the applicant requested deferment of the applications. Since the last deferment, the applicant had submitted further information in response to comments of TD.

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

[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 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/570 Temporary Place of Recreation, Sports or Culture (Electric Power Radio Control Car Track and Ancillary Facilities) for a Period of 3 Years in “Agriculture” Zone, Lot 956 RP (Part) in D.D. 109, Kam Tin, Yuen Long

(RNTPC Paper No. A/YL-KTN/570B)

Presentation and Question Sessions

27. 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 (electric power radio control car track and ancillary facilities) for a period of three years;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the application site (the site) had potential for agricultural uses such as plant nursery or greenhouse, and vegetation clearance on the site might occur around late 2011 and the site was found to be paved in 2012 with reference to aerial photos. The Director of Environmental Protection (DEP) pointed out that the applied use would generate noise nuisance to the surrounding sensitive receivers if operated without mitigation measures. There was no guarantee that the use would not generate environmental nuisance to the

surrounding residents as the implementation of such mitigation measures would highly rely on the practice of the operator and the visitors. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as the use and its extensive hard paving was incompatible with the existing rural landscape setting and no landscape proposal was submitted, and approval of the application would set an undesirable precedent for site modification prior to application. 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 periods, 19 public comments were received. Among them, five public comments from the Pat Heung Rural Committee, a Yuen Long District Council member, representative of Tai Kong Po Tsuen, a nearby resident and an individual supporting or raising no objection to the application and 14 public comments from the Tai Kong Po Tsuen Committee, Designing Hong Kong Limited, Green Sense, villagers of Tai Kong Po Tsuen and individuals raising objection to the application. Major supporting views and objection grounds were set out in paragraph 10 of the Main 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” zone and DAFC did not support the application, and there was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis. The use was incompatible with the surrounding areas with residential dwellings or structures. Besides, DEP and CTP/UD&L, PlanD had adverse comments on the application. There was no previous and similar application and approval of the application would set an undesirable precedent for similar applications, and cumulative effect of approving such applications would result in a general degradation of the rural environment of the area. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

28. Members had no question on the application.

Deliberation Session

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

- “(a) the use is not in line with the planning intention of the “Agriculture” (“AGR”) zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the applicant fails to demonstrate that the use would not cause adverse landscape and environmental impacts on the surrounding areas; and
- (c) the approval of the application, even on a temporary basis, would set an undesirable precedent for other similar uses to proliferate into 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 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/705 Proposed House Development in “Comprehensive Development Area”
Zone, Lots 547 RP (Part) and 2160 RP in D.D. 106 and Adjoining
Government Land, Tung Wui Road, Yuen Long
(RNTPC Paper No. A/YL-KTS/705D)

30. The Secretary reported that the application was submitted by Super Asset Development Limited, which was a subsidiary of Henderson Land Development Company Limited (HLD). MVA Hong Kong Limited (MVA) and Mott MacDonald Hong Kong Limited (MMHK) 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, MVA and MMHK;
- Mr Stephen L.H. Liu - having past business dealings with HLD;
- Mr K.K. Cheung - his firm having current business dealings with The Hong Kong and China Gas Company Limited, which was a subsidiary of HLD;
- Dr C.H. Hau - being an employee of the University of Hong Kong which had received a donation from a family member of the Chairman of HLD before;
- Dr Lawrence K.C. Li - being the Treasurer of the Hong Kong Polytechnic University which had obtained sponsorship from HLD before; and
- Mr Peter K.T. Yuen - being a member of the Board of Governors of the Hong Kong Arts Centre which had received a donation from a Executive Director of HLD before.

31. The Committee noted that Mr Ivan C.S. Fu, Mr Stephen L.H. Liu and Dr Lawrence K.C. Li had tendered apologies for being unable to attend the meeting. The

Committee agreed that as the interests of Dr C.H. Hau and Mr Peter K.T. Yuen were indirect and Mr K.K. Cheung had no involvement in the application, they could stay in the meeting.

Presentation and Question Sessions

32. With the aid of a PowerPoint presentation, 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 development;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The District Lands Officer/Yuen Long, Lands Department (LandsD) advised that Lot 2160 RP in D.D. 106 was a “Building and Garden” lot held under New Grant No. 369, the extent of “building entitlement” and the actual site area, land status and land holding details of the lot would be verified at the land exchange/lease modification stage. His office issued a “No Objection Letter” dated 9.8.2010 to a proposal to rebuild 52 houses at Lot 2160 RP, subject to various conditions, including but not limited to the requirement that no work should be commenced unless and until planning permission had been obtained for the redevelopment. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) considered that the proposed housing layout was congested with limited opportunity for amenity space, and had reservation on the application from the landscape planning perspective as the planting / landscaped areas within the application site (the site) were fragmented and narrow and the submission was unable to demonstrate that the adverse landscape impact due to the proposed development could be mitigated. The Director of Leisure and Cultural Services (DLCS) had no comment on the proposed public open space (POS)/landscaped area in Area (b) of the subject “Comprehensive Development Area” (“CDA”) zone and would not take over the responsibility for the construction, management and maintenance of such

POS/landscaped area. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication periods, 22 public comments were received. Among them, the Chairman of the Kam Tin Rural Committee, a Yuen Long District Council (YLDC) member and individuals objected to the application and the representative of the land owner of Lot 547 RP in D.D. 106 offered views on the application. The District Officer (Yuen Long) advised that two objection comments were received from the same YLDC member and an individual. Major views and objection grounds were set out in paragraphs 10.1.16 and 11 of the Paper; and

- (e) PlanD's views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. A Master Layout Plan (MLP) covering the whole “CDA” site including the proposed housing development at Area (a) and a proposed POS/landscaped area at Area (b), with relevant technical assessments had been submitted by the applicant. The proposed development parameters were in line with the plot ratio (PR) and building height (BH) restrictions of the “CDA” zone. The application was generally in line with the planning intention of the “CDA” zone in that the planning intention of the “CDA” zone and the comprehensiveness of the proposed development would not be adversely affected by the proposed phasing. The development potential of the unacquired lot within the “CDA” zone would not be affected. The proposed development was not incompatible with the surrounding areas which would be transformed into a medium-density residential neighbourhood. The site was one of the 14 potential housing sites identified under the Land Use Review (LUR) of Kam Tin and Pat Heung completed in 2014, which was proposed for private residential development with a proposed PR of 2.1. However, there was currently no implementation programme for the site as the development potential would be subject to further technical feasibility study. The applicant had submitted technical assessments to support the application and concerned departments had no in-principle objection to the

application. Regarding CTP/UD&L, PlanD's comments on urban design and landscape aspects, an approval condition on the submission and implementation of Landscape Master Plan (LMP) and tree preservation proposal had been recommended. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

Portion of Government Land within the Site

33. Noting that about 70% of the site was on government land, a Member asked whether there was any other "CDA" zone with such high percentage of government land.

