

TOWN PLANNING BOARD

Minutes of 551st Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 19.2.2016

Present

Director of Planning
Mr K.K. Ling

Chairman

Professor S.C. Wong

Vice-chairman

Professor Eddie C.M. Hui

Ms Anita W.T. Ma

Dr W.K. Yau

Professor K.C. Chau

Mr Ivan C.S. Fu

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Mr F.C. Chan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

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

Dr C.P. Lau

Ms Christina M. Lee

Mr H.F. Leung

Mr Philip S.L. Kan

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
Mr William W.L. Chan

Agenda Item 1

Confirmation of the Draft Minutes of the 550th RNTPC Meeting held on 5.2.2016

[Open Meeting]

1. The draft minutes of the 550th RNTPC meeting held on 5.2.2016 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

- (i) Amendment to Confirmed Minutes of
549th RNTPC meeting held on 22.1.2016
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2. The Secretary reported that on 22.1.2016, the Committee decided to defer a decision on a section 12A application No. Y/TM/17. The minutes were confirmed at the meeting on 5.2.2016 and sent to the applicant on the same date. Subsequently, an error was found in the declaration of interests (paragraph 143 of the minutes). The relevant sentences of the minutes should be revised to read as:

“Dr C.P. Lau ~~Dr W.K. Yau~~ 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.—~~As the applicant had requested for deferment of consideration of the application, and the property of Dr W.K. Yau did not have a direct view of the site, the Committee agreed that he could stay in the meeting.~~”

3. The Committee agreed to the revisions to the minutes as stated above, and that the revised extract of the minutes should be sent to the applicant and the revised minutes should be uploaded to the Town Planning Board’s website after the meeting.

[Mr David Y.T. Lui arrived to join the meeting at this point.]

Sai Kung and Islands District

Agenda Item 3

Section 16 Application

[Open Meeting]

A/I-CC/21 Proposed House in “Green Belt” Zone, Lot. No. 942 in D.D. Cheung
Chau, Cheung Chau
(RNTPC Paper No. A/I-CC/21)

4. The Secretary reported that Landes Ltd. (Landes) was one 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 Landes;
Ms Janice W.M. Lai] and

Mr Lincoln L.H. Huang - being a shareholder and director of a company that owned a flat at 2F & 2G Lung Tsai Tsuen.

5. The applicant had requested for deferment of consideration of the application. As Mr Fu and Ms Lai had no involvement in the application, the Committee agreed that they could stay in the meeting. The Committee noted that Mr Huang had not arrived to join the meeting yet.

6. The Committee noted that the applicant requested on 27.1.2016 for deferment of the consideration of the application for two months to allow time for preparation of further information (FI) to address the comments of relevant government departments. It was the applicant’s first request for deferment.

7. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of FI from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of FI from the applicant. If FI 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 FI, and no further deferment would be granted unless under very special circumstances.

Agenda Item 4

Section 16 Application

[Open Meeting]

A/SK-HC/250 Proposed House and Minor Relaxation of Plot Ratio from 0.2 to 0.27 in “Recreation” Zone and area shown as ‘Road’, Lots 101 S.A.(Part), 102 S.A., S.B, S.C(Part) & S.E(Part), 103 S.A.(Part) & S.B(Part), 104 S.A & R.P., 105 S.A & R.P., 107 S.A to S.C(Part) & S.D. to S.H., 108 S.A, S.B, S.C. & RP, 109 S.A & R.P., 110 to 111 in D.D.247 and Adjoining Government Land in Ho Chung, Sai Kung
(RNTPC Paper No. A/SK-HC/250A)

8. The Secretary reported that LWK & Partners (HK) Ltd. (LWK) and AECOM Asia Co. Ltd. (AECOM) were two of the consultants of the applicants. The following Members had declared interests in the item:

- Mr Ivan C.S. Fu - being the director and shareholder of LWK and having current business dealings with AECOM;
- Ms Janice W.M. Lai - having current business dealings with AECOM; and
- Professor S.C. Wong - having current business dealings with AECOM and 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.

9. The applicant had requested for deferment of consideration of the application. The Committee agreed that Mr Fu could stay in the meeting but should refrain from

participating in the discussion. As Ms Lai and Professor Wong had no involvement in the application, the Committee agreed that they could stay in the meeting.

10. The Committee noted that departmental comments on the latest further information (FI) submitted by the applicant on 5.2.2016 were yet to be received, and the Director of Environmental Protection and the Chief Engineer/Construction, Water Supplies Department advised that more time was required for them to comment on the latest submitted FI. The applicant requested on 16.2.2016 for deferment of the consideration of the application for two months pending departmental comments on the latest submitted FI. It was the applicant's first request for deferment.

11. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant. The Committee agreed that the application should be submitted for its consideration on 22.4.2016. The Committee also agreed to advise the applicant that no further deferment would be granted unless under very special circumstances.

Agenda Item 5

Section 16 Application

[Open Meeting]

A/SK-HC/256 Proposed Excavation of Land (1m in depth) for Permitted Agricultural Use in "Green Belt" Zone, Lot No. 130 (Part) in D.D. 247, Ho Chung, Sai Kung

(RNTPC Paper No. A/SK-HC/256)

12. The Committee noted that the applicant requested on 4.2.2016 for deferment of the consideration of the application for one month to allow time for preparation of further information (FI) to address the comments of relevant government departments. It was the applicant's first request for deferment.

13. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of FI from the applicant. The

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

Sha Tin, Tai Po and North District

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

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

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-HLH/28 Proposed Service Reservoir in "Green Belt" Zone, Government Land at Table Hill (a knoll near the existing Table Hill Fresh Water Service Reservoir), Sheung Shui
(RNTPC Paper No. A/NE-HLH/28)

14. The Secretary reported that Urbis Ltd. was one of the consultants of the applicant. Mr Ivan C.S. Fu and Ms Janice W.M. Lai had declared interests in the item as they had current business dealings with Urbis. As Mr Fu and Ms Lai had no involvement in the application, the Committee agreed that they could stay in the meeting.

Presentation and Question Sessions

15. With the aid of a PowerPoint presentation, 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 service reservoir;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, two public comments were received. A Northern District Council member supported the application and stated that the nearby villagers should be consulted on the application whereas the Sheung Shui District Rural Committee indicated no comment on the application. No local objection/view was received by the District Officer (North); 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 service reservoir was essential to meet the water demand from the nearby population, and the applicant had demonstrated that the site was the most preferable site in the surrounding area.

16. Members had no question on the application.

Deliberation Session

17. Noting recent hill fire happened in the area including the site, a Member suggested to add an advisory clause reminding the applicant to select fire-resistant species when considering the compensatory planting for the site. The Committee agreed.

18. 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 19.2.2020, 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 drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the submission of an updated traffic assessment and implementation of the traffic improvement measures identified therein to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the submission and implementation of tree preservation and landscape proposals including a revised landscape impact assessment to the satisfaction of the Director of Planning or of the TPB; and
- (d) the design and provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.”

