

TOWN PLANNING BOARD

Minutes of 549th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 22.1.2016

Present

Director of Planning
Mr K.K. Ling

Chairman

Professor S.C. Wong

Vice-chairman

Professor Eddie C.M. Hui

Dr C.P. Lau

Ms Anita W.T. Ma

Dr W.K. Yau

Mr Ivan C.S. Fu

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Ms Christina M. Lee

Mr H.F. Leung

Mr F.C. Chan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

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

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

Principal Environmental Protection Officer (Strategic Assessment),
Environmental Protection Department
Mr Terence S.W. Tsang

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

Deputy Director of Planning/District
Mr Raymond K.W. Lee

Secretary

Absent with Apologies

Professor K.C. Chau

In Attendance

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

Chief Town Planner/Town Planning Board
Mr Louis K.H. Kau

Town Planner/Town Planning Board
Ms Floria Y.T. Tsang

Agenda Item 1

Confirmation of the Draft Minutes of the 548th RNTPC Meeting held on 8.1.2016

[Open Meeting]

1. The draft minutes of the 548th RNTPC meeting held on 8.1.2016 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

[Mr H.F. Leung and Mr F.C. Chan arrived to join the meeting at this point.]

Sai Kung and Islands District

[Mr William W.T. Wong and Mrs Alice K.F. Mak, Senior Town Planners/Sai Kung and Islands (STPs/SKIs), were invited to the meeting at this point.]

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-CWBN/37 Proposed Public Utility Installation (Pole with Transformer, Pillar Box and Underground Cables), Excavation of Land in “Conservation Area” and “Green Belt” and “Village Type Development” Zones, Government Land in D.D. 238, Ng Fai Tin, Sai Kung, New Territories
(RNTPC Paper No. A/SK-CWBN/37B)

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

Ms Christina M. Lee - being the Secretary-General of the Hong Kong Metropolitan Sports Events Association that had solicited sponsorship from CLP;

Dr W.K. Yau - being Member of the Education Committee and the Energy Resources Education Committee of CLP; and

Mr David Y.T. Lui - owning 2 houses in Clearwater Bay area.

4. The Committee noted that Ms Christina M. Lee and Dr W.K. Yau had not yet arrived at the meeting. As the properties of Mr David Y.T. Lui did not have a direct view of the site, the Committee agreed that he could stay in the meeting.

Presentation and Question Sessions

5. With the aid of a PowerPoint presentation, Mr William W.T. Wong, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed public utility installation (pole with transformer, pillar box and underground cables) and excavation of land;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Relevant government departments consulted 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 18 public comments were received from the World Wide Fund for Nature Hong Kong (WWFHK) and members of the general public. WWFHK suggested that the adverse impacts of the proposed public utility installations to the nearby natural woodlands should be taken into account. Other commenters objected to the application on the grounds of adverse impacts on the natural vegetation, local drainage system, nearby slopes and ‘feng shui’ of the area; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment set out in paragraph 11 of the Paper. The proposed electricity cable and associated structures were essential installation to meet the current and future demand of Ng Fai Tin for the village house development. No tree felling was involved in the proposal. In view of the small scale of the proposed development, no adverse ecological, environmental, geotechnical, drainage, visual and landscape impacts on the surrounding areas were anticipated. Regarding the adverse public comments, the above planning assessments were relevant.

6. Members had no question on the application.

Deliberation Session

7. 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 22.1.2020, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission and implementation of a tree preservation proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) the provision of fire service installations and water supplies for fire-fighting to the satisfaction of the Director of Fire Services or of the TPB.”

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

[Ms Anita W.T. Ma left the meeting temporarily and Mr C.P. Lau arrived to join the meeting at this point]

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-TMT/54 Proposed Public Utility Installation (Sewage Pumping Station) and associated Excavation of Land and Underground Sewers in “Village Type Development” Zone, Government Land in D.D. 258, Wong Chuk Wan, Sai Kung, New Territories
(RNTPC Paper No. A/SK-TMT/54)

9. The Secretary reported that the application was submitted by the Drainage Services Department (DSD). The following Members had declared interests in this item:

- Ms Janice W.M. Lai - having current business dealings with DSD; and
- Professor S.C. Wong - being the Chair Professor and Head of the Department of Civil Engineering of the University of Hong Kong and his colleague had current business dealings with DSD.

10. As the interest of Ms Janice W.M. Lai was direct, the Committee agreed that she should leave the meeting temporarily for this item. As the interest of Professor S.C. Wong was indirect, Members agreed that he could stay in the meeting.

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

Presentation and Question Sessions

11. With the aid of a PowerPoint presentation, Mr William W.T. Wong, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed public utility installation (sewage pumping station);
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Relevant government departments consulted had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments were received from members of the general public. The commenters objected to the application on grounds that the proposed sewage pumping station was too close to the residential houses, which might affect their health; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the

application based on the assessment set out in paragraph 10 of the Paper. The proposed sewage pumping station was an essential facility to alleviate the water pollution problem and bring about environmental improvement to the area. In view of the small scale of the proposed development, no adverse traffic, environmental, geotechnical, visual and landscape impacts on the surroundings were anticipated. As for the public concern that the proposed development was too close to residential houses, DSD had conducted a site search exercise and the site was considered to be the most suitable for the proposed development. The Sai Kung District Council also supported the proposal.

12. Members had no question on the application.

Deliberation Session

13. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 22.1.2020, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission and implementation of a landscape and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the design and provision of run-in and run-out to the satisfaction of the Commissioner for Transport or of the TPB; and
- (c) the provision of fire service installations and water supplies for fire-fighting to the satisfaction of the Director of Fire Services or of the TPB.”

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

[Ms Janice W.M. Lai returned to join the meeting at this point.]

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-TMT/55 Proposed House (New Territories Exempted House - Small House) in
“Government, Institution or Community” and “Village Type
Development” Zones, Lots 157 S.D, 157RP (Part), 161 S.B, 161 S.C
and 161 RP (Part) in D.D 258, Wong Chuk Wan Village, Sai Kung,
New Territories

(RNTPC Paper No. A/SK-TMT/55)

Presentation and Question Sessions

15. With the aid of a PowerPoint presentation, Mr William W.T. Wong, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) the proposed house (New Territories Exempted House – Small House);

- (b) background to the application – the applicant had submitted a section 12A application No. Y/SK-TMT/6 to rezone the site from “Government, Institution or Community” (“G/IC”) zone to “Village Type Development” (“V”) zone. On 4.9.2015, the Committee agreed in-principle to the application and that the Planning Department should alert the applicant that a section 16 application could be submitted to speed up the development process;

- (c) departmental comments – departmental comments were set out in paragraph 11 and Appendix V of the Paper. Relevant government departments consulted had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, one public comment was received from villagers of Wong Chuk Wan, objecting to the

application on grounds of being profit-making and not in line with the planning intention of the “G/IC” zone; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment set out in paragraph 13 of the Paper. The site was no longer required to be reserved for other Government, Institution or Community uses and could be released for other uses compatible with the surroundings. The proposed Small House was compatible with the surrounding area and no adverse impacts on environment, landscape, visual, traffic and drainage aspects were anticipated. Although the application did not meet the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories, it was an exceptional case as part of the proposed Small House was zoned “G/IC” zone which was no longer required for government use. Approval of the application was in line with the Committee’s previous decision on the rezoning application No. Y/SK-TMT/6 and would facilitate the speeding up of the development process. Regarding the adverse public comment, the above planning assessments were relevant.

16. Members had no question on the application.

Deliberation Session

17. 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 22.1.2020, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-SKT/10 Proposed Flat and House in “Residential (Group E)1” Zone and an Area shown as ‘Road’, Lot 1002 in D.D. 215, 6 Hong Ting Road, Sai Kung, New Territories
(RNTPC Paper No. A/SK-SKT/10C)

19. The Secretary reported that Ramboll Environ Hong Kong Limited (Environ) was one of the consultants of the applicant. The following Members had declared interests in this item:

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

20. The Committee noted that Mr Ivan C.S. Fu had not yet arrived at the meeting. As Ms Janice W.M. Lai had no involvement in the application, Members agreed that she could stay in the meeting.

Presentation and Question Sessions

21. With the aid of a PowerPoint presentation, Mr William W.T. Wong, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed flat and house and proposed minor relaxation of plot ratio (PR) (from 2 to 2.13) and site coverage (SC) (from 40% to 42.6%);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Relevant government departments consulted had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the four statutory publication periods, a total of 33 public comments were received. Three public comments from the Chairman of the Sai Kung District Council (SKDC) supported the application in that there was strong public need for private housing. Twenty-three public comments objected to the application were received from members of SKDC, Hong Kong Industrial & Commercial Association Limited Sai Kung Branch and members of the general public on the grounds of the traffic condition in Sai Kung, the noise impacts on surrounding residents during construction stage, problem in road access and provision of parking facilities. The remaining seven public comments received from the Owners' Committee of Lakeside Garden, Designing Hong Kong Limited, Hong Kong and China Gas Co. Ltd. and members of the general public raised their concerns on traffic, tree felling and high pressure pipeline; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment set out in paragraph 11 of the Paper. The proposed development was in line with the planning intention of the "Residential (Group E) 1" zone. The exceedance in PR was considered to be minor in nature and was required only because of the technical reason to exclude the road portion of the lot from PR calculation. The Commissioner for Transport had no objection to the submitted traffic impact assessment. Also, revised sewage impact assessment, quantitative risk assessment and environmental assessment were submitted to demonstrate that adverse impacts on sewerage, drainage, risk and environmental aspects were not anticipated. Relevant government departments consulted had no objection to or no adverse comment on the

application. Regarding the adverse public comments, the above planning assessments were relevant.

22. In response to the Chairman's query, Mr William W.T. Wong, STP/SKI, said that the four existing industrial buildings in close proximity to the site were mainly for office and godown uses and the temporary structures under the "Government, Institution or Community (2)" zone located to the south of the site were for vehicle repairing workshop use.

Deliberation Session

23. 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 22.1.2020, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB;
- (b) the provision of sewerage upgrading works as identified in the sewerage impact assessment to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (d) the submission of land contamination assessment prior to the commencement of any construction/development works to the satisfaction of Director of Environmental Protection or of the TPB.”

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

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TKO/104 Proposed Field Study/Education/Visitor Centre (i.e. Heritage Information Centre) and Holiday Camp in “Green Belt” Zone, Ex-Tiu Keng Leng Police Station and Ex-Police Quarters along Po Lam Road South, Tseung Kwan O, New Territories
(RNTPC Paper No. A/TKO/104)

25. The Secretary reported that the application was submitted by the Home Affairs Department (HAD). LWK Landscape Limited, a subsidiary of LWK & Partners (HK) Limited (LWK), was one of the consultants of the applicant. The following Members had declared interests in this item:

- Mr Martin W.C. Kwan - being the Chief Engineer (Works) of HAD;
- Ms Janice W.M. Lai - having current business dealings with HAD;
- Mr Ivan C.S. Fu - being the director and shareholder of LWK; and
- Dr C.P. Lau - being a member of Tseung Kwan O History and Heritage Information Centre Focus Group.

26. The Committee noted that Mr Ivan C.S. Fu had not yet arrived at the meeting. As the interests of Mr Martin W.C. Kwan, Ms Janice W.M. Lai and Dr C.P. Lau were direct, the Committee agreed that they should leave the meeting temporarily for this item.

[Mr Martin W.C. Kwan, Ms Janice W.M. Lai and Dr C.P. Lau left the meeting temporarily, Mr Lincoln L.H. Huang arrived to join the meeting and Ms Anita W.T. Ma returned to join the meeting at this point]

Presentation and Question Sessions

27. With the aid of a PowerPoint presentation, Mrs Alice K.F. Mak, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed field study/education/visitor centre (i.e. heritage information centre) and holiday camp;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Relevant government departments consulted 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 17 public comments were received. Seven comments received from two members of the Sai Kung District Council (SKDC) and members of the general public supported the application mainly on the grounds that the proposed development would preserve the buildings and provided a long-term venue for preserving the historical information of Tiu Keng Leng. Four comments received from the Chairman of the Po Yin Temple Development Committee, a member of SKDC and members of the general public objected to the application on the grounds that the Po Yin Temple representing the history of Tiu Keng Leng and the Japanese War should continue its operation within the ex-police station building; and the proposed Heritage Information Centre did not represent the full history of Tiu Keng Leng. The remaining six public comments received from a member of SKDC, the Po Yin Temple Concern Group and members of the general public did not indicate whether support or object to the application but raised concerns on lack of infrastructure, insufficient public consultation, responsibility of slope maintenance and demolition of existing buildings; and

[Professor Eddie C.M. Hui arrived to join the meeting at this point.]

- (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. The proposed development was generally in line with the Town Planning Board Guidelines No. 10. The proposed development would be accommodated within the existing buildings through in-situ conversion and no new building would be involved. The scale and intensity of the proposed development with a total plot ratio of 0.152, site coverage of 19.8% and building height of one storey of 3.5m to 6.6m would be compatible with the surrounding areas. No adverse impacts on traffic, sewerage, water supply and drainage aspects were anticipated. Concerned government departments had no adverse comment on nor objection to the application and the technical concerns of the departments could be addressed by approval conditions as recommended. Regarding the concern of Po Yin Temple being displaced to make way for the proposed development, the accommodation of the Temple at the ex-Tiu Keng Leng police station was a temporary arrangement only. Regarding the public concern on the recurrent cost, the applicant indicated that the operation of the proposed development would be financed by the revenue generated by the holiday camp. As for insufficient public consultation, public forums and consultation in Area Committee under SKDC had been conducted. For other public concerns, the planning assessments above were relevant;

28. In response to a Member's enquiry, Mrs Alice K.F. Mak, STP/SKI, said that part of the ex-Tiu Keng Leng police station was occupied by the Po Yin Temple under short term tenancy No. SX2362 as a temporary arrangement for its operation. In July 2014, a Notice of Termination of Tenancy was served on Po Yin Temple. A liaison group comprising representatives of SKDC, the Sai Kung District Office and the Sai Kung District Lands Office, Lands Department was set up to provide assistance to the Temple for its relocation. A number of relocation sites were considered by the Temple, however, no suitable site was identified. On 16.6.2015, the site was returned to the Government. As for the Heritage Hiking Trail, Mrs Mak, with reference to Drawing A-7 of the Paper, said that the Trail would comprise of three sections, namely the Tiu Keng Leng part, the Tseung Kwan O Village part and a section of Duckling Hill Trail. Observation Post at Mau Wu Shan (a grade I built heritage) was located along the Trail as a point of attraction. The proposed Heritage Information Centre would exhibit the development history of Tseung Kwan O, including the

history of Tiu Keng Leng Cottage Area, life of Tiu Keng Leng Village and the development of Tsueng Kwan O New Town.

29. Mr K.C. Siu, Chief Traffic Engineer/New Territories East, Transport Department, said that the last sentence of paragraph 10.1.7 of the Paper should be deleted as the improvement measures proposed by the applicant had been revised as stated in Appendix Ic of the Paper. In particular, the recommendation of extending the services of Green Mini Bus (GMB) No. 13 to the site would be subject to further review.

30. In response to the Chairman's query, Mrs Mak said that the general public could access the site by taking public transport (i.e. GMB) from Po Lam or Kwun Tong MTR stations to Haven of Hope Hospital and then by a 10 - 15 minute walk along Po Lam South Road. The proposed relocation of the GMB terminus to the site as recommended by the applicant would be subject to further review.

Deliberation Session

31. 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 22.1.2020, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission and implementation of a landscape proposal including tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB;
- (c) the submission of stability assessment for the Features No. 11NE-D/FR118 and 11NE-D/FR438 and implementation of slope upgrading works, if any, to the satisfaction of the Director of Civil Engineering and Development or of the TPB;

- (d) the submission of the Natural Terrain Hazard Study and implementation of mitigation measure(s), if any, to the satisfaction of the Director of Civil Engineering and Development or of the TPB; and
- (e) the implementation of traffic improvement measures at Po Lam Road South as proposed by the applicant to the satisfaction of the Commissioner for Transport or of the TPB.”