34. In response, with reference to Drawing A-2 of the Paper, Ms Ivy C.W. Wong, STP/FSYLE, said that about 17,000m² of the total site area was on government land, mainly within Area (b) for the proposed POS/landscaped area, existing roads within the "CDA" zone and Portion 2 of the proposed development. As proposed by the applicant, Area (b) would not be developed and the proposed POS/landscaped area would be managed and maintained by the relevant government department in the long-term. She had no information at hand regarding whether there was any other "CDA" zone with such high percentage of government land.

Rationale of Plot Ratio (PR)

35. Noting that the LUR of Kam Tin and Pat Heung undertaken in 2014 had proposed a PR of 2.1 for the subject site, a Member enquired about the reason for proposing a PR of only 0.4 under the subject application.

36. With a plan showing the potential development sites under the 2014 LUR of Kam Tin and Pat Heung, Ms Ivy C.W. Wong explained that the site was one of the 14 potential housing sites identified under the LUR for private residential development with a proposed PR of 2.1, subject to further technical feasibility study. It was due to infrastructure constraints in the area that the 14 potential housing sites would have to be implemented by phases and there was currently no implementation programme for upgrading the infrastructure facilities to support higher development intensity at the site. The PR of 0.4

proposed under the subject application complied with the development restriction under the prevailing Outline Zoning Plan (OZP).

Submission of Revised MLP and Comments on Urban Design Aspect

37. A Member raised the following questions:

- (a) whether the revised MLP would need to be submitted to the Committee for consideration for compliance with approval condition, should the subject application be approved; and
- (b) how the comments of CTP/UD&L, PlanD from the urban design perspective as stated in paragraph 10.1.6(a) of the Paper could be addressed.

38. Ms Ivy C.W. Wong made the following responses:

- (a) recommendations and/or mitigation measures identified in the approved technical proposals or assessments would need to be incorporated in the revised MLP under the recommended approval condition (a), as appropriate, to the satisfaction of the Director of Planning. If there was any major change in the revised MLP, the applicant might have to submit another application for the Committee's consideration; and
- (b) the comments of CTP/UD&L, PlanD from the urban design perspective were mainly related to the design of the proposed housing layout and amenity space. An approval condition on the submission and implementation of LMP was recommended to require the applicant to address the landscape concern. Besides, CTP/UD&L, PlanD's comments had been incorporated in advisory clause (h) of Appendix VI of the Paper for the applicant to take into account in exploring ways to improve the layout at the detailed design stage.

Public Comments

39. In response to a Member's enquiry on how the views/concerns raised in the public comments against the application could be addressed, Ms Ivy C.W. Wong said that most of the public comments objected to the application on technical grounds, e.g. adverse traffic, environmental and ecological impacts. Notwithstanding that, technical assessments including the Environmental Assessment, Drainage Impact Assessment, Sewerage Impact Assessment, Traffic Impact Assessment and Visual Impact Assessment had been submitted by the applicant and the concerned government departments had no objection to or no adverse comment on the application. Approval conditions on technical aspects to address the concerns of relevant government departments had been recommended.

Deliberation Session

Background of the Site and its Surrounding Areas

40. Members noted that the site was rezoned from "Undetermined" to "CDA" in 2006, with a maximum PR of 0.4 and maximum BH of 3 storeys (9m). An area comprising mature vegetation and a meander that required preservation was designated as a landscaped area for public use, i.e. Area (b) of the "CDA" zone, where no building development was permitted. The zoning boundary and development parameters of the subject "CDA" zone had remained unchanged since then.

41. The site was then identified under the LUR of Kam Tin and Pat Heung completed in 2014 as one of the 14 potential housing sites identified for private residential development, with a proposed PR of 2.1 subject to further technical feasibility study. It was due to infrastructure constraints in the area that the 14 potential housing sites would have to be implemented by phases and there was currently no implementation programme for upgrading the infrastructure facilities to support higher development intensity at the site.

Sewage Disposal

42. In response to a Member's enquiry on whether the proposal for provision of individual underground sewage treatment plant for each of the three portions of the proposed

development was acceptable by the Environmental Protection Department (EPD), Mr Raymond W.M. Wong, Principal Environmental Protection Officer (Strategic Assessment), EPD, said that proposed sewage disposal would be acceptable provided that all treated effluent discharge could meet the relevant discharge standard.

Existing Situation of the Site

43. In relation to some Members' concern on whether Kam Wui Road would be retained and whether open storage use was permitted within the subject "CDA" zone, the meeting noted that as indicated in the MLP submitted by the applicant, Kam Wui Road would be retained, and temporary open storage use at the site would require planning permission.

Development Potential

44. Noting that a "Residential (Group A)" zone for planned public rental housing development and a "Village Type Development" zone were located to the south-east and north of the site respectively and the site was located in close proximity to West Rail Kam Sheung Road Station, a Member raised concern on whether the development potential of the site had been fully utilised.

45. In response, the Chairman said that it was due to infrastructure constraints in the area that the site might not be developed for a higher development intensity at the current stage. The applicant's proposed development intensity was in line with the existing development restrictions on the OZP.

Rationale for "CDA" Zones

46. The Vice-chairman shared with other Members the planning intention of the "CDA" zone, which was to encourage a comprehensive approach to plan and develop the whole area under different ownership. Under the "CDA" zoning, planning applications needed to be submitted in the form of a MLP and phased development was allowed. If the "CDA" zone was not under a single consolidated ownership, the applicant should demonstrate that the proposed phasing of development had taken due consideration of the development potential of those land not under his/her ownership. As such, the applicant of

the subject application had submitted a MLP illustrating the indicative development in all three portions within Area (a) and a LMP for an indicative design of Area (b).

Proportion of Government Land within the Site

47. A few Members expressed concerns on the relatively large proportion of government land (about 70%) within the “CDA” zone and to take account of the government land for calculating the PR for the proposed residential development. Members noted from the Paper that as advised by LandsD, Lot 2160 RP in D.D.106 was a “Building and Garden” lot, and a “No Objection Letter” was issued in 2010 to a proposal to rebuild 52 houses at Lot 2160 RP. As claimed by the applicant, the lot had a “building entitlement” of 8,676m² under lease and the apportionment of the total PR of 0.4 permitted under the “CDA” zone was derived based on the principle of (i) first allocated the GFA (i.e. 6,763.12m²) as approved by LandsD under the MLP in 2010 to Portion 1; (ii) then allocated the residual GFA (i.e. 1,912.88m²) under the building entitlement of the lot to Portion 2; and (iii) finally allocated the remaining GFA (i.e. 1,368m²) allowed under the “CDA” zone to Portion 3.