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

- “(f) to select fire-resistant species when considering the compensatory planting for the site.”

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

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-STK/7 Temporary Eating Place (Restaurant) with Ancillary Vehicle Park for a Period of 3 Years in “Recreation(1)” and “Village Type Development” Zones, Lots 152 S.B RP and 172 S.B ss.2 (Part) in D.D.40, Ha Tam Shui Hang Village, Sha Tau Kok
(RNTPC Paper No. A/NE-STK/7C)

Presentation and Question Sessions

20. The Committee noted that a replacement page for page 1 of Appendix III of the Paper 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 eating place (restaurant) with ancillary vehicle park for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) was concerned that the proposed use might bring about pollution and disturbance to the ecological sensitive coastal habitats along nearby Starling Inlet. Nevertheless, noting that a surface channel along the perimeter of the site would be provided to drain the surface runoff of the site to a proper discharge point and a 8m offset from the high water mark at the edge of the Starling Inlet and landscaping area would be provided, DAFC had no further comment on the application from the nature conservation perspective. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservation on the application from the landscape planning point of view as the temporary vehicle park under application had potential impact on the adjacent sensitive mangrove habitat. The Director of Environmental Protection (DEP) advised that there was no existing public sewer in the vicinity of the site. Discharges from the development might have adverse impact on the water quality of Starling Inlet nearby;
- (d) during the first three weeks of the statutory publication period, four public comments were received. One public comment submitted by a North District Council (NDC) member supported the application as it could provide catering service and car parking space to serve the visitors and/or the villagers after open up of the Closed Area. The other three public

comments submitted by World Wide Fund for Nature Hong Kong, Hong Kong Bird Watching Society and Designing Hong Kong Limited raised concerns on/objected to the application mainly on the grounds that the development was not in line with the planning intention of “Recreation(1)” (“REC(1)”) zone; the temporary vehicle park use might affect the birds and mangroves at the coast of the Starling Inlet; there had been landscape changes prior to the submission of the subject planning application; and the setting of an undesirable precedent for similar applications in the area. The District Officer (North) advised that the incumbent NDC member, one of the three Indigenous Inhabitant Representatives (IIRs) and the Resident Representative of Tam Shui Hang Village supported the application while the Chairman of Sha Tau Kok District Rural Committee and the other two IIRs had no comment on it; and

- (e) 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 was zoned “Village Type Development” (“V”) and “REC(1)”. Using part of the site for temporary restaurant would not frustrate the long-term planning intention of “V” zone as the restaurant was mainly to serve the visitors and/or villagers and no application for New Territories Exempted Houses had been received for the site at the moment. Besides, as stated in the Explanatory Statement of the Outline Zoning Plan, the “REC(1)” zone would also provide opportunity for the provision of supporting facilities, such as car/coach parking, cafes and retail shops selling local product subject to planning permission from the Board. Using part of the site for ancillary vehicle park use to support the temporary restaurant could help meet the car parking needs of the visitors to the restaurant and also the Sha Tau Kok area. DAFC, CTP/UD&L, PlanD and DEP raised concerns about possible adverse impacts of the development on Starling Inlet to the south. In this regard, the applicant had undertaken the provision of suitable mitigation measures including septic tank to treat the waste water generated from the temporary restaurant; the provision of a surface channel along the perimeter of the site to drain the surface runoff of the temporary vehicle park to a proper

discharge point; and the reservation of a buffer zone (8m from high water mark) for landscape area. These measures were generally acceptable by concerned departments and relevant approval conditions were recommended. Regarding the adverse public comments received, the planning assessment above was relevant.

21. Members had no question on the application.

Deliberation Session

22. A Member was concerned that surface runoff together with dirt at the site might be discharged directly to the adjacent Starling Inlet and cause pollution to the water body. The Committee noted that an approval condition was recommended to require the applicant to submit drainage proposal to the satisfaction of the Director of Drainage Services. The Committee agreed to add an advisory clause reminding the applicant not to drain surface runoff at the site directly to Starling Inlet but to the public drainage system along Sha Tau Kok Road – Shek Chung Au. The Committee also agreed to request the Drainage Services Department to pay attention to the Committee’s concern about the possible impact on Starling Inlet when examining the applicant’s submission for compliance with the approval condition relating to the drainage proposal.

23. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 19.2.2019, 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. and 10:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the southern portion (i.e. Lot 152 S.B RP in D.D. 40) of the site at any time during the planning approval period;
- (c) only coaches and private cars as defined in the Road Traffic Ordinance, as

proposed by the applicant, are allowed to be parked/stored on or enter/exit the southern portion (i.e. Lot 152 S.B RP in D.D. 40) of the site at all times during the planning approval period;

- (d) a notice should be posted at a prominent location of the southern portion (i.e. Lot 152 S.B RP in D.D. 40) of the site to indicate that only coaches and private cars as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the southern portion (i.e. Lot 152 S.B RP in D.D. 40) of the site at all times during the planning approval period;
- (e) no vehicle washing, vehicle repairing, dismantling, paint spraying or other workshop activity is allowed on the southern portion (i.e. Lot 152 S.B RP in D.D. 40) of the site at any time during the planning approval period;
- (f) the provision of boundary fencing on the southern portion (i.e. Lot 152 S.B RP in D.D. 40) 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 19.8.2016;
- (g) the submission of 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 19.8.2016;
- (h) in relation to (g) above, the implementation of 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 19.11.2016;
- (i) 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 19.8.2016;
- (j) in relation to (i) 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 19.11.2016;

- (k) 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 19.8.2016;
- (l) in relation to (k) above, the implementation of proposals for 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 19.11.2016;
- (m) the submission of design of septic tank and soakaway pit system within 6 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the TPB by 19.8.2016;
- (n) in relation to (m) above, the provision of septic tank and soakaway pit system within 9 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the TPB by 19.11.2016;
- (o) 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;
- (p) if any of the above planning conditions (f), (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 southern portion (i.e. Lot 152 S.B RP in D.D. 40) of the site to an amenity area to the satisfaction of the Director of Planning 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 in addition to the following clause:

“(j) no drainage of surface runoff at the site directly to Starling Inlet.”

Agenda Item 8

Section 16 Application

[Open Meeting]

A/NE-TKL/526 Proposed Shop and Services and Eating Place in “Open Storage” Zone, Lot 817RP (Part), 818 and 819 in D.D. 77 and Adjoining Government Land, Ping Che, Tai Kwu Ling
(RNTPC Paper No. A/NE-TKL/526)

25. The Secretary reported that Landes Ltd. (Landes) was one of the consultants of the applicant. Ms Janice W.M. Lai and Mr Ivan C.S. Fu had declared interests in the item as they have current business dealings with Landes. The applicant had requested for deferment of consideration of the application. As Ms Lai and Mr Fu had no involvement in the application, the Committee agreed that they could stay in the meeting.

26. The Committee noted that the applicant requested on 27.1.2016 for deferment of the consideration of the application for another two months to allow time for the applicant to address the comments of the Transport Department. It was the applicant’s second request for deferment.

27. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information (FI) from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of FI from the applicant. If FI 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 a period of two months was allowed for preparation of the submission of FI. Since it was the second deferment of the

application, the Committee agreed to advise the applicant that the Committee had allowed a total of four months including the previous deferment for preparation of submission of FI, and no further deferment would be granted unless under very special circumstances.

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/573 Proposed House (New Territories Exempted House - Small House) in
 “Green Belt” Zone, Government Land to the south of Lot 603 in D.D.
 28, Tai Mei Tuk Village, Tai Po
 (RNTPC Paper No. A/NE-TK/573)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10.1 and Appendix IV of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from an individual objecting to the application mainly for reasons of being not in line with the planning intention of “Green Belt” (“GB”) zone; affecting existing natural landscape; and setting undesirable precedent for similar applications within the “GB” zone. No local objection/view was received by the District Officer (Tai Po); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The proposed development was considered not incompatible with the surrounding rural setting and landscape character. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, the site fell wholly within the village ‘environs’ of Lung Mei / Wong Chuk Tsuen & Tai Mei Tuk. While land available within the “Village Type Development” (“V”) zone was capable to meet the outstanding 64 Small House applications, it was noted that the site was not covered by dense vegetation and located in close proximity to the existing village cluster and village houses / approved Small House sites. The proposed development was not expected to have adverse landscape and environmental impacts on the surrounding areas. There were 42 similar applications approved between 2002 and 2015. Regarding the public comment objecting to the application, the planning assessment above was relevant.

29. Members had no question on the application.

Deliberation Session

30. 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 19.2.2020, 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) submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (b) connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB.”

31. The Committee also agreed to advise the applicant to note the advisory clauses as

set out at Appendix VI of the Paper.

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/598 Proposed Religious Institution and Columbarium (Redevelopment) in
“Green Belt” Zone, Lots 6 RP, 54 RP (Part), 56, 440 S.A RP, 441 RP,
443 S.A, 443 RP (Part) and 445 in D.D. 24 and adjoining Government
Land, Ma Wo, Tai Po

(RNTPC Papers No. A/TP/598 and A/TP/598A)

32. The Secretary reported that the applicant requested on 1.2.2016 for deferment of the consideration of the application for two month to allow time for preparation of further information (FI) to address the comments of the public and relevant government departments (i.e. Transport Department, Planning Department (PlanD), Drainage Services Department and Environmental Protection Department). PlanD did not support the request for deferment. Although it was the applicant’s first request for deferment for the subject application, it should be noted that the same applicant had submitted a number of similar applications for the site since 2008.

33. As invited by the Chairman, Mr C.T. Lau, Senior Town Planner/Shan Tin, Tai Po and North (STP/STN) briefed Members on planning history of the site. Since 2008, the same applicant had submitted seven s.16 applications and two s.12A applications at the site. For the seven s.16 applications, four of them were rejected by the Committee/the Town Planning Board (the Board) on review and three were withdrawn by the applicant before the Committee considered the applications. For the two s.12A applications, one of them was rejected by the Committee and one was withdrawn by the applicant. As compared to the subject application, these applications were similar in nature but with different scale of development. The applicant had also submitted various FI and deferment requests for those applications to resolve the technical issues mainly on traffic, environmental and landscape impacts and to address the concerns of government departments and public comments. The request for deferment did not meet the criteria as set out in the Town Planning Board

Guidelines No. 33 on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPO) (TPB PG-No. 33) in that the applicant had had sufficient opportunities to address departmental and public comments and the deferment would affect the interests of other relevant parties as a large number of public objections (i.e. 1,962 opposing public comments) had been received. It was considered that there was no strong justification for deferment. As such, PlanD did not support the request for deferment.

34. In response to the questions raised by the Chairman and some Members, Mr Lau said that concerned departments had adverse comments on the application in terms of its traffic, environmental and landscape impacts. The Commissioner for Transport (C for T) considered the submitted traffic impact assessment (TIA) unacceptable. The Director of Environmental Protection (DEP) and the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) had concerns on the submitted environmental assessment (EA) and sewerage impact assessment (SIA). As compared to other previously rejected applications at the site, the current application was similar in nature in terms of applied uses, site boundary and development parameters. As compared to the last rejected application No. A/TP/547, the number of private carparking spaces in the current application was reduced from 72 to 53 (about 26%) and number of niches reduced from 3,330 to 3,044 (about 8.6%).

35. In response to another Member's questions, Mr Lau said that the existing columbarium building and terraced open air columbarium at the western part of the site as well as memorial hall with memorial photo-plats at the northern part of the site were still operating. There were 3,044 niches (1,870 placed and 1,174 sold but not yet placed) and about 6,000 memorial photo-plates within the site. Suspected unauthorised structures within the site were identified. A demolition order was served by the Buildings Department (BD) on the podium deck within the site which was now being demolished. A warning letter against the columbarium structures was also issued by the Lands Department (LandsD) to Chung Woo Ching Sai (CWCS) on 3.2.2012. As the site was the subject of a planning application being processed, LandsD might withhold the lease enforcement action on the site until the determination of the application was known.

Deliberation Session

36. The Committee noted that in considering whether to accede to the applicant's deferral request taking into account the criteria stated in TPB PG-No. 33, the third party interests was a relevant factor for consideration.

37. The Committee noted that while the Planning Authority had no enforcement power for the site which fell within the Tai Po Outline Zoning Plan (OZP), BD and LandsD would take the enforcement action against unauthorised structures and uses not in line with lease condition at the site respectively. Mr Edwin W.K. Chan, Assistant Director/Regional 3, LandsD supplemented that while lease enforcement action at the site had been withheld during the processing of the subject planning application, LandsD had issued warning letter to CWCS, and might take appropriate action against illegal occupation of government land within the site, if any, despite the application was still being processed. Members generally agreed that early enforcement of any unauthorised structures at the site was desirable as the columbarium was still in operation.

38. The Committee also noted that there was no provision under TPO to prohibit repeated submission of planning applications at the same site. Should the Committee decide to reject the applicant's deferral request, the application would be considered at this meeting, and if after consideration of the application, Members considered that the applicant should be requested to provide more information, the Committee could still defer its decision on the application.

39. After deliberation, the Committee decided not to agree to the applicant's deferral request since the request for deferment did not meet the criteria as set out in TPB PG-No. 33 in that the applicant had had sufficient opportunities to address the concerns on the application which were similar to the previous applications and the deferment would affect the interests of other relevant parties and the progress of the lease enforcement actions to be taken by LandsD at the site. The Committee also agreed to consider the application at the same meeting.

