

TOWN PLANNING BOARD

Minutes of 603rd Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 18.5.2018

Present

Director of Planning
Mr Raymond K.W. Lee

Chairman

Mr H.W. Cheung

Vice-chairman

Mr Ivan C.S. Fu

Dr F.C. Chan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr C.H. Hau

Dr Lawrence K.C. Li

Mr Stephen L.H. Liu

Miss Winnie W.M. Ng

Mr L.T. Kwok

Mr K.W. Leung

Chief Traffic Engineer/New Territories East,
Transport Department
Mr Ricky W.K. 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 (Atg.),
Lands Department
Ms Angela S.C. Chan

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

Secretary

Absent with Apologies

Mr K.K. Cheung

Dr Jeanne C.Y. Ng

Mr Ricky W.Y. Yu

In Attendance

Assistant Director of Planning/Board
Ms April K.Y. Kun

Chief Town Planner/Town Planning Board
Mr Kevin C.P. Ng

Town Planner/Town Planning Board
Miss Kirstie Y.L. Law

Agenda Item 1

Confirmation of the Draft Minutes of the 602nd RNTPC Meeting held on 4.5.2018

[Open Meeting]

1. The draft minutes of the 602nd RNTPC meeting held on 4.5.2018 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Sha Tin, Tai Po and North District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/NE-LK/1 Application for Amendment to the Approved Luk Keng and Wo Hang Outline Zoning Plan No. S/NE-LK/11, To Rezone the Application Site from “Agriculture” and “Recreation” to “Comprehensive Development Area”, Various Lots in D.D. 39 and Adjoining Government Land, Ha Wo Hang, Sha Tau Kok

(RNTPC Paper No. Y/NE-LK/1B)

3. The Secretary reported that Landes Ltd. (Landes) was one of the consultants of the applicant. Mr Ivan C.S. Fu had declared an interest as having current business dealings with Landes.

4. The Committee noted that the applicant had requested deferment of consideration of the application and agreed that Mr Ivan C.S. Fu could stay in the meeting as he had no involvement in the application.

5. The Committee noted that the applicant’s representative requested on 3.5.2018 deferment of the consideration of the application for two months so as to allow time for preparation of further information including a new proposal on ingress/egress arrangement to address departmental comments. It was the third time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information including responses to comments and revised assessments to address departmental comments.

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

[Mr Tim T.Y. Fung and Ms Kathy C.L. Chan, Senior Town Planners/Shu Tin, Tai Po and North (STPs/STN), and Mr Clement C.M. Miu, Town Planner/Shu Tin, Tai Po and North (TP/STN), were invited to the meeting at this point.]

[Dr C.H. Hau and Mr L.T. Kwok arrived to join the meeting at this point]

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/183 Proposed Temporary Exhibition and Convention Hall with Shop and Services and Eating Place for a Period of 3 Years in "Agriculture" and "Other Specified Uses" annotated "Amenity Area" Zone and an area shown as 'Road', Lots 517 RP, 518 RP, 521 RP, 522, 523 RP, 524 RP, 525, 526 and 527 RP in D.D. 51 and Adjoining Government Land, Sheung Shui
(RNTPC Paper No. A/NE-FTA/183)

Presentation and Question Sessions

7. 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) proposed temporary exhibition and convention hall with shop and services

and eating place 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 Site possessed high potential for agricultural rehabilitation for green house cultivation or plant nursery. The Chief Town Planner/ Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as there was no landscape impact assessment/ tree preservation proposal/ landscape mitigation measures/ landscape proposal in the submission to alleviate adverse landscape impact on the Site and the surroundings. The Commissioner for Transport (C for T) did not support the application as there was no information in the submission to demonstrate the proposed development would have no adverse traffic impact to the surrounding areas. The Director of Environmental Protection (DEP) did not support the proposed development as there were domestic structures in the vicinity of the Site and raised concerns on surface runoff pollution entering the Ng Tung River due to the sewage and wastewater produced by the proposed development. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory public inspection period, 20 public comments were received. Apart from the comment from Chairman of Sheung Shui District Rural Committee (SSDRC) which indicated no comment on the application, objecting comments were received from Kadoorie Farm and Botanic Garden, villagers and individuals. Major objecting grounds were set out in paragraph 10 of the Paper; and
- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed development was not in line with the planning intention of "Agriculture" ("AGR") and "Other Specified Uses" annotated "Amenity Area" ("OU(A)") zones which were to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. There were no strong

justifications in the submission for a departure from the planning intentions, even on a temporary basis. The scale of the proposed development, with a large hard paved area and two large covered structures to be erected at the northern and eastern part of the Site, was very substantial and was a “Destroy First, Build Later” case. In this regard, enforcement actions had been taken on the Site, requiring the concerned parties to reinstate the land. The subject application should not therefore be assessed based on the “destroyed” state of the Site. Approval of the application would set an undesirable precedent for similar applications in the “AGR” and “OU(A)” zones. C for T, DEP and CTP/UD&L, PlanD did not support the application. Previous applications were dismissed/rejected by the Town Planning Appeal Board in 2012 and the Board on review in 2017 with similar grounds. Regarding the public comments received, the comments of government departments and planning assessments above were relevant.

8. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) and “Other Specified Uses” annotated “Amenity Area” (“OU(A)”) zones for the Fu Tei Au and Sha Ling and Fanling North areas, which are primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes; to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes; and to provide landscaping and planting to enhance the environment. 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 in the submission that the proposed development would not result in adverse traffic, landscape and

environmental impacts on the surrounding areas; and

- (c) the approval of the application will set an undesirable precedent for similar applications within the “AGR” and “OU(A)” zones. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.”

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/646 Temporary Open Storage of Recyclable Products and Ancillary Workshop for a Period of 3 Years in “Agriculture” and “Residential (Group C)” Zones, Lots 869 S.E (Part), 869 S.F, 870 RP (Part), 871 and 2141 RP (Part) in D.D. 83, Fanling
(RNTPC Paper No. A/NE-LYT/646)

Presentation and Question Sessions

10. 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) temporary open storage of recyclable products and ancillary workshop for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Chief Town Planner/Central Enforcement and Prosecution, Planning Department (CTP/CEP, PlanD) stated that the Site was involved in an active enforcement case. Enforcement Notice had been issued to the concerned land owner requiring the unauthorized development to be discontinued. The Director of

Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the Site and the closest one located to immediate east and west of the Site. The Commissioner for Transport (C for T) did not support the application and considered that the applicant should carry out a traffic impact assessment on Sha Tau Kok Road and road networks of Sheung Shui/Fanling area. The Chief Town Planner/Urban Design & Landscape, PlanD (CTP/UD&L, PlanD) had reservation on this application from landscape planning point of view. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the Site could be used for agricultural uses such as greenhouse or plant nursery;

- (d) during the first three weeks of the statutory public inspection period, four public comments were received. A member of the North District Council and the Chairmen of Fanling District Rural Committee and Sheung Shui District Rural Committee indicated no comment on the application, and an individual objected to the application. Major objecting grounds were set out in paragraph 11 of the Paper; and

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

- (e) PlanD's views – PlanD did not support the application based on the assessments in paragraph 12 of the Paper. The Site largely fell within Category 3 area with a small portion within Category 4 area under the TPB PG-No. 13E, that applications would normally not be favourably considered unless the applications were on the Sites with previous approvals. The application was not in line with the planning intentions of “Agriculture” (“AGR”) and “Residential (Group C)” (“R(C)”) zone, and there were no strong planning justification given in the submission to justify for a departure from the planning intention, even on a temporary basis. Vegetation clearance had been taken place prior to obtaining planning permission and the approval of the application would set an undesirable precedent to encourage similar vegetation clearance prior to permission, the cumulative effect would cause potential loss of vegetation

that lead to further degradation on the landscape character in the area. CTP/UD&L, PlanD, C for T, DAFC and DEP did not support the application. Similar and previous applications were rejected by the Committee between 2008 and 2014 mainly on the grounds of being not in line with the planning intention and failure to demonstrate the proposed development would not have adverse environmental, traffic and landscape impacts on the surrounding areas. The circumstance of the current application was similar to those rejected applications. Regarding the public comments received, the comments of government departments and planning assessments above were relevant.

11. Members had no question on the application.

Deliberation Session

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

- “(a) the development under application is not in line with the planning intentions of the “Agriculture” (“AGR”) and “Residential (Group C)” (“R(C)”) zones for the Lung Yeuk Tau and Kwan Tei South area, which are 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; and for low-rise, low-density residential developments. There is no strong planning justification in the submission for a departure from the planning intentions, even on a temporary basis;
- (b) the application does not comply with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ in that no previous approval has been granted at the Site and there are adverse departmental comments on the application;

- (c) there is no information in the submission to demonstrate that the development would not cause adverse landscape, traffic and environmental impacts on the surrounding areas; and
- (d) the approval of the application would set an undesirable precedent for similar applications within the “AGR” and “R(C)” zones. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.”

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/647 Proposed Temporary Private Vehicle Park for a Period of 3 Years in
“Village Type Development” Zone, Lot 596 in D.D. 83, Kwan Tei
Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/647)

13. The Committee noted that the applicant requested on 9.5.2018 deferment of the consideration of the application for two months so as to allow time for preparation of further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

Agenda Items 7 and 8

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/648 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 1772 S.C in D.D. 76, Ma Mei Ha Leng Tsui,
Fanling
(RNTPC Paper No. A/NE-LYT/648 and 649)

A/NE-LYT/649 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 1772 S.D and 1773 S.C ss.1 in D.D. 76, Ma
Mei Ha Leng Tsui, Fanling
(RNTPC Paper No. A/NE-LYT/648 and 649)

15. The Committee noted that the two applications for proposed houses were similar in nature and the application sites were located closely together within the same “Agriculture” (“AGR”) zone on the same Outline Zoning Plan (OZP). The Committee agreed that they could be considered together.

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) the proposed houses (New Territories Exempted Houses (NTEHs) - Small Houses) on each of the application sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications as the Sites possessed high potential for agricultural rehabilitation. The

Commissioner for Transport had reservation on the applications but considered that applications involving development of two Small Houses only could be tolerated. Other concerned departments had no objection to or no adverse comment on the applications;

- (d) during the first three weeks of the statutory public inspection period, four public comments had been received for each application. A North District Council member supported both applications, the Chairman of Fanling District Rural Committee and Sheung Shui District Rural Committee indicated no comment on the applications and an individual raised objection to the applications. Major views were set out in paragraph 10 of the Paper; and

[Mr Philip S.L Kan arrived to join the meeting at this point.]