48. Mr Edwin W.K. Chan, Assistant Director/Regional 3, LandsD, supplemented that under the mechanism of in-situ land exchange, the assessment of premium was based on the enhancement in land value having taken into account all relevant factors including the development costs, the reasonable development profit, the restrictions imposed under the lease and statutory provisions such as the OZPs, etc. The general criteria for consideration of land exchange applications involving unallocated government land would include whether the government land involved was incapable of reasonable separate alienation or development; whether it had no foreseeable public use; and whether there would be no loss in the financial return of the Government, etc.

Proposed Layout and Area (b) of the Proposed Development

49. A Member had no objection to the application and considered that an approval condition to incorporate CTP/UD&L, PlanD’s concerns on the undesirable housing layout, amenity space, open space and greenery would be necessary.

50. A Member was concerned whether the proposed POS/landscaped area in Area (b) would be a park managed by the Leisure and Cultural Services Department (LCSD) or just government land not actively managed and maintained by any department. In this respect, Members just noted that the proposed POS/landscaped area in Area (b) was in accordance with the OZP requirement and it was proposed to be managed and maintained by relevant government department in the long-term.

51. Noting that the LMP for Area (b) was indicative and the proposed POS/landscaped area in Area (b) on government land would not be developed, managed and maintained by the applicant, and LCSD would not take over the responsibility for the construction, management and maintenance of such POS/landscaped area, a Member raised concern that the existing undesirable conditions in Area (b) would not be improved. This would not be in line with the intention of comprehensive development of “CDA” zone. Another Member concurred.

52. In view of the concerns on the management and maintenance of Area (b), a few Members suggested to request further information from the applicant and relevant government departments on the detailed proposal and improvement measures to Area (b) prior to making a decision on the subject application. Some other Members noted that Area (b) was on unallocated government land currently occupied by trees, vegetation and meander related to the previous training works of Kam Tin River. Members also noted that the provision of POS in private developments promulgated by the Development Bureau was not applicable to the subject case that involved private residential development. Members further noted that LCSD had clearly indicated not to take over the responsibility for the construction, management and maintenance of the proposed POS/landscaped area. In view of the above, Members considered that the applicant and the concerned government department(s) had already stated their stance clearly and would unlikely provide any further information as regards Area (b).

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

53. The Chairman then summarised Members’ views that Members generally had no objection to the application but raised concerns on the management and maintenance of Area (b). Since Area (b) was located on unallocated government land, the Committee agreed that

the relevant government department(s) should be requested to look into the management and maintenance issues, including necessary improvement measures, of Area (b). The Committee also requested PlanD to review the subject “CDA” zone in the next round of “CDA” review exercise with particular regards to the future zoning of Area (b).

54. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 20.4.2022, 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 revised Master Layout Plan, taking into account approval conditions (b), (c), (d), (e), (f), (g), (h), (i), (j) and (k) below, to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a Landscape Master Plan and tree preservation proposals to the satisfaction of the Director of Planning or of the TPB;
- (c) the design and implementation of the road improvement measures as proposed in the revised Traffic Impact Assessment to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) the design and provision of vehicular access, car parking and loading/unloading facilities for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (e) the submission of a revised Drainage Impact Assessment and the implementation of the drainage proposal and mitigation measures identified therein to the satisfaction of the Director of Drainage Services or of the TPB;
- (f) the submission of an updated Sewerage Impact Assessment for connection to the public sewer or provision of on-site sewage treatment facilities to the

satisfaction of the Director of Environmental Protection or of the TPB;

- (g) the submission of an updated Noise Impact Assessment and the implementation of mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the TPB;
- (h) the submission of a Land Contamination Assessment and implementation of the land contamination remediation measures proposed therein prior to the commencement of construction works to the satisfaction of the Director of Environmental Protection or of the TPB;
- (i) the submission of an assessment to assess the interface issue(s) with the proposed Northern Link project and the implementation of the mitigation measure(s) identified therein to the satisfaction of the Director of Highways or of the TPB;
- (j) the submission of an implementation programme, with phasing proposals to tie in with the completion of major infrastructural facilities serving the proposed development, to the satisfaction of the Director of Planning or of the TPB; and
- (k) the design and provision of an emergency vehicular access, water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.”

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

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/775 Proposed Temporary Open Storage of Construction Materials for Small House Development for a Period of 3 Years in “Village Type Development” Zone, Lots 1938 (Part), 1939 (Part), 1940 (Part) and 1941 (Part) in D.D. 111, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/775)

Presentation and Question Sessions

56. 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 open storage of construction materials for small house development 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 storage of dusty construction materials (e.g. sand) in the proposed use and there were sensitive receivers nearby (the nearest one being about 20m to its south) and in the vicinity of the application site (the site), and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment objecting to the application was received from an individual. Major objection grounds 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 applied use was not in line with the planning intention of the “Village Type Development” (“V”) zone and there was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis. No information was provided by the applicant to demonstrate why suitable site within the “Open Storage” zone to the south-east of the site could not be made available for the use. The applied use was not compatible with surrounding land uses predominated by residential structures/dwellings and vacant/unused land. Besides, DEP did not support the application. The applied use was not in line with the Town Planning Board Guidelines No. 13E in that the site fell within Category 4 areas, no previous approval for open storage use had been granted at the site and there was adverse departmental comment on the application. The applicant failed to demonstrate that the proposed use would not generate adverse environmental impact and the current application did not warrant sympathetic consideration. Similar applications within the “V” zone had been rejected by the Committee. The approval of the application would set an undesirable precedent for similar applications within “V” zone and the cumulative effect of approving such application would result in a general degradation of the rural environment of the area. Regarding the adverse public comment, the comments of government departments and planning assessments above were relevant.

57. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed use is not in line with the planning intention of the “Village Type Development” (“V”) zone which is intended to reflect existing

recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within the “V” zone is primarily intended for development of Small Houses by indigenous villagers. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;

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

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/776 Renewal of Planning Approval for Temporary Open Storage of Construction Materials and Vehicle Parts for a Period of 3 Years in “Residential (Group D)” Zone, Lots 2901 (Part), 2902 (Part), 2904 (Part), 2905 (Part), 2909 (Part) and 2911 (Part) in D.D. 111 and Adjoining Government Land, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/776)

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 renewal of planning approval for temporary open storage of construction materials and vehicle parts 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 of the application site (the site) and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (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. Though the applied use

was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone, there was no known development proposal for the site and approval of the application on a temporary basis would not frustrate the long-term planning intention of the “R(D)” zone. The applied use was considered not incompatible with the surrounding areas. The application was generally in line with the Town Planning Board Guidelines Nos. 13E and 34B in that the site fell within Category 3 areas where previous planning approvals for the same use had been granted, there was no major change in planning circumstances since the previous planning approval and all approval conditions under the previous approval had been complied with. Though DEP did not support the application, there was no environmental complaint pertaining to the site in the past three years and relevant approval conditions had been recommended to address any potential environmental concerns or technical requirements of other government departments. Previous applications and a number of similar applications in the vicinity of the site had been approved by the Committee and approval of the application was in line with the Committee’s previous decisions.