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 religious institution and columbarium (redevelopment) highlighting that the proposal involved removal of eight existing structures within the site, development of three new buildings including memorial hall, worship hall and prayer hall and a basement car park, and retention of seven existing buildings and an existing open-air columbarium within the site. There were 3,044 niches and about 6,000 memorial photo-plates within the site;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper, which were summarised as follows:
 - (i) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservations on the application from the landscape planning perspective. There was visual concern on the existing columbarium near the western site boundary which was clearly visible from Tolo Highway. Besides, according to the past aerial photos of the site, gradual vegetation clearance and tree felling were observed over the years. If the application was approved, it might set a precedent encouraging vegetation clearance within the “Green Belt” (“GB”) zone, leading to degradation of landscape quality in the area. Also the proposed tree treatment was not feasible and the submitted tree survey was not acceptable;
 - (ii) C for T could not offer his support to the application. The submission was considered insufficient to justify that the traffic arrangement was acceptable. The applicant should clarify the land

status, management and maintenance responsibilities of the proposed access with relevant lands and maintenance accordingly. The applicant should check and confirm whether the proposed different parking provisions on normal days and festival days could be practicably incorporated into the land lease and building plans. If the proposed “visit-by-appointment” system was not unenforceable, a sensitivity test for the case without such system should be included in the TIA report. Furthermore, the applicant had to conduct a public transport impact assessment and review whether the nearest public transport interchange had sufficient queuing area for the additional passengers due to the proposed development. The assessment should also cover other nearby junctions;

- (iii) CE/MN, DSD requested the applicant to review and revise the proposed sewerage holding tank of 13m³ only as it would be insufficient to treat the estimated daily wastewater generation during Ching Ming Festival and Chung Yeung Festival;
- (iv) the Chief Building Surveyor/New Territories West, BD advised that there was no record of approval by the Building Authority for the structures at the site. Demolition Order had been issued to the owner. Remedial works were proposed by the owner including demolition of platform at Phase 1 and rectification works on the unauthorized retaining wall at Phase 2. For Phase 1, the demolition works were almost completed;
- (v) DEP had concerns on SIA and the water quality section of EA report including mainly the proposed provision and volume of the sewage holding tank;
- (vi) the District Lands Officer/Tai Po (DLO/TP), LandsD advised that the applicant should clarify the management and maintenance responsibilities of the proposed access road. There was no guarantee that additional land would be granted for such road

improvement purposes or conditions relating to operational matters would be incorporated in the lease; and

- (vii) the District Officer (Tai Po) advised that strong objection from the residents nearby was anticipated due to the traffic, visual and environmental impacts. The applicant was highly advised to seek views from the residents nearby, District Council member of the constituency concerned and other relevant stakeholders and take into account their views before taking forward the proposal;
- (d) during the first three weeks of the statutory publication period, a total of 2,224 public comments, including 1,962 opposing comments, five comments with signatures only and 257 supporting comments, were received. The public comments were summarised as follows:
 - (i) the opposing comments were submitted by Legislative Councillors, Tai Po District Council Members, the Alliance against CWCS Columbarium at Tai Po Ma Wo, Alliance for the Concerns over Columbarium Policy, local residents of Dynasty View, Grand Dynasty View, Classical Gardens and some individuals. They objected to the application mainly on the grounds that trees within the site had been illegally felled; the proposed development was not in line with the planning intention and the residential use in the area, would lead to further decrease in the existing greenery, would pose adverse traffic, visual, health, psychological, feng shui, hygiene and environmental impacts on the surrounding areas; the proposed development would create nuisances and affect the tranquillity of the area, cause traffic problems at Ma Wo Road as the development shared an access road with nearby residential and village development, increase pedestrian flow and create public security problems and fire safety hazards; the existing columbarium was illegally built and BD served a demolition order for removal of the unauthorized structures within the site; CWCS had repeatedly applied for changes in the use of land; and the subject columbarium

was operated without a proper licence and approval of the application would set an undesirable precedent; and

- (ii) the 257 supporting comments mainly from individuals were mainly on the grounds that CWCS was a long-established, non-profit making, well managed and reputable religious institution; the columbarium was to serve the followers; CWCS would regularize and improve the existing facilities, retain the low-density design, and provide landscape treatment; the development was compatible with “GB” zone; CWCS would provide ample parking spaces and special traffic arrangements during Ching Ming and Chung Yeung Festivals; the columbarium was remote and not easily visible to outsiders; and an elegant temple would be provided for the public;
- (e) no local objection/view was received by the District Officer (Tai Po); and
- (f) PlanD’s views – PlanD did not support the application based on the assessments made in paragraph 11 of the Paper, which were summarised as follows:
 - (i) the existing development at the site was the result of ‘destroy first, and build later’ activities. Since around 1993, tree removal and vegetation clearance had been taken place to make way for the current unauthorized buildings, structures and columbarium, such as the terraced open-air columbarium at the northwestern corner of the site. There was no record of approval by the Building Authority for the structures at the site and a demolition order on the podium deck had been served. There were also suspected unauthorized structures, including the existing columbarium building and the terraced open-air columbarium, within the scheme boundary. Warning letter against the columbarium structures were issued by LandsD to CWCS on 3.2.2012. As there was a large number of known and suspected unauthorised building works (UBWs) within the site, approval of the application would set an undesirable

precedent for other planning applications and it might encourage extensive vegetation clearance within the “GB” zone, leading to degradation of landscape quality in the area;

- (ii) there was a general presumption against development within “GB” zone and there was no strong planning justification in the submission to justify a departure from the planning intention of “GB” zone;
- (iii) the proposed religious institution and columbarium with 3,044 niches and 6,000 memorial photo-plates were considered not compatible with the existing residential developments in the area. The proposed development with a gross floor area of 2,732m² had doubled the size of the existing development and thus was excessive and not justified;
- (iv) C for T did not support the application as the submitted TIA failed to demonstrate that the traffic arrangement was acceptable. DLO/TP, LandsD indicated that there was no guarantee that additional land would be granted for the proposed new access or conditions relating to the operational matters would be incorporated into the lease;
- (v) EA conducted was not satisfactory. The proposed sewage holding tank was insufficient to cope with the discharge and the water quality impacts during construction phase had not included the sewage arising from the workers on-site. Both DEP and CE/MN, DSD had concerns on the proposed sewerage arrangement/ water quality;
- (vi) three previous applications solely for religious institution use and another for religious institution and columbarium uses involving the site under the current application had been rejected by the Committee/the Board on review. Except the unauthorized podium within the site had been removed, there was no significant change in planning circumstances since the rejection of the previous

application. There was no strong planning justification in the submission to warrant a departure from the previous decisions of the Committee and the Board; and

- (vii) the majority of public comments received raised strong objection to the application.

41. In response to a Member's questions, the Secretary said that the applicant was aware of PlanD's recommendation of rejecting his deferral request, and according to TPO, all section 16 applications would be considered by the Committee in the absence of the applicants.

42. In response to the same Member's further question, Mr C.T. Lau, STP/STN said that the previous vegetation clearance at the area between the site and Tolo Highway was due to the widening work of Tolo Highway.

43. In response to some Members' questions, Mr Lau said that currently the site could be accessed via footpaths to the east of the site and a 3m-wide local track to the south of the site connecting to Ma Wo Road. The applicant proposed a new access via government land connecting the site to the roundabout at Ma Wo Road, and as indicated by DLO/TP, LandsD, there was no guarantee that government land would be granted for the proposed new access.