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

[The Chairman thanked Mr William W.T. Wong and Mrs Alice K.F. Mak, STPs/SKIs, for their attendance to answer Members’ enquiries. They left the meeting and Mr Martin W.C. Kwan, Ms Janice W.M. Lai and Dr C.P. Lau returned to join the meeting at this point]

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

Sha Tin, Tai Po and North District

Agenda Item 8

Section 16 Application

[Open Meeting]

A/DPA/NE-TT/79 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 907 RP, 908 S.C, 909 S.D & 919 S.A ss.1 in D.D. 289, Uk Tau, Tai Po, New Territories
(RNTPC Paper No. A/DPA/NE-TT/79)

33. The Committee noted that the applicant requested on 13.1.2016 for deferment of the consideration of the application for two months to allow time for preparation of further

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

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

Agenda Item 9

Section 16 Application

[Open Meeting]

A/NE-LT/561 Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years in "Agriculture" Zone and in an Area shown as 'Road', Lot 1000 S.B RP in D.D. 8 and Adjoining Government Land, Ping Long, Tai Po, New Territories
(RNTPC Paper No. A/NE-LT/561)

35. The Committee noted that the applicant requested on 13.1.2016 for deferment of the consideration of the applications for two months to allow time for preparation of further information to address the comments of government departments. It was the first time that the applicant requested for deferment of the application.

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

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

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/562 Proposed House (New Territories Exempted House - Small House) in
"Agriculture" Zone, Lot 864 S.B ss. 2 S.B in D.D. 8, Lam Tsuen, Tai
Po, New Territories
(RNTPC Paper No. A/NE-LT/562)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. Both the District Lands Officer/Tai Po, Lands Department (LandsD) and the Chief Engineer/Construction, Water Supplies Department (WSD) objected to the application as less than 50% of the proposed Small House footprint fell within the village 'environs' ('VE') and the site was located within upper indirect water gathering ground (WGG). The Director of Environmental Protection (DEP) did not support the application as the proposed septic

tank/ soakaway system for wastewater treatment was not in line with the Hong Kong Planning Standards and Guidelines and should be avoided for development within WGG. The Commissioner for Transport (C for T) considered that such type of development should be confined within the “Village Type Development” (“V”) zone. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, two public comments were received from the Hong Kong Bird Watching Society and a member of the general public. The commenters objected to the application mainly on the grounds of being not in line with the planning intention of the “Agriculture” (“AGR”) zone and having adverse environmental and ecological impacts; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment set out in paragraph 11 of the Paper. The proposed Small House development was not in line with the planning intention of the “AGR” zone. It was also considered not in line with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House Development in the New Territories in that the footprint of the proposed Small House fell entirely outside “V” zone and the ‘VE’, and there was no general shortage of land in the “V” zone to meet the future Small House demand in Ping Long and Tai Om. LandsD, WSD and DEP objected to the application. Regarding the adverse public comments, the assessments above were relevant.

38. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the

“Agriculture” zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention;

- (b) the proposed development does not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in the New Territories (the Interim Criteria) in that more than 50% of the footprint of the proposed Small House falls outside the “Village Type Development” (“V”) zone and the village ‘environs’ of Ping Long and Tai Om and there is no general shortage of land in meeting the demand for Small House development in the “V” zone;
- (c) the proposed development does not comply with the Interim Criteria in that the applicant fails to demonstrate that the proposed development located within Water Gathering Ground would not cause adverse impact on the water quality in the area; and
- (d) land is still available within the “V” zone of Ping Long and Tai Om which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for more orderly development pattern, efficient use of land and provision of infrastructure and services.”

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/563 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lots 1256 S.A ss.1 and 1256 S.B in D.D. 19, Lam
Tsuen San Tsuen, Tai Po, New Territories
(RNTPC Paper No. A/NE-LT/563)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House - 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 had high potential for rehabilitation of agricultural activities. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservation as there were trees within the site in conflict with the proposed Small House. The Commissioner for Transport (C for T) considered that such type of development should be confined within the “Village Type Development” (“V”) zone. The Director of Environmental Protection (DEP) did not support the application as the proposed septic tank/ soakaway system for wastewater treatment was not in line with the Hong Kong Planning Standards and Guidelines and should be avoided for development within water gathering ground (WGG). Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received, objecting to the application mainly on the grounds that the proposed development was not in line with the planning intention of the “Agriculture”(“AGR”) zone and would set an undesirable precedent; and
- (e) PlanD’s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. The proposed Small

House development was not in line with the planning intention of the “AGR” zone. The proposed Small House development was considered not in line with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House Development in the New Territories in that there was no general shortage of land in the “V” zone to meet the future Small House demand in Lam Tsuen San Tsuen. Both DAFC and DEP did not support application. Regarding the adverse public comment, the assessments above were relevant.

41. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) the proposed development does not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in the New Territories (the Interim Criteria) in that there is no general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone;
- (c) the proposed development does not comply with the Interim Criteria in that the applicant fails to demonstrate that the proposed development located within Water Gathering Ground would not cause adverse impact on the water quality in the area; and

- (d) land is available within the “V” zone of Lam Tsuen San Tsuen which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.”

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/595 Proposed 2 Houses (New Territories Exempted House - Small House) and Minor Relaxation of Building Height Restriction from 1 storey to 3 storeys and Plot Ratio from 0.64 to 1.536 in “Comprehensive Development Area (1)” Zone, Lots 636 S.C ss.1 and 636 S.C ss.2 in D.D. 11, Fung Yuen, Tai Po, New Territories
(RNTPC Paper No. A/TP/595)

43. The Secretary reported that Dr W.K. Yau had declared an interest in this item as he owned a flat and a shop at Kwong Fuk Road, a house and three pieces of land at Cheung Shue Tan. The Committee noted that Dr Yau had not yet arrived at the meeting.

Presentation and Question Sessions

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

- (a) background to the application;

[Ms Christina M. Lee and Dr. W.K. Yau arrived to join the meeting at this point.]

- (b) the proposed two houses (New Territories Exempted House - Small House) and minor relaxation of building height restriction from 1 storey to 3 storeys and plot ratio from 0.64 to 1.536;

- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Commissioner for Transport (C for T) had reservation on the application and considered that such type of development should be confined within the “Village Type Development” (“V”) zone. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The proposed development did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House Development in the New Territories (Interim Criteria) in that there was no general shortage of land in meeting outstanding Small House applications and future Small House demand in Fung Yuen. Although, there were 11 similar applications within the same “Comprehensive Development Area (1)” (“CDA(1)”) zone approved by the Committee, they complied with the Interim Criteria mainly in that there was a general shortage of land within the “V” zone for Small House development at the time of consideration or under special circumstances.

45. In response to the Chairman’s query, Mr C.T. Lau, STP/STN, said that the site was previously zoned “Green Belt” before it was rezoned to the current “CDA(1)” zone.

Deliberation Session

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

- “(a) the proposed Small House developments do not comply with the Interim Criteria for consideration of application for New Territories Exempted

House/Small House development in the New Territories in that there is no general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone; and

- (b) land is still available within the “V” zone of Fung Yuen for Small House development. It is considered more appropriate to concentrate the proposed Small House developments within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.”

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/596 Temporary Place of Recreation, Sports or Culture (Dance and Fitness Centre) for a Period of 3 Years in “Other Specified Uses” annotated “Business” Zone, Portion of Room A, 13/F, Block 1, Tai Ping Industrial Centre, No. 57 Ting Kok Road, Tai Po, New Territories
(RNTPC Paper No. A/TP/596)

47. The Secretary reported that Dr W.K. Yau had declared an interest in this item as he owned a flat and a shop at Kwong Fuk Road, a house and three pieces of land at Cheung Shue Tan. As Dr Yau’s properties did not have direct view on the site, the Committee agreed that he could stay in the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary place of recreation, sports or culture (dance and fitness

Centre);

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Fire Services (D of FS) did not support the application as the proposed use was considered incompatible with the existing industrial uses in the building and the fire risks associated with the public’s unfamiliarity with the situation of the industrial buildings in case of emergency. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received, expressing concern about the applied use as it would pose safety hazard to visitors; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. The applied use was considered not compatible with the existing uses in the industrial building which were predominantly industrial in nature. It was not in line with the Town Planning Board Planning Guidelines No. 22D in that the applicant failed to satisfy Fire Services Department’s concern. Regarding the adverse public comment, the assessments above were relevant.

49. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development is not compatible with the existing uses in the subject industrial building which is predominantly industrial in character;
- (b) the proposed development does not comply with the Town Planning Board

Planning Guidelines No. 22D in that the applied use is considered unacceptable from fire safety point of view; and

- (c) the approval of the application would set an undesirable precedent for other similar applications within industrial buildings which are unacceptable from the fire safety point of view.”

Agenda Items 14 and 15

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/584 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 1759 S.B in D.D. 76, Ma Mei Ha Leng Tsui,
Fanling, New Territories
(RNTPC Paper No. A/NE-LYT/584 and 585)

A/NE-LYT/585 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 1759 S.C in D.D. 76, Ma Mei Ha Leng Tsui,
Fanling, New Territories
(RNTPC Paper No. A/NE-LYT/584 and 585)

51. The Secretary reported that the two section 16 applications were similar in nature and the sites were located in close proximity to each other and within the same “Agriculture” (“AGR”) zone, the Committee agreed that the applications should be considered together.

Presentation and Question Sessions

52. The Committee noted that three replacement pages (i.e. page 7 of the Paper and pages 1 and 4 in Appendix IV) had been tabled at the meeting. Mr Wallace W.K. Tang, STP/STN, presented the applications and covered the following aspects as detailed in the Paper :

- (a) background to the applications;

- (b) the proposed house (New Territories Exempted House - Small House) at each of the 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 did not support the application as the sites had potential for rehabilitation of agricultural activities. The Commissioner for Transport (C for T) had reservation on the applications and considered that such type of developments should be confined within the “Village Type Development” (“V”) zone. Notwithstanding, the construction of two Small Houses could be tolerated. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on application No. A/NE-LYT/584 as the proposed Small House development was close to a watercourse and no information was provided to demonstrate no adverse landscape impact. Other concerned government departments had no objection to or no adverse comment on the applications;

- (d) during the first three weeks of the statutory publication period, three public comments were received from a North District Council (NDC) member, the Chairman of Fanling District Rural Committee (FRDC) and a member of the general public. The NDC member supported, whereas the Chairman of FRDC indicated no comment on both applications. The remaining commenter objected to the applications mainly on grounds of being not in line with the planning intention of the “AGR” zone, no strong planning justification provided, and cumulative impacts on the surrounding environment. The District Officer (North) conveyed that the Resident Representative of Leng Tsui had no comment on the applications provided that the drainage works of the proposed Small House would be carried out properly; and

- (e) PlanD’s views – PlanD had no objection to the applications on the assessment set out in paragraph 11 of the Paper. Although the applications were not in line with the planning intention of the “AGR” zone,

there were approved Small House applications at different stage of development in the vicinity of the sites. The proposed Small Houses were not incompatible with the rural character of the area. For planning application No. A/NE-LYT/584, in view of the small scale of the proposed development, it would unlikely cause major pollution to the area. The applicant of the said planning application would be reminded to follow the requirements stipulated in Environmental Protection Department's Professional Persons Environmental Consultative Committee Practice Notes 5/93 on the design and construction of the septic tank and soakaway pit system and to strictly confine the construction works within the site and implement good practices and other appropriate measures to avoid disturbance to the watercourse. Both applications generally met the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House Development in the New Territories in that more than 50% of the footprint of each of the proposed Small Houses fell within the village 'environs' ('VE') of Ma Mei Ha Leng Tsui and Leng Pei Tsuen village cluster and land available within the "V" zone was insufficient to meet the outstanding Small House applications and the future Small House demand. Also, given that 51 similar applications in the vicinity of the sites were approved by the Committee between 2003 and 2015, approval of the applications would be in line with the Committee's previous decisions. Regarding the adverse public comment, the planning assessments above were relevant.

53. Members had no question on the applications.

Deliberation Session

54. 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 22.1.2020, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. Each of the permissions was subject to the following conditions :

Application No. A/NE-LYT/584

- “(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 tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the TPB.”

Application No. A/NE-LYT/585

- “(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.”

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

Agenda Item 16

Section 16 Application

[Open Meeting]

A/NE-LYT/586 Temporary Public Vehicle Park (Private Cars, Light Goods Vehicles and Medium Goods Vehicles) for a Period of 3 Years in “Agriculture” Zone, Lots 1445 S.B RP(Part), 1489, 1490(Part), 1492(Part) and 1494 in D.D.76 and Adjoining Government Land, Ng Uk Tsuen, Sha Tau Kok Road, Fanling, New Territories
(RNTPC Paper No. A/NE-LYT/586)

56. The Committee noted that the applicant requested on 4.1.2016 for deferment of the consideration of the application for two months to allow time for preparation of further information to address the comments of the Transport Department. It was the first time that the applicant requested for deferment of the application.

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

[Ms Anita W.T. Ma left the meeting temporarily at this point.]

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-MUP/120 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lots 50 S.D RP and 50 S.E ss.1 in D.D. 46, Tai
Tong Wu Village, Sha Tau Kok, New Territories
(RNTPC Paper No. A/NE-MUP/120)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation did not support the application as access and water source were available in the vicinity and the site can be used for plant nursery and green house. The Commissioner for Transport had reservation on the application and considered that such type of developments should be confined within the “Village Type Development” (“V”) zone. Notwithstanding, the construction of one Small House could be tolerated. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments were received from a North District Council (NDC) member and a member of the general public. The NDC member supported the application as it would bring convenience to the villager, whereas another commenter objected to the application on grounds of being not in line with

the planning intention of the “Agriculture” (“AGR”) zone, no strong planning justification provided, and setting undesirable precedent. The District Officer (North) conveyed that the Chairman of the Sha Tau Kok District Rural Committee, the incumbent NDC member, and the Indigenous Inhabitant Representative and Resident Representative of Tai Tong Wu Village had no comment on the application; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application on the assessment set out in paragraph 11 of the Paper. Although the application was not in line with the planning intention of the “AGR” zone, there were approved Small House applications at different stage of development in the vicinity of the site. The proposed Small House was not incompatible with the rural character of the area. The application generally met the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House Development in the New Territories in that more than 50% of the footprint of the proposed Small House fell within the village ‘environs’ (‘VE’) of Tai Tong Wu Village and land with the “V” zone was insufficient to meet the future Small House demand. Also, given that 13 similar applications within the same “AGR” zone were approved by the Committee between 2002 and 2015, approval of the application would be in line with the Committee’s previous decisions. Regarding the adverse public comment, the planning assessments above were relevant.

59. In response to a Member’s question, Mr Wallace W.K. Tang, STP/STN, said that while there were trees within the site, they were common tree species. The Chief Town Planner/Urban Design and Landscape, PlanD had recommended to impose an approval condition on the submission and implementation of tree preservation and landscape proposals so as to ensure that the applicant would explore the possibility of tree preservation or transplanting of the affected trees at the detailed design stage.

Deliberation Session

60. 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 22.1.2020, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

Agenda Items 18 and 19

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-PK/76 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lots 1545 S.C and 1546 S.C in D.D.91, Kai Leng, North District, New Territories
(RNTPC Paper No. A/NE-PK/76 and 77)

A/NE-PK/77 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, North District, New Territories
(RNTPC Paper No. A/NE-PK/76 and 77)

62. The Secretary reported that the two section 16 applications were similar in nature and the sites were located in close proximity to each other and within the same “Agriculture” (“AGR”) zone, the Committee agreed that the applications should be considered together.

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House - Small House) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. The Director of Agriculture, Fisheries and Conservation did not support the applications as the sites possessed potential for agriculture rehabilitation. The Commissioner for Transport (C for T) had reservation on the applications and considered that such type of developments should be confined within the “Village Type Development” (“V”) zone. Notwithstanding, the construction of two Small Houses could be tolerated. Other concerned government departments had no objection to or no adverse comment on the applications;

[Ms Anita W.T. Ma returned to join the meeting at this point.]