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 3 years from 20.6.2018 until 19.6.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;

- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities, as proposed by the applicant, shall be carried out on the site at any time during the planning approval period;
- (d) the stacking height of construction materials stored within 5 metres of the periphery of the site should not exceed the height of the boundary fence of the site at any time during the planning approval period;
- (e) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (f) the existing boundary fencing on the site should be maintained at all times 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 existing trees and vegetation on the site shall be maintained at all times during the planning approval period;
- (i) the submission of the drainage arrangement and the 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 20.9.2018;
- (j) the provision of fire extinguisher(s) within 6 weeks with a valid fire certificate (FS 251) from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.8.2018;
- (k) 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 20.12.2018;

- (l) in relation to (k) above, the provision of fire service installations 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 20.3.2019;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) 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 (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (o) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/232 Proposed Temporary Public Vehicle Park (excluding Container Vehicle) for a Period of 3 Years in “Agriculture” Zone, Lot 1415 in D.D. 114, Kam Sheung Road, Shek Kong, Yuen Long
(RNTPC Paper No. A/YL-SK/232A)

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 proposed temporary public vehicle park (excluding container vehicle) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the application site (the site) had high potential for agricultural rehabilitation. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential use in the vicinity of the site and environmental nuisance was expected. The Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) advised that the access road connecting the site and Kam Sheung Road was currently under the jurisdiction of the Guangzhou-Shenzhen-Hong Kong Express Rail Link not yet open to the public and the proposed use should be in operation after handing over of the access road to the Lands Department or other departments. 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 objecting to the application was received from an individual. 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. Though the applied use was not in line with the planning intention of the “Agriculture” (“AGR”) zone and DAFC did not support the application, the approval of the application on a temporary basis would not jeopardize the long-term planning intention of the “AGR” zone. The proposed use was not incompatible with the surrounding areas and could serve the residents in nearby areas. Though DEP did not support the application, there was no environmental complaint pertaining to the site in the past three years and relevant approval conditions had been recommended to minimise any potential environmental nuisance or to address technical requirements of other government departments. Regarding the comments of CHE/NTW, HyD on the access road, the applicant has indicated that the proposed use would be operated after the concerned access road was open to the public. Previous applications for similar car park uses had been approved by the Committee and approval of the application was in line with the Committee's previous decisions. Regarding the adverse public comment, the comments of government departments and 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 3 years until 20.4.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) 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;
- (b) a notice should be posted at a prominent location of the site to indicate that no container trailers/tractors, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site at all times during the planning approval period;
- (c) 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;
- (d) the existing boundary fencing shall be maintained at all times during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (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 20.10.2018;
- (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 20.1.2019;
- (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 20.10.2018;
- (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 20.1.2019;

- (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 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 20.10.2018;
- (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 20.1.2019;
- (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 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.”

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

Agenda Item 15

Section 16 Application

[Open Meeting]

A/YL-NTM/363 Proposed Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles Only) for a Period of 3 Years in “Village Type Development” and “Open Storage” Zones, Lots 830 and 831 in D.D. 102, Lots 397 (Part) and 401 (Part) in D.D. 105 and Adjoining Government Land, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/363)

67. The Committee noted that the applicant’s representative requested on 26.3.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address comments of the Drainage Services Department. It was the first time that the applicant requested deferment of the application.

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

Agenda Item 16

Section 16 Application

[Open Meeting]

A/YL-NTM/364 Temporary Container Vehicle Repair Yard (Maintenance and Repairing) with Ancillary Open Storage of Dangerous Goods (Diesel Oil) for a Period of 3 Years in “Open Storage” Zone, Lots 444 S.C RP (Part), 445 S.B, 450 RP (Part) and 451 RP in D.D. 96 and Adjoining Government Land, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/364)

69. The Committee noted that the applicant’s representative requested on 27.3.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address comments of the Electrical and Mechanical Services Department. It was the first time that the applicant requested deferment of the application.

70. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the 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 further information and no further deferment would be granted unless under very special circumstances.

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

Tuen Mun and Yuen Long West District

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

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/512 Proposed Wholesale Trade in “Industrial” Zone, Part of Workshops E, F & G at Lower Ground Floor of Co-Tack Industrial Building, 17 Kin Fat Street, Tuen Mun

(RNTPC Paper No. A/TM/512B)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed wholesale trade;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Commissioner for Transport (C for T) had reservation on the application as “wholesale trade” use was regarded as “retail” use in the Hong Kong Planning Standards and Guidelines, and the trip generation rate for “retail” was greater than “industrial” use in accordance with the Transport Planning and Design Manual. The traffic impacts such as junction capacity, drop-off area and Level of Service for pedestrian, etc. due to the change in use should be assessed and proper control on such use was necessary to avoid resulting in cumulative adverse

traffic impact. The Chief Building Surveyor/New Territories West, Buildings Department advised that no approval had been granted for provision of exits at the premises fronting Ming Kum Road. The Director-General of Trade and Industry (DG of TI) had no comment on the application if a temporary approval of three years was granted in order not to jeopardise the long-term use of the premises for industrial-related uses. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (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. Though the proposed use was not entirely in line with the planning intention of the “Industrial” (“I”) zone, it could meet any such demand in the area. DG of TI had no comment on the application subject to approval of the application on a temporary basis of three years in order not to jeopardise the long-term planning intention of “I” zone. Notwithstanding the above, C for T had reservation on the application as the trips generated/attracted and the parking demands for the proposed use were much greater than those for the original “I” zone and the proposed use did not comply with the Town Planning Board Guidelines No. 25D in that no further information to assess the traffic impacts such as junction capacity, drop-off area and Level of Service for pedestrian, etc. had been submitted by the applicant.

72. Noting that the applicant had indicated that the premises would be used mainly for showroom without direct provision of goods to customers, a Member enquired whether it would lead to an increase in vehicular flow. In response, Ms Jessica Y.C. Ho, STP/TMYLW, said that according to C for T, the proposed use would generate more trips than industrial use. Information such as junction capacity, drop-off area and Level of Service for pedestrian, etc. due to the change in use should be submitted for assessing the traffic impacts as advised by C for T, but no such information had been provided by the

applicant.