44. In response to a Member's question on enforcement power on unauthorized structures at the site, the Chairman said that the Planning Authority had no enforcement power for area covered by Tai Po OZP which was first gazetted in 1980. The Secretary supplemented that before 1990, there were no planning enforcement provisions in TPO and statutory planning control was confined to the existing and potential urban areas including new towns. The Town Planning (Amendment) Ordinance 1991 was enacted in January 1991 to extend statutory planning control to cover the rural areas of Hong Kong. The Board was empowered to designate the rural areas as Development Permission Areas (DPAs) for the preparation of statutory plans and the DPA Plan would be replaced by OZP within three years after its first publication in the Gazette. Areas covered by a DPA Plan, or its replacement OZP, had provision for planning enforcement under TPO. The Planning

Authority had no enforcement power for areas covered by Tai Po OZP which was not previously covered by a DPA Plan. The enforcement of the zonings on the Tai Po OZP mainly rest with the Buildings Department, the Lands Department and the various licensing authorities.

Deliberation Session

45. Noting that the existing development at this site was the result of ‘destroy first, and build later’ activities and many issues such as shared use of access road with nearby residents could not be solved, Members in general considered that there were no strong grounds to support the proposed religious institution and columbarium development at the “GB” site. Approval of the application would set an undesirable precedent for similar applications in the “GB” zone, encouraging ‘destroy first, and build later’ activities and extensive vegetation clearance. The applicant would unlikely be able to resolve the above issues even if more time was given to the applicant to submit FI.

46. A Member said that the repeated submission of similar applications at the same site might be a delaying tactic of the applicant to avoid lease enforcement from LandsD. Another Member said that the Committee should not approve the application as the applicant had totally disregarded all the relevant ordinances by operating the subject religious institution and columbarium. Mr Edwin W.K Chan, Assistant Director of Lands (Regional 3), supplemented that warning letter had been issued to the applicant.

47. The Committee also noted that the Private Columbaria Bill was being introduced into the Legislative Council on 25.6.2014 so as to establish a licensing regime to regulate the operation of private columbaria.

48. A Member supported the rejection of the application as it was a ‘destroy first, build later’ case and there were strong local objections to the proposed development.

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

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zone which is to define the limits of urban and

sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong planning justification in the submission to justify a departure from this planning intention;

- (b) the proposed columbarium use is considered not compatible with the existing residential developments in the surrounding areas;
- (c) the application does not comply with the Town Planning Board Guidelines for “Application for Development within “GB” zone under section 16 of the Town Planning Ordinance” in that the applicant fails to demonstrate that the proposed development would have no adverse traffic, sewerage and landscape impacts on the surrounding areas; and
- (d) approval of the application would set an undesirable precedent for similar applications in the “GB” zone, encouraging ‘destroy first, and build later’ activities and extensive vegetation clearance. The cumulative effect of approving such applications would result in adverse traffic impact on the surrounding area and a general degradation of the natural environment and landscape quality in the area.”

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/880 Proposed Wholesale Conversion for Shop and Services and Eating Place in “Industrial” Zone, Sha Tin Town Lot No. 27, 2-8 Shing Wan Road, Sha Tin
(RNTPC Paper No. A/ST/880C)

50. The Secretary reported that Ramboll Environ Hong Kong Ltd. (Environ) was one of the consultants of the applicant. Mr Ivan C.S. Fu and Ms Janice W.M. Lai had declared

interests in the item as they had current business dealings with Environ. As they had no involvement in the application, the Committee agreed that they could stay in the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed wholesale conversion for shop and services and eating place;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director-General of Trade and Industry (DG of TI) had reservation on the application, noting that the 2014 Area Assessments of Industrial Land in the Territory (2014 Area Assessments) had recommended to retain the Tai Wai Industrial Area, where the subject site was located, due to the low and decreasing vacancy rate of the industrial buildings in the area and their high usage for warehouse and storage. There was concern over the further depletion of industrial land resulting from the approval of the application. Other concerned departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the three statutory publication periods, a total of 20 public comments from individuals were received. One of them supported the application in view of lack of shopping facilities in Tai Wai while the others objected to the application mainly on the grounds that the proposal defeated the intention of “Industrial” (“I”) zone; the site was far from the centres of Tai Wai and Sha Tin; the proposed shop and services and eating places would attract more traffic to the area aggravating parking shortage; a new shopping mall was not necessary as there were adequate shopping facilities in Tai Wai to serve residents in the vicinity; and the proposed renovation such as converting the external walls from concrete to

glasses would increase the temperature and harmful to eyesights. No local objection/view was received by the District Officer (Sha Tin); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The proposed commercial uses through wholesale conversion were generally in compliance with the Town Planning Board Guidelines No. 25D for Use/Development within “I” Zone in that the proposed uses were not incompatible with the surrounding land uses and could provide/retain employment opportunities in the area; the proposed wholesale conversion would not result in any increase in the existing Gross Floor Area and building height and would not cause any significant adverse traffic, environmental and fire safety impacts on the surrounding areas. Regarding DG of TI's concern on future depletion of industrial land, it was noted that the subject application would not alter the current “I” zoning of the site and the approval would be for the lifetime of the existing building only. It would not jeopardize the long-term planning intention of the site for general industrial uses to meet the future demand. Besides, within the same “I” zone, there were applications for shop and services on the ground floor of the industrial buildings in Tai Wai Industrial Area, which demonstrated the need of commercial facilities in the area. Regarding the public comments objecting to the application, the planning assessment above was relevant.

52. Members had no question on the application.

Deliberation Session

53. 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 19.2.2020, 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 fire service installations and water supplies for firefighting proposals to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) the submission and implementation of a revised Sewerage Impact Assessment to the satisfaction to the Director of Environmental Protection or of the TPB.”

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

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

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/888 Proposed Single House Development in “Green Belt”, “Government, Institution or Community” and “Residential (Group B)” Zones, Lots 379 and 380RP in D.D. 186 and adjoining Government Land, Sha Tin (RNTPC Paper No. A/ST/888A)

55. The Secretary reported that LWK & Partners (HK) Ltd. (LWK), MVA Hong Kong Ltd. (MVA) and Ove Arup & Partners Hong Kong Ltd. (Arup) were three of the consultants of the applicant. The following Members have declared interests in the item:

Mr Ivan C.S. Fu - being the director and shareholder of LWK and having current business dealings with MVA and Arup; and

Professor S.C. Wong - being a traffic consultant of Arup

56. The Committee noted that Mr Fu had left the meeting temporarily. As Professor

Wong had no involvement in the application, the Committee agreed that he could stay in the meeting.

Presentation and Question Sessions

57. The Committee noted that an updated comment from the District Lands Officer/Shu Tin on the application was received in the morning on 19.2.2016, clarifying that there should be no site coverage restriction for Lot 379 in D.D. 186 under the lease. As such, paragraphs 9.1.1(a) and 11.5 of the Paper concerning the building restrictions of Lot 379 in D.D. 186 should be amended accordingly.