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessments set out in paragraph 11 of the Paper. With regard to the Interim Criteria, more than 50% of the footprint of the proposed Small House fell within the village 'environs' ('VE') of Ma Mei Ha Leng Tsui and Leng Pei Tsuen, land available within the "V" zone was insufficient to meet the 41 outstanding Small House applications and the future Small House demand forecast of 132. It was noted that there were new Small Houses under construction and approved Small House applications at different stages of development nearby, the implementation of which were forming a new village cluster in the locality. Similar applications in the vicinity of the Sites had been approved between 2003 and 2017 mainly on the considerations that they complied with the Interim Criteria. There had not been major change in planning circumstances of the area since the approval of these similar applications. Regarding the public comments received, the comments of government departments and planning assessments above were relevant.

17. Members had no question on the application.

Deliberation Session

18. After deliberation, the TPB decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the permissions should be valid until 18.5.2022, 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. Each of the permissions was subject to the following conditions:

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

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

Agenda Items 9 and 10

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-MUP/133 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 55 S.A in D.D. 46, Tai Tong Wu, Sha Tau
Kok

(RNTPC Paper No. A/NE-MUP/133 and 134)

A/NE-MUP/134 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 55 S.B in D.D. 46, Tai Tong Wu, Sha Tau
Kok

(RNTPC Paper No. A/NE-MUP/133 and 134)

20. The Committee noted that the two applications for proposed houses were similar in nature and the application sites were located closely together within the same “Agriculture” (“AGR”) zone on the same Outline Zoning Plan (OZP). The Committee agreed that they could be considered together.

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) the proposed houses (New Territories Exempted Houses (NTEHs) - Small Houses) on each of the application sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications as active agricultural activities were found in the vicinity. Commissioner for Transport had reservation on the applications but considered that applications involving development of two Small Houses only could be tolerated. Other concerned departments had no objection to or no adverse comment on the applications;
- (d) during the first three weeks of the statutory public inspection period, three public comments had been received for each application. A North District Council member supported both applications and the Chairman of Sheung Shui District Rural Committee indicated no comment on both applications. Designing Hong Kong Limited objected to the applications. Major views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments set out in paragraph 11 of the Paper. With regard to the Interim Criteria, more than 50% of the footprint of the

proposed Small House fell within the village 'environs' ('VE') of Tai Tong Wu, land available within the 'V' zone was sufficient to meet the outstanding 30 Small House applications. However, it was noted that the Sites were in close proximity to the existing village cluster of Tai Tong Wu and there were approved Small House applications in the vicinity, the implementation of which were forming a new village cluster in the locality. Similar applications in the vicinity of the Sites had been approved between 2002 and 2017 mainly on the considerations that they generally met the Interim Criteria. There had not been major change in planning circumstances of the area since the approval of these similar applications. Regarding the public comments received, the comments of government departments and planning assessments above were relevant.

22. Members had no question on the application.

Deliberation Session

23. After deliberation, the TPB decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the permissions should be valid until 18.5.2022, 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. Each of the permissions was subject to the following conditions:

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

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

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-PK/132 Proposed House (New Territories Exempted House - Small House) in
 “Agriculture” Zone, Lots 1545 S.A and 1546 S.A in D.D. 91, Kai
 Leng, Sheung Shui
 (RNTPC Paper No. A/NE-PK/132)

Presentation and Question Sessions

25. 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) 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 Agriculture, Fisheries and Conservation (DAFC) did not support the application as agricultural activities in the vicinity were active and the Site possessed high potential for agricultural rehabilitation. Commissioner for Transport had reservation on the applications but considered that applications involving development of only one Small House only could be tolerated. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, three public comment was received with one supporting comment from a member of the North District Council and two objecting comments from the Chairman of

Sheung Shui District Rural Committee and an individual. Major objection grounds were set out in paragraph 10 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The application generally complied with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that more than 50% of the footprint of the proposed Small House fell entirely within the village 'environs' ('VE') of Kai Leng Village. Land available within the "V" zone was insufficient to meet the outstanding 100 Small House applications and the future Small House demand forecast of 50. It was noted that the Site was in close proximity to the existing village proper of Kai Leng and there were approved Small House applications in the vicinity, the implementation of which were forming a new village cluster in the locality. A total of 99 similar applications in the vicinity of the Site were approved by the Committee between June 2001 and May 2018 mainly on considerations that they complied with the Interim Criteria. Besides, the Site was the subject of a previous application (No. A/NE-PK/77) for a Small House development submitted by a different applicant, and was approved by the Committee in January 2016. There had not been any major change in planning circumstances of the area since the approval of the previous and similar applications.

26. Some Members enquired the background of this application and details regarding the transfer of land ownership. In response, Mr Tim T.Y. Fung, STP/STN, explained that the Site was the subject of a previous application No. A/NE-PK/77 which was submitted by the previous owner of the Site and the planning permission would be valid until 2020. Upon the transfer of land ownership, the current applicant considered it preferable to apply for a new planning permission instead of renewing the previous one, which required consent of the previous owner (i.e. applicant of the previous application).

Deliberation Session

27. The Chairman invited the Secretary to provide further explanation on the

implication of change in land ownership in the case of application for Small House development. The Secretary explained that planning approvals were granted to the piece of land where the permission was applied for, instead of the land owner. For the subject site, there was a valid permission for Small House development until 2020. Since sufficient time was required by Lands Department (LandsD) in processing and verifying the applicant's status for Small House Grant application, the applicant had chosen to apply for a new permission instead of seeking the former applicant's consent for renewal of the planning permission when its validity was about to expire.

28. In response to some Members' questions, the Chairman said that in processing planning applications, the Committee would mainly consider the merits of individual cases and take into account the relevant requirements and guidelines. To implement the planning approval, the applicant had to apply to LandsD for a Small House Grant, and LandsD would ensure the applicant was an indigenous villager eligible for Small House Grant.

29. 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 18.5.2022, 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;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/580 Proposed Temporary Dangerous Goods Godown and Industrial Use for a Period of 5 Years in “Open Storage” Zone, Lot 436 RP (Part) in D.D. 77, Ping Che
(RNTPC Paper No. A/NE-TKL/580B)

31. The Secretary reported that AIM Group Ltd. (AIM) was one of the consultants of the applicant. Mr K.K. Cheung had declared an interest in this application as his firm was having current business dealings with AIM. The Committee noted that Mr K.K. Cheung had tendered apologies for being unable to attend the meeting.

Presentation and Question Sessions

32. 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) proposed temporary dangerous goods godown and industrial use for a period of 5 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Director of Fire Services had no in-principle objection to the application but advised that the operation of the proposed dangerous goods store/ manufacturing plant should comply with the legal provisions relating to approval, examination and testing of gas cylinders under the Dangerous Goods Ordinance (Cap. 295). Commission for Transport had no comment on the application subject to the condition that the proposed dangerous goods godown would be operated after the commissioning of the new connecting road of Liantang/Heung Yuen Wai Boundary Control Point in end 2018. Other concerned departments had

no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory public inspection period, two public comments were received from a member of the North District Council and the Chairman of Sheung Shui District Rural Committee. Major views were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of five years based on the assessments set out in paragraph 12 of the Paper. Although the proposed development was not entirely in line with the planning intention of the “Open Storage” zone, it provided for orderly development of land for open storage uses which could not be accommodated in conventional godown premises. The proposed development was considered not incompatible with the surrounding rural landscape character dominated by open storage uses. The Site fell within Category 1 area under the TPB PG-No. 13E for ‘Application for Open Storage and Port Back-up Uses’. Given that concerned government departments had no adverse comment on the application, favourable consideration could be given to this application. Two similar applications (No. A/NE-TKL/305 and 463) for temporary dangerous goods godown within “OS” zone in the vicinity were approved with conditions by the Committee on review in 2008 and 2014, yet they were subsequently revoked due to non-compliance of approval conditions. Regarding the public comments received, the comments of government departments and planning assessments above were relevant.

33. Members had no question on the application.

Deliberation Session

34. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 18.5.2023, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 5:00 p.m. and 2:00 p.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Saturdays, Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no operation of the proposed development, as proposed by the applicant, is allowed before the commissioning of the new connecting road of Liantang/Heung Yuen Wai Boundary Control Point;
- (d) the provision of boundary fencing on the Site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.11.2018;
- (e) the submission of proposals for water supplies for firefighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.11.2018;
- (f) in relation to (e) above, the provision of water supplies for firefighting and fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.2.2019;
- (g) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.11.2018;
- (h) in relation to (g) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.2.2019;
- (i) if any of the above planning conditions (a), (b) or (c) is not complied with during the planning approval period, the approval hereby given shall cease

to have effect and shall be revoked immediately without further notice; and

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

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

Agenda Item 13

Section 16 Application

[Open Meeting]

A/NE-TKL/581 Proposed Temporary Open Storage of Construction Equipment and
Machineries for a Period of 3 Years in “Agriculture” Zone, Lot 11 RP
in D.D. 46, Sha Tau Kok Road - Ma Mei Ha
(RNTPC Paper No. A/NE-TKL/581A)

36. The Committee noted that the applicant’s representative requested on 2.5.2018 deferment of the consideration of the application for two months so as to allow time for preparation of further information to address departmental comments. It was the second time that the applicant requested deferment of the application. Since last deferment, the applicant had submitted further information including responses to departmental comments and revised technical assessments.

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

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

[The Chairman left the meeting temporarily. Mr H.W. Cheung, the Vice-chairman, took over the chairmanship at this point.]

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/584 Temporary Container Vehicle Repair Yard for a Period of 3 Years in
“Open Storage” Zone, Lot 2159 (Part) in D.D. 76 and Adjoining
Government Land, Wang Leng, Ping Che
(RNTPC Paper No. A/NE-TKL/584A)

Presentation and Question Sessions

38. 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) temporary container vehicle repair yard for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Director of Environment Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the Site. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory public inspection period, two public comments were received. The Chairman of Sheung Shui District

Rural Committee indicated no comment on the application, and an objecting comment was received from an individual. Major objecting grounds were set out in paragraph 11 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The temporary container vehicle repair yard was considered not incompatible with the surrounding land uses which were mainly storage, vehicle repair yards and warehouses. The Site fell within Category 1 area under the TPB PG-No. 13E, and as concerned Government departments including Transport Department had no objection to the application, favourable consideration could be given. Regarding the concerns from DEP and local residents, they could be addressed through the implementation of approval conditions. The Site was the subject of six previously approved applications, and there had been no major change in planning circumstances for the area since the approval of these previous applications. Also, two similar applications involving the same Site were approved by the Committee from 2011 to 2014. The planning circumstance of current application was similar to those of the approved similar applications. Regarding the public comments received, the comments of government departments and planning assessments above were relevant.