73. Mr Peter K.H. Ho, Chief Traffic Engineer/New Territories West, Transport Department (TD), supplemented that taking into account the proposed permanent change in use under the subject application, the applicant was requested to submit such information for assessing the traffic impacts. TD had reservation on the application as no such information had been submitted by the applicant.

Deliberation Session

74. After deliberation, the Committee decided to reject the application. The reason was:

“the proposed wholesale trade at the premises does not comply with the Town Planning Board Guidelines No. 25D in that the applicant fails to demonstrate that the proposed use would not have adverse traffic impact.”

Agenda Item 18

Section 16A Application

[Closed Meeting]

A/TM-LTY Y/273-1 Proposed Extension of Time for Commencement of the Proposed Residential Development (Flat) for a Period of 4 Years until 17.10.2022 in “Residential (Group E)” Zone, Lots 212 RP, 232, 233, 234, 235, 236 RP, 237, 238, 239, 243, 244, 246 RP, 246 S.A, 246 S.B, 247, 367 and 368 RP in D.D. 130 and Adjoining Government Land, Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/273-1)

75. The Secretary reported that the application was submitted by Join Smart Limited, which was a subsidiary of Sun Hung Kai Properties Limited (SHK), with Llewelyn-Davies Hong Kong Limited (LD) as the consultant of the applicant. The application site would encroach onto part of a planned public housing development at San Hing Road by the

Housing Department (HD), which was the executive arm of the Hong Kong Housing Authority (HKHA). The following Members had declared interests on the item:

- | | | |
|--|---|---|
| Mr Raymond K.W. Lee
(the Chairman)
<i>as the Director of
Planning</i> | - | being a member of the Strategic Planning Committee (SPC) and the Building Committee of HKHA; |
| Mr Martin W.C. Kwan
<i>as the Chief Engineer
(Works), Home Affairs
Department</i> | - | being an alternate representative of the Director of Home Affairs who was a member of the SPC and the Subsidized Housing Committee of HKHA; |
| Mr Ivan C.S. Fu | - | having current business dealings with SHK and past business dealings with HKHA; |
| Dr C.H. Hau | - | having current business dealings with HKHA; |
| 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; |
| Mr Stephen L.H. Liu | - | having past business dealings with SHK, LD and HKHA; |
| Mr K.K. Cheung | - | his firm having current business dealings with SHK and HKHA; and |
| Mr Ricky W.Y. Yu | - | his firm having current business dealings with LD. |

76. The Committee noted that Mr Ivan C.S. Fu and Mr Stephen L.H. Liu had tendered apologies for being unable to attend the meeting. The Committee agreed that as the interests of the Chairman, Mr Martin W.C. Kwan, Dr C.H. Hau and Miss Winnie W.M. Ng were direct, they should leave the meeting temporarily for the item. The Committee also agreed that Mr K.K. Cheung and Mr Ricky W.Y. Yu could stay in the meeting as they had no involvement in the application. Mr H.W. Cheung, the Vice-chairman, took over the chairmanship at this point.

[The Chairman, Mr Martin W.C. Kwan, Dr C.H. Hau and Miss Winnie W.M. Ng left the meeting temporarily at this point.]

77. The Secretary reported and Members noted that the Secretariat received a total of three letters dated 17.4.2018 and 19.4.2018 from the applicant's representative and legal representative, raising further justifications and legal issues related to the subject application for extension of time. Copies of the three letters were tabled at meeting for Members' reference.

78. The Vice-chairman drew Members' attention to legal issues raised by the applicant's legal representative. As the Committee's decision might be subject to legal challenge, Members considered that legal advice should be sought on such issues before consideration of the subject application.

79. After deliberation, the Committee decided to defer a decision on the application to allow time for the Secretariat to seek legal advice on the legal issues raised in the letters prior to the consideration of the subject application.

[The Chairman, Dr C.H. Hau and Miss Winnie W.M. Ng returned to the meeting at this point.]

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTYYY/348 Proposed House (New Territories Exempted House) in "Green Belt"
Zone, Lot 2447 S.D RP (Part) in D.D. 130, Tuen Mun
(RNTPC Paper No. A/TM-LTYYY/348)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH));
- (c) departmental comments – departmental comments were set out in paragraph 11 and Appendix VI of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as the proposed use was not in line with the planning intention and planned use of the “Green Belt” (“GB”) zone and incompatible with the landscape character of “GB” zone, and approval of the application might set an undesirable precedent for similar applications. 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 objecting to the application was received from an individual. Major objection grounds were set out in paragraph 12 of the Paper; and
- (e) PlanD’s views – PlanD had no objection to the application based on the assessments set out in paragraph 13 of the Paper. While there was a general presumption against development within “GB” zone, the application might warrant exceptional and sympathetic consideration as part of the subject lot (about 60.7m²) had building status for house development and the roofed over area of the proposed NTEH was the same as the area of the lot with building status. The proposed development did not contravene the Town Planning Board Guidelines No. 10 in that the scale, design and layout of the proposed development were not incompatible with the surrounding areas. The proposed development also generally met the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories on similar considerations. A previous application for the same use had been approved by the Committee in 2011 and approval of the application was in line with the Committee’s previous decision since there had been no major change in the planning circumstances. While CTP/UD&L, PlanD had reservation on the application, the proposed

development did not involve tree felling, and a previous planning approval for the same use had been granted to the site having regard to the exceptional circumstances. Regarding the adverse public comment, the comments of government departments and planning assessments above were relevant.

81. Members had no question on the application.

Deliberation Session

82. 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 20.4.2022, 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 a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB.”

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

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PN/52 Temporary Recreation Use (Fishing Ground) for a Period of 3 Years in “Coastal Protection Area” Zone and an area shown as ‘Road’, Lots 73 (Part), 74 (Part), 75, 76 (Part), 77 (Part) and 78 (Part) in D.D. 135 and Adjoining Government Land, Ha Pak Nai, Yuen Long
(RNTPC Paper No. A/YL-PN/52)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary recreation use (fishing ground) 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) 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 period of three years based on the assessments set out in paragraph 11 of the Paper. Though the applied use was not entirely in line with the planning intention of the “Coastal Protection Area” (“CPA”) zone, the existing fish pond at the application site would not be adversely affected by the use, and the Director of Agriculture, Fisheries and Conservation and the Chief Town Planner/Urban Design and Landscape, PlanD had no objection to the application.

Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “CPA” zone. The use was not incompatible with the surrounding land uses predominated by fishpond, farmland, residential dwellings, unused land and tree groups. Concerned government departments had no objection to or no adverse comment on the application and relevant approval conditions had been recommended to minimise any potential environmental concerns or to address technical concerns of concerned government departments. Previous applications for the same use and two similar applications for similar use within the same “CPA” zone had been approved by the Committee and approval of the application was in line with the Committee’s previous decisions.

85. Members had no question on the application.

Deliberation Session

86. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 20.4.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 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 queue back to or reverse onto/from public road at any time during the planning approval period;
- (c) the existing screen planting including trees and shrubs on the site shall be maintained at all times during the approval period;
- (d) the existing drainage facilities on site shall be maintained at all times during the planning approval period;
- (e) the submission of a condition record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of

the Director of Drainage Services or of the TPB by 20.7.2018;

- (f) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.10.2018;
- (g) in relation to (f) 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 20.1.2019;
- (h) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (i) if any of the above planning conditions (e), (f) or (g) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/59 Temporary Logistics Centre for a Period of 3 Years in “Government, Institution or Community”, “Residential (Group B) 2” and “Open Space” Zones and an area shown as ‘Road’, Lots 2959 (Part), 2963 (Part), 2970 (Part), 2988 (Part), 2989 RP (Part), 2991 RP (Part), 2992 RP, 2993, 2994, 2995, 2996, 2997, 2998, 2999 (Part), 3000 RP (Part), 3073 S.A (Part), 3073 RP, 3076 (Part), 3077 (Part), 3078 (Part), 3079, 3080, 3081, 3082 S.A, 3082 S.B, 3083, 3084, 3085 (Part), 3086 (Part), 3087 (Part), 3088 S.A, 3088 S.B (Part), 3089, 3090, 3091, 3096 (Part), 3098 S.A (Part), 3098 S.B (Part), 3098 S.C (Part), 3098 S.D (Part), 3098 S.E, 3098 S.F and 3098 RP in D.D. 129 and Adjoining Government Land, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/HSK/59)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary logistics centre for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential use in the vicinity of the application site (the site) and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;

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

- (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. Whilst the applied use was not in line with the planning intentions of the “Government, Institution or Community” (“G/IC”), “Residential (Group B) 2” (“R(B)2”) and “Open Space” (“O”) zones, the implementation programme for this part of the Hung Shui Kiu New Development Area was still being formulated and the Project Manager (New Territories West), Civil Engineering and Development Department had no objection to the temporary use of the site for three years. Approval of the application on a temporary basis would not jeopardize the long-term development of the site. The use was not incompatible with the surrounding uses. The application was generally in line with the Town Planning Board Guidelines No.13E in that the site fell within Category 1 areas. Though DEP did not support the application, there was no substantiated environmental complaint pertaining to the site in the past three years and relevant approval conditions had been recommended to address the concerns on the potential environmental nuisance or technical requirements of concerned government departments. Previous applications for open storage and logistics centres uses and similar applications within the same “G/IC”, “R(B)2” and “O” zones had been approved by the Committee.

89. Members had no question on the application.

Deliberation Session

90. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 20.4.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 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 operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no cutting, dismantling, cleansing, repairing, compaction, tyre repair, vehicle repair, container repair and workshop activity, as proposed by the applicant, is allowed on the site during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;
- (e) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 20.10.2018;
- (f) in relation to (e) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 20.1.2019;
- (g) in relation to (f) above, the implemented drainage facilities shall be maintained at all times 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 20.10.2018;
- (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 20.1.2019;
- (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 20.10.2018;

- (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 20.1.2019;
- (l) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 20.10.2018;
- (m) if any of the above planning conditions (a), (b), (c), (d) 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;
- (n) if any of the above planning conditions (e), (f), (h), (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (o) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

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

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/61 Proposed Temporary Public Vehicle Park for Private Car and Goods Vehicle not exceeding 5.5 tonnes and Ancillary Shroff for a Period of 3 Years in “Open Space”, “Other Specified Uses” annotated “Enterprise and Technology Park” and “Village Type Development” Zones, Lot 1225 in D.D. 124, San Sang Tsuen, Yuen Long
(RNTPC Paper No. A/HSK/61)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary public vehicle park for private car and goods vehicle not exceeding 5.5 tonnes and ancillary shroff 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 as significant adverse landscape impact had been taken place when comparing the aerial photo of 2015 with site photos as the application site (the site) which was originally covered with dense vegetation, trees and shrubs, was now cleared and formed. There was no information to demonstrate that the finished site level was compatible with the adjoining areas and the proposed 41 undersized trees could not compensate for the loss of landscape resources and landscape character. Approval of the application would set an undesirable precedent and the cumulative impact would lead to the general degradation of the rural

landscape character and undermine the integrity of the “Open Space” (“O”) 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 periods, two public comments objecting to the application were received from a group of villagers and an individual. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) 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. Whilst the applied use was not in line with the planning intentions of the “O”, “Other Specified Uses” annotated “Enterprise and Technology Park” (“OU(ETP)”) and “Village Type Development” (“V”) zones, the implementation programme for this part of the Hung Shui Kiu New Development Area was still being formulated and no Small House application had been approved or being processed within the “V” portion of the site. The Project Manager (New Territories West), Civil Engineering and Development Department and the Director of Leisure and Cultural Services had no objection to the temporary use of the site for three years. Approval of the application on a temporary basis would not jeopardize the long-term development of the site. The proposed use was not incompatible with the surrounding uses mainly comprising residential dwellings/structures. The proposed use would unlikely cause significant adverse traffic, environmental and drainage impacts on the surrounding areas. Though CTP/UD&L, PlanD had reservations on the application, the portion of the site zoned “O” and “OU(ETP)” was previously zoned “Residential (Group D)” in the approved Ha Tsuen Outline Zoning Plan No. S/YL-HT/10, which was intended for development purpose. Also, the applicant had submitted a proposed landscape plan in the subject application. Relevant approval conditions had been recommended to address the landscape concerns and other technical requirements of the concerned government departments, and to minimise any potential environmental impact and nuisance on the

surrounding developments. A similar application for public vehicle park use within the same “V” zone had been approved by the Committee. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

93. Members had no question on the application.

Deliberation Session

94. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 20.4.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no vehicles without valid licenses issued under the Road Traffic Ordinance is allowed to be parked/stored on the site during the planning approval period;
- (b) no medium and heavy goods vehicles exceeding 5.5 tonnes, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (c) a notice shall be posted at a prominent location of the site to remind drivers on pedestrian safety on the access road to the site, as proposed by the applicant, at any time during the planning approval period;
- (d) no vehicle dismantling, vehicle repairing, car washing, motor beauty services or other workshop activity, as proposed by the applicant, is allowed on the site during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public roads at any time during the planning approval period;

- (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 20.10.2018;
- (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 20.1.2019;
- (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 revised landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 20.10.2018;
- (j) relation to (i) above, the implementation of the revised landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 20.1.2019;
- (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 20.10.2018;
- (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 20.1.2019;
- (m) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 20.10.2018;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e) or (h) 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 (f), (g), (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.”