- (d) during the first three weeks of the statutory publication period, four public comments were received from Designing Hong Kong Limited (DHKL) and members of the general public. One commenter supported the applications as they could provide convenience to the villagers. One commenter objected to the two applications in that village land should be reserved for indigenous villagers of their own clan. The other two commenters, including DHKL, objected to the applications mainly on the grounds that the proposed developments were incompatible with the “AGR” zone, no technical assessments was submitted, the applications were not to meet the housing need of the applicants and setting of

undesirable precedents. The District Officer (North) conveyed that the incumbent North District Council member, Indigenous Inhabitant Representative and Resident Representative of Kai Leng supported the applications, while the Chairman of the Sheung Shui District Rural Committee had no comment; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications on the assessment set out in paragraph 11 of the Paper. Although the applications were not in line with the planning intention of the “AGR” zone, there were approved Small House applications at different stage of development in the vicinity of the sites. The proposed Small Houses were not incompatible with the rural character of the area. The applications generally met the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House Development in the New Territories in that more than 50% of the footprint of each of the proposed Small Houses fell within the village ‘environs’ (‘VE’) of Kai Leng and land available within the “V” zone was insufficient to meet the outstanding Small House applications and the future Small House demand. Also, given that 52 similar applications in the vicinity of the sites were approved by the Committee between 2001 and 2016, approval of the applications would be in line with the Committee’s previous decisions. Regarding the adverse public comments, the planning assessments above were relevant.

64. Members had no question on the applications.

Deliberation Session

65. 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 22.1.2020, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. 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.”

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

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

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/527 Temporary Warehouse for Storage of Metal Parts with Ancillary
Parking of Vehicles for a Period of 3 Years in “Agriculture” and “Open
Storage” Zones, Lots 2102 and 2103 (Part) in D.D. 76, Ping Che, New
Territories
(RNTPC Paper No. A/NE-TKL/527A)

Presentation and Question Sessions

67. The Committee noted that two replacement pages (i.e. page 4 of the Paper and page 1 in Appendix IV) had been tabled at the meeting. Mr Wallace W.K. Tang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary warehouse for storage of metal parts with ancillary parking of vehicles for a period of 3 years;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were domestic structures in the vicinity of the site. The Director of Agricultural, Fisheries and Conservation (DAFC) had reservation on the application as part of the site zoned “Agriculture” (“AGR”) would be used for parking or loading/unloading purposes. Other concerned government 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 public comments were received from a North District Council (NDC) member, the Chairman of the Fanling District Rural Committee (FDRC), Designing Hong Kong Limited (DHKL) and a member of the general public. The Chairman of FDRC stated he had no comment on the application, while the NDC member had some reservation on the application in view of the proximity of the site to existing domestic structures and to Tan Shan River (River Jhelum). DHKL and an individual objected to the application mainly for reasons of being not in line with the planning intention of the “AGR” zone, degradation to the rural environment, incompatible with the surrounding rural land uses, sufficient supply of land for open storage use, and setting undesirable precedents for similar applications. The District Officer (North) conveyed that the incumbent NDC member (cum one of the four Managers of Fanling Hung Shing Temple) and the other two Managers had no comment on the application; and

- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessment set out in paragraph 11 of the Paper. The site fell largely within the “Open Storage” zone (about 84.1%) and the remaining portion within “AGR” zone (about 15.9%). Although the applied use was not in line with the planning intention of the “AGR” zone, the site was located in an area comprising mainly open storage yards and logistics centre. The

development was generally considered not incompatible with the surrounding environment and adverse traffic, drainage and landscape impacts arising from the development were not anticipated. There was one substantiated environmental complaint received in 2014 and DEP did not support the application. However, the environmental complaint had already been resolved and the activities within the site would mainly be carried out inside the enclosed warehouse structures. To address DEP's concerns on possible environmental nuisance generated by the temporary use, approval conditions restricting the operation hours and days and prohibiting vehicle repairing, dismantling or workshop activities were recommended. As for DAFC's concern on the proximity of the site to Tan Shan River (River Jhelum), the applicant had proposed to add a landscaped buffer at the southwestern portion of the site to avoid causing pollution to the river nearby. The applicant would also be advised of the need to adopt precautionary measures to avoid any disturbance and pollution to the watercourse. Regarding the adverse public comments, the planning assessments above were relevant.

68. Members had no question on the application.

Deliberation Session

69. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.1.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 7:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no vehicle repairing, dismantling or other workshop activities is allowed on the site at any time during the planning approval period;

- (d) the maintenance of the existing boundary fencing on the site at all times during the planning approval period;
- (e) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.7.2016;
- (f) in relation to (e) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.10.2016;
- (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 22.7.2016;
- (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 22.10.2016;
- (i) the submission of proposals for water supplies for fire-fighting 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 22.7.2016;
- (j) in relation to (i) above, the provision of water supplies for fire-fighting 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 22.10.2016;
- (k) 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

- (l) if any of the above planning conditions (e), (f), (g), (h), (i) or (j) 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.”

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

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/535 Renewal of Planning Approval for Temporary Warehouse (for Storage of Tools Related to the Engineering Works of Overhead Cables) and Dog Kennel for a Period of 3 Years in “Open Storage” Zone and an Area shown as ‘Road’, Lots 2197 S.A (Part) and 2195 RP (Part) in D.D.76 and Adjoining Government Land, Kwan Tei North Village, Fanling, New Territories
(RNTPC Paper No. A/NE-TKL/535)

Presentation and Question Sessions

71. The Committee noted that two replacement pages (i.e. page 5 of the Paper and page 1 in Appendix IV) had been tabled at the meeting. Mr Wallace W.K. Tang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the renewal of planning approval for temporary warehouse (for storage of tools related to the engineering works of overhead cables) and dog kennel under previous planning application No. A/NE-TKL/417 for a period of 3 years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were domestic structures in the vicinity of the site. Other concerned government 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 North District Council (NDC) member and the Chairman of the Fanling District Rural Committee. Both commenters indicated no comment on the application. The District Officer (North) conveyed that one Indigenous Inhabitant Representative (IIR) of Kwan Tei had no comment on the application but reminded that the applicant should pay particular attention to avoid polluting the environment and the road safety aspect. The incumbent NDC member and other IIR and Resident Representative of Kwan Tei, and 新界粉嶺軍地北村福利會理事長 had no comment on the application; and

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

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of three years based on the assessment set out in paragraph 12 of the Paper. The application generally complied with the Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34B) in that all approval conditions under the previous application had been complied with, the approval period sought which was for the same as the last approval granted was not unreasonable, there had not been any material change in planning circumstances since the approval of the last application and there were no major adverse departmental comments. Although DEP did not support the application, no environmental complaint was received in the past three years. To address DEP's concerns on the possible nuisance generated by the temporary use, approval conditions restricting the operation hours and days of the applied use were recommended.

72. Members had no question on the application.

Deliberation Session

73. After deliberation, the Committee decided to approve the application on a temporary basis for a further period of 3 years until 1.3.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 6:00 p.m. and 8:00 a.m. from Mondays to Saturdays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no dismantling and workshop activities is allowed on the site at any time during the planning approval period;
- (d) no medium and heavy goods vehicles exceeding 5.5 tonnes, including container vehicle, as defined in the Road Traffic Ordinance is allowed for the operation of the site at any time during the planning approval period;
- (e) the existing drainage facilities implemented under Application No. A/NE-TKL/417 on the site shall be maintained properly 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 2.6.2016;
- (g) the submission of tree preservation and landscape proposals 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 2.9.2016;

- (h) in relation to (g) above, the implementation of tree preservation and landscape proposals 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 2.12.2016;
- (i) the submission of proposals for water supplies for fire-fighting and 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 2.9.2016;
- (j) in relation to (i) above, the implementation of proposals for water supplies for fire-fighting and 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 2.12.2016;
- (k) 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; and
- (l) if any of the above planning conditions (f), (g), (h), (i) or (j) 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.

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

[Mr F.C. Chan left the meeting temporarily at this point.]

Agenda Items 22 and 23

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/536 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 546 S.K ss.1 in D.D. 77, Ping Che, Ta Kwu
Ling, New Territories
(RNTPC Paper No. A/NE-TKL/536 and 537)

A/NE-TKL/537 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 546 S.L ss.1 in D.D. 77, Ping Che, Ta Kwu
Ling, New Territories
(RNTPC Paper No. A/NE-TKL/536 and 537)

75. The Secretary reported that the two section 16 applications were similar in nature and the sites were located in close proximity to each other and within the same “Agriculture” (“AGR”) zone, the Committee agreed that the applications should be considered together.

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House - Small House) at each of the sites;

[Mr Philip S.L. Kan left the meeting temporarily at this point.]

- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation did not support the applications as the sites possessed potential for agriculture rehabilitation. The Commissioner for Transport (C for T) had reservation on the applications and considered that such type of developments should be confined within the “Village Type

Development” (“V”) zone. Notwithstanding, the construction of two Small Houses could be tolerated. Other concerned government departments had no objection to or no adverse comment on the applications;

- (d) during the first three weeks of the statutory publication period, one public comment on each of the two applications was received. The commenter objected to the applications for reasons of being not in line with the planning intention of the “AGR” zone, failed to demonstrate no adverse impact on the surrounding agricultural land, and setting undesirable precedents. The District Officer (North) conveyed that the Chairman of the Ta Kwu Ling District Rural Committee, the incumbent North District Council member, and the Indigenous Inhabitant Representative and Resident Representative of Ping Che had no comment on the applications; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessment set out in paragraph 11 of the Paper. Although the applications were not in line with the planning intention of the “AGR” zone, a number of approved Small House developments were located to the north and south of the sites. The applications were not expected to have adverse impacts on the surrounding areas. The applications generally met the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House Development in the New Territories in that more than 50% of the footprint of each of the proposed Small Houses fell within the village ‘environs’ of Ping Che and land available within the “V” zone was insufficient to meet the future Small House demand. Also, given that 18 similar applications within/partly within the same “AGR” zone in the vicinity were approved by the Committee between 2007 and 2015, approval of the applications would be in line with the Committee’s previous decisions. Regarding the adverse public comment, the planning assessments above were relevant.

77. Members had no question on the applications.

Deliberation Session

78. 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 22.1.2020, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. 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.”

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

Agenda Item 24

Section 16 Application

[Open Meeting]

A/NE-TKL/538 Proposed Temporary Open Storage and Covered Storage of Building Materials and Waste Paper for Recycling for a Period of 3 Years in “Agriculture” Zone, Lots 965 RP(Part) and 966 RP(Part) in D.D. 82, Ping Che Road, Ping Che, North District, New Territories
(RNTPC Paper No. A/NE-TKL/538)

80. The Committee noted that the applicant requested on 5.1.2016 for deferment of the consideration of the application for two months to allow time for preparation of further

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

81. 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 25

Section 16 Application

[Open Meeting]

A/ST/892	Proposed Eating Place (Restaurant) in "Village Type Development" Zone, Ground Floor, 264 Pai Tau Village, Sha Tin, Front and Rear Portion on G/F of Lot No. 536 in D.D. 183, Sha Tin, New Territories (RNTPC Paper No. A/ST/892)
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82. The Committee noted that the applicant requested on 6.1.2016 for deferment of the consideration of the application for two months to allow time for preparation of further information to address the comments of government departments. It was the first time that the applicant requested for deferment of the application.

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

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

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

Fanling, Sheung Shui and Yuen Long East District

Agenda Item 26

Section 12A Application

[Open Meeting]

Y/YL-MP/4 Application for Amendment to the Approved Mai Po & Fairview Park Outline Zoning Plan No. S/YL-MP/6, To Rezone the Application Site from "Residential (Group D)" to "Residential (Group B)", Various Lots in D.D. 104 and Adjoining Government Land, Mai Po, Yuen Long, New Territories
(RNTPC Paper No. Y/YL-MP/4A)

84. The Secretary reported that the application was submitted by Capital Chance Limited, which was a subsidiary of Sun Hung Kai Properties Ltd. (SHK). AECOM Asia Company Limited (AECOM), Ramboll Environ Hong Kong Ltd. (Environ) and Urbis Limited (Urbis) were three of the consultants of the applicant. The following Members had declared interests in the item:

Mr Ivan C.S. Fu	}	having current business dealings with SHK, AECOM, Environ and Urbis;
Ms Janice W.M. Lai		

- Professor S.C. Wong
- having current business dealings with AECOM;
 - being the Chair Professor and Head of the Department of Civil Engineering of the University of Hong Kong where SHK and AECOM had sponsored some activities of the Department;
- Ms Christina M. Lee
- being the Secretary-General of the Hong Kong Metropolitan Sports Events Association that had obtained sponsorship from SHK; and
- Dr W.K. Yau
- being the operation agent of a community building lighting and energy improvement project which had obtained sponsorship from SHK.

85. The Committee noted that the applicant had requested for deferment of consideration of the application. The Committee agreed that as the interests of Ms Christina M. Lee and Dr W.K. Yau were indirect and Professor S.C. Wong had no involvement in the application, they could stay in the meeting. As the interests of Mr Ivan C.S. Fu and Ms Janice W.M. Lai were direct, the Committee agreed that they could stay in the meeting but should refrain from participating in the discussion.

86. The Committee noted that the applicant requested on 18.12.2015 for deferment of the consideration of the application for two months so as to allow time to address departmental comments. This was the applicant's second request for deferment. Since the last deferment, the applicant had submitted further information including a revised drainage impact assessment, revised ecological impact assessment, revised tree survey plan, additional photomontages and responses to address the comments from concerned government departments.

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

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

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KTN/21 Temporary Shop and Services (Real Estate Agency and Showrooms) and Office for a Period of 3 Years in "Agriculture" and "Other Specified Uses" annotated "Amenity Area" Zones, Lot 540RP (Part) in D.D. 92 and adjoining Government Land, Castle Peak Road, Kwu Tung, Sheung Shui, New Territories
(RNTPC Paper No. A/KTN/21)

Presentation and Question Sessions

88. Mr Kevin C.P. Ng, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;

- (b) the temporary shop and services (real estate agency and showrooms) for a period of three years;

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

- (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, three public comments were received from a member of the North District Council (NDC) and two members of the general public. The NDC member had no comment on the application whereas one commenter objected on the grounds of land use compatibility and land use efficiency, and the other commenter objected to the application as the stacking of construction materials posed threats to villagers nearby;
- (e) the District Officer (North) had consulted the locals regarding the application. The incumbent North District Councillor and the Indigenous Inhabitants Representative of Yin Kong raised objections to the application as the applied use was not compatible to the land use intention of “Agriculture” (“AGR”) and the stacking of construction materials posed threats to villagers nearby, while the Chairman of Sheung Shui District Rural Committee and the Residents Representative of Yin Kong had no comment on it; and
- (f) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments set out in paragraph 11 of the Paper. Although the development was not in line with the planning intention of the “AGR” zone and the “Other Specified Uses” annotated “Amenity Area” (“OU(A)”) zone, the Director of Agriculture, Fisheries and Conservation had no strong view on the subject application as the subject site and its vicinity were currently occupied by temporary structures and workshops, the potential for

agricultural rehabilitation was low. The project Manager (New Territories North & West), Civil Engineering and Development Department (PM(NTN&W), CEDD) had no comment on the application as approval of the temporary use would not jeopardise the long-term planning intention of the Kwu Tung North New Development Area (NDA). Concerned department had no object to or no adverse comment on the application. Regarding the adverse public comments, there was no piling of construction material within the site which was fenced off by 2.5m corrugated sheets and

89. Members had no question on the application.

Deliberation Session

90. A Member noted that the “AGR” zone of the site and its surrounding area was determined after lengthy deliberation of the representations and comments on representations in respect of the outline zoning plans (OZPs) for the North East New Territories (NENT) NDA development. The temporary use under application might hinder the potential of agricultural rehabilitation on the site. Given the rural setting of the surrounding area, the same Member said that the recommendation of approving the application should be carefully considered so as not to defeat the planning intention of the “AGR” zone. In response, the Chairman said that the “AGR” zone together with the “AGR(1)” zone to the further north of the site, served as a buffer of the proposed Long Valley Nature Park. Noting that the implementation of NDA had not commenced, he considered that the application could be tolerated for a period of three years.

[Mr F.C. Chan returned to join the meeting at this point.]