39. Members had no question on the application.

Deliberation Session

40. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.5.2021, 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 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) the peripheral fencing shall be maintained on Site at all times during the planning approval period;
- (d) the existing trees and landscape planting on Site shall be maintained at all times during the planning approval period;
- (e) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.11.2018;
- (f) in relation to (e) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.2.2019;
- (g) the submission of proposals for fire service installations and water supplies for firefighting within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.11.2018;
- (h) in relation to (g) above, the implementation of proposals for fire service installations and water supplies for firefighting within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.2.2019;
- (i) 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
- (j) if any of the above planning conditions (e), (f), (g) or (h) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/541 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” Zones, Lot 433 S.A
ss.6 in D.D. 9, Yuen Leng, Tai Po
(RNTPC Paper No. A/NE-KLH/541A)

Presentation and Question Sessions

42. Ms Kathy C.L. Chan, STP/STN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper.

The application generally complied with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that more than 50% of the footprint of the proposed Small House fell entirely within the village ‘environs’ (‘VE’) of Yuen Leng, Kau Lung Hang San Wai and Kau Lung Hang Lo Wai. While there was insufficient land to fully meet the future Small House demand, it was capable to meet the outstanding 128 Small House applications. In this regard, 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. Nevertheless, the Site was located in close proximity to the existing village cluster and there were similar applications approved in its vicinity. The Site was also the subject of two previously approved planning applications (No. A/NE-KLH/375 and 450) for the same use submitted by the same applicant and the development parameters and disposition of the proposed Small House remained the same. As advised by District Lands Officer/Tai Po of Lands Department (DLO/TP, LandsD), the Small House application at the Site had been approved in July 2015 subject to terms and conditions imposed by LandsD, hence special consideration could be given to the current application.

43. Members had no question on the application.

Deliberation Session

44. 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 18.5.2022, 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 tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;

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

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

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/630 Proposed House (New Territories Exempted House) in “Agriculture”
Zone, Lot 206 in D.D. 18, Lung A Pai, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/630A)

Presentation and Question Sessions

46. Ms Kathy C.L. Chan, 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 of the Paper. The District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) advised that the subject lot had an area of about 80.9m² with building status under the Block Government Lease with entitlement for development of a NTEH as permitted under the Buildings Ordinance (Application to the New Territories) Ordinance. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as approval of the application would set an undesirable precedent encouraging vegetation clearance prior to application and similar developments further encroaches to the woodland, resulting in degradation of landscape character and cause adverse landscape impact to the area. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site possessed potential for rehabilitation of agricultural activities. The Commissioner for Transport had reservation on the application but considered that application involving the development of one Small House only could be tolerated. Other concerned government departments had no objection to or no adverse comments on the application;

- (d) during the first three weeks of the statutory publication period, one objecting public comment 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 had no objection to the application based on the assessments set out in paragraph 11 of the Paper. While the proposed NTEH development was not in line with the planning intention of the “Agriculture” (“AGR”) zone, and DAFC and CTP/UD&L, PlanD did not support the application as the Site had potential for rehabilitation of agricultural activities and the approval of the application would set an undesirable precedent encouraging vegetation clearance prior to application and similar developments further encroaches to the woodland, resulting in degradation of landscape character and cause adverse landscape impact to the area, this was an exceptional circumstance which might merit sympathetic consideration as the Site was an Old Schedule Lot held under Block Government Lease with a building status and the approval would not

set an undesirable precedent for similar applications within the “AGR” zone. Regarding the Interim Criteria for Assessing Planning Applications for NTEH/Small House Development in the New Territories (Interim Criteria), more than 50% of the footprint of the proposed NTEH fell within the village ‘environs’ (‘VE’) of Lung A Pai and the proposed NTEH would be able to be connected to the public sewerage system in the area. A similar application (No. A/NE-LT/611) for NTEH development situated to the immediate southeast of the Site was approved by the Committee on 24.11.2017 based on exceptional circumstances similar to that of this Site as having a building status. Concerns of CTP/UD&L, PlanD could be addressed by recommending an approval condition on the submission and implementation of landscape proposal if the application was approved. Regarding the public comment received, the comments of government departments and the planning assessments above were relevant.

47. Some Members raised the following questions:
- a) clarifications on the parameters of the development;
 - b) whether there were other lots in the area that also possessed building status;
and
 - c) justifications for approving the application despite adverse comments from some departments were received.

48. In response, Ms Kathy C.L. Chan, STP/STN, clarified on the parameters of the proposed development with information provided by the applicant and inputs from DLO/TP, LandsD. She said that apart from the site under application No. A/NE-KLH/611 that had been approved by the Committee, another lot nearby also possessed building status with application yet to be submitted. Regarding the justifications for approving this application, she said that according to the Interim Criteria, special consideration could be given to lots with building status, and approval conditions could be recommended to address concerns from CTP/UD&L, PlanD.

Deliberation Session

49. 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 18.5.2022, 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 landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (d) the provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or the TPB.”

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

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

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/635 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” Zones, Lots 1598
S.A RP and 1598 S.A ss.2 RP in D.D. 19, Ha Tin Liu Ha Tsuen, Lam
Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/635)

Presentation and Question Sessions

51. Ms Kathy C.L. Chan, 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 Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site possessed potential for rehabilitation of agricultural activities. Commissioner for Transport had reservation on the application but considered that application involving development of one Small House only could be tolerated. Other concerned government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. With regard to the Interim Criteria, although the proposed Small House footprint fell entirely within the village ‘environs’ (‘VE’) of Ha Tin Liu Ha and the proposed development within the Water Gathering Ground (WGG) would be able to be connected to the public sewerage system, the proposed Small House did not comply with the Interim Criteria in that there was no general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone. It was considered appropriate to concentrate the proposed Small House development within the “V” zone for orderly development pattern, efficient

use of land and provision of infrastructural services. Nonetheless, the Site was the subject of a previously approved application (No. A/NE-LT/345) submitted by the same applicant with no change to the footprint and the development parameters. According to the approval letter issued on 9.12.2005, the actual construction of the proposed Small House could only begin after the completion of the public sewerage network. As advised by CE/PM of DSD, the public sewerage system in the area was completed in 2016. Hence, sympathetic consideration could be given to the current application based on its exceptional circumstances in that the completion of the planned public sewerage system in the area was beyond the control of the applicant.

52. Two Members enquired about the details of similar applications No. A/NE-LT/413 and A/NE-LT/489 at the nearby sites.

53. In response, Ms Kathy C.L. Chan, STP/STN outlined the details of the concerned applications. Regarding application No. A/NE-LT/413, the application was first rejected by the Committee on 1.4.2011. The review of the application was subsequently rejected by the Town Planning Board for the reasons that (i) it did not comply with the “Interim Criteria” in that there was no shortage of land in meeting the demand for Small House development in “V” zone; (ii) Small Houses should be developed within the “V” zone so as to ensure an orderly development pattern, efficient use of land and provision of infrastructures and services, and (iii) the proposed development was not in line with the planning intention of the “AGR” zone and there was no strong planning justification for a departure from the planning intention. Regarding application No. A/NE-LT/489, it was approved by the Committee on 13.12.2013 as it complied with the “Interim Criteria” in that (i) more than 50% of the Small House footprint was within the ‘VE’; (ii) there was a general shortage of land to meet the demand for Small House development in the concerned “V” zone at the time of consideration; (iii) the proposed development was able to be connected to the planned public sewerage system in the area; and (iv) it was the subject of a previously approved application (No. A/NE-LT/344) and there had been no major change in planning circumstances.

Deliberation Session

54. The Vice-chairman elaborated on PlanD's views for recommending approval of this application mainly due to the historical background of the application, that the implementation programme of the public sewerage system was beyond the control of the applicant hence special consideration was given to this application.

55. Another Member concurred with the Vice-chairman's views that special consideration to this application should be given in view of the historical background of the application. Since a more prudent approach was adopted by the Committee in recent years, such application would not normally be approved nowadays if sufficient land was still available within the "V" zone. The approval of the previous application was based on the established practice at that time.

56. The Secretary supplemented information regarding the rejection for A/YL-LT/413. The total no. of outstanding Small House applications for Tin Liu Ha and Ko Tim Hom Villages was 14 and the 10-year forecast for these two villages was 80. Since the land estimated to be available within the "V" zone of the Sheung Tin Liu Ha, Ha Tin Liu Ha and Ko Tin Hom Villages was 172 and there was sufficient land to meet the Small House demand, the application did not comply with the interim criteria and was thus rejected by the Committee at its meeting on 1.4.2011.

57. Another Member expressed that while he had no objection to this application in view of the historical background of the case, since there were active agricultural activities in the area, future applications for development in the area should be carefully considered so as to prevent adverse impact to the agricultural activities in the area.

58. Another Member expressed that the justifications for approval should be carefully formulated to indicate that sympathetic consideration was given to this case as the lapsing of the previous permission was due to the programme of the planned public sewerage system in the area which was beyond the control of the applicant.

59. 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 18.5.2022, 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 landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (d) the provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.”

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

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/628 Temporary Barbecue Site for a Period of 3 Years in “Agriculture” Zone, Lots 358, 359, 361, 374 (Part), 376, 377 (Part), 379 (Part), 380, 381 (Part), 388 (Part), 389, 390, 391 (Part), 403 (Part), 404, 493 (Part), 499, 500, 501, 502 (Part), 503 (Part), 504 (Part), 505 (Part), 506 (Part), 507 (Part), 508 (Part), 509 (Part), 510 (Part), 511, 512 S.A, 512 S.B, 513, 514, 515, 528, 529, 530, 531, 532, 533, 534, 535, 536 and Adjoining Government Land in D.D. 17, Ting Kok Village, Tai Po (RNTPC Paper No. A/NE-TK/628)

Presentation and Question Sessions

61. Ms Kathy C.L. Chan, STP/STN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) temporary barbecue site 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 Site had high potential for rehabilitation for agricultural use. Nevertheless, the applied use which was temporary in nature would unlikely frustrate the planning intention of the Site in the long run. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory public inspection period, two public comments, including one supporting and one objecting comment were received from individuals. Major objecting 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 further period of three years based on the assessments set out in paragraph 11 of the Paper. While the applied use was not in line with the planning intention of “Agriculture” (“AGR”) zone, the applied use which was temporary in nature would unlikely frustrate the planning intention of the Site in the long run. Director of Environmental Protection had no objection to the application and advised that there was no environmental complaint pertaining to the Site received in the past three years. The Site was the subject of five previous applications. The last application for the same use (No. A/NE-TK/427), submitted by the same applicant, was approved with conditions in 2013. As compared to this previous application, there were some changes to the site boundary, development parameters and parking provision under the current application. Relevant departments including

Commissioner for Transport had no objection to the application. There had been no material change in planning circumstances since the previous approval was granted. Regarding the public comments received, the comments of government departments and planning assessments above were relevant.