58. With the aid of a PowerPoint presentation, Mr Kenny C.H. Lau, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed single house development highlighting that as compared with the previously approved application (No. A/ST/673) at the site, the proposed GFA was increased from 518.17m² to 1,836m² which was equivalent to a plot ratio of 0.4 of the Development Site Area (i.e. 4,590m²);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper, which were summarised as follows:
 - (i) the District Lands Officer/Shu Tin, Lands Department (DLO/ST, LandsD) advised that Lot 379 in D.D. 186 within the site had building restrictions of two-storey height. For Lot 380 RP in D.D. 186 within the site, squatters were tolerated by the Government to exist but it was not a kind of building entitlement. The application also involved extensive road widening / upgrading works which affected government land and slope. The road widening works would warrant an engineering feasibility study;

- (ii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) advised that from urban design perspective, there was no strong justification for the proposed development in such scale on a “Green Belt” (“GB”) site. Besides, she objected to the application from the landscape planning perspective. The proposed extensive retaining walls and site formation works within “GB” zone would result in significant disturbance to slope profile and existing vegetation. Alternatives which required less site formation works should be explored. Furthermore, widening of Tung Lo Wan Hill Road would require further slope cutting works affecting more existing trees;
 - (iii) the Commissioner for Transport could not render his support to the application at present stage in view that the applicant had not provided sufficient information to demonstrate the feasibility of the application. There was no justification for the proposed visitor parking spaces and loading/unloading facilities. The applicant was also required to seek comments from LandsD and relevant departments, and conduct an engineering feasibility study to ascertain its practicability as well as any gazette procedure required; and
 - (iv) the Head of Geotechnical Engineering Office, Civil Engineering and Development Department advised that the proposed development would involve the construction of a retaining wall with substantial backfilling behind the wall for the construction of a building platform. All those proposed works were one of the feasible options as the remedial works to deal with the Dangerous Hillside Orders;
- (d) during the first three weeks of the two statutory publication periods, a total of 24 public comments were received from the Village Representative (VR) of Tung Lo Wan Village, Sha Tin District Councillors, Sha Tin Rural Committee, Incorporated Owners of Pristine Villa, World Wide Fund for

Nature Hong Kong, Kadoorie Farm & Botanic Garden Corporation, Designing Hong Kong Limited, Conservancy Association, Hong Kong Bird Watching Society and Green Sense. They objected to/ had concerns on the proposed development, mainly on the grounds of adverse impact on traffic, natural environment, water quality of adjacent reservoir, village's fung shui, health and provision of community facilities; violation of the intention of "GB" zone and the previous approved scheme; and gradual disappearance of "GB" zone by more residential developments. The District Officer/Sha Tin advised that the VRs of Tung Lo Wan Village and Owners' Corporation/ Owners' Committee/ other management bodies of the area including those of Pristine Villa, Peak One, Sky One and Peak House had great concerns about the proposed development;

- (e) PlanD's views – PlanD did not support the application based on the assessments made in paragraph 11 of the Paper, which were summarised as follows:
- (i) the proposed development was considered not in line with the planning intention of the "GB" zone and there were no strong justifications for a departure from this planning intention;
 - (ii) the proposed slope works were only one of the feasible options to deal with the Dangerous Hillside Orders. The slope works appeared extensive and would affect the natural landscape. The applicant had not demonstrated that there was a genuine need for such massive site formation works to achieve slope safety;
 - (iii) the applicant had claimed that there was a building entitlement of the private lots of 1,002.11m² comprising the floor area of 238m² at Lot 379 and 764.11m² in the nine structures existed in Lot 380RP. However, according to DLO/ST, LandsD only Lot 379 with an area of about 118.9m² was a building lot with building restrictions of two-storey height. The squatter structures on Lot 380 RP were only tolerated structures and there was no building entitlement on

this lot. As such, there was no strong justification for the proposed scale and intensity of the development;

- (iv) the applicant also failed to demonstrate that the proposed development would not have adverse traffic impact on the surrounding road network;
- (v) the proposed development was not in line with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance in that there were no strong planning grounds for the proposed GFA; the proposed works with extensive vegetation clearance would adversely affected the existing natural landscape and would cause adverse traffic impacts on the surroundings;
- (vi) approval of the application would set an undesirable precedent for other similar applications in this area, resulting in further encroachment of the “GB” zone. The cumulative effect of approving such applications would result in adverse impacts on the natural environment, infrastructure capacity and landscape character of the area;
- (vii) as compared with the previous approved scheme, the proposed scheme involved a substantial increase in GFA and site coverage, and extensive site formation and slope works. There were no strong justifications for the substantial increase in the development intensity of the proposed scheme; and
- (viii) twenty-four public comments were received which had grave concerns on/ strong objections to the proposed development from traffic, environmental and conservation of natural environment points of view.

59. In response to the Chairman’s questions, Mr Kenny C.H. Lau, STP/STN, said

that for Lot 379, DLO/TP, LandsD agreed with the applicant's claim that there was a building entitlement of 238m². For Lot 380RP which was an agricultural lot, DLO/TP, LandsD did not agree with the applicant's claim of a building entitlement of 764.11m² as there was no building entitlement on that lot. According to the applicant, the proposed development site area of 4,590m² was the sum of total site formation area of 3,490m² to comply with the Dangerous Hillside Orders and the proposed public footpath of 1,100m².

60. In response to a Member's question, Mr Lau said that in the previously approved scheme, the proposed GFA of 518.17m² was derived by the applicant at that time from the sum of building entitlement of Lot 379 and the GFA of the structures existed in the 1950s within Lot 380RP which LandsD did not agree to. Another Member supported the PlanD's recommendation of rejecting the application given the assessment in paragraph 11.5 of the Paper.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of “Green Belt” (“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. There is a general presumption against development in “GB” zone and no strong planning justifications have been provided in the submission for a departure from this planning intention;
- (b) the proposed development is not in line with the Town Planning Board Guidelines No. 10 in that there are no strong justifications for the proposed development and its site formation works which would involve extensive clearance of existing natural vegetation and adversely affect the existing natural landscape;
- (c) the applicant fails to demonstrate the feasibility of the substantial road

widening works and that the proposed development would not have adverse traffic impact on the surrounding areas; and

- (d) approval of the application will set an undesirable precedent for other similar development proposals in the “GB” zone. The cumulative impact of approving such applications would result in adverse impacts on the natural environment, infrastructure capacity and landscape character of the area.”

[The meeting was adjourned for a break of 3 minutes.]

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

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/895 Proposed Temporary Shop and Services (Fast Food Shop) for a Period of 5 Years in “Industrial” Zone, Shop B3 (Portion), LG/F, Valiant Industrial Centre, 2-12 Au Pui Wan Street, Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/895)

Presentation and Question Sessions

62. Mr Kenny C.H. Lau, STP/STN, 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 (fast food shop) for a period of five 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) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Sha Tin); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments set out in paragraph 11 of the Paper. The proposed shop and services (fast food shop) generally complied with the Town Planning Board Guidelines No. 25D for Use/Development within “Industrial” Zone. A temporary approval of three years, instead of five years as applied, was recommended in order not to jeopardise the long term planning intention of industrial use for the subject premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area.