91. The Committee noted that the southern part of the site would be affected by the widening of Fanling Highway, which was included in the remaining package of Kwu Tung North NDA development but there was no implementation programme at this stage.

92. A Member considered that actions should be taken to phase out some incompatible temporary uses on the site and its surroundings so that the long-term use of the

“AGR” zone on the OZP could be realised. Consideration could be given to shortening the approval period of the application. In response, the Chairman said that there would be a long lead time for implementation of NDA as it was necessary to go through various procedures including seeking funding from the Legislative Council. The approval period of three years for the application was considered appropriate at this stage.

93. The same Member was concerned that the approval of the application might send a wrong message to the public, given the planning intention of the “AGR” zone on the OZP was to conserve the site for agricultural purpose. The Committee noted that the applicant was advised previously that the temporary use was not in line with the planning intention of “AGR” zone and when the programme of the remaining package for NDA development was fixed, further approval might not be granted even if the current application was approved. To address the Member’s concern, the Chairman suggested and Members agreed that an advisory clause could be added to state that the planning intention was to restore/retain and safeguard areas zoned “AGR” in Long Valley for agricultural purposes and the existing incompatible brownfield operations would not be tolerated in the long run unless under very special circumstances.

[Mr Peter K.T. Yuen returned to join the meeting at this point.]

94. The Chairman concluded that given the uncertainty in the implementation programme of NDA development, the application could be approved on a temporary basis for a period of three years. The Chairman requested PlanD to relay the message in the advisory clause set out in paragraph 93 above to the residents and brownfield operators as opportunities arose.

95. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.1.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 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 workshop activities are allowed within the site, as proposed by the

applicant at any time during the planning approval period;

- (c) to maintain the existing 2.5m corrugated sheets fencing on the application site at all time during the planning approval period;
- (d) no medium/heavy goods vehicles exceeding 5.5 tonnes as proposed by the applicant are allowed to enter/exit the application site at any time during the planning approval period;
- (e) to maintain the existing drainage facilities properly and rectify those facilities if it is found inadequate/ineffective during operation at all time during the planning approval period;
- (f) the submission of conditional record of the existing drainage facilities on site as previously implemented on the same site in the planning application No. A/NE-KTN/162 within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.4.2016;
- (g) the submission of fire service installations proposals and water supplies for fire fighting within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.7.2016;
- (h) in relation to (g) above, the implementation of fire service installations proposals and water supplies for fire fighting within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.10.2016;
- (i) the submission of the tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.7.2016;
- (j) in relation to (i) above, the implementation of the tree preservation and landscape proposals within 9 months from the date of planning approval to

the satisfaction of the Director of Planning or of the TPB by 21.10.2016;

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

96. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix IV of the Paper in addition to the following clause:

- “(i) to note that the planning intention was to restore/retain and safeguard areas zoned “AGR” in Long Valley for agricultural purposes and the existing incompatible brownfield operations would not be tolerated in the long run unless under very special circumstances.”

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

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/416 Temporary Open Storage of Construction Machinery for a Period of 3 Years in “Green Belt” Zone, Lots 207 S.A, 207 RP and 209 in D.D. 100 and Adjoining Government Land, Cheung Lek, New Territories
(RNTPC Paper No. A/NE-KTS/416)

Presentation and Question Sessions

97. Mr Kevin C.P. Ng, STP/FSYLE, presented the application and covered the

following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the temporary open storage of construction machinery for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as heavy vehicles were expected to travel along the access road (i.e. vehicular access leading to Fan Kam Road) within 50m from domestic structures and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application. The proposed development might cause further adverse landscape impact on the existing landscape resources within the site and the adjoining area and the approval of the application would set an undesirable precedent of similar applications in the “Green Belt” (“GB”) zone adjoining country park. Most of the existing trees were proposed to be felled without full justification and there was no preservation proposal for the existing landscape resources within the site and adjacent to the site;
- (d) during the first three weeks of the statutory publication period, 18 public comments were received from a North District Council (NDC) member, one ex-incumbent NDC member, Kadoorie Farm and Botanic Garden Corporation, Hong Kong Bird Watching Society, Designing Hong Kong Limited and 13 members of the general public. The NDC member indicated no comment on the application, whereas the remaining 17 commenters (amongst which 13 were standard comments) objected to the application mainly on the grounds that the development was not in line with the planning intention of “GB” zone and did not comply with Town Planning Board Guidelines No. 10 (TPB PG-No. 10); the site should be used for agricultural rehabilitation; the site had been involved in ‘destroy first, build later’ activities; travelling of heavy vehicles would pose danger

to the elderly in Cheung Lek Village and cause adverse impact on villagers; and approval of the application would set an undesirable precedent for similar applications;

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

- (e) the District Officer (North) had consulted the locals. The Chairman of Sheung Shui District Rural Committee had no comment on the application, while the ex-NDC member of the subject constituency, the Indigenous Inhabitant Representatives and Resident Representatives of Cheung Lek, Tong Kung Leng and Tsiu Keng (with signatures of 177 villagers) objected to the application on the grounds that leakage of oil, diesel and paints from the development would cause adverse ecological impact and travelling of heavy vehicles would pose danger to the elderly and cause adverse impact on villagers. He also noted that part of the site fell within Permitted Burial Ground No. N/S/14 of Cheung Lek and advised that the applicant should consider modifying the scope of development to avoid affecting the permitted burial ground; and

- (f) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed use was not in line with the planning intention of “GB” and not compatible with the surrounding areas. Both CTP/UD&L, PlanD and DEP did not support the application. The proposed use did not comply with TPB PG-No. 10 in that the development was not compatible with the surrounding areas, would affect the existing natural landscape, and would be the source of pollution. It also did not comply with Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that the site fell within Category 4 areas and there was no previous planning approval of open storage use or similar development granted for the site, and there were adverse departmental comments and local objections. The approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “GB” zone.

98. Members had no question on the application.

Deliberation Session

99. 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 “Green Belt” (“GB”) zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets and there is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the development does not comply with Town Planning Board (TPB) Guidelines for Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10) in that the development is not compatible with the surrounding areas, would affect the existing natural landscape, and would be the source of pollution;
- (c) the development does not comply with the TPB Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No.13E) in that there was no previous planning approval of open storage use or similar development granted for the application site, and there are adverse departmental comments and local objections; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such similar applications would result in general degradation of the environment of the area, and adverse environmental and landscape impacts on the area.”

Agenda Item 29

Section 16 Application

[Open Meeting]

A/YL-KTN/501 Proposed Residential Development (Flats) in “Residential (Group E)” Zone, Lots 215 S.C, 242 S.B RP, 264 S.B RP, 266 S.A, 266 RP, 267, 268, 269 S.B RP, 269 S.B ss.2 RP, 270, 271, 272, 275, 277 (Part), 295 (Part) and 296 S.B RP (Part) in D.D.103 and Adjoining Government Land, Ha Ko Po Tsuen, Kam Tin, Yuen Long, New Territories (RNTPC Paper No. A/YL-KTN/501)

100. The Secretary reported that the application was submitted by Ease Gold Development Limited, which was a subsidiary of Sun Hung Kai Properties Ltd. (SHK). AECOM Asia Company Limited (AECOM), Ramboll Environ Hong Kong Ltd. (Environ) and Urbis Limited (Urbis) were three of the consultants of the applicant. The following Members had declared interests in the item:

Mr Ivan C.S. Fu

Ms Janice W.M. Lai

Professor S.C. Wong

Ms Christina M. Lee

- } having current business dealings with SHK, AECOM, Environ and Urbis;
- having current business dealings with AECOM;
- being the Chair Professor and Head of the Department of Civil Engineering of the University of Hong Kong where SHK and AECOM had sponsored some activities of the Department;
- being the Secretary-General of the Hong Kong Metropolitan Sports Events Association that had obtained sponsorship from SHK; and

Dr W.K. Yau

- being the operation agent of a community building lighting and energy improvement project which had obtained sponsorship from SHK.

101. The Committee noted that the applicant had requested for deferment of consideration of the application. The Committee agreed that as the interests of Ms Christina M. Lee and Dr W.K. Yau were indirect and Professor S.C. Wong had no involvement in the application, they could stay in the meeting. As the interests of Mr Ivan C.S. Fu and Ms Janice W.M. Lai were direct, the Committee agreed that they could stay in the meeting but should refrain from participating in the discussion.

102. The Committee noted that the applicant requested on 11.1.2016 for deferment of the consideration of the application for two months so as to allow time to address the comments of relevant departments. This was the first time that the applicant requested for deferment of the application.

103. 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-PH/724 Temporary Open Storage of Private Cars and Lorries for a Period of 3 Years in “Agriculture” Zone, Lot 1479 S.B (Part) in D.D.111, Leung Uk Tsuen, Kam Tin Road, Pat Heung, Yuen Long, New Territories
(RNTPC Paper No. A/YL-PH/724)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of private cars and lorries for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. residential dwellings immediate next to the site and environmental nuisance was expected.
- (d) during the first three weeks of the statutory publication period, a public comment was received, objecting to the application for reasons that the application was a misuse of zoning, and the vehicle owners were obliged to provide their own parking spaces. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The application

generally complied with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that the site was the subject of six previous planning approvals for the same applied use. Relevant departments, except DEP, had no adverse comment on the application. While DEP did not support the application, the applied use only involved vehicles not exceeding 3.3 tonnes and no medium or heavy vehicles would be parked or stored on the site. There was also no environmental complaint received by DEP in the past three years. In order to address DEP's concern on the possible nuisance generated by the temporary use, approval conditions restricting the operation hours, types of vehicles and prohibiting workshop-related activities were recommended. Since the last planning approval was revoked due to non-compliance with approval condition related to the provision of run-in/out to/from Kam Tin Road, shorter compliance periods were recommended to closely monitor the situation. Regarding the public comment, the assessments above were relevant and approval of the application on a temporary basis would not frustrate the long-term planning intention of the "Agriculture" zone.

105. Members had no question on the application.

Deliberation Session

106. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.1.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other

workshop activities, as proposed by the applicant, are allowed on the site at any time during the planning approval period;

- (d) no vehicles exceeding 3.3 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) no reversing of vehicles into or out of the site is allowed at any time during the planning approval period;
- (f) the drainage facilities implemented on the site under previous applications shall be maintained at all times during the planning approval period;
- (g) 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 22.4.2016;
- (h) the submission of a run-in/out proposal to/from Kam Tin Road within 3 months from the date of planning approval to the satisfaction of the Commissioner for Transport and the Director of Highways or of the TPB by 22.4.2016;
- (i) in relation to (h) above, the provision of run-in/out to/from Kam Tin Road within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport and the Director of Highways or of the TPB by 22.7.2016;
- (j) the submission of tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.4.2016;
- (k) in relation to (j) above, the implementation of 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 22.7.2016;

- (l) the provision of fire extinguisher(s) with a valid fire certificate (FS251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.3.2016;
- (m) the submission of fire services installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.4.2016;
- (n) in relation to (m) above, the implementation of fire services installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.7.2016;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (p) if any of the above planning conditions (g), (h), (i), (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 site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

[The Chairman thanked Mr Kevin C.P. Ng and Mr Kepler S.Y. Yuen, STPs/FSYLE, for their attendance to answer Members’ enquiries. They left the meeting at this point.]

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

[Ms Janice W.M. Lai and Mr Martin W.C. Kwan left the meeting at this point.]

[Ms Maggie M.Y. Chin, District Planning Officer (DPO/FSYLW) and Mr K.T. Ng, STP/FSYLE, were invited to the meeting at this point.]

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/245 Proposed School (Kindergarten) in “Village Type Development” Zone,
Lots 2261 S.S RP (Part), 2261 S.S ss.8 (Part), 2262 RP (Part), 2265
S.A, 2265 S.B, 2265 S.C, 2265 S.D and 2265 S.E RP (Part) in D.D.
104, Ha San Wai, Yuen Long, New Territories
(RNTPC Paper No. A/YL-MP/245B)

Presentation and Question Sessions

108. Mr K.T. Ng, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed school (kindergarten);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication periods, two objecting comments were received from the Village Representatives of San Wai Tsuen who queried the number of students and staff of the proposed

kindergarten, and raised concerns about the adverse sewage, traffic, fire safety and noise impacts arising from the proposed kindergarten. No local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed kindergarten would help to serve the need of the local community and was considered not incompatible with the surrounding land uses which comprised village houses, vehicle parks and repair workshop. Concerned government departments had no objection to or no adverse comment on the application. Regarding the public comments, the applicant had provided information and proposed measures to address the concern. The assessments above were also relevant.

109. Members had no question on the application.

Deliberation Session

110. 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 22.1.2020, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- “(a) the submission and implementation of water supplies for firefighting and fire services installations proposal to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) the implementation of accepted drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB.”

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

Agenda Item 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NSW/233 Proposed Residential Development with Filling and Excavation of Land in “Undetermined” Zone, Lots 592 S.C ss.1 S.A, 592 S.C ss.4 and 1252 S.C in D.D. 115, Nam Sang Wai, Yuen Long, New Territories
(RNTPC Paper No. A/YL-NSW/233C)

112. The Secretary reported that the application was submitted by Richduty Development Limited, which was a subsidiary of Sun Hung Kai Properties Ltd. (SHK). AECOM Asia Company Limited (AECOM), Ramboll Environ Hong Kong Ltd. (Environ) and Urbis Limited (Urbis) were three of the consultants of the applicant. The following Members had declared interests in the item:

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|---------------------|---|---|
| Mr Ivan C.S. Fu | } | having current business dealings with SHK, AECOM, Environ and Urbis; |
| Ms Janice W.M. Lai | | |
| Professor S.C. Wong | - | having current business dealings with AECOM; |
| | - | being the Chair Professor and Head of the Department of Civil Engineering of the University of Hong Kong where SHK and AECOM had sponsored some activities of the Department; |
| Ms Christina M. Lee | - | being the Secretary-General of the Hong Kong Metropolitan Sports Events Association that had obtained sponsorship from SHK; and |

Dr W.K. Yau

- being the operation agent of a community building lighting and energy improvement project which had obtained sponsorship from SHK.

113. The Committee noted that Ms Janice W.M. Lai had already left the meeting. As the interest of Mr Ivan C.S. Fu was direct, the Committee agreed that he should be invited to leave the meeting temporarily for the item. The Committee also noted that the interests of Ms Christina M. Lee and Dr W.K. Yau were indirect and Professor S.C. Wong had no involvement in the application, and agreed that they could stay in the meeting.