62. A Member enquired about the access to the Site. Ms Kathy C.L. Chan, STP/STN, replied that an agreement had been reached between the applicant of the subject application and that of a previously approved application (No. A/NE-TK/624) (i.e. the adjacent barbecue site) to share the access road.

Deliberation Session

63. A Member enquired if relevant approval conditions were recommended to ensure the trees at the Site would not be felled. The Committee noted that approval condition (c), which was stated in paragraph 12 of the Paper, had been recommended to require the applicant to maintain the existing trees and vegetation on the Site at all times during the planning approval period, and that the permission would be revoked should the approval condition not be complied with. As such, it was considered sufficient in ensuring the maintenance of the trees at the Site.

64. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.5.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no night-time operation between 11:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the application site during the planning approval period;
- (b) the maintenance of the existing drainage facilities on the application site at all times during the planning approval period;
- (c) the maintenance of the existing trees and vegetation on the application site at all times during the planning approval period;

- (d) the submission of fire service installations and water supplies for firefighting proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.11.2018;
- (e) in relation to condition (d) above, the implementation of fire service installations and water supplies for firefighting proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.2.2019;
- (f) the submission of sewerage impact assessment (SIA) within 6 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the TPB by 18.11.2018;
- (g) in relation to condition (f) above, the implementation of sewerage facilities identified in the SIA within 9 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the TPB by 18.2.2019;
- (h) the provision of precautionary/protective measures within 6 months from the date of planning approval to ensure no adverse impacts on the nearby “Coastal Protection Area” zone and Ting Kok Site of Special Scientific Interest to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB by 18.11.2018;
- (i) if any of the above planning conditions (a), (b) or (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (j) if any of the above planning conditions (d), (e), (f), (g) or (h) is not complied with within the specified time limit, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and

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

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

Agenda Item 19

Section 16 Application

[Open Meeting]

A/NE-TK/637 Temporary Private Car Park for a Period of 3 Years in “Village Type Development” Zone, Lot 1055 RP in D.D. 23, Po Sam Pai Village, Tai Po

(RNTPC Paper No. A/NE-TK/637)

66. The Committee noted that the applicant requested on 11.5.2018 deferment of the consideration of the application for two months so as to allow time for preparation of further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/641 Proposed House (New Territories Exempted House - Small House) in
 “Green Belt” Zone, Lots 83 S.C ss.1, 83 S.D and 470 S.E in D.D. 21,
 San Uk Ka Village, Tai Po
 (RNTPC Paper No. A/TP/641B)

68. The Secretary reported that the application site was located in Tai Po. Mr H.W. Cheung had declared an interest as owning a flat in Tai Po.

69. The Committee agreed that Mr H.W. Cheung could stay in the meeting as his property had no direct view of the Site.

Presentation and Question Sessions

70. Ms Kathy C.L. Chan, STP/STN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. Chief Town Planner/ Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as the proposed development would inevitably involve site formation and/or slope works and the existing topography of the concerned “Greenbelt” (“GB”) area would therefore be changed irreversibly. Commissioner for Transport (C for T) had reservation on the application but considered that application involving

development of a Small House only could be tolerated. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory public inspection period, seven objecting public comments had been received from World Wide Fund for Nature Hong Kong, Designing Hong Kong Limited and individuals. Major objection grounds were set out in paragraph 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. The proposed development was not in line with the planning intention of “GB” zone. With regard to the Interim Criteria, more than 50% of the footprint of the proposed Small House fell within the village ‘environs’ (‘VE’) of San Uk Ka, land available within the “V” zone was insufficient to meet the 47 outstanding Small House applications and future Small House demand of 274. Although it was noted that the Board had adopted a more cautious approach in approving applications for Small House development in recent years, the Site was located at the southwestern fringe of the village proper of San Uk Ka and sandwiched between the cluster of village houses to the north and vegetated artificial slope to the south where approved Small House applications could be found in the close vicinity and most of them had been granted Building Licenses, and some of them were completed or under construction. Two applications (No. A/TP/571 and 572) located to the immediate west of the Site were approved and the implementation of these Small House applications formed a new village cluster in the locality, where the Site now had become a residual lot and sympathetic consideration might be given to the application. There had not been major change in planning circumstances of the area since the approval of the similar applications in the vicinity. Regarding the public comments received, the comments of government departments and planning assessments above were relevant.

71. Members had no question on the application.

Deliberation Session

72. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 18.5.2022, 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 drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB.”

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

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/949 Proposed Shop and Services (Retail Shop) in “Industrial” Zone, Unit B1(Portion), G/F, Block 2, Kin Ho Industrial Building, 14-24 Au Pui Wan Street, Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/949)

Presentation and Question Sessions

74. Mr Clement C.M. Miu, TP/STN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;

- (b) proposed shop and services (retail shop);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. The proposed use was small in scale and not incompatible with the industrial and industrial-related uses in the subject industrial building and the surrounding developments. Similar applications for a range of mixed 'Shop and Services' uses including pharmacy, real estate agency and retail shop had been approved for other units on the ground floor of the subject industrial building and its vicinity. The proposed 'Shop and Services (Retail Shop)' use under application generally complied with the relevant considerations set out in the TPB PG-No. 25D including the fire safety and traffic aspects. Relevant Government departments, including BD and TD had no objection to or no adverse comment on the application. A temporary approval of three years was recommended in order not to jeopardise the long-term planning intention of industrial use for the premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area.

75. Members had no question on the application.

Deliberation Session

76. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.5.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) the submission and implementation of the fire safety measures before operation of the use to the satisfaction of the Director of Fire Services or of the Board; and
- (b) if the above planning condition is not complied with before the operation of the use, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/951 Renewal of Planning Approval for Temporary Shop and Services (Real Estate Agency and Retail Shop) for a Period of 3 Years in “Industrial” Zone, Unit C5(Portion), G/F, Block 1, Kin Ho Industrial Building, 14-24 Au Pui Wan Street, Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/951)

Presentation and Question Sessions

78. Mr Clement C.M. Miu, TP/STN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) renewal of planning approval for temporary ‘shop and services (real estate agency and retail shop)’ 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 comments on the application;

- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. The applied use was considered not incompatible with the industrial and industrial-related uses in the subject industrial building and the surrounding developments. Similar applications for a range of mixed 'Shop and Services' uses including pharmacy, real estate agency and retail shop had been approved for other units on the ground floor of the subject industrial building and its vicinity. The applied use under application generally complied with the relevant considerations set out in the TPB PG-No. 25D including the fire safety and traffic aspects. The current application was the same as the previously approved application in terms of use and area of the Premises and there had been no material change in planning circumstances since the previous temporary approval was granted. There was no adverse planning implication arising from the renewal of the planning approval. The approval period of three years sought was also not longer than the original validity period of the temporary approval, which was considered reasonable to allow the Committee to monitor the supply and demand of industrial floor space in the area. As such, the proposed renewal application complied with the TPB PG-No.34B for renewal of planning approval. Relevant Government departments, including BD and TD had no objection to or no adverse comment on the application.

79. Members had no question on the application.

Deliberation Session

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

temporary basis for a period of 3 years from 19.5.2018 to 18.5.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) the provision of the fire service installations 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 19.11.2018; and
- (b) if the above planning condition (a) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

Agenda Item 23

Section 16 Application

[Open Meeting]

A/ST/952 Minor Relaxation of Gross Floor Area and Site Coverage Restrictions for Permitted Columbarium Use in “Other Specified Uses” annotated “Columbarium” Zone, The Western Part of No.1 Pau Tau Street, Sha Tin
(RNTPC Paper No. A/ST/952)

82. The Secretary reported that the Dennis Lau & Ng Chun Man Architects & Engineers (HK) Ltd. (DLN) and Masterplan Ltd. (Masterplan) were two of the consultants of the applicant. The following Members had declared interests on this item:

- Mr Ivan C.S. Fu - having current business dealings with Masterplan; and
- Mr Stephen L.H. Liu - having past business dealings with DLN.

83. The Committee noted that the applicant had requested deferment of consideration of the application and agreed that Mr Ivan C.S. Fu and Mr Stephen L.H. Liu could stay in the meeting as they had no involvement in the application.

84. The Committee noted that the applicant's representative requested on 7.5.2018 deferment of the consideration of the application for two months so as to allow time for preparation of further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

[The Vice-chairman thanked Mr Tim T.Y. Fung, Ms Kathy C.L. Chan, STPs/STN, and Mr Clement C.M. Miu, TP/STN, for their attendance to answer Members' enquiries. Mr Fung, Ms Chan and Mr Miu left the meeting at this point.]

Fanling, Sheung Shui and Yuen Long East District

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

temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. While the applied use was not in line with the planning intention of the “Residential (Group C)” (“R(C)”) zone, the applied use could provide temporary retail and real estate agency services to the nearby residents. Approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the “R(C)” zone as there was no immediate permanent development proposal at the Site. The temporary shop and services uses were not incompatible with the surrounding land uses, comprising mainly a school, residential areas, plant nursery and vehicle parks. The renewal was in line with TPB PG-No. 34B in that since the last approval, there had been no major change in planning circumstances. Concerned Government departments had no objection to or no adverse comment on the application, and all the approval conditions under the previous application had been complied with.

88. Members had no question on the application.

Deliberation Session

89. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 6.6.2018 to 5.6.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 8:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no cutting, dismantling, cleansing, repairing, compaction and workshop activity is allowed on the site during the planning approval period;
- (c) the paving and boundary fencing on the site shall be maintained at all times during the planning approval period;

- (d) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (e) the submission of as-built drainage plans and photographic records of the existing drainage facilities within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.9.2018;
- (f) the submission of 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 6.12.2018;
- (g) in relation to (f) above, the implementation 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 6.3.2019;
- (h) the submission of tree preservation proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 6.12.2018;
- (i) the implementation of tree preservation proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 6.3.2019;
- (j) 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;
- (k) if any of the above planning conditions (e), (f), (g), (h) or (i) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;
and

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

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

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/367 Temporary Fish Farming for a Period of 3 Years in “Comprehensive Development Area” Zone, Lots 961 (Part), 962 (Part), 963, 956 (Part) and 4469 RP (Part) in D.D. 104 and Adjoining Government Land, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/367)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary fish farming for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, seven objecting public comment were received from two village representatives

of Yau Tam Mei Tsuen and private individuals. Major objecting 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 12 of the Paper. Although the applied use for fish farming was not in line with the planning intention of the “CDA” zone, approval of the application on a temporary basis for a period of three years would not frustrate the long term planning intention of the “CDA” zone as there was no development proposal for the “CDA” zone. The applied use was not incompatible with the surrounding land uses which were predominantly occupied by the cultivated agricultural land, orchard, ponds, unused land and vacant land. Concerned departments had no adverse comments on the application. The Committee had previously approved three applications at the Site for the same use submitted by the same applicant. Approval of the subject application was in line with the Committee's previous decisions. Regarding the public comments received, the comments of government departments and planning assessments above about were relevant.