63. Members had no question on the application.

Deliberation Session

64. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 19.2.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission of the fire service installations proposal within 3 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 19.5.2016;
- (b) in relation to (a), the implementation of the fire service installations within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 19.8.2016; and
- (c) if the above planning condition (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.”

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

[The Chairman thanked Mr Wallace W.K. Tang, Mr C.T. Lau and Mr Kenny C.H. Lau, 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 14

Section 12A Application

[Open Meeting]

Y/NE-KTS/10 Application for Amendment to the Approved Kwu Tung South Outline Zoning Plan No. S/NE-KTS/14, To rezone the application site from “Agriculture” to “Residential (Group C) 6”, Lots 1435, 1436 RP, 1442 S.A RP, 1584 S.B ss.3, 1585 S.B RP, 1592 S.B ss.2, 1592 S.B RP, 1593 S.A, 1594 S.A, 1594 RP, 1601 S.A RP, 1601 S.B RP, 1602, 1603, 1604 S.A RP, 1604 RP, 1605 RP, 1606 and 1607 in D.D. 100, Fan Kam Road, Kwu Tung South
(RNTPC Paper No. Y/NE-KTS/10)

66. The Secretary reported that the application was submitted by Sanyear Investments Limited, which was a subsidiary of New World Development Company Ltd. (New World). MLA and Associates (MLA), MVA Hong Kong Ltd. (MVA) and Ramboll Environ Hong Kong Ltd. (Environ) 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 New World, MVA and Environ; and

Ms Janice W.M. Lai - having current business dealings with New World, MLA and Environ.

67. As the applicant had requested for deferment of consideration of the application, the Committee agreed that Mr Fu and Ms Lai could stay in the meeting but should refrain from participating in the discussion.

68. The Committee noted that the applicant requested on 3.2.2016 for deferment of the consideration of the application for two months to allow time to address departmental and public comments. It was the applicant's first request for deferment.

69. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information (FI) from the applicant. The Committee agreed that the application should be submitted for its consideration within three months from the date of receipt of FI from the applicant. If FI 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 FI, and no further deferment would be granted unless under very special circumstances.

[Dr W.K. Yau and Mr F.C. Chan left the meeting temporarily at this point.]

Agenda Item 15

Section 12A Application

[Open Meeting]

Y/YL-NTM/3

Application for Amendment to the Approved Ngau Tam Mei Outline Zoning Plan No. S/YL-NTM/12, To rezone the application site from “Comprehensive Development Area” to:

Option 1 - “Residential (Group B)1” or

Option 2 - “Comprehensive Development Area (2)”, Lots 850 RP, 851 RP, 862, 863 RP, 864, 865, 866, 867, 868, 869, 870, 871, 872, 920, 921, 948 RP, 949 RP and 4210 in D.D. 104 and Adjoining Government Land, Ngau Tam Mei, Yuen Long

(RNTPC Paper No. Y/YL-NTM/3)

70. The Secretary reported that the application was submitted by City Movement Limited which was the subsidiary of Henderson Land Development Co. Ltd. (HLD). AECOM Asia Co. Ltd. (AECOM) and MVA Hong Kong Ltd. (MVA) were two 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 HLD, AECOM and MVA;

Ms Janice W.M. Lai - having current business dealings with HLD and AECOM;

Professor K.C. Chau - being an employee of the Chinese University of Hong Kong which had received a donation from a family member of the Chairman of HLD;

Dr W.K. Yau - being the director of a non-government organisation which had received donation from a family member of the Chairman of HLD;

Mr H.F. Leung - being an employee of the University of Hong Kong

(HKU) which had received a donation from a family member of the Chairman of HLD;

Ms Christina M. Lee - being the Secretary – General of the Hong Kong Metropolitan Sports Event Association which had obtained sponsorship from HLD;

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

Professor S.C. Wong - being an employee of HKU which had received donation from a family member of the Chairman of HLD and having current business dealings with AECOM and being the Chair Professor and Head of the Department of Civil Engineering of HKU where AECOM had sponsored some activities of the Department.

71. The applicant had requested for deferment of consideration of the application. The Committee noted that Mr Leung and Ms Lee had tendered apologies for being unable to attend the meeting, and Dr Yau had left the meeting temporarily. As the interests of Mr Fu and Ms Lai were direct, the Committee agreed that they could stay in the meeting but should refrain from participating in the discussion. As the interests of Professor Chau and Mr Yuen were indirect, and as Professor Wong had no involvement in the application, the Committee agreed that they could stay in the meeting.

72. The Committee noted that the applicant requested on 15.2.2016 for deferment of the consideration of the application for two months so as to allow time for preparation of ecological review to address the comments of the Agricultural, Fisheries and Conservation Department. It was the applicant's first request for deferment.

73. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information (FI) from the

applicant. The Committee agreed that the application should be submitted for its consideration within three months from the date of receipt of FI from the applicant. If FI 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 FI, and no further deferment would be granted unless under very special circumstances.

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

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/FSS/241 Proposed Eating Place, Office and Shop and Services (in Wholesale Conversion of an Existing Building Only) in "Industrial" Zone, No. 9 Choi Yuen Road, Sheung Shui
(RNTPC Paper No. A/FSS/241C)

74. The Secretary reported that MLA Architects (HK) Ltd. (MLA) and Ramboll Environ Hong Kong Ltd. (Environ) were two of the consultants of the applicant. The following Members had declared interests in the item as follows:

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

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

75. As Mr Fu and Ms Lai had no involvement in the application, the Committee agreed that they could stay in the meeting;

Presentation and Question Sessions

76. With the aid of a PowerPoint presentation, Mr Otto K.C. Chan, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application highlighting that the site was located in Planning Area 30 on the Fanling/Sheung Shui Outline Zoning Plan. Following the recommendations of the 2009 Area Assessments of Industrial Land in the Territory, the Housing Department (HD) had been conducting a planning and engineering study to ascertain the feasibility and scale for public housing development in the industrial area in Planning Areas 4 and 30. According to 2014 Area Assessments of Industrial Land in the Territory (2014 Area Assessments), it was reconfirmed that the whole concerned industrial area should be retained as “Industrial” (“I”) zone pending the findings and recommendations of the study being undertaken by HD. Besides, the Government announced in October 2009 a set of revitalisation measures to facilitate the redevelopment and wholesale conversion of older industrial buildings. The deadline of application was 31 March 2016;
- (b) the proposed eating place, office and shop and services (in wholesale conversion of an existing building only);
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper, which were summarised as follows:
 - (i) the Director-General of Trade and Industry (DG of TI) had reservation on the application, and was concerned over the further depletion of industrial land resulting from the approval of the application noting that the total industrial stock in Hong Kong would not be able to meet the future demand for industrial uses as revealed in 2014 Area Assessments;