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

Presentation and Question Sessions

114. With the aid of a PowerPoint presentation, Ms Maggie M.Y. Chin, DPO/FSYLE, presented the application and covered the following aspects as detailed in the Paper:

The Proposal

- (a) the proposed residential development in “Undetermined” (“U”) zone in Nam Sang Wai, consisted of six apartment blocks comprising 455 flats with domestic plot ratio (PR) of 0.74 and building height (BH) of 20.6m to 33.2m (6 to 10 storeys (excluding 1 storey basement carpark/electrical and mechanical floor) and a 2-storey club house (10m) with a floor area of about 1,210m². Apart from the private open space of not less than 1,138m², a landscaped area with natural habitat and water feature with an area of not less than 2,400m² would be provided at the north-eastern corner of the site. The proposed development was tentatively scheduled for completion by 2020;
- (b) the proposed residential development would involve filling and excavation of land and the site would be cut/filled up to about +5.5mPD with basement level at about +1.0mPD. To avoid adverse impacts on the bird flight line,

the north-eastern corner of the site was proposed to be a building-free and landscaped area with natural habitat and water feature. A minimum of 5m peripheral planning strip was proposed along the site boundary to provide a green buffer and screen the proposed development from surrounding visually sensitive receivers;

- (c) a stepped-height approach had been adopted with taller towers (10 storeys) fronting the Yuen Long Highway and lower ones (8 and 6 storeys) located to the centre and further north of the site, respectively. As Yuen Long Highway was of high traffic flow, a set-back of 40m was proposed. The two towers fronting the highway had adopted a single aspect/self-protecting design. Vertical fin and acoustic balcony were also proposed for these towers;
- (d) the proposed vehicular ingress/egress point was at south-eastern corner of the site. An access road would be provided connecting the site with Ho Chau Road, which was proposed to be widened to a standard 7.3m wide single 2-lane 2-way carriageway with footpath;

Previous Application

- (e) the site was the subject of two approved s.16 planning applications No. A/YL-NSW/172 and A/YL-NSW/224 (approved on 14.12.2007 and 23.5.2014 respectively) for proposed residential development;

Departmental Comments

- (f) departmental comments were set out in paragraph 10 of the Paper and summarised as follows:
 - (i) the Director of Environmental Protection (DEP) had no objection to the application and considered the proposed arrangement of discharging the sewage of the proposed development to Au Tau Sewage Pumping Station (SPS) feasible;

- (ii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had no objection to the application from the visual and landscape planning perspective. She advised that the height adjustment, coupled with the stepping height profile, would help the proposed development integrate better with the character of the area. Judging from the photomontages, the proposed development was not incompatible with the surroundings;
- (iii) the Director of Agriculture, Fisheries and Conservation (DAFC) noted that in order to maintain the flight lines of breeding ardeids at Tung Shing Lane Egrettry, the applicant had revised the Master Layout Plan so that no building blocks were located at the north-eastern part of the site. The applicant should be advised that the construction works of the proposed sewer should avoid the dry season so as to minimize any possible off-site disturbance impacts on the Wetland Conservation Area; and
- (iv) other concerned departments had no objection to or no adverse comment on the application;

Public Comments

- (g) during the first three weeks of the seven statutory publication periods, a total of 562 public comments were received, of which 335 supported, 171 objected to, 54 raised concerns on and 2 with no comment on the application. The public comments supported the application for the reasons that the proposed development was in line with government policy and planning intention; compatible with the current land use; and offering housing option and providing job opportunities etc.
- (h) the major grounds of objection were mainly from ecological and conservation perspective including, inter alia, air ventilation, traffic and

infrastructural problem, as well as water pollution to San Pui River; the proposed site was within the Wetland Buffer Area, therefore development should be minimized; created visual intrusion and imposed physical barrier to the ecology; increased risk of flooding; cumulative impacts of the proposed development together with the nearby proposals had not been addressed; and would set a precedent for future large-scale development proposals in the area. Also, 54 comments raised concern on the proposed development in particular the off-site disturbance impacts on the ecological value of fishponds through air and noise pollution;

- (i) no local objection/view was received by the District Officer (Yuen Long); and

PlanD's Views

- (j) PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper and summarised as follows:
 - (i) the proposed residential use was considered not incompatible with the adjacent residential neighbourhood comprising low-density village houses. The current scheme was also in line with the Committee's previous decision on approving the residential use at the same site;
 - (ii) the site was located at the eastern fringe of the Yuen Long New Town which was a high-density residential node. The proposed development intensity was considered appropriate taking into account the urban type development to the west of the "U" zone and the rural characteristics of the area to its north. A stepped-height approach had also been adopted;
 - (iii) the application was in line with the Town Planning Board Guidelines for Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance (TPB PG-No. 12C) as ecological impacts arising from the proposed residential

development would be insignificant;

- (iv) the applicant had submitted various technical assessments and relevant government departments had no adverse comment on the submitted assessment; and
- (v) DEP had no adverse comment on the application from environmental perspective. The applicant had agreed that the noise mitigation measures would be shown in sales brochure and documented in Deed of Mutual Covenant and a proper undertaking letter was submitted and accepted by DEP.

115. In response to the Chairman's query on the "U" zone in the area, Ms Maggie M Y Chin said that the site and its surrounding areas were zoned "U" as several major transport and drainage projects, including Yuen Long Highway, West Rail (WR) and Yuen Long Bypass Floodway (YLBF), which were under planning at that time would traverse the area. The area was located at the edge of Yuen Long New Town, forming a transitional buffer between the urban and rural areas. Whilst residential use was generally considered compatible with the character of the area, the limited infrastructural capacities in the area could not support large-scale development in one go. Whilst the Government was reviewing the infrastructure provision in the area, the long-term planning intention of the area had to be comprehensively planned accordingly and the "U" zoning was considered appropriate for the area at the moment to provide control in the interim. According to the Notes of the OZP, any private developments or redevelopments in the "U" zone required planning permission from the Town Planning Board to cater for any development proposals in the short to medium term.

116. In response to a Member's query on the current condition of the egretty near the site and the adequacy of the Ecological Impact Assessment (EcoIA), Ms Chin said that according to the information provided by DAFC, the number of birds and the condition of the egretty were improving over the years, making the egretty the second largest in the Deep Bay area. As for the EcoIA submitted by the applicant, it had identified the potential impacts of the development in details. In response to DAFC's concern on the conflict between the residential towers and the flight lines of breeding ardeids as well as the impact on the egretty,

the applicant had revised the development layout to provide a building-free area at the north-eastern corner of the site so as to avoiding any disruption to the existing flight path of birds and a minimum of 5m peripheral planting strip along the site boundary as a buffer for screening the proposed development from surrounding visually sensitive receivers. The BH of residential blocks near the flight path was also reduced to six storeys to minimise the visual impact on the egret. She continued to say that should the application be approved, the applicant was required to submit and implement a series of mitigation measures proposed in the EcoIA to the satisfaction of DAFC.

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

117. Given the application site was in close proximity to the wetland area, a Member asked what mitigation measures would be adopted to avoid the impact of excavation and construction of the proposed development on the adjacent wetland and its buffer zone, as well as how those mitigation measures would be enforced and monitored. In response, Ms Chin said that a series of mitigation measures were proposed in the EcoIA, such as all construction work would be contained within the 2m high site hoarding to minimise noise disturbance to wildlife; locations well away from nearby water bodies would be used for temporary storage of materials and temporary stockpile of construction debris and spoil; construction would not be conducted at night to avoid night-time disturbance; and night-time light sources within the development would be kept to a minimum and would not be directed outward to the disturbance-sensitive wetland areas in the east. She continued to say that according to the applicant, to prevent creating muddy water bodies, works sites close to nearby water bodies would be isolated, using such items as sandbags or silt curtains with lead edge at bottom and properly supported props. Also, the construction debris would be transported out of the site on schedule and the vehicles would be washed before driving out of the site.

118. The Secretary supplemented that section 6 of the EcoIA submitted by the applicant had proposed a series of mitigation measures to be adopted for the proposed development and in section 7 of the same report, there would also be ecological monitoring and audit mechanism including weekly in situ monitoring of water quality in selected watercourses to monitor the conditions of the wetland. Appropriate approval conditions had also been recommended, such as the submission of a revised EcoIA and the implementation of the mitigation measures identified in the EcoIA therein to ensure the enforcement and

implementation of those mitigation measures should the application be approved.

Deliberation Session

119. The Committee noted that the site was the subject of two previous applications for house development, whilst the current application had increased the PR and BH for development of apartment flats. The applicant had submitted technical assessments to the satisfaction of concerned departments. Appropriate conditions would be imposed to ensure proper implementation of the proposed mitigation measures should the application be approved.

120. 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 22.1.2020, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- “(a) the submission and implementation of a revised Master Layout Plan and approval conditions (b), (c), (d), (e), (f), (g), (h), (i) and (j) below, to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a Landscape Master Plan including a tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (c) the design and implementation of the proposed road widening of Ho Chau Road to a standard 7.3m wide single 2 lane 2-way carriageway from the site to the junction of Nam Sang Wai Road, as proposed by the applicant, to the satisfaction of the Commissioner for Transport and Director of Highways or of the TPB;
- (d) the design and implementation of the vehicular access road connecting the site and Ho Chau Road, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;

- (e) the implementation of mitigation measures as suggested in the Ecological Impact Assessment to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (f) the provision of fire service installations and water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (g) the submission of a revised and detailed Drainage Impact Assessment (DIA) and the implementation of the drainage proposal and other necessary flood mitigation measures identified therein to the satisfaction of the Director of Drainage Services or of the TPB;
- (h) in relation to (g) above, no filling and excavation of land on site prior to implementation of the flood relief mitigation measures identified in the DIA is accepted by the Director of Drainage Services or of the TPB;
- (i) the design and provision of sewer connecting the proposed development to the Au Tau Sewage Pumping Station to the satisfaction of the Director of Drainage Services or of the TPB; and
- (j) the submission of a revised Environmental Assessment (EA) and the implementation of the mitigation measures identified in the EA to the satisfaction of the Director of Environmental Protection or of the TPB.”

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

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NSW/242 Proposed Comprehensive Development with Wetland Enhancement (including House, Flat, Wetland Enhancement Area, Nature Reserve, Visitors Centre, Social Welfare Facility, Shop and Services) as well as Filling of Land/Pond and Excavation of Land in “Other Specified Uses” annotated “Comprehensive Development and Wetland Enhancement Area 1” and “Site of Special Scientific Interest (1)” Zones, Lots 1520 RP, 1534 and 1604 in D.D.123 and Adjoining Government Land, Nam Sang Wai and Lut Chau, Yuen Long, New Territories
(RNTPC Paper No. A/YL-NSW/242B)

122. The Secretary reported that the application was submitted by Kleener Investment Limited, Nam Sang Wai Development Company Limited, Community Wetland Park Foundation Limited and Lut Chau Nature Reserve Foundation Limited, with the first two being subsidiaries of Henderson Land Development Company Limited (HLD). Masterplan Limited (Masterplan), AECOM Asia Company Limited (AECOM), LWK & Partners (HK) Limited (LWK), MVA Hong Kong Limited (MVA) and Urbis Limited (Urbis) were five of the consultants of the applicants. The following Members had declared interests in the item:

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| Ms Janice W.M. Lai | - having current business dealings with HLD, AECOM and Urbis; |
| Mr Ivan C.S. Fu | - having current business dealings with HLD, Masterplan, AECOM, MVA and Urbis; |
| | - being the director and shareholder of LWK; |

- Ms Christina M. Lee
- being the Secretary-General of the Hong Kong Metropolitan Sports Events Association that had obtained sponsorship from HLD;
- Dr W.K. Yau
- being a Director of a non-governmental organisation which had obtained sponsorship from HLD;
- Professor K.C. Chau
- being an employee of the Chinese University of Hong Kong which had obtained a donation from a family member of the Chairman of HLD;
- Mr H.F. Leung
- being the employee of the University of Hong Kong (HKU) which had obtained a donation from a family member of the Chairman of HLD;
- Professor S.C. Wong
- being the employee of HKU which had obtained a donation from a family member of the Chairman of HLD;
 - having current business dealings with AECOM;
 - being the Chair Professor and Head of the Department of Civil Engineering of the University of Hong Kong where AECOM had sponsored some activities of the Department; and

- Mr Peter K.T. Yuen - being a member of the Board of Governors of the Hong Kong Arts Centre which had obtained a donation from a Executive Director of HLD.

123. The Committee noted that Professor K.C. Chau had tendered apologies for being unable to attend the meeting, Ms Janice W.M. Lai and Mr H.F. Leung had already left the meeting and Mr Ivan C.S. Fu had already left the meeting temporarily. The Committee also noted that the interest of Ms Christina M. Lee, Dr W.K. Yau and Mr Peter K.T. Yuen were indirect and Professor S.C. Wong had no involvement in the application, and agreed that they could stay in the meeting.

Presentation and Question Sessions

124. Other than the representatives from the Planning Department (PlanD), the following representatives from the Agriculture, Fisheries and Conservation Department (AFCD) were invited to the meeting:

- Dr Winnie P.W. Kwok - Senior Wetland & Fauna Conservation Officer;
- Ms Sunny W.S. Chow - Wetland & Fauna Conservation Officer (Wise Use).

125. With the aid of a PowerPoint presentation, Ms Maggie M.Y. Chin, DPO/FSYLE, presented the application and covered the following aspects as detailed in the Paper:

The Proposal

- (a) the site (about 178.7 ha) comprised two portions, namely Nam Sang Wai site (the NSW site) (about 121.9 ha) to the south which fell on “Other Specified Uses” annotated “Comprehensive Development and Wetland Enhancement Area 1” (“OU(CDWEA1)”) zone on the approved Nam Sang

Wai Outline Zoning Plan (OZP) No. S/YL-NSW/8, and Lut Chau site (the LC site) (about 56.8 ha) to the north which fell on “Site of Special Scientific Interest (1)” (“SSSI(1)”) zone on the approved Mai Po and Fairview Park OZP No. S/YL-MP/6;

LC Site

- (i) the applicants proposed that the existing pond structures at Lut Chau would largely be retained to minimize construction phase disturbance. To enhance the ecological functions of the proposed Lut Chau Nature Reserve (LCNR), some bunds of the fishponds would be removed in order to merge smaller ponds into larger ponds, and some would be removed to create submerged berms. Most ponds would be internally re-profiled to create a range of water depths, from shallow margins suitable for providing foraging grounds for waterbirds to deep-water areas where conditions would remain more stable;

NSW Site

- (ii) the site would be developed into a residential development (with 140 houses of 3-storey and 29 apartment blocks of 19 to 25-storey) with 2 blocks of 1-storey clubhouse and a 1-storey commercial centre, a 2-storey visitors centre, a 6-storey elderly centre and a public park alongside Shan Pui River at the south western part of the NSW site;
- (iii) the proposed domestic and non-domestic gross floor area (GFA) were about 306,581m² and 13,000m² respectively;
- (iv) there would be a wetland enhancement area (WEA) (99 ha) at northern and eastern part of the NSW site. The direct permanent loss of reedbed, wet grassland and pond habitats as a result of the proposed development would be compensated by converting some 11 ha of existing fishponds in the NSW WEA to the corresponding

wetland habitats of similar size. A buffer area of about 10m wide was proposed between the residential area and the WEA;

[Professor C.M. Hui left the meeting temporarily at this point.]

- (b) a public vehicular bridge was proposed to run across Shan Pui River connecting the south-western part of the site with the Yuen Long Wang Lok Street. Junction improvements and road widening were also proposed. To reduce the ecological impact generated by traffic coming into the NSW WEA, the applicants proposed closure of Nam Sang Wai Road to general traffic, permitting only shuttle bus service, service traffic, emergency traffic, cyclists and pedestrians;
- (c) the proposed development would be implemented in phases. The LCNR and the NSW WEA would be implemented first and before the residential development. The residential development would be completed tentatively by 2025;
- (d) regarding the implementation of LCNR and NSW WEA, the applicants stated that they should provide an undertaking to assume sole responsibility for continued management until a suitable successor could be found to take over the long-term management;
- (e) the proposed residential development/club house, commercial centre and the elderly centre were on private lots (about 11.6 ha), the visitor centre and public park were on government land (GL) (about 3.34 ha). The NSW WEA and LCNR were on both GL and private lots, with about 48.2 ha (40%) of the NSW WEA and about 34 ha (60 %) LCNR on GL;

Previous Application

- (f) the site was the subject of two s.16 planning applications No. A/DPA/YL-NSW/12 (the Privy Council upheld the decision of the Appeal Board, which allowed the appeal) for golf course and residential

development, and A/YL-NSW/218 (rejected by the Town Planning Board (TPB) on 14.2.2014 and appeal not yet been heard by the Appeal Board) for proposed comprehensive development with wetland enhancement;

Departmental Comments

(g) departmental comments were set out in paragraph 10 of the Paper and summarised as follows:

(i) the Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the acceptability of the development proposal from the ecological point of view. The proposed development with such a high development intensity might not be compatible with the surrounding rural environ which was intended for low density development. Besides, there were inadequacies found in the Ecological Impact Assessment (EcoIA) to demonstrate that the proposed mitigation measures would be effective and that the proposal would not result in significant ecological impacts on the surrounding wetland habitats so as to comply with the ‘no-net-loss in wetland’ principle as stipulated in the TPB Guidelines for “Application for Developments within Deep Bay Area” (TPB PG-No. 12C). Furthermore, there was uncertainty on whether the acquisition of GL for wetland mitigation through an exclusive land exchange would be appropriate and justifiable;

(ii) the Director of Environmental Protection (DEP) advised that the proposed development did not conform to Public-Private Partnership (PPP) scheme of the New Nature Conservation Policy (NNCP) in that the applicants were not able to demonstrate that the development was limited to an agreed scale and the ecologically less sensitive portions of the site. Also, it was considered premature to consider whether the long-term arrangements of the PPP scheme of NNCP were acceptable;