92. Members had no question on the application.

Deliberation Session

93. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.5.2021, 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 vehicle is allowed to queue back to or reverse onto/from the Site at any time during the planning approval period;

- (c) only private cars and light goods vehicles not exceeding 5.5 tones as defined in the Road Traffic Ordinance are allowed to park on the Site at any time during the planning approval period;
- (d) the existing landscape planting within the Site should be maintained at all times during the planning approval period;
- (e) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (f) the submission of records of the existing drainage facilities on site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.8.2018;
- (g) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.11.2018;
- (h) in relation to (g) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.2.2019;
- (i) if the above planning condition (a), (b), (c), (d) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (j) if any of the above planning conditions (f), (g), or (h) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.”

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

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/523 Renewal of Planning Approval for Temporary Public Vehicle Park (For Private Cars and Lok Ma Chau - Huanggang Cross Boundary Shuttle Buses Only) with Ancillary Facilities (Including a Refreshment Kiosk) for a Period of 3 Years in “Undetermined” Zone, Lot 372 S.D RP (Part) in D.D. 99 and Adjoining Government Land, San Tin, Yuen Long (RNTPC Paper No. A/YL-ST/523)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) renewal of planning approval for temporary public vehicle park (for private cars and Lok Ma Chau – Huanggang Cross Boundary shuttle buses only) with ancillary facilities (including a refreshment kiosk) for a period of three Years);

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, a total of two public comments were received with one objecting comment from a member of the public and one from Yuen Long District Councilor that provided comments on the application. Major objection grounds and views were set out in paragraph 11 of the Paper; and

- (e) the Planning Department (PlanD)’s views – PlanD considered that the

temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. The applied use was considered not incompatible with the surrounding land uses and the applied use on a temporary basis would not frustrate the long-term use of the “Undetermined” (“U”) zone. The current application was for the renewal of an approved planning permission No. A/YL-MP/463 for the same use, the renewal was in line with TPB PG-No. 34B in that since the last approval, and all the approved conditions under the previous application had been complied with. The application was in line with the TPB PG-No. 13E in that suitable sites in San Tin area might be considered for cross-boundary parking facilities based on individual merits. Apart from meeting some parking demand of local villagers/residents, the applied use could satisfy some of the parking demand for cross-boundary travellers. The Committee had approved a total of 16 applications for similar uses within the same “U” zone based on similar considerations that the developments were not incompatible with the surrounding land uses and departments’ concerns could be addressed by imposing approval conditions. Approval of the current application was in line with the previous decisions of the Committee. Regarding the public comments received, the comments of government departments and the assessments above were relevant.

96. Members had no question on the application.

Deliberation Session

97. In view of the public comment received which raised concerns over provision of more greenery and trees on Site, a Member enquired if any approval conditions could be added to encourage the applicant to provide more landscaping at the Site.

98. The Committee noted that the approval condition on submission and implementation of the landscape proposal on the previous approval had been fulfilled by the applicant and the applicant had promised to maintain the landscape plantings at the Site. The Committee agreed that although the application was temporary in nature, more efforts could be made to enhance the greening at the Site. Hence, approval conditions on provision

of more landscape plantings should be added.

99. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 23.5.2018 to 22.5.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) the setting back of the western boundary of the site at least 1.5m from the centerline of the existing 150mm diameter water mains at any time during the planning approval period;
- (b) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the site at any time during the planning approval period;
- (c) only private cars as defined in the Road Traffic Ordinance and Lok Ma Chau – Huanggang Cross Boundary Shuttle Buses are allowed to be parked on the site at any time during the planning approval period;
- (d) a notice should be posted at a prominent location of the site to indicate that only private cars as defined in the Road Traffic Ordinance and Lok Ma Chau – Huanggang Cross Boundary Shuttle Buses are allowed to be parked on the site at any time during the planning approval period;
- (e) no vehicle washing, vehicle repair, dismantling, paint spraying or other workshop activity is allowed on the site at any time during the planning approval period;
- (f) the maintenance of the paving on the site at all times during the planning approval period;
- (g) the maintenance of the boundary fencing on the site at all times during the planning approval period;

- (h) the maintenance of the buffer area within the site fronting Castle Peak Road – San Tin as proposed by the applicant to avoid queuing on Castle Peak Road – San Tin at all times during the planning approval period;
- (i) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (j) the submission of tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.11.2018;
- (k) the implementation of 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 23.2.2019;
- (l) the submission of an as-built drainage plan and photographic records of the existing drainage facilities within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.8.2018;
- (m) the submission of 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 23.11.2018;
- (n) in relation to (m) above, the implementation of fire service installations proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.2.2019;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (i) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;

- (p) if any of the above planning conditions (j), (k), (l), (m) or (n) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (q) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

[The meeting was adjourned for short break of ten minutes]

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/FSS/268 Proposed Office (Money-lending Business) in “Industrial” Zone, 5/F
(Part), Yanjing Building, 11 On Lok Mun Street, Fanling
(RNTPC Paper No. A/FSS/268)

Presentation and Question Sessions

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

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

- (d) during the first three weeks of the statutory publication period, a total of four public comments were received. Among which, an objecting comment was received from a public from the Pui Ling School of the Precious Blood. Three comments indicating no comment were received from members of the North District Council and the chairman of the Fanling District Rural Committee. Major objection grounds were set out in paragraph 11 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The proposed back-office was considered not incompatible with the ancillary office use of the remaining part of the 5/F of the subject building. The proposed office use generally complied with the Town Planning Board Guidelines for Development within the “I” zone (TPB PG-No. 25D). Given the small scale of the proposed office and its nature of operation that served as a back-office with no direct provision of customer services, no adverse impact would be induced from fire safety, traffic and environmental point of view. The Premises were the subject of a previous application (A/FSS/251) for the same use submitted by the applicant, but the planning permission was revoked due to failure to comply with the approval condition on provision of Fire Service Installations (FSI). In this application, Director of Fire Services (D of FS) considered that the submission and provision of FSI had been complied with, and further submission regarding FSI was not required unless there was change in layout. Similar to other approvals for office use in the area, despite permanent permission were sought, approval for office use for a period of 3 years were granted so as to allow the Committee to better monitor the provision of industrial floor space in the area. Regarding the objecting public comment, the comments of government departments and planning assessments above were relevant.

102. Some Members raised concerns over the increase of visits by the general to the

building since the proposed office was related to money lending business. A Member asked whether there were government departments responsible for monitoring the operation of money lending business.

103. Ms S.H. Lam, STP/FSYLE, responded that the proposed office use was for back-office involving no direct provision of customer services, it was not expected that such use would generate large flow of customers in and out of the building, and no significant adverse impact on traffic and environmental aspects were anticipated. She added that Commissioner of Police had no adverse comment on the application. Upon the approval of this planning application, the applicant was also required to comply with the licensing requirements before operation and relevant authorities would monitor its operation according to the respective legislations.

Deliberation Session

104. A Member considered that the public comment received from the teacher of nearby school was relevant, as money lending business might lead to influx of customers with different background and hence special attention should be given in consideration of this application.

105. The Committee noted that D of FS had no objection to this application as it was stated in the application that the operation of the proposed use was only as back-office relating to money lending and would not involve direct provision of customer services. A Member supplemented that the operation of money-lending related business had to observe the requirements set out under the Money Lenders Ordinance, and such business was monitored by the Hong Kong Police Force. A money lender license had to be renewed annually hence its operation could be monitored closely.

106. In view of the above concern, the Vice-chairman enquired if an advisory clause was required to be added to ensure the operation of the premises would only serve as back-office of the money-lending business. A Member expressed that since such use had been stated in the application and the permission could be granted to the proposed use as submitted, the addition of such clause was not necessary.

107. Another Member considered that adding an advisory clause requiring the applicant to observe the relevant requirements under the Money Lenders Ordinance would be appropriate.

108. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.5.2021, on the terms of the application as submitted to the Town Planning Board (TPB).

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

“(c) to comply with relevant requirements under the Money Lenders Ordinance if appropriate.”

[Dr Lawrence K.C. Li left the meeting temporarily at this point.]

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/455 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” Zones, Lot 1232 S.A in D.D. 100, Chan Uk Po Village, Tsiu Keng, Sheung Shui
(RNTPC Paper No. A/NE-KTS/455)

110. The Secretary reported that the application site was located in Tsiu Keng, Sheung Shui. Dr. Lawrence K.C. Li had declared an interest of being a member of the Hong Kong Golf Club which was located to the north of the Site. The Committee noted that Dr Lawrence K.C. Li had left the meeting.

Presentation and Question Sessions

111. Ms S.H. Lam, STP/FSYLE, presented the application and covered the following

aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed houses (New Territories Exempted Houses (NTEHs) - Small Houses) on the application site;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the Site possessed high potential for agricultural rehabilitation. Commissioner for Transport had reservation on the application but considered that application involving the development of one Small House only could be tolerated. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory public inspection period, three public comments had been received. Two supporting comments were received from members of the public and an objecting comment was received from the Hong Kong Bird Watching Society. Major objection grounds were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment set out in paragraph 12 of the Paper. With regard to the Interim Criteria, although 100% of the footprint of the proposed Small House fell within the village 'environs' ('VE') of Tsiu Keng Chan Uk Po and land available within the "V" zones was insufficient to meet future Small House demand, land was available within the "V" zones to meet the 44 outstanding Small House applications. It was noted that the Board had adopted a more cautious approach in considering applications for Small House development in the recent years. Nevertheless, the Site was located at the western fringe of Chan Uk Po, Tsiu Keng Village and surrounded by existing Small Houses and approved applications to its immediate northwest and southwest and about 32% of

the footprint of the proposed Small House fell within the “V” zone. Therefore, sympathetic consideration could be given to the application. Regarding the public comments received, the comments of government departments and planning assessments above were relevant.

112. Members had no question on the application.

Deliberation Session

113. 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 18.5.2022, 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;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

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

[Dr. Lawrence K.C. Li returned to the meeting at this point.]