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

Agenda Item 23

Section 16 Application

[Open Meeting]

A/YL-HTF/1088 Proposed Temporary Open Storage of Construction Material for a Period of 3 Years in “Agriculture” Zone, Lots 347 S.A and 347 RP in D.D. 128, Sheung Pak Nai Tsuen, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-HTF/1088)

96. The Committee noted that the applicant requested on 29.3.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

Agenda Item 24

Section 16 Application

[Open Meeting]

A/YL-LFS/311 Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years in "Green Belt" Zone, Lot 1564 RP (Part) in D.D. 129 and Adjoining Government Land, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/311)

98. The Committee noted that the applicant's representative requested on 10.4.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

Agenda Item 25

Section 16 Application

[Open Meeting]

A/YL-TYST/885 Proposed Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years in “Village Type Development” Zone, Lot 1562 RP (Part) in D.D. 121, Shan Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/885)

100. The Committee noted that the applicant’s representative requested on 10.4.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address comments of the Transport Department. It was the first time that the applicant requested deferment of the application.

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

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/886 Renewal of Planning Approval for Temporary Eating Place (Outside Seating Accommodation of a Licensed Restaurant) for a Period of 1 Year in “Residential (Group A)” Zone, Government Land in front of Shops No. 4-5, G/F, Blocks 1-9, Treasure Court, 8 Ying Fuk Street, Hung Shui Kiu, Yuen Long
(RNTPC Paper No. A/YL-TYST/886)

Presentation and Question Sessions

102. 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 renewal of planning approval for temporary eating place (outside seating accommodation (OSA) of a licensed restaurant) for a period of one year;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) 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 period of one year based on the assessments set out in paragraph 12 of the Paper. The subject OSA, which was ancillary to a licensed restaurant at the ground floor of a residential development, was not in conflict with the planning intention of the

“Residential (Group A)” zone, and was not incompatible with the surrounding land uses. Given its small scale, it was unlikely to cause significant adverse pedestrian traffic, drainage and environmental impacts on the surrounding areas. Besides, there was no complaint pertaining to the site received by the Director of Environmental Protection in the past three years nor by the Director of Food and Environmental Hygiene in the past 12 months. The application was generally in line with the Town Planning Board Guidelines No. 34B in that there had been no material change in planning circumstances since the granting of the previous planning approval; all the approval conditions of the previous approval had been complied with; and the one-year approval period sought was of the same time frame as the previous approval. Relevant approval condition had been recommended to minimise any potential environmental nuisance.

103. Members had no question on the application.

Deliberation Session

104. Noting that the application site was involved in six previously approved applications for the same applied use since 2012 and there was no change in planning circumstances, a Member was of view that a longer approval period could be allowed or the applicant could be advised to submit an application for a longer period of time in order to streamline the administrative work for processing future renewal applications.

105. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year from 12.5.2018 to 11.5.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 10:30 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period; and
- (b) if the above planning condition (a) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and

shall be revoked immediately without further notice.”

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

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/887 Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Residential (Group D)” Zone, Lot 2734 (Part) in D.D. 124, Tan Kwai Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/887)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary shop and services (real estate agency) 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 objecting to the application was received from an individual. 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. Though the applied use was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone, it could provide real estate agency service to serve any such demand in the area. There was no known programme for long-term development of the application site (the site) and approval of the application on a temporary basis would not jeopardize the long-term planning intention of the “R(D)”) zone. The applied use and its development scale was not incompatible with the surrounding uses. Significant adverse environmental, traffic, landscape and drainage impacts on the surrounding areas were not envisaged and relevant approval conditions had been recommended to minimise any potential nuisance on the surrounding areas or to address the technical requirements of the concerned departments. Two previous applications for the same use at the site had been approved by the Committee and approval of the application was in line with the Committee's previous decisions. Though the two previous planning approvals were revoked respectively due to non-compliance with approval conditions, those approved developments had not been commenced. As compared with the previous application, the current application was submitted by a different applicant and proposals of landscape and tree preservation, drainage and fire service installations had been submitted. Sympathetic consideration might be given to the current application. Regarding the adverse public comment, the comments of government departments and planning assessments above were relevant.

108. Members had no question on the application.

Deliberation Session

109. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 20.4.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 7:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no light, medium or heavy goods vehicles, including container tractor/trailer, as defined in the Road Traffic Ordinance, is 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 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 20.10.2018;
- (e) 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 20.10.2018;
- (f) in relation to (e) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 20.1.2019;
- (g) in relation to (f) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (h) 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 20.10.2018;
- (i) the implementation of the accepted 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 20.10.2018;

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

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

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/888 Temporary Open Storage of Construction Machinery and Materials and Vehicle Repair Workshop for a Period of 3 Years in “Undetermined” Zone, Lots 2366 RP, 2367 and 2386 RP (Part) in D.D. 120, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/888)

Presentation and Question Sessions

111. 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 machinery and materials and vehicle repair workshop 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 of the application site (the site) and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (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 temporary use was not in conflict with the planning intention of the “Undetermined” zone which was generally intended for open storage use. Whilst the site fell within an area zoned “District Open Space”, “Local Open Space” and areas shown as ‘Road’ on the Recommended Outline Development Plan of Yuen Long South, the Chief Engineer/Cross-boundary Infrastructure and Development, PlanD and the Project Manager (New Territories West), Civil Engineering and Development Department had no objection to the application. Approval of the application on a temporary basis would not frustrate the long-term development of the area. The applied use was not incompatible with the surrounding areas comprising similar uses. The application was generally in line with the Town Planning Board Guidelines No.13E in that the site fell within Category 1 areas. Though DEP did not support the application and there was one substantiated environmental complaint concerning the site in 2017, as advised by DEP, no malodour was scented during the site inspection and no paint spraying activities were noted in subsequent inspections. The applicant had not proposed to carry out spraying activities on the site. Relevant approval conditions had been

recommended to address the concerns on potential environmental nuisance or technical requirements of other concerned government departments. Previous applications at the site and a number of similar applications for open storage uses in the vicinity of the site had been approved by the Committee. Approval of the application was in line with the Committee's previous decisions.

112. Members had no question on the application.

Deliberation Session

113. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 20.4.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 11:00 p.m. and 7:00 a.m., 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 paint spraying activities, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (d) no heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the existing trees and landscape planting on the site shall be maintained at all times during the planning approval period;

- (g) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (h) the submission of a condition record of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 20.7.2018;
- (i) 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 1.6.2018;
- (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 20.10.2018;
- (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 20.1.2019;
- (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 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.”