- (iii) the Commissioner for Transport (C for T) did not support the application and advised that the submitted Traffic Impact Assessment (TIA) was considered not satisfactory. The applicants had yet to demonstrate the feasibility of the proposed traffic improvement measures. Also as the proposed new vehicular bridge was to connect the site solely, the Transport Department (TD) would not undertake its management responsibility;

- (iv) the Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD had reservations on the application from both urban design and landscape planning perspectives. The proposed apartment blocks and houses would impose adverse changes to the existing landscape character/resources and the openness of the current landscape. The tree survey and the qualitative Landscape Impact Assessment submitted by the applicants failed to demonstrate the possible adverse landscape impacts and the effectiveness of proposed landscape mitigation measures. The proposed building mass of 29 towers would dominate and overwhelm the riverside and the low-lying landscape, seriously detracting from the amenity of the area. The Visual Impact Assessment submitted was considered not acceptable as the applicants had underestimated the visual impacts of the proposed development from some prominent locations;

Public Comments

- (h) during the first three weeks of the two statutory publication periods, a total of 4,574 public comments were received, of which 6 supported and 4,568 objected to the application. The public comments supported the application for the reasons that the supply of new housing was much needed in the current market condition; adequate ecological impact mitigation measures were proposed by the applicants; and the proposed development could provide ancillary facilities for the area, improve the management of the wetland area; and would provide accommodation for the elderly;

- (i) the objections were mainly on the grounds that the proposed development density was unacceptable; the proposed development would violate the planning intention of a Wetland Conservation Area; the applicants failed to demonstrate that the loss of the wetland function could be adequately compensated by the proposed mitigation measures and compensation of recreating reedbeds in the expense of fish ponds was questionable; the resultant 'no-net-loss in wetland' claimed by the applicants was unreliable/ambiguous; adverse environmental impacts; adverse ecological impacts; traffic impacts and infrastructural provision in the area was not adequate to support the proposed development;
- (j) no local objection/view was received by the District Officer (Yuen Long);
and

PlanD's Views

- (k) PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper and summarised as follows:

Requirements of TPB PG-No. 12C

- (i) the applicants were yet to demonstrate that the proposed scheme would meet the requirements stipulated in the TPB PG-No. 12C as the proposal (including EcoIA and CMP) was yet to achieve 'no-net-loss in wetland' and was not conforming to the PPP approach. The applicants were yet to demonstrate that the long-term conservation and management of the WEA for the NSW site and the LCNR could be satisfactorily achieved;
- (ii) DAFC considered that although the direct habitat loss due to the proposed development might be mitigated/compensated by the measures proposed by the applicants, indirect disturbance impacts arising from the proposed development during the construction

phase and operation phase that would affect a consideration area of wetland habitats around the residential development site were yet to be mitigated adequately. The applicants were yet to clarify how the mitigation proposals would be adequate to achieve the functional enhancement required to mitigate the ecological impacts of the proposed development;

- (iii) DEP was of the view that the proposed development did not conform to PPP scheme of NNCP. It was premature to consider whether the long-term managements of the PPP scheme of NNCP were acceptable;

Deficiencies in Technical Assessments

- (iv) DAFC considered that there were inadequacies found in the EcoIA and proposed mitigation measures. TD considered the submitted TIA not satisfactory. CTP/UD&L, PlanD also had reservations on the application from urban design and landscape planning perspective;

Other Public Facilities

- (v) the feasibility or detailed arrangement for the implementation and subsequent management and maintenance of the proposed public facilities, including a visitor centre, a public park, an elderly centre and a new bridge over Shan Pui River, were yet to be provided for consideration by relevant government departments; and

Undesirable Precedent

- (vi) as the applicants failed to demonstrate that the proposal complied with TPB PG-No. 12C, the approval of the application would set an undesirable precedent for similar applications on other sites under the “OU(CDWEA)” zone.

Ecological baseline conditions of the site

126. In response to the Chairman's queries on the existing condition and management arrangement of the site, including the fishponds, Dr Winnie P.W. Kwok, Senior Wetland & Fauna Conservation Officer, AFCD, said that the existing fishponds were mainly located in the north-eastern part of the NSW site, and in the LC site. Currently, a Management Agreement (MA) project funded by the Environment and Conservation Fund (ECF) was undertaken by the Hong Kong Bird Watching Society (HKBWS) to conduct some conservation measures at these fishponds in collaboration with the fishpond operators. The purpose of the MA scheme was to enhance the conservation value of commercial fishponds by providing an annual management fee to the fishpond operators so that they would conduct draining-down of their fishponds to provide more foraging opportunities for waterbirds in the area. Whilst the ecological value of fishponds was enhanced with the implementation of the MA scheme, the wetland habitats at the NSW site were also considered as having high ecological value as the large areas of reedbeds, wet grassland and ponds form a wetland mosaic and provide ecologically diversified habitats. Comparatively speaking, the existing grassland at the western part of the NSW site was considered having relatively lower ecological value. The Chairman further asked whether the proposed location of the residential part of the development was in the ecologically less sensitive area of the NSW site. In response, Dr Kwok said that though the proposed residential development, which was located farthest away from the Mai Po Inner Deep Bay Ramsar Site, and had taken up the relatively least ecologically less sensitive area within the NSW site, it still encroached upon habitats of high ecological value.

[Professor C.M. Hui returned to join the meeting and Dr C.P. Lau left the meeting at this point.]

Development scale and adequacy of the proposed mitigation measures

127. In response to the Chairman's query on the appropriate scale of the proposed development, Dr Kwok said that it was the permissible development intensity of the site that had been stipulated on the OZP. From the ecological perspective, minimum building footprint for the proposed residential development that would affect minimum areas of

wetland habitats was preferred to minimise the possible ecological impact. Whilst the current scheme was based on the maximum permissible GFA on the OZP, whether the applicants had made sufficient efforts to compensate the loss of wetland (e.g. by enhancing the ecological function of the remaining wetland) due to the proposed development was the most important consideration.

128. In response to a Member's query on whether the proposed development with 29 residential blocks of 19 to 25-storey was in line with the planning intention of the site and compatible with the surrounding land uses, Ms Maggie M.Y. Chin said that the planning intention of the "OU(CDWEA)" zone was to permit low-density private residential or passive recreational development in exchange for committed long-term conservation and management of the remaining fish ponds or wetland within the site. Apart from the building height (BH) of a development, its plot ratio (PR) was also one of the indicators for its development intensity. According to the proposed maximum GFA of 306,581m² which was stipulated on the OZP, the equivalent PR of the proposed development for the whole site was about 0.179, which was comparable to the developments in the surroundings including a similar development at Fung Lok Wai approved by the Committee. Besides, the proposed residential development in the NSW site was located adjacent to the Yuen Long Industrial Estate and Tung Tau Industrial Area to its west and southwest respectively, and was close to Yuen Long New Town. All these areas consisted of medium- to high-rise buildings. As such, the proposed development intensity was generally considered compatible with the surroundings. Whether the building bulk could be further adjusted to minimise its adverse impacts on the surroundings would be subject to further assessment that the applicants might consider in future. She further said that the footprint of the proposed residential development (with an area of 11.6 ha) would result in direct habitat loss of 11.1 ha of wetland habitats (including 7.1 ha of reedbed, 1ha of pond and 3 ha of wet grassland). According to DAFC, the proposed mitigation measures to compensate the secondary loss of fishpond habitats and indirect disturbance impacts were considered inadequate and thus the proposed development was considered failing to comply with the 'no-net-loss in wetland' principle as stipulated in TPB PG-No. 12C.

[Professor C.M. Hui left the meeting at this point.]

129. In response to a Member's query on the substantial use of GL by the applicants in

the proposed development, Ms Chin said that the entire site comprised 82.2ha of GL within the “OU(CDWEA)” and “SSSI(1)” zones, accounting for 46% of the total site area. The maximum GFA of the proposed development was derived from that of the previous approved application No. A/DPA/YL-NSW/12 and was duly stipulated on the OZP. In the current scheme, the applicants proposed to use GL for ecological enhancement to mitigate the adverse ecological impacts arising from the proposed development. As the proposed development consisted of different components with different land status, the implementation of which would be subject to different land leases in the future land exchange process should the application be approved. As advised by the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD), whether the concerned GL would be made available for the applicants to undertake the mitigation measures as proposed was uncertain at this stage. Should the application be approved, the applicants were required to apply to LandsD for the proposed development. However, DLO/YL, LandsD advised that there was no guarantee that the application including the granting of GL would be approved. Such application would be dealt with by LandsD at its discretion based on individual merits. DAFC also had reservation on the justifiability of using GL for provision of mitigation areas for a private development and the adequacy of the proposed mitigation measures.

130. In response to a Member’s query on the functions of wetland habitats on the site, Dr Kwok said that the wetland habitats, especially those in the LC site which formed part of the Mai Po Inner Deep Bay Ramsar Site, had various functions. According to the Ramsar Convention, the functions of wetlands included storage of stormwater during flooding, food production and cultural and heritage values arising from the fish farming operations as well as provision of foraging grounds for waterbirds.

131. In response to the Chairman’s query on the effectiveness of the ecological mitigation measures proposed by the applicants, Dr Kwok said that the mitigation measures were based on enhancement of the ecological values of the existing fishponds at both the WEA of NSW and LCNR and the applicants had made reference to the functional enhancement achieved at the mitigation ponds in Lok Ma Chau Ecological Enhancement Area (LMC EEA). However, it was noted that some of the proposed measures in the CMP of the EcoIA were not as intensive as those proposed in the LMC EEA. Therefore, the applicants should elaborate clearly in the EcoIA and CMP how the proposed mitigation measures would be able to achieve the functional enhancement required. In fact, the

effectiveness of the proposed measures would depend on the resources and efforts put in by the applicants. In addition, since the implementation of such mitigation measures on the fishponds on GL was uncertain, AFCD was concerned that the extent of ecological enhancement measures to be conducted on the small area of fishponds on private land only would be insufficient to compensate the ecological functions of the lost fishponds. In response to the Chairman's further query on the mitigation proposal for the fishpond areas, Dr Kwok said that the applicants proposed to minimise human disturbance to the LCNR and NSW WEA by removing the existing settlements, restricting access to these areas except for those with permission and/or a requirement to be present for management or monitoring purposes. Ponds would be regularly drained and fish would be stocked to provide food for birds so as to increase bird abundance in the LCNR and NSW WEA. Such measures would solely convert the fishponds to a nature reserve for conservation purpose but the current commercial fish farming function would be lost.

Concerns on PPP Approach

132. In response to a Member's query on the implementation of the PPP Approach, Ms Chin said that the applicants agreed to provide an undertaking to take sole responsibility for continued management until a suitable successor could be found to take over the long-term management of the LCNR and NSW WEA. In the CMP, the applicants also proposed an estimated management and maintenance cost of \$3.324M per annum and depositing sufficient funds with the statutory ECF to cover the long-term management and maintenance costs. According to the applicants, such proposal met the requirements of PPP approach stipulated in TPB PG-No. 12C. However, there was no information in the application that the applicants had identified or had liaised/consulted any potential long-term management agent for the LCNR and NSW WEA.

133. A Member asked whether the applicants would implement the ecological mitigation measures on private land under the PPP and what the monitoring mechanism of the PPP would be if such measures failed. In response, Dr Kwok said that the applicants proposed to implement the mitigation measures on the fishponds within LCNR and the NSW WEA prior to the residential development. The PPP was however more concerned about the long-term management of the remaining fishponds/wetland habitats in the subject development.

Deliberation Session

134. The Chairman invited Members to deliberate on the planning considerations and assessments as detailed in paragraph 12 of the Paper. The main points of discussion were summarised as follows.

Planning Intention and development scale

135. A Member had reservation on the application as the proposed development was not in favour of the conservation and enhancement of ecological value and functions of the existing fishponds or wetland. In particular, the proposed compensation measures of replanting reedbed/wet grassland and enhancing the function of existing fishponds were contrary to the primary objective of conserving the natural environment. Another Member concurred and considered that the proposed development would destroy a popular natural habitats currently enjoyed by the public in exchange for a man-made habitat, which was akin to the 'Destroy First, Build Later' approach. The Chairman noted Members' concerns and supplemented that whilst DAFC had reservation on the proposed ecological mitigation measures, the development proposals did contain enhancement measures on nature conservation.

Failed to establish 'no-net-loss in wetland' and effectiveness of proposed ecological mitigation measures

136. The Committee noted that the proposed development footprint of 11.6 ha would lead to direct habitat loss of 11.1 ha of existing wetland habitats (i.e. the 7.1 ha of reedbed, 1ha of pond and 3 ha of wet grassland), which would be compensated in terms of area by converting some 11 ha of existing fishponds in the proposed NSW WEA to the corresponding habitats of similar size and DAFC considered such approach was acceptable subject to adequate mitigation for the secondary loss of fishponds and indirect disturbance impacts. However, there were doubts on the adequacy of the proposed mitigation measures to mitigate the secondary habitat loss (the fishponds used for conversion to wetland habitats) and indirect disturbance impacts. The Committee considered that such ecological mitigation measures should be provided in details in the CMP submitted by the applicants to

the satisfaction of DAFC to confirm the 'no-net-loss in wetland' principle could be satisfied.

137. A Member was concerned about whether the long-term management and maintenance responsibilities of LCNR and NSW WEA might be transferred to owners of individual residential units or to the Government upon expiry of the undertaking as proposed by the applicants. The Committee noted that in the applicants' proposal, different components of the proposed development would be implemented under different land leases in the future land exchange processes. Presumably, sufficient funds would be deposited with the ECF so that it could generate sufficient recurrent income to cover the long-term management and maintenance cost of LCNR and NSW WEA. Nevertheless, since DAFC had doubts on the adequacy of the proposed mitigation measures to mitigate the adverse ecological impacts, it was premature to assess whether the proposed funding was sufficient to cover the long-term management and maintenance of the wetland habitats. The same Member considered that the structure and expenses of the funds should also be assessed so that a realistic estimate on the sustainability of the nature conservation proposals could be provided. In this regard, the Committee noted that DAFC had cast doubt on whether the overall resource requirement for managing NSW WEA and LCNR was adequate to achieve the necessary ecological enhancement.

138. The Chairman said that while there might be uncertainty on the acquisition of GL for wetland mitigation through an exclusive land exchange, whether the GL could be acquired was outside the purview of the Board.

139. To prevent the potential light disturbance of the high-rise residential development on Hong Kong Bent-winged Fireflies, the Committee noted that according to the applicants, the control of the louvres would be under the estate management rather than individual owners, and management/replacement/removal of the louvres was proposed to be incorporated into the Deed of Mutual Covenant. A Member considered that the proposed use of aluminium louvers (Colt Slarfin) to prevent artificial light disturbance impact on Bent-winged Fireflies was not practical. The Chairman said that revising the layout of the proposed residential buildings might be an alternative to mitigate impacts on Bent-winged Fireflies.

Not conforming to PPP Approach

140. The Committee considered that the proposed high-rise development on a 11.6 ha development site would abut major habitats with high abundance of the endemic Hong Kong Bent-winged Firefly. It did not comply with the criteria of ‘low-density development at ecologically less sensitive area’ and ‘at an agreed scale’ of the PPP. Besides, in assessing the proposed development, a precautionary approach should be adopted in accordance with TPB PG-No. 12C when there were doubts on the proposed ecological mitigation measures.

Deficiencies in technical assessments

141. The Chairman summarised that whilst the divergence between the applicants and the Government had been narrowed as shown in the acceptance of the ecological baseline information and ecological survey, Environmental Assessment, Sewage Impact Assessment, Drainage Impact Assessment, Water Supply Impact Assessment by concerned government departments, there were still inadequacies found in the EcoIA and the proposed enhancement and mitigation measures. The applicants should also elaborate in details how the long-term conservation and management of the NSW WEA and LCNR could be achieved. The adverse noise impacts during the construction and operation of the residential development and the possible ecological impacts arising from the loss of permanent wetland habitats due to the new vehicular bridge across Shan Pui River had not yet been addressed. There were deficiencies in TIA, Visual Impact Assessment and qualitative Landscape Impact Assessment. The applicants also failed to demonstrate the potential visual impact and light disturbance of the high-rise buildings could be mitigated. Approving the application with the aforementioned doubts/deficiencies would set an undesirable precedent for other developments within the “OU(CDWCA)” zone.