Agenda Item 29

Section 16 Application

[Open Meeting]

A/YL-KTN/597 Proposed Temporary Tent Camping Ground for a Period of 3 Years in
“Conservation Area” Zone, Lots 4113, 4129, 4130, 4132, 4135 S.A,
4135 S.B, 4135 S.C, 4135 S.D, 4135 S.E, 4135 S.F, 4135 S.G, 4135
S.H, 4135 S.I, 4136, 4137 and 4138 in D.D. 104, Fung Kat Heung,
Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/597)

115. The Committee noted that the applicant requested on 9.5.2018 deferment of the consideration of the application for two months so as to allow time for preparation of further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/598 Temporary Open Storage of Private Cars and Light Goods Vehicles for a Period of 3 Years in “Open Space” Zone, Lot 525 S.B in D.D. 109, Kam Tin Road, Yuen Long
(RNTPC Paper No. A/YL-KTN/598)

Presentation and Question Sessions

117. 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) temporary open storage of private cars and light goods vehicles for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) During the first three weeks of the statutory publication period, no public comment was received; 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. Although the applied use was not in line with the planning intention of “Open Space” (“O”) zone, Director of Leisure and Cultural Services advised that the Site was not on the priority list for development by Yuen Long District Council and had no specific comment on the application. Hence, given the temporary nature of the development, the long-term planning intention of the “O” zone

would not be frustrated. The application was considered generally in line with TPB PG-No.13E in that previous approvals for the same use on the Site had been granted and all approval conditions in relation to drainage and fire safety aspects under the last approved application (No. A/YL-KTN/459) submitted by the same applicant had been complied with. No adverse comment on the current application from relevant departments consulted were received. The applicant had also submitted landscape, drainage and Fire Service Installation proposals in the current application. There had been no major change in planning circumstances since the last approval. In this regard, sympathetic consideration could be given to the current application.

118. Members had no question on the application.

Deliberation Session

119. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.5.2021, 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 operation of Sundays and statutory 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 are allowed on the Site at any time during the planning approval period;
- (d) no medium or heavy goods vehicle (exceeding 5.5 tonnes), including container trailer/tractor, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the Site during the planning approval period;

- (e) no vehicles 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 proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.11.2018;
- (g) in relation to (f) above, the implementation of the tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.2.2019;
- (h) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (i) the submission of a record of the existing drainage facilities on the Site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.8.2018;
- (j) the provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.6.2018;
- (k) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.11.2018;
- (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 18.2.2019;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e) 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 (f), (g), (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (o) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

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

Agenda Item 31

Section 16 Application

[Open Meeting]

A/YL-KTN/599 Proposed Utility Installation for Private Project (Electric Meter Room) in “Agriculture” Zone, Lot 956 RP (Part) in D.D. 109, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/599)

121. The Committee noted that the applicant requested on 15.5.2018 deferment of the consideration of the application for two months so as to allow time for preparation of further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

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

Agenda Item 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/781 Temporary Open Storage of Construction Materials and Machineries
for a Period of 3 Years in "Agriculture" Zone, Lot 1595 (Part) in D.D.
113, Ma On Kong, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/781)

Presentation and Question Sessions

123. 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) temporary open storage of construction materials and machineries for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the Site possessed potentiality of agricultural rehabilitation and could still be used as green house cultivation or plant nursery. Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the Site. Chief Town Planner/Urban Design and Landscape,

Planning Department (CTP/UD&L, PlanD) had reservation on the application from landscape planning perspective as approval of the application might encourage other similar “development first application later” cases, resulting in irreversible changes to the existing landscape character in the area and potential risk of encroachment into the nearby “CA” zone. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory public inspection period, six public comments were received. Two supporting comments were received from Pat Heung Rural Committee and representative of Ho Pui Tsuen, and four objecting comments were received from World Wide Fund for Nature Hong Kong, Designing Hong Kong Limited and two members of the public. Major objecting grounds were set out in paragraph 11 of the Paper; and
- (e) PlanD’s views – PlanD did not support the application based on the assessments in paragraph 12 of the Paper. The applied use was not in line with the planning intention of the “Agriculture” (“AGR”) zone. DAFC did not support the application from the agriculture point of view as the Site possessed potential to be used as greenhouse cultivation or plant nursery. Besides, no strong planning justification had been given in the submission to justify for a departure from the planning intention, even on a temporary basis. Also, the Site was adjoining a “Conservation Area” (“CA”) zone, DAFC had reservation on the application from nature conservation point of view due to possible encroachment and disturbance on the nearby “CA” zone from the applied use. The development was not in line with the TPB PG-No. 13E in that there was no previous approval for open storage use granted at the Site. Adverse departmental comments on the application were received and the application did not warrant sympathetic consideration. The Site was subject to a previous application No. A/YL-KTS/421 for open storage use which was rejected by the Board. Three similar applications (Nos. A/YL-KTS/529, 710 and 732) within the same “AGR” zone were rejected by Committee or by the Board on review.

Rejection of the current application was in line with the previous decision of the Committee/the Board on previous and similar applications. Regarding the public comments received, the comments of government departments and planning assessments above about were relevant.

124. Members had no question on the application.

Deliberation Session

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

- “(a) the development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is to retain and safeguard good agricultural land for agricultural purposes. This zone is also intended to retain fallow arable land with good potential for rehabilitation. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the application does not comply with the Town Planning Board PG-No. 13E in that there is no previous approval granted at the Site and there are adverse departmental comments and local objections on the application;
- (c) the applicant fails to demonstrate that the development would not generate environmental nuisance and adverse landscape impacts on the surrounding area; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.”

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/782 Proposed Temporary Shop and Services (Martial Art Goods Retail Store) for a Period of 3 Years in “Village Type Development” Zone, Lot 291 (Part) in D.D. 109, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/782)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary shop and services (martial art goods retail store) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory public inspection period, one objecting public comment was received. Major objecting 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. Although the proposed use was not entirely in line with the planning intention of the “Village Type Development” (“V”) zone, District Lands Officer/Yuen Long of Lands Department advised that there was no Small House application approved or under processing within the Site. Approval of the application on a

temporary basis for a period of three years would not jeopardize the long-term planning intention of the “V” zone. The proposed development was considered not incompatible with the surrounding land uses. In view of its small scale and its location near Kam Sheung Road, it was unlikely that the proposed development would generate significant environmental nuisance to the nearby residential dwellings/structures. Relevant departments consulted had no adverse comment on the application. Five similar applications in the vicinity were previously approved by the Committee. Approval of the application was in line with the Committee’s previous decisions on similar applications.

127. Members had no question on the application.

Deliberation Session

128. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.5.2021, 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 operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.11.2018;
- (d) in relation to (c) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.2.2019;
- (e) in relation to (d) above, the implemented drainage facilities on the Site shall

be maintained at all times during the planning approval period;

- (f) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.11.2018;
- (g) in relation to (f) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.2.2019;
- (h) if any of the above planning conditions (a), (b) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (i) if any of the above planning conditions (c), (d), (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; and
- (j) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 34

Section 16 Application

[Open Meeting]

A/YL-KTS/777 Proposed Animal Boarding Establishment in “Agriculture” Zone,
Government Land in D.D. 103, Ko Po San Tsuen, Kam Tin, Yuen
Long
(RNTPC Paper No. A/YL-KTS/777)

[Withdrawn]

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

Tuen Mun and Yuen Long West District

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

Agenda Item 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/64 Temporary Public Vehicle Park (Private Car) for a Period of 3 Years in
"Village Type Development" Zone, Lots 340 S.D RP (Part), 343 (Part),
345 S.B RP, 345 S.C RP, 345 RP (Part), 346 (Part), 347 (Part) and 360
RP (Part) in D.D. 124, Shek Po Tsuen, Yuen Long
(RNTPC Paper No. A/HSK/64)

Presentation and Question Sessions

130. 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) temporary public vehicle park (private car) for a period of three years;
- (c) departmental comments – departmental comments were set out in

paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory public inspection period, three objecting public comments were received from individuals. Major objecting 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. Whilst the applied use was not entirely in line with the planning intention of “Village Type Development” (“V”) zone, there was no Small House application under processing or approved on the Site. The applied use could provide parking facilities to meet any such demand in the area. Approval of the application on a temporary basis would not frustrate the planning intention of the “V” zone. The applied development was considered not incompatible with the surrounding land uses which mainly comprise rural residential dwellings/structures. No adverse comments were received from concerned Government departments. The Committee had approved two similar applications for public vehicle park use within the same “V” zone. Approval of the current application was in line with the previous decisions of the Committee. Regarding the public comments received, the comments of government departments and planning assessments above about were relevant.

131. Members had no question on the application.

Deliberation Session

132. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.5.2021, 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 light, medium and heavy goods vehicles, including container tractors/trailers, 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 cutting, dismantling, cleaning, repairing, compacting, vehicle repair and workshop activity is allowed on Site at any time 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 18.11.2018;
- (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 18.2.2019;
- (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 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 18.11.2018;

- (j) in relation to (i) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.2.2019;
- (k) the provision of periphery 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 18.11.2018;
- (l) 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;
- (m) if any of the above planning conditions (f), (g), (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (n) upon expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 36

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/65 Temporary Open Storage of Containers and Container Repairing Area for a Period of 3 Years in “Other Specified Uses” annotated “Logistics Facility” and “Other Specified Uses” annotated “Port Back-up, Storage and Workshop Uses” Zones and an area shown as ‘Road’, Lots 395 (Part), 396 (Part), 399 (Part), 400 (Part), 401 (Part), 402 (Part), 406 (Part), 407 (Part), 427 (Part), 428 (Part), 429, 430 (Part), 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443 S.A, 443 S.B, 445, 446, 447 (Part), 448, 450 (Part), 451 (Part), 453 (Part), 454 (Part), 457 (Part), 546 S.B (Part), 547 (Part), 548 (Part), 549, 550 (Part), 551 (Part), 552 (Part), 553 (Part), 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574(Part), 575 (Part), 576 (Part), 577 (Part), 578 (Part) and 579 (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/HSK/65)

Presentation and Question Sessions

134. 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) temporary open storage of containers and container repairing area for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory public inspection period, no

public comment was received; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The applied use was not incompatible with the surrounding land uses. The proposed development was generally in line with the TPB PG-No. 13E in that the Site fell within Category 1 and Category 2 areas which were considered suitable for open storage and port back-up uses. Relevant proposals had been submitted to demonstrate that the proposed use would not generate adverse impacts. There was no adverse comment on the application from concerned Government departments and the technical concerns of relevant Government departments could be addressed through the implementation of approval conditions. Three previous applications for the Site and seven similar applications in the vicinity had previously been approved by the Committee.