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

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/889 Proposed Temporary Warehouse for Storage of Construction Material for a Period of 3 Years in “Undetermined” Zone, Lot 1198 S.E (Part) in D.D. 119, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/889)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary warehouse for storage of construction material 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 of residential use in the vicinity of the application site (the site) and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and

- (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 temporary use was not in conflict with the planning intention of the “Undetermined” (“U”) zone which was generally intended for open storage use. Whilst the site fell within an area zoned “Other Specified Uses” annotated “Mixed Use”, “Local Open Space” and an area shown as ‘Road’ on the Recommended Outline Development Plan of Yuen Long South, the Chief Engineer/Cross-boundary Infrastructure and Development, PlanD and the Project Manager (New Territories West), Civil Engineering and Development Department had no objection to the application. Approval of the application on a temporary basis would not frustrate the long-term development of the area. The applied use was not incompatible with the surrounding uses in the subject “U” zone. Though DEP did not support the application, there was no environmental complaint concerning the site in the past three years and relevant approval conditions had been recommended to address the concerns on the potential environmental nuisance or technical concerns of other concerned government departments. Previous applications at the site and a number of similar applications for warehouse uses in the vicinity of the site had been approved by the Committee. Approval of the application was in line with the Committee's previous decisions.

116. Whilst there was no environmental complaint concerning the site in the past three years, a Member pointed out that there was a growing number of brownfield operations in Tong Yan San Tsuen area, and the environmental quality of the area could be a concern.

117. In response, the Chairman said that brownfield operations were commonly found in Tong Yan San Tsuen area, in particular near Tai Tong along Kung Um Road. The Government had commenced the Planning and Engineering Study for Housing Sites in Yuen Long South (YLS) – Investigation (the Study) to plan for better use of the brownfield sites in the long-term. If there was any environmental complaint, DEP would follow up according to the established practice.

Deliberation Session

118. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 20.4.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 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 operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no repairing, dismantling and workshop activities, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (d) no open storage activities, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (e) 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;
- (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 provision of boundary fencing within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 20.10.2018;
- (h) 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 20.10.2018;

- (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 20.1.2019;
- (j) in relation to (i) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (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 20.10.2018;
- (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 20.1.2019;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f) 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 (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.”

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

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL/243 Proposed Temporary Shop and Services (Grocery Store) and Public Vehicle Park (Motorcycle Only) for a Period of 6 Years in “Village Type Development” Zone, Government Land in D.D. 123, Wang Chau Yeung Uk Tsuen, Yuen Long
(RNTPC Paper No. A/YL/243)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary shop and services (grocery store) and public vehicle park (motorcycle only) for a period of six years;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The District Lands Officer/Yuen Long, Lands Department (LandsD) advised that the application site (the site) was situated on government land (GL) and no permission was given for occupation of the GL included in the site. The act of occupation of GL without Government’s prior approval was not allowed. The site was accessible to Wang Lok Street through GL only and might be considered for separate alienation. LandsD in general would not process an application for regularization of unlawful occupation of unleased land capable for reasonable separate alienation. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 10 of the Paper. Whilst the applicant applied for a temporary approval for six years, the existing structure was built with bricks. The applicant failed to demonstrate the genuine temporary nature of the proposed development. There was no strong planning justification in the submission for a departure from the planning intention of the “Village Type Development” (“V”) zone. Land within “V” zone should be reserved for Small House development and approval of the application would affect the land available for Small House development. The site wholly comprised GL and LandsD would not process an application for regularization of unlawful occupation of unleased land capable for reasonable separate alienation. The applicant failed to demonstrate a reasonable prospect for securing the required GL for implementing the proposed use. The application involved unauthorized structure and illegal occupation of GL which might be considered for separate alienation by LandsD. Approval of the application would send a wrong message of Government condoning the unauthorized structure on GL and set an undesirable precedent attracting other similar development in the area. The cumulative effect would jeopardize the availability of land for Small House development in the subject “V” zone. A previous application for similar temporary shop and services use for a period of six years covering part of the site had been rejected by the Committee and there had not been any major change in planning circumstances since the rejection of the previous application.

121. Members had no question on the application.

Deliberation Session

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

- “(a) the planning intention of the “Village Type Development” (“V”) zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;

- (b) the applicant fails to demonstrate a reasonable prospect for securing the required government land for implementing the proposed use; and

- (c) approval of the application would set an undesirable precedent attracting other similar development in the area. The cumulative effect will jeopardize the availability of land for Small House development in the subject “V” zone.”

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

Agenda Item 31

Any Other Business

(i) Section 16A Application

[Open Meeting]

A/YL-KTN/586-1 Application for Extension of Time (EOT) for Compliance with Planning Condition, Lots 49 S.B RP (Part), 379 S.B (Part), 383 (Part), 385 RP (Part), 394 S.A RP (Part), 395, 396 (Part), 397 RP, 398, 399 RP and 401 RP in D.D. 107 and Adjoining Government Land, Kam Tin, Yuen Long

123. The Secretary reported that the application was approved with conditions by the Committee on 2.3.2018. The deadline for compliance with approval condition (j) was 13.4.2018. An application for extension of time for compliance with approval condition (j) for six weeks up till 27.5.2018 was received by the Town Planning Board on 6.4.2018, which was only six working days before the expiry of the specified time limit for the approval condition (j). It was recommended not to consider the application as the deadline for compliance with approval condition (j) had already expired on 14.4.2018, and the planning approval for the subject application had ceased to have effect and had on the same date been revoked.

124. 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.

(ii) Section 16A Application

[Open Meeting]

A/YL-PH/753-1 Application for Extension of Time (EOT) for Compliance with Planning Conditions, Lots 3037 S.A, 3037 RP (Part), 3039 and 3040 (Part) in D.D. 111 and Adjoining Government Land, Pat Heung, Yuen Long, New Territories

125. The Secretary reported that the application was approved with conditions by the Committee on 13.10.2017. The deadline for compliance with approval condition (g) and approval condition (h) were 13.4.2018 and 13.7.2018 respectively. An application for extension of time for compliance with approval conditions (g) and (h) for two months up till 13.6.2018 and 13.9.2018 respectively was received by the Town Planning Board on 13.4.2018, which was the last working day before the expiry of the specified time limit for the approval condition (g). It was recommended not to consider the application as the deadline for compliance with approval condition (g) had already expired on 14.4.2018, and the planning approval for the subject application had ceased to have effect and had on the same date been revoked.

126. 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.

127. There being no other business, the meeting closed at 1:20 p.m..