[Mr F.C. Chan left the meeting temporarily at this point.]

142. After deliberation, the Committee decided to reject the application and agreed to revise the rejection reason (a) in the Paper to focus on the planning intention of “OU(CDWEA)” zone. The reasons were:

- “(a) the proposed development is not in line with the planning intention of the “Other Specified Uses” annotated “Comprehensive Development and

Wetland Enhancement Area” (“OU(CDWEA)”) zone which is intended for conservation and enhancement of ecological value and functions of the existing fish ponds or wetland;

- (b) the proposed development is not in line with Town Planning Board Guidelines for “Application for Developments within Deep Bay Area” (TPB-PG No. 12C) in that the ‘no-net-loss in wetland’ principle is not complied with. The Ecological Impact Assessment and the proposed mitigation measures are inadequate. The applicants failed to demonstrate that the loss of ecological function can be adequately compensated by the proposed mitigation and habitat enhancement measures;
- (c) the proposed development does not conform to “Private-Public Partnership Approach” in that the proposed development is not limited to the ecologically less sensitive portion of the site and the applicants failed to demonstrate how the long-term conservation and management of the wetland enhancement area for the Nam Sang Wai site and the Lut Chau Nature Reserve could be satisfactorily achieved;
- (d) the submitted technical assessments failed to demonstrate that the proposed development would not generate adverse traffic, ecological, landscape and visual impacts on the surrounding areas; and
- (e) the approval of the application would set an undesirable precedent for similar application within OU(CDWEA) zone. The cumulative effect of approving such application would result in general degradation of the environment of the area.”

[The Chairman thanked the representatives of PlanD and AFCD for their attendance to answer Members’ enquiries. They left the meeting at this point.]

[Mr Peter K.T. Yuen, Mr Philip Kan and Ms Christina Lee left the meeting, Mr Lincoln Huang left the meeting temporarily and Mr Ivan C.S. Fu returned to join the meeting at this point.]

Tuen Mun and Yuen Long West District

Agenda Item 34

Section 12A Application

[Open Meeting]

Y/TM/17 Application for Amendment to the Approved Tuen Mun Outline Zoning Plan No. S/TM/33, To Rezone the Application Site from “Open Space” to “Government, Institution or Community”, Lots 491 (Part), 492 (Part), 495 RP, 498 RP, 500 (Part), 501 (Part), 502 RP (Part), 503, 717 RP in D.D. 374 and Adjoining Government Land, So Kwun Wat, Tuen Mun, New Territories

(RNTPC Paper No. Y/TM/17)

143. The Secretary reported that Kenneth Ng & Associates Limited (KNA) was one of the consultants of the applicant. Ms Janice W.M. Lai had declared an interest in the item as she had current business dealings with KNA. Dr C.P. Lau had also declared an interest in the item as he owned a flat at Kwun Tsing Road, So Kwun Wat. The Committee noted that Ms Janice W.M. Lai and Dr C.P. Lau had already left the meeting.

144. The Committee noted that the applicant requested on 24.12.2015 for deferment of the consideration of the application for two months so as to allow time to prepare supplementary information to respond to departmental comments received on the application. This was the first time that the applicant requested for deferment of the application.

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

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

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

[Mr F.C. Chan returned to join the meeting at this point.]

Agenda Item 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/484 Proposed Shop and Services (Fast Food Shop) in "Industrial" Zone,
Part of Unit F, G/F, Wai Cheung Industrial Centre, 5 Shek Pai Tau
Road, Tuen Mun, New Territories
(RNTPC Paper No. A/TM/484)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed shop and services (fast food shop);
- (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 public comment was received from an individual who suggested the applicant to take note of emission from the premises, as there were already a number of restaurants generating kitchen exhaust to the street. No local objection/view was received by the District Officer (Tuen Mun); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed shop and services (fast food shop) could be tolerated for a period of 3 years based on the assessments set out in paragraph 11 of the Paper. In view of the nature of operation and small scale of the applied use, no significant adverse traffic, environmental and infrastructural impacts on the surrounding areas were anticipated. The applied use was in line with the Town Planning Board Guidelines No. 25D (TPB PG-No. 25D) on “Use/Development within “Industrial” Zone” in that separate means of escape was available for the premises. A temporary approval of three years was recommended in order not to jeopardize the long term planning intention of industrial use of the subject premises. Regarding the public comment, the assessments above were relevant.

147. Members had no question on the application.

[Mr Lincoln L.H. Huang returned to join the meeting at this point.]

Deliberation Session

148. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years, instead of permanent permission sought, until 22.1.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) the submission of fire service installations proposal for the application premises within 6 months from the date of the planning approval to the

satisfaction of the Director of Fire Services or of the TPB by 22.7.2016;

- (b) the implementation of fire service installations proposal for the application premises within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.10.2016; and
- (c) if the above approval conditions (a) or (b) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

Agenda Item 36

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/500 Proposed Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years in “Village Type Development”, “Residential (Group C)” and “Residential (Group D)” Zones, Lots 1809 RP (Part), 1810 RP (Part), 1813 RP (Part), 1814 (Part), 1815, 1816 and 1817 (Part) in D.D. 124 and Adjoining Government Land, San Lee Uk Tsuen, Ping Shan, Yuen Long, New Territories
(RNTPC Paper No. A/YL-PS/500A)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the proposed temporary public vehicle park (private cars and light goods vehicles) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application. The Director of Environmental Protection (DEP) advised that a non-substantiated pollution complaint on noise was received in 2012. From 2013 to August 2015, no environmental pollution complaint related to the site was received;
- (d) during the first three weeks of the two statutory publication periods, a total of 13 public comments were received from individuals objecting to the application. The major grounds of objection included dangers to traffic and pedestrian safety on the narrow existing local track; adverse health impacts on the nearby residents and kids; noise nuisance due to honking of cars; inefficient land use; and undesirable precedent. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. The proposed development was not entirely in line with the planning intentions of the “Village Type Development”, “Residential (Group C)” and “Residential (Group D)” zones. However, the proposed development could provide parking spaces to meet any such demand. Whilst the site fell within the Hung Shui Kiu New Development Area (NDA), the development programme of the NDA was being formulated. Concerned departments had no objection to or no adverse comment on the application. Regarding the public comment, the assessments above were relevant.

151. Members had no question on the application.

152. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.1.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) only private cars and light goods vehicles as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to enter/be parked on the site at all times during the planning approval period;
- (c) a notice shall be posted at a prominent location of the site to indicate that only private cars and light goods vehicles as defined in the Road Traffic Ordinance are allowed to enter/be parked on the site at all times during the planning approval period;
- (d) 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;
- (e) the paving on the site shall be maintained at all times, as proposed by the applicant, during the planning approval period;
- (f) 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;
- (g) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (h) the erection of ‘Pedestrian on or crossing road ahead’ traffic signs at the access road between Tin Ha Road and the site and at the ingress/egress of the site to remind drivers on pedestrian safety on the access road to the site,

as proposed by the applicant, at all times during the planning approval period to the satisfaction of the Commissioner for Transport or of the TPB;

- (i) the erection of bollards at 3-meter interval at the section of access road between Tin Ha Road and the site, as proposed by the applicant, at all times during the planning approval period to the satisfaction of the Commissioner for Transport or of the TPB;
- (j) the implementation of accepted drainage proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.7.2016;
- (k) in relation to (j) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (l) the submission of 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 22.7.2016;
- (m) in relation to (l) above, the implementation of 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 22.10.2016;
- (n) the implementation of accepted landscape and tree preservation proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 22.7.2016;
- (o) the provision of boundary fencing within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.4.2016;
- (p) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h), (i) or (k) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked

immediately without further notice;

- (q) if any of the above planning conditions (j), (l), (m), (n) or (o) 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
- (r) 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.”

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

Agenda Item 37

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/755 Proposed Temporary Shop and Services (Real Estate Agency) and Eating Place for a Period of 3 Years in “Residential (Group B) 1” Zone, Lot 293 RP (Part) in D.D. 127, Hung Shun Road, Hung Shui Kiu, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TYST/755A)

Presentation and Question Sessions

154. Miss Karmin Tong, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed temporary shop and services (real estate agency) and eating place 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, 120 public comments from a Yuen Long District Council Members, the Incorporated Owners of The Woodsville enclosing a letter with signatures as well as individuals/local residents who objected to or had expressed concerns on the application, were received. The commenters generally raised the following concerns: (i) the aggravation of the local traffic congestion and illegal parking along Hung Shun Road and impact on pedestrian safety especially during school hours; (ii) environmental hygiene problems and environmental nuisances; (iii) foul water and sewerage discharge; (iv) incompatibility with the surrounding residential and school uses; (v) potential fire hazards arising from the development; (vi) worsening of public security, in particular to the adjoining residential development (The Woodsville); and (vii) impact on the tranquil living environment and landscape. There were also concerns that the site was the subject of a previous revocation and that the applicant of the current application had not submitted any assessments to demonstrate that the development would not generate adverse environmental, landscape and geotechnical impacts on the surroundings. No local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. It could provide real estate services and eating facility to serve any such demand in the area. As there was no programme for residential development at the site currently, it was considered that approval of the application on a temporary basis would not frustrate the long-term use of the area. Concerned departments had no objection to or no adverse comment on the application. Regarding the public comments, the assessments above were relevant.

Moreover, the public concerns on illegal on-street parking would be subject to enforcement by the police and nuisances such as odour and fume emissions generated by the proposed development would also be subject to enforcement under the concerned pollution control ordinances administered by the relevant department. The proposed development would also need to comply with relevant licensing requirements.

155. Members had no question on the application.

Deliberation Session

156. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.1.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 9:30 p.m. and 9:30 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no parking of vehicles, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (c) 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 22.7.2016;
- (d) in relation to (c) above, 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 22.10.2016;
- (e) the implementation of the accepted drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.7.2016;
- (f) in relation to (e) above, the implemented drainage facilities shall be

maintained at all times during the planning approval period;

- (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 22.7.2016;
- (h) in relation to (g) 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 22.10.2016;
- (i) if any of the above planning conditions (a), (b) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (j) if any of the above planning conditions (c), (d), (e), (g) or (h) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (k) upon 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.”

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

Agenda Item 38

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/775 Temporary Open Storage of Construction Machinery and Construction Materials with Ancillary Office and Repair Workshop for a Period of 3 Years in “Undetermined” Zone, Lots 2387 RP (Part), 2388 (Part), 2389 (Part), 2391 (Part), 2407 (Part) , 2408 (Part), 2409 S.B (Part), 2410 (Part), 2411 S.AB & C (Part), 2412, 2413, 2414, 2415 (Part) and 2419 (Part) in D.D. 120, Tong Yan San Tsuen, Yuen Long, New Territories (RNTPC Paper No. A/YL-TYST/775)

Presentation and Question Sessions

158. Miss Karmin Tong, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the temporary open storage of construction machinery and construction materials with ancillary office and repair workshop for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses in the vicinity (with the nearest one located to its immediate south), and environmental nuisance was expected;
- (d) during the first three weeks of the statutory publication period, a public comment was received raising objection to the application for the reason of inefficient use of land. No local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The application was generally in line with Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that the site fell within Category 1 areas which were considered suitable for open storage and port back-up uses; there were no adverse comments for concerned departments except DEP; and the concerns of relevant government departments could be addressed through the imposition of approval conditions. Although DEP did not support the application, no environmental complaint was received in the past three years and possible nuisances generated by the temporary use could be minimized by the imposition of relevant approval conditions. Regarding the public comment, the assessments above were relevant.

159. Members had no question on the application.

Deliberation Session

160. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.1.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no workshop activities, except in Compartment No. 1, as proposed by the applicant, are allowed in the site at any time during the planning approval period;
- (d) no heavy goods vehicle exceeding 24 tonnes, including container

tractor/trailer, as defined in the Road Traffic Ordinance, is allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;

- (e) no storage or handling (including loading and unloading) of electrical appliances and electronic/computer parts (including cathode-ray tubes), as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse on public road at any time during the planning approval period;
- (g) the provision of boundary fence on the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.7.2016;
- (h) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (i) the submission of records 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 22.4.2016;
- (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 22.7.2016;
- (k) in relation to (j) above, 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 22.10.2016;
- (l) the provision of fire extinguisher(s) with valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.3.2016;

- (m) 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 22.7.2016;
- (n) in relation to (m) above, the implementation of fire service installation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.10.2016;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f) 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;
- (p) if any of the above planning conditions (g), (i), (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 site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 39

Section 16 Application

[Open Meeting]

A/TSW/64 Proposed Residential Development with Eating Place and Shop and Services in “Other Specified Uses” annotated “LRT Terminus” Zone, Tin Shui Wai Planning Area 33 (Tin Shui Wai Town Lot 23), New Territories
(RNTPC Paper No. A/TSW/64)

162. The Secretary reported that the application was submitted by MTR Corporation Limited (MTRCL). The following Members had declared interests in the item:

Mr Ivan C.S. Fu	}	having current business dealings with MTRCL; and
Ms Janice W.M. Lai		
Professor S.C. Wong	-	being the Chair Professor and Head of the Department of Civil Engineering of the University of Hong Kong where MTRCL had sponsored some activities of the Department.

163. The Committee also noted that the applicant had requested for deferment of consideration of the application and Ms Janice W.M. Lai had already left the meeting. The Committee agreed that as the interest of Professor S.C. Wong was indirect, he could stay in the meeting. As the interest of Mr Ivan C.S. Fu was direct, the Committee agreed that he could stay in the meeting but should refrain from participating in the discussion.

164. The Committee noted that the applicant requested on 8.1.2016 for deferment of the consideration of the application for two months to allow time to prepare further information to address departmental comments. This was the first time that the applicant requested for deferment of the application.

165. 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 40 and 42

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/980 Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in "Village Type Development" Zone, Lot 650 RP (Part) in D.D. 125 and Adjoining Government Land, Sik Kong Tsuen, Ha Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-HT/980A)

A/YL-HT/998 Temporary Shop and Services (Convenience Store) for a Period of 3 Years in "Village Type Development" Zone, Lot 650 RP (Part) in D.D. 125, Ha Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-HT/998)

166. The Committee agreed that these two applications should be considered together since they were similar in nature and the sites were located in close proximity to each other, and within the same "Village Type Development" ("V") zone.

167. The Secretary reported that Ms Janice W.M. Lai had declared an interest in the items as her spouse was a shareholder of a company which owned two pieces of land in Ha Tsuen. The Committee noted that Ms Janice W.M. Lai had already left the meeting.

Presentation and Question Sessions

168. Mr Vincent T.K. Lai, STP/TMYLW, presented the applications and covered the following aspects as detailed in the Papers:

- (a) background to the applications;
- (b) the proposed temporary shop and services (real estate agency) for a period of three years for application No. A/YL-HT/980 and the temporary shop and services (convenience store) for a period of three years for application No. A/YL-HT/998;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Papers. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on application No. A/YL-HT/980 as the proposed row of trees along the boundary adjoining San Sik Road was inadequate for compensation for the loss of landscape resources. Furthermore the site of said application was cleared and developed prior to application, approval of the application might set an undesirable precedent encouraging applicants to clear and develop the sites prior to application. Other concerned departments had no objection to or no adverse comment on the applications;
- (d) during the first three weeks of the statutory publication period, a public comment on application No. A/YL-HT/980 was received objecting to the application on the grounds that the site, previously used for agricultural/greenery space, had been illegally formed and a structure was erected prior to obtaining planning permission; there was no notice on this application posted at the San Wai Notice Board; the proposed development would attract additional traffic to San Sik Road which was already very busy; and the proposed use would cause security problems to the area. No public comment was received for application No. A/YL-HT/998 during the first three weeks of the statutory publication period. No local objection/view was received by the District Officer (Yuen Long) for both applications; and

- (e) PlanD's views – PlanD considered that the temporary uses could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Papers. Given the small-scale of the proposed developments, they would not cause significant adverse environmental, visual, traffic or drainage impact on the surrounding areas. Relevant departments, except CTP/UD&L, PlanD on application No. A/YL-HT/980, had no adverse comment on the applications. For application No. A/YL-HT/980, the site was zoned “V” on the outline zoning plan intended for Small House development and to minimise any potential landscape impact, an approval condition on landscape proposal was recommended. Regarding the public comment of the said application, the assessments above were relevant and public consultation had also been conducted according to the established practice including posting notice at Yuen Long District Office Notice Board at village.