135. Members had no question on the application.

Deliberation Session

136. The Committee noted that there was an access linking the Site from Ha Tsuen Road. The Committee also noted that about 6% of the Site was situated on the area shown as 'Road' of the OZP and there was no planned programme for the implementation of the road.

137. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.5.2021, 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. on Mondays to Saturdays, as proposed by the applicant, is allowed on the Site during the planning approval period;

- (b) in relation to (a) above, no operation on Saturdays between 2:00 p.m. and 6:00 p.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (d) no left turn of container vehicles into Ha Tsuen Road upon leaving the Site during the planning approval period;
- (e) the erection of a 'Turn Right' traffic sign at the junction of the access road with Ha Tsuen Road to the satisfaction of the Commissioner for Transport or of the TPB during the planning approval period;
- (f) other than container repairs as applied for and minor ancillary tyre-repair workshop, no vehicle dismantling, repairing or workshop activity is allowed on the Site at any time during the planning approval period;
- (g) no vehicle queuing is allowed back to or reverse onto/from the public road at any time during the planning approval period;
- (h) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (i) the submission of a condition record of the existing drainage facilities on Site within 3 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.8.2018;
- (j) the existing trees on Site shall be maintained at all times during the planning approval period;
- (k) no material is allowed to be stored/dumped within 1m of any tree during the planning approval period;

- (l) the stacking height of containers stored on the Site shall not exceed 7 units during the planning approval period;
- (m) the existing fencing shall be maintained at all times during the planning approval period;
- (n) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.6.2018;
- (o) the submission of a fire service installations proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.11.2018;
- (p) in relation to (o) above, the implementation of the fire service installations proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.2.2019;
- (q) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h), (j), (k), (l) or (m) 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;
- (r) if any of the above planning conditions (i), (n), (o) or (p) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (s) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 37

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/66 Proposed Temporary Open Storage of Construction Materials and
Logistics Centre for a Period of 3 Years in “Open Space” Zone, Lot
766 (Part) in D.D. 125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/HSK/66)

Presentation and Question Sessions

139. 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) proposed temporary open storage of construction materials and logistics centre for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential use in the vicinity and environmental nuisance was expected. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory public inspection period, no public comment was received; 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

development was not in line with the planning intention of the “O” zone, the implementation programme for this part of NDA was still being formulated, approval of the application on a temporary basis of 3 years would not jeopardize the long-term development of the Site. The applied uses were not incompatible with the surrounding uses which were predominately occupied for open storage yards and logistics centres. The proposed development was generally in line with the TPB PG-No. 13E in that the Site fell within Category 1 area which were considered suitable for open storage and port back-up uses. There was no adverse comment on the application from concerned Government departments, except DEP, and the technical concerns of Government departments including DEP could be addressed through the implementation of approval conditions. The Committee had approved 4 previous applications for similar uses covering the Site and 3 similar applications in the same “O” zone.

140. A Member enquired about the concern of Leisure and Cultural Services Department (LCSD) over the archaeology at the Site. In response, Mr Vincent T.K. Lai, STP/TMYLW, said that LCSD and the Antiquities and Monuments Office (AMO) had no in-principle objection to the application, but considered that proper measures should be undertaken by the applicant if there was any ground excavation, including that for landscape planting and drainage facilities, at the Site. An approval condition and relevant advisory clauses were added to address the concerns of LCSD and AMO.

Deliberation Session

141. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.5.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 8:00 p.m. to 8:00 a.m., as proposed by the applicant, is allowed on the Site during the 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, and workshop activity, as proposed by the applicant, is allowed on the Site at any time during the planning approval period;
- (d) the stacking height of the materials stored within 5m of the periphery of the site shall not exceed the height of the boundary fence at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from the public roads at any time during the planning approval period;
- (f) no ground excavation works, including that for landscape planting and drainage facilities, shall be carried out on-site without prior written consent from the Antiquities and Monuments Office of the Leisure and Cultural Services Department during the planning approval period;
- (g) the existing fencing on Site shall be maintained at all times during the approval period;
- (h) the landscape planting on the Site shall be maintained at all time during the planning approval period;
- (i) the existing drainage facilities on Site shall be maintained at all times during the approval period;
- (j) the submission of the condition record of the existing drainage facilities on Site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.8.2018;
- (k) the provision of the fire extinguisher(s) and the submission of a valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.6.2018;

- (l) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 18.11.2018;
- (m) in relation to (l) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 18.2.2019;
- (n) if any of the above planning conditions (a), (b), (c), (d) (e), (f), (g), (h) or (i) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (o) if any of the above planning conditions (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 application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 38

Section 16 Application

[Open Meeting]

A/YL-HTF/1089 Proposed Temporary Plastic Bottle Recycling Centre with Workshop and Ancillary Office for a Period of 3 Years in “Agriculture” and “Residential (Group D)” Zones, Lots 130 (Part), 131, 132 (Part), 260 (Part), 261, 262, 263, 264 and 268 in D.D.128 and Adjoining Government Land, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-HTF/1089)

143. The Committee noted that the applicant requested on 3.5.2018 deferment of the consideration of the application for two months so as to allow time for preparation of further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

Agenda Item 39

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/313 Proposed Public Utility Installation (Package Substation) and
Excavation of Land (1.8m) in “Village Type Development” Zone,
Government Land in D.D. 129, San Hing Tsuen, Yuen Long
(RNTPC Paper No. A/YL-LFS/313)

145. The Secretary reported that the application was submitted by CLP Power Hong Kong Ltd, which was a subsidiary of CLP Holdings Ltd (CLP). The following Member has declared an interest on this item:

Dr Jeanne C.Y. Ng - being the Director – Group Sustainability of CLP Power Hong Kong Ltd;

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

Mr K.K. Cheung - his firm having past business dealings with CLP.

146. The Committee noted that Dr Jeanne C.Y. Ng and Mr K.K. Cheung had tendered apologies for being unable to attend the meeting. As Mr Stephen L.H. Liu had no involvement in this application, the Committee agreed that he could stay in the meeting.

Presentation and Question Sessions

147. 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) proposed public utility installation (package substation) and excavation of land (1.8m);

(c) departmental comments – departmental comments were set out in

paragraph 8 of the Paper. Concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory public inspection period, no public comment was received; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessments set out in paragraph 10 of the Paper. The proposed development was considered not in conflict with the planning intention of the “Village Type Development” (“V”) zone, and it was not incompatible with the surrounding uses prising mainly small houses or vehicle park. The proposed development could provide electricity supply to serve the village and enhance the reliabillity of the electricity supply system. No objection or adverse comments were received from concerned departments. The Committee had approved 2 similar applications (Nos. A/YL-LFS/241 and A/YL-LFS/298) for public utility installation within the same “V” zone. Approval of the current application was in line with the Committee's previous decision.

148. Members had no question on the application.

Deliberation Session

149. 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 18.5.2022, 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 condition:

“the submission and implementation of fire service installations proposal to the satisfaction of the Director of Fire Services or of the TPB.”

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

Agenda Item 40

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTYYY/350 Renewal of Planning Approval for Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Village Type Development” Zone, Lot 3674 RP in D.D. 124, Sun Fung Wai, Tuen Mun
(RNTPC Paper No. A/TM-LTYYY/350)

Presentation and Question Sessions

151. 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) renewal of planning approval for temporary shop and services (real estate agency) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory public inspection period, no public comment was received; 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 development was not entirely in line with the planning intention of the “Village Type Development” (“V”) zone, according to the District Lands Officer/Tuen Mun, Lands Department, there were no Small House application approved

or under processing at the Site. The proposed development could also serve any demand for real estate agency services in the area. The proposed development for real estate agency was considered not incompatible with the surrounding land uses. The application was generally in line with TPB PG-No. 34B in that there was no material change in planning circumstances since the previous temporary approval was granted. Adverse planning implications arising from the renewal of the planning approval were not envisaged and all conditions under previous approval had been complied with. The approval period sought was the same as that of the previous approval. The Committee had approved one previous application for the same use at the Site and six other similar applications within the same “V” zone. Approval of the current application was in line with the previous decisions of the Committee.

152. Members had no question on the application.

Deliberation Session

153. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 6.6.2018 until 5.6.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 7:30 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 vehicle is allowed to enter or be parked/stored on the Site at any time during the planning approval period;
- (d) the submission of condition record of implemented drainage facilities within 3 months from the date of commencement of the renewed planning

approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.9.2018;

- (e) the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (f) 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 6.12.2018;
- (g) in relation to (f) above, the implementation of the fire service installations proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.3.2019;
- (h) if any of the above planning conditions (a), (b), (c) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (i) if any of the above planning conditions (d), (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; and
- (j) 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.”

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

[The Chairman returned to the meeting and took over the chairmanship at this point.]

Agenda Item 41

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PN/53 Proposed Temporary Place of Recreation, Sports or Culture (Fishing Ground) for a Period of 3 Years in “Coastal Protection Area” Zone, Lots 11 (Part), 14 (Part) and 15 in D.D. 135 and Adjoining Government Land, Sheung Pak Nai, Yuen Long
(RNTPC Paper No. A/YL-PN/53)

Presentation and Question Sessions

155. 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) proposed temporary place of recreation, sports or culture (fishing ground) 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) had doubt as to whether the proposed development could meet the planning intention of “Coastal Protection Area” (“CPA”) zone, and was concerned there might be potential impacts/disturbance to these habitats and the activities of the adjacent pond, from both ecological and fisheries point of view. Director of Environmental Protection (DEP) did not support this application as the applicant failed to satisfactorily demonstrate that the wastewater and sewage arising from the proposed fishing ground would not result in potential adverse water quality impact and the proposed excavation works and handling of the excavated materials would not lead to adverse environmental impacts. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory public inspection period, four objecting public comments were received from WWF-Hong Kong, the Kadoorie Farm & Botanic Garden Corporation, the Designing Hong Kong and an individual. Major views 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 considered not in line with the planning intention of the “CPA” zone. There was no strong planning justification for a departure from the planning intention, even on a temporary basis. The proposed development was not entirely incompatible with the surrounding uses which were predominantly fishponds, vacant/unused land, fallow/cultivated agricultural land and residential dwellings. DEP did not support the application as the applicant failed to satisfactorily demonstrate that the wastewater and sewage arising from the proposed fishing ground would not result in potential adverse water quality impact and the proposed excavation works and handling of the excavated materials would not lead to adverse environmental impacts. DAFC also did not support the application as he was concerned about the potential impacts/disturbance to the habitats and the activities of the adjacent pond, from both ecological and fisheries point of views. The current application was different in nature from the similar approved applications and there was insufficient information in the subject application to demonstrate no adverse environmental impacts to the surrounding areas from the construction and operation of the fish pond. Regarding the public comments received, the comments of government departments and planning assessments above were relevant.

156. Members had no question on the application.

Deliberation Session

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

were:

- “(a) the “Coastal Protection Area” (“CPA”) zoning is intended to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. There is a general presumption against development in this zone. The proposed development is not in line with the planning intention of the “CPA” zone. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis; and
- (b) the applicant fails to demonstrate that the proposed development would not generate adverse environmental impacts on the surrounding areas.”

Agenda Item 42

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/427 Renewal of Planning Approval for Temporary “Private Swimming Pool” for a Period of 3 Years in “Village Type Development” Zone, Lots 3314 S.A and 3314 RP in D.D. 120, Sham Chung Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TT/427)

Presentation and Question Sessions

158. 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) Renewal of Planning Approval for Temporary “Private Swimming Pool”

for a Period of 3 Years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received. Major views were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a further period of three years based on the assessments set out in paragraph 12 of the Paper. Although the proposed use was not in line with the planning intention of “Village Type Development” (“V”) zone, District Lands Officer/ Yuen Long, Lands Department (DLO/YL, LandsD) advised that there was no Small House application received or under processing within the Site and within 30m from the Site, approval of the application on a temporary basis would not frustrate the long-term planning intention of the area. The development was considered not incompatible with the surrounding land uses which were predominately occupied by village type residential development. Concerned Government departments had no adverse comment on the application and concerns and technical requirements from government departments could be addressed through implementation of approval conditions. The application was generally in line with TPB PG-No. 34B that there had been no material change in planning circumstances since the granting of the previous approval under Application No. A/YL-TT/351, and approval of the subject application was in line with the Committee’s previous decisions.

159. In response to a Member’s question, Mr Alan Y.L. Au, STP/YLW, elaborated the situation in Tin Liu Tsuen that there were not many applications for New Territories Exempted Houses (Small Houses) outside the “V” zone in the area and there should be sufficient land within the “V” zone to meet the future demand for Small Houses.

Deliberation Session

160. A Member had reservation in approving the application as there had already been seven previous approvals regarding the same temporary “Private Swimming Pool” use, and such temporary use had existed for over 21 years. He considered that approval of such use might not be well justified in view of land within “V” zone was to meet the demand for Small House development.

161. In response to another Member’s question, the Chairman expressed that since the application site was a private lot, it was the land owner’s decision on whether the land would be used meeting the demand for Small Houses in the area. He pointed out that a more cautious approach should be adopted for consideration of the applied uses on Government land. In this application, given that the Site was a private lot and there was no keen competition of land for Small House development within the “V” zone, an approval that was temporary in nature would not frustrate the planning intention of the “V” zone. Since the approval was temporary in nature, the Committee could closely monitor the situation taking into account the latest development in the area when granting future approvals. The Secretary also supplemented that similar applications for temporary private swimming pools within “V” zones were quite common in other rural areas such as Sai Kung as there was no provision for application for permanent private swimming pool under the Notes for “V” zone.

162. Another Member considered that the application for temporary approval was technical in nature given that there was no provision under the OZP to grant a permanent approval to the proposed use on this piece of private land. Since there was no great demand for Small Houses in the area, the balance of interests in granting a temporary approval would not be upset. The Member concurred with the remarks made by the Chairman that considerations for similar applications on Government land would adopt a more cautious approach.

163. Some Members raised the following questions:

- (a) whether all planning permission for temporary uses involving private land would be permitted;
- (b) whether planning permission would still be required if no permanent structure

was involved;

- (c) whether “failure in utilizing land resources” could be considered as a reason for rejecting the application; and
- (d) the required procedures for developing a permanent swimming pool.

164. In response, the Chairman made the following points:

- (a) while development right of individual owners of private lots should be respected, applications for temporary uses under the current mechanism would be considered on its individual merits. The Committee had to consider the implications brought by the proposed temporary developments on various aspects so as to ensure such proposed development would not frustrate the long term planning intention of the area or adversely affect the surrounding area. Planning permission was required for construction of any structures and carrying out of works for those uses which were not always permitted;
- (b) should the application be rejected, given the Site was under private ownership and there was no strong demand for land for Small House development, as well as the fact that there were many similar approvals granted for similar temporary uses, “failure of utilizing land resources” might not be a well-justified reasons for rejecting the application; and
- (c) there was no provision for application for permanent private swimming pool in “V” zone under s.16 of the Town Planning Ordinance (the Ordinance). The applicant could submit a s.12A application for amendment of the OZP to pursue such development.

165. While the Committee in general had no objection to approving the application, some Members considered that the existing mechanism might not be flexible enough to accommodate such uses as in the subject application. In response, the Chairman suggested the Secretariat to examine if appropriate mechanism could be proposed to accommodate such uses

within “V” zones for the Board’s consideration.

166. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 18.7.2018 to 17.7.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) the existing trees and landscape plantings within the Site shall be maintained at all times during the planning approval period;
- (b) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (c) the submission of a condition 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 18.10.2018;
- (d) if any of the above planning conditions (a) or (b) 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
- (e) if the above planning condition (c) 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.”

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

Agenda Item 43

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/873 Proposed Temporary Shop (Grocery Store) for a Period of 3 Years in “Residential (Group C)” Zone, Lots 1279 S.A (Part), 1298 (Part) and 1301 (Part) in D.D. 119, Pak Sha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/873A)

Presentation and Question Sessions

168. 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) proposed temporary shop (grocery store) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory public inspection period, two objecting public comment were received from members of the public. Major objecting 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. Although the planning intention of the Site was not entirely in line with the planning intention of the “Residential (Group C)” (“R(C)”) zone, it could serve some of the daily needs of the local residents and nearby residential developments as well as the workforce of the warehouses and storage/open storages yards in the vicinity. The proposed development was considered not incompatible

with the surrounding environment which comprised a mix of residential structures/developments, warehouses and storage/open storage yards. Concerned departments had no objection to or adverse comment on the application, and no adverse impacts on traffic, environmental, landscape, drainage, fire safety and environmental hygiene from the proposed development would be expected. Two previous approvals (No. A/YL-TYST/620 and 714) for same grocery store use with/without eating place had been granted to the Site and seven similar applications had been approved in the same “R(C)” zone. Approval of the current application was in line with the Committee’s previous decision. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

Deliberation Session

169. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.5.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 8:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 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;
- (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 existing trees and landscape planting on the Site shall be maintained at all times during the planning approval period;
- (e) the existing drainage facilities on the Site shall be maintained at all times

during the planning approval period;

- (f) the submission of a condition record of the existing drainage facilities within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.8.2018;
- (g) the implementation of the accepted 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 18.11.2018;
- (h) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (i) if any of the above planning conditions (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; and
- (j) 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.”

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

Agenda Item 44

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL/231 Proposed Flat, Shop and Services, Eating Place and Minor Relaxation of Plot Ratio Restriction in “Residential (Group E)1” Zone, 21 Wang Yip Street West, Yuen Long (Yuen Long Town Lot No. 461)
(RNTPC Paper No. A/YL/231C)

Presentation and Question Sessions

171. 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) proposed flat, shop and services, eating place and minor relaxation of plot ratio (PR) restriction;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. Chief Town Planner/ Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) considered that the applicant was unable to substantiate the need of additional 10% of plot ratio (PR) to achieve the design merits and provisions of extra setbacks for pleasant green areas and gathering spaces. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication periods, a total of ten public comments were received. Two supporting views, five objecting views and three comments were received from nearby residents and members of the public. Major views were set out in paragraph 10 of the Paper; and

- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. While the applicant had demonstrated some site constraints and design merits, he was unable to substantiate the need of additional 10% of PR to achieve the setbacks and failed to demonstrate why the additional PR was needed for the provision of ground floor commercial use for better streetscape. Also, enhancing housing stock and flat mix was not a design merit. Building set-backs, road widening and the site constraints as quoted by the applicant were also not directly related to the need for more domestic GFA. It was considered that the applicant had not submitted any strong planning justification for the proposed minor relaxation of PR. On landscape aspect, CTP/UD&L, PlanD considered that planting and soft landscaping opportunity had not been maximised within the development and the overall greening effect to properly create a pleasant pedestrian environment, in particular along Wang Yip Street West, would need to be further explored. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

172. The Vice-chairman enquired the background and justifications for the proposed minor relaxation of PR, whether it was related to the Sustainable Building Design (SBD) Guidelines and whether concerned departments had views regarding the proposed provision of setbacks.

173. Mr Alan Y.L. Au, STP/YLW, responded with the following points:

- (a) according to the information provided by the applicant, the proposed minor relaxation of PR would create additional floor area for the proposed ground floor 'Shop and Services' and 'Eating Place' which would create a more interesting streetscape and add vibrancy to the street life in the area, as well as extra setback for pleasant green areas and gathering spaces;
- (b) the Applicant had not provided information on whether these provisions were proposed in fulfilment of the SBD Guidelines. In accordance with the previous approved application (No. A/YL/191) with a PR of 5, a set of

general building plan (GBP) had been approved. It was considered that it might not be necessary to apply for minor relaxation of PR to meet the requirements of the SBD Guidelines; and

- (c) Transport Department (TD) had no objection to the proposed setbacks. It was noted that the proposed set back at Kwong Yip Street and Leung Yip Street was not required under the OZP or requested by other departments.

Deliberation Session

174. Some Members enquired the background of the previous approved application. The Chairman responded that according to the information stated in the Paper, the previous application (No. A/YL/191) was approved in 2012 with a PR of 5.0. A GBP had subsequently been approved. Hence, the applicant had the right to implement the previous approved scheme even if this application was rejected.

175. A Member expressed that while there were no outstanding technical issues in the application, there were a lack of well-justified grounds and planning merits for Members to offer their support to the proposed minor relaxation of PR.

176. A Member commented that the contribution to increase in housing provision should be acknowledged while he agreed that the grounds for approving the application were not strong.

177. The Vice-chairman remarked that the increase in housing provision should not be taken as a merit for approving the application for minor relaxation of PR, while planning merits should refer to the benefits or improvement brought to the nearby environment as a result of the proposed increase in PR. Another Member considered that the planning merits of this application were considered not proportional to the additional PR sought. Hence, he could not offer his support to the application.

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

“there is no strong planning justification in the submission for minor relaxation of the plot ratio restriction. The approval of such a relaxation would set an undesirable precedent.”

Agenda Item 45

Any Other Business

179. There being no other business, the meeting closed at 5:50 p.m..