169. Members had no question on the applications.

Deliberation Session

170. After deliberation, the Committee decided to approve the applications on a temporary basis for a period of 3 years until 22.1.2019, on the terms of the applications as submitted to the Town Planning Board (TPB) and subject to the following conditions:

Application No. A.YL-HT/980

- “(a) no operation between 8:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) the implementation of the accepted drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.7.2016;
- (c) in relation to (b) above, the implemented drainage facilities on the site shall

be maintained at all times during the planning approval period;

- (d) the implementation of the accepted landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.10.2016;
- (e) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.7.2016;
- (f) in relation to (e) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.10.2016;
- (g) if any of the above planning conditions (a) or (c) 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;
- (h) if any of the above planning conditions (b), (d), (e) or (f) 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
- (i) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

Application No. A.YL-HT/998

- “(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) the implementation of the accepted drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.7.2016;

- (c) in relation to (b) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) the submission of a tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.7.2016;
- (e) in relation to (d) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.10.2016;
- (f) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.7.2016;
- (g) in relation to (f) 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 22.10.2016;
- (h) if any of the above planning conditions (a) or (c) 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;
- (i) if any of the above planning conditions (b), (d), (e), (f) or (g) 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
- (j) 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.”

171. The Committee also agreed to advise the applicant of application No. A/YL-HT/980 to note the advisory clauses as set out at Appendix IV of the Paper and the

applicant of application No. A/YL-HT/998 to note the advisory clauses as set out at Appendix III of the Paper.

172. As the Chairman had another engagement, the Vice-chairman took over the chairmanship of the meeting at this point.

[Mr K.K. Ling left the meeting at this point.]

Agenda Item 41

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/981 Proposed Temporary Open Storage of Containers, Construction Materials and New Vehicles with Site Offices for a Period of 3 Years in “Recreation” Zone, Lots 240, 241, 242, 243, 244 (Part), 245, 248, 284, 285 (Part), 307, 313 (Part), 314, (Part), 315 (Part), 317, 318, 319 (Part), 320, 322, 323, 324, 325, 326, 328, 329, 330, 331, 332, 333 (Part), 334 (Part), 335, 336 (Part), 337, 338, 339, 340, 341, 345 (Part), 346 (Part), 348 RP (Part), 349 in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-HT/981A)

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

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the proposed temporary open storage of containers, construction materials and new vehicles with site offices for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site (the nearest dwelling was about 50m away) and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservations on the application from landscape planning point of view as significant adverse landscape impact on existing landscape resources had taken place when comparing the aerial photos taken between 2008 and 2014. Approval of the application might set an undesirable precedent of encouraging applicants to clear and develop the sites before approval was given;
- (d) during the first three weeks of the two statutory publication periods, a total of two public comments were received from Designing Hong Kong and a member of the public. They objected to the application on the grounds that the development was not in line with the planning intention of the “Recreation” (“REC”) zone; the suspected ‘destroy first, develop later’ situation; the proposed temporary uses, once permitted, were normally renewed making it difficult for the development of land for more suitable uses; there could be runoff of toxic wastes from the open storage of construction materials; and the approval of the application would set an undesirable precedent for similar applications and cumulative effect of which would result in general degradation of the “REC” zone. No local objection/view was received by the District Officer (Yuen Long); and
- (e) PlanD’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The application generally complied with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that there was no adverse

comment from concerned government departments, except DEP and CTP/UD&L, PlanD. Although DEP did not support the application, no environmental complaint was received in the past three years and to address DEP's concern and mitigate any potential environmental impacts, relevant approval conditions had been recommended. To address CTP/UD&L, PlanD's concern, the applicant had proposed to provide peripheral tree planting for landscape treatment, and to mitigate any potential landscape impact, approval conditions on the submission and implementation of tree preservation and landscape proposal were recommended. Regarding the public comments, the assessments above were relevant.

175. Members had no question on the application.

Deliberation Session

176. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.1.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 6:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) in relation to (a) above, no operation on Saturdays between 2:00 p.m. and 8:00 a.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) the stacking height of containers stored on the site shall not exceed 7 units at any times during the planning approval period;
- (e) no cutting, dismantling, cleaning, repairing, compacting, vehicle repair

workshop activity, other than container repairing activities, is allowed on site at any time during the planning approval period ;

- (f) no left turn of container vehicles into Ha Tsuen Road eastbound, as proposed by the applicant, upon leaving the site is allowed at any time during the planning approval period;
- (g) the erection of a 'Turn Right' traffic sign at the junction of the access road with Ha Tsuen Road at all times during the planning approval period to the satisfaction of the Commissioner for Transport or of the TPB;
- (h) no vehicle is allowed to queue back to or reverse onto/from the public road at any times during the planning approval period;
- (i) the implementation of the accepted drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.7.2016;
- (j) the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (k) the submission of a tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.7.2016;
- (l) in relation to (k) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.10.2016;
- (m) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks to the satisfaction of the Director of Fire Services or of the TPB by 4.3.2016;
- (n) 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 22.7.2016;

- (o) in relation to (n) 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 22.10.2016;
- (p) the provision of fencing of the site within 6 months from the date from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.7.2016;
- (q) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h), or (j) 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), (k), (l), (m), (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.”

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

Agenda Item 43

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/999 Temporary Open Storage of Private Car and Ancillary Inspection Centre for a Period of 3 Years in “Comprehensive Development Area” and “Village Type Development” Zones, Lots 2420 RP(Part), 2422 RP(Part) , 2442(Part) and 2443 RP(Part) in D.D. 129 and Adjoining Government Land, Ha Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-HT/999)

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

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of private car and ancillary inspection centre for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site (the nearest dwelling being about 26m away across Lau Fau Shan Road) and environmental nuisance was expected;
- (d) during the first three weeks of the statutory publication period, a public comment was received urging the Town Planning Board (TPB) to reject the application for a better use of the site. No local objection/view was

received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The proposed development was in line with the TPB Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that the site was subject to previous planning approval, DEP's concern could be addressed by way of approval conditions, and there was no adverse comment from other concerned government departments. Regarding the public comment, the assessments above were relevant.

180. Members had no question on the application.

Deliberation Session

181. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.1.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 7:00 p.m. to 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 stripping, cutting, cleansing, melting, dismantling works or other workshop activity, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (d) only private cars, as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to enter/be parked on the site at all times during the planning approval period;

- (e) no vehicle is allowed to queue back to or reverse onto/from the public road at any times during the planning approval period;
- (f) the existing drainage facilities on-site shall be maintained at all times during the planning approval period;
- (g) the submission of a condition record of existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.4.2016;
- (h) the submission of a tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.7.2016;
- (i) in relation to (h) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.10.2016;
- (j) the submission of a run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 22.7.2016;
- (k) in relation to (j) above, the implementation of run-in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 22.10.2016;
- (l) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.3.2016;
- (m) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.7.2016;

- (n) in relation to (m), the implementation of fire service installations proposals within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.10.2016;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) 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;
- (p) if any of the above planning conditions (g), (h), (i), (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 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.”

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

Agenda Item 44

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/1000 Temporary Open Storage of Containers with Ancillary Logistics Uses, Vehicle Repair Workshop, Container Repair Workshop and Parking of Tractors for a Period of 3 Years in “Comprehensive Development Area” and “Green Belt” Zones, Lots 112 (Part), 113 (Part), 133 (Part), 134 (Part), 135 (Part), 136 (Part), 137 (Part), 165 (Part), 166, 167 (Part), 168 (Part), 169 (Part), 181 (Part), 256 (Part), 257 (Part), 258 (Part), 259 (Part), 260 S.A (Part), 260 S.B (Part), 261 (Part), 262, 263, 264, 265 (Part), 266, 267 (Part), 268 (Part), 270 (Part), 271, 272 (Part), 273, 274, 275 (Part), 277(Part), 278 (Part), 279 (Part) and 281 (Part) in D.D. 125, Ha Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-HT/1000)

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

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of containers with ancillary logistics uses, vehicle repair workshop, container repair workshop and parking of tractors for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of

the site (the closest one being about 92 m away) and along access road (Ping Ha Road) and environmental nuisance was expected;

- (d) during the first three weeks of the statutory publication period, a public comment was received. The commenter suggested better use of land resources by considering the construction of multi-storey towers to accommodate storage and parking. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The proposed development was in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that there was previous planning approval covering the site, DEP's concern could be addressed by way of approval conditions, and there was no adverse comment from other concerned government departments. Although DEP did not support the application, there was no substantiated environmental complaint against the site over the past three years. Regarding the public comment, the assessments above were relevant.

185. Members had no question on the application.

Deliberation Session

186. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.1.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 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 operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;

- (c) the stacking height of containers 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;
- (d) the stacking height of containers stored on the site shall not exceed 8 units, as proposed by the applicant, at any time during the planning approval period;
- (e) no material is allowed to be stored/dumped within 1m of any tree on the site at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from the public road is allowed at any times during the planning approval period;
- (g) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (h) the submission of a condition record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.4.2016;
- (i) the implementation of the accepted 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 22.10.2016;
- (j) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.3.2016;
- (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 22.7.2016;

- (l) in relation to (k) 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 22.10.2016;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (h), (i), (j), (k) or (l) 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
- (o) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 45

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/1001 Temporary Open Parking of Coaches/Buses, Private Cars and Open Storage of Parts, Tyres with Ancillary Workshop and 2 Lorry Loading/Unloading Spaces for a Period of 3 Years in “Open Space” and “Open Storage” Zones, Lots 479 RP (Part), 480 S.A RP (Part), 480 RP (Part), 485 (Part), 486, 487 S.A, 487 S.B, 488, 489 S.A, 489 S.B RP (Part), 490 RP, 491 RP, 494 RP, 495 RP (Part), 496, 497, 498, 499, 500, 501 RP (Part), 505, 506 (Part) in D.D. 124, and Adjoining Government Land, Ha Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-HT/1001)

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

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open parking of coaches/buses, private cars and open storage of parts, tyres with ancillary workshop and two lorry loading/unloading spaces for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as the proposal would generate traffic of heavy vehicles and the site boundary was within 100m from the nearest residential building;

- (d) during the first three weeks of the statutory publication period, 14 public comments from the local residents were received objecting to the application mainly on the grounds that the heavy lorries serving the nearby logistics centred and warehouses already had an adverse traffic impacts and causes traffic safety concerns to the residents, and illegal parking of lorries on the road side was often noted; the development would have an adverse environmental impacts to surrounding areas; the applicant had altered the existing drainage facilities leading to the blockage and flooding to surrounding areas; areas of green landscape had been removed for the warehouse use causing dust pollution affecting the health of the residents; the site occupied the commenter's land without his authorization and blocking access to his land; the number of vehicles parked on the site exceeded the numbers as approved under the previous planning application; and the development would affect the *fung shui* of the village. No local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The proposed development was in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that there was a previous approval for similar use, the applicant had complied with the approval conditions and no adverse comment were received from concerned government departments, except DEP. Although DEP did not support the application, there had not been any substantiated environmental complaint against the site over the past three years. To address DEP's concern and mitigate any potential environmental impacts, relevant approval conditions had been recommended. Regarding the public comments, the assessments above were relevant and as regards the issues on unauthorized occupation of private land and block of private access, an advisory clause had been recommended to remind the applicant to resolve any land issue relating to the development.

190. Members had no question on the application.

Deliberation Session

191. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.1.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 10:00 p.m. to 6:00 a.m., as proposed by the applicant, is allowed on the site during the approval period;
- (b) in relation to (a) above, no operation for parking of coaches/buses and car between 8:00 p.m. to 8:00 a.m. on Sundays and public holidays, as proposed by the applicant, is allowed site during the approval period;
- (c) in relation to (a) above, no operation for open storage and ancillary workshop use on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from the public road at any times during the planning approval period;
- (e) the implementation of the accepted drainage proposal on site within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.10.2016;
- (f) the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (g) the submission of a tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.7.2016;
- (h) in relation to (g) above, the implementation of the tree preservation and

landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.10.2016;

- (i) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.3.2016;
- (j) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.7.2016;
- (k) in relation to (j) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.10.2016;
- (l) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.7.2016;
- (m) if any of the above planning conditions (a), (b), (c), (d) or (f) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (e), (g), (h), (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (o) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 46

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/281 Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years in “Village Type Development” Zone, Lots 2888 RP (Part) and 2889 RP (Part) in D.D. 129, Sha Kong Wai, Yuen Long, New Territories
(RNTPC Paper No. A/YL-LFS/281)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary public vehicle park for private cars and light goods vehicles for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, Plan D) had reservation on the application from the landscape planning point of view. During the site visit, it was noted that the trees and vegetation originally located within the site were now missing and the site was being used for car parking when comparing with the aerial photo of 2012. Adverse landscape impact had taken place. Approval of the application would likely set an undesirable precedent encouraging the applicants to clear and develop the sites prior to application;
- (d) during the first three weeks of the statutory publication period, a public comment was received expressing concerns of inefficient use of land and setting a bad precedent for using the land for other uses. No local

objection/view was received by the District Officer (Yuen Long); and

- (e) PlanD's views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. The technical concerns of government departments could be addressed by the approval conditions. To reduce the potential impacts on the surrounding area, approval conditions on operation hours, type of vehicles to be parked, posting notices and no workshop activity, were recommended. Regarding the public comment, the assessments above were relevant.

194. Members had no question on the application.

Deliberation Session

195. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.1.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) only private cars and light goods vehicle under 5.5 tonnes, as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to enter/be parked on the site at all times during the planning approval period;
- (c) a notice shall be posted at a prominent location of the site to indicate that only private cars and light goods vehicle under 5.5 tonnes, as defined in the Road Traffic Ordinance, are allowed to enter/be parked on the site at all times during the planning approval period;
- (d) 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;

- (e) 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 at all times during the planning approval period;
- (f) 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;
- (g) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (h) the implementation of the accepted drainage proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.7.2016;
- (i) in relation to (h) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (j) the submission of landscape proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 22.7.2016;
- (k) in relation to (j) above, the implementation of landscape proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 22.10.2016;
- (l) the provision of boundary fencing on the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.4.2016;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) 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;

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

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

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

Agenda Item 47

Any Other Business

[Open Meeting]

A/YL-TT/320-7 Application for Extension of Time for Compliance with Planning Condition, G/F of House No. 20 (Lots TTL 5 and TTL 99 in D.D. 117) and Adjoining Government Land, Tai Tong Village, Yuen Long, New Territories (Open Meeting)

197. The Secretary reported that an application for extension of time (EOT) for compliance with approval condition (d) by three months under application No. A/YL-TT/320 was received on 13.1.2016. Approval condition (d) on the implementation of the fire fighting and fire service installations proposal within 9 months required compliance by the applicant by 21.1.2016.

198. The current EOT application was received on 13.1.2016, which was seven

working days before the expiry of the specified time limit for the aforesaid conditions. According to the Town Planning Board Guidelines No. 34B for Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development, an application submitted less than six weeks before the expiry of the specified time might not be processed for consideration of the Town Planning Board, as there was insufficient time to obtain departmental comments before the expiry of the specified time limit for compliance with the condition which were essential for the consideration of the application. The Committee was recommended not to consider the application as the planning permission had been revoked on 21.1.2016.

199. After deliberation, the Committee agreed that the application for EOT for compliance with planning condition could not be considered for reason that condition (d) had already expired on 21.1.2016, and the planning approval for the subject application had ceased to have effect and had on the same date been revoked, the Committee could not consider the section 16A application as the planning permission no longer existed at the time of consideration.

200. There being no other business, the meeting closed at 7:10 p.m.