- (ii) the Postmaster General had reservation on the application. The existing Shek Wu Hui Delivery Office was accommodated at 1/F of the subject industrial building. It was difficult to find another suitable premises to accommodate the delivery office. Operationally, it was not possible or feasible for moving the delivery office to other districts; and

- (iii) the Director of Housing (D of H) advised that HD had commenced the Engineering Feasibility Study for exploring feasibility of the public housing development for Planning Areas 4 and 30. The site fell within the study area. Approval of the application might impose planning and design constraints on the study if the study recommended for comprehensive conversion of the area for residential development. D of H objected to the application unless the applicant could demonstrate that relevant impacts including environmental and pedestrian induced by the proposal could be mitigated at source without imposing design constraints or adverse impacts on the future residents of the proposed public housing development in vicinity;

- (d) during the first three weeks of the three statutory publication periods, a total of 11 comments were received. Six comments from the North District Council (NDC) members and the Chairman of Fanling District Rural Committee (FDRC) had no comment on the application. Four comments from the public objected to the application on the grounds that the approval of the application would escalate the conflict among parallel goods traders, residents in Sheung Shui and people working in the area and parallel trade activities had become increasingly frequent and affected the traffic flow in the industrial area especially the ambulances' access. The remaining comment from a tenant of the subject industrial building expressed views that the cycle track and railing along Choi Shun Street hindered the loading/unloading (L/UL) activities and adversely affected his company's daily operation; the footpath and cycle track were rarely used by pedestrian or cyclist; and the concerned section could be amended to facilitate L/UL

of goods. No local objection/view was received by the District Officer (North);

- (e) the Planning Department (PlanD)'s Views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper, which were summarised as follows:
 - (i) despite the site fell within the boundary of the HD's study and DG of TI had reservation on the application, the application was in line with the government policy to encourage the redevelopment or conversion of industrial buildings. Regarding the Postmaster General's reservation on the application, it was noted that according to the 2014 Area Assessments, there was still vacant floor area in industrial area in Sheung Shui and On Lok Tsuen respectively which could accommodate the delivery office if required;
 - (ii) there was a lack of large-scale commercial/office building in Sheung Shui area. The proposed use was considered not incompatible with the surrounding land uses and would provide supporting facilities to serve the existing and future workers of the industrial area and residents in the vicinity;
 - (iii) the proposed use generally complied with the Town Planning Board Guidelines No. 25D on Use/Development within "I" Zone in that concerned departments had no objection to or no adverse comment on the application and the proposed provision of parking and L/UL spaces complied with the Hong Kong Planning Standards and Guidelines requirement. Appropriate approval conditions would be imposed to ensure that the proposed use would not cause adverse impacts;
 - (iv) regarding the public comments objecting to the application, the departmental comments and planning assessments above were relevant; and

- (v) in order not to jeopardise the potential long term planning intention of the site, it was recommended that the approval would be for the lifetime of the building. Upon redevelopment, the site would need to conform with the zoning and development restrictions on the Outline Zoning Plan in force at the time of redevelopment.

77. In response to a Member's questions, Mr Otto K.C. Chan, STP/STN, said that according to the 2014 Area Assessments, there were about 4,700m² and 26,500m² vacant industrial floor area in industrial areas in Sheung Shui and On Lok Tsuen respectively so that the affected industrial operators could still be relocated to other premises within the same industrial area if required. The public, including the industrial operators in the subject industrial building, had been consulted about the application during the first three weeks of the statutory publication period of the application.

78. In response to some Member's questions, Mr Chan said that according to the Government's revitalisation measures to facilitate the redevelopment and wholesale conversion of older industrial buildings, eligible owners of industrial buildings might apply at a nil waiver fee for change in use of the entire existing industrial buildings to other uses. One of the eligibility criteria was that the concerned industrial building should be aged 15 years or above. The subject industrial building was completed more than 15 years ago.

79. In response to a Member's question, Mr Chan said that according to the Postmaster General, the concerned delivery office with an internal floor area of about 850m² had to be located within the North District. According to the 2014 Area Assessments, there was still vacant floor area in industrial areas in Sheung Shui and On Lok Tsuen and it was not necessary for the delivery office to be accommodated in "I" zone.

80. In response to the Chairman's question, Mr Chan said that the HD's study generally covered Planning Areas 4 and 30 of the Fanling/Sheung Shui Outline Zoning Plan including the site.

Deliberation Session

81. The Committee agreed that the Postmaster General's concern on relocation of the

Shek Wu Hui Delivery Office was not relevant since the continued usage of the current premises for the delivery office was more a business decision of the premises owner and there was still vacant floor area in the nearby industrial area to accommodate the delivery office if required.

82. The Committee noted that the scope, timing, land use proposal and implementation programme of the HD's study had not been decided yet. Potential conflict with a planning study at such an early stage without any specific information on potential implications of study findings would not be a sufficient reason to reject a planning application. Should resumption of the subject industrial building for public housing development be required, the Government would need to compensate the affected owners following the prevailing practice.

83. In view of the revitalisation policy, a Member supported the approval of the application as the proposed wholesale conversion of the subject industrial building could facilitate more efficient use of the existing building given the industrial activities in the subject industrial area were not vibrant. Besides, as compared with the existing uses of the subject building, the proposed eating place, office and shop services were considered more compatible with the possible residential developments in the area in future.

84. 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 19.2.2020, 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 proposals for fire service installations and water supplies for fire-fighting to the satisfaction of the Director of Fire Services or of the TPB;
- (b) the design and provision of car parking spaces and loading and unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB;

- (c) the submission of an updated traffic impact assessment to the satisfaction of the Commissioner for Transport or of the TPB; and
- (d) the implementation of the traffic measures as identified in the traffic impact assessment to the satisfaction of the Commissioner for Transport or of the TPB.”

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

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

Agenda Item 17 to 19

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/FSS/245 Proposed Eating Place, Office, Shop and Services (in Wholesale Conversion of an Existing Building Only) in “Industrial” Zone, No. 19 On Kui Street, Fanling
(RNTPC Paper No. A/FSS/245A)

A/FSS/247 Proposed Eating Place, Private Club, Shop and Services (in Wholesale Conversion of an Existing Building Only) in “Industrial” Zone, No. 17 Lok Yip Road, Fanling
(RNTPC Paper No. A/FSS/247A)

A/FSS/248 Proposed Eating Place, Office, Shop and Services (in Wholesale Conversion of an Existing Building Only) in “Industrial” Zone, No. 13 On Chuen Street, Fanling
(RNTPC Paper No. A/FSS/248A)

86. The Committee agreed that these three applications should be considered together since they were similar in nature and the sites were located within the same “Industrial” (“I”) zone.

87. The Secretary reported the declaration of interests of Members for the three applications as follows:

(a) Application No. A/FSS/245 – Ramboll Environ Hong Kong Ltd. (Environ) was one of the consultants of the applicant. Mr Ivan C.S. Fu and Ms Janice W.M. Lai had declared interests in the item as they had current business dealings with Environ;

(b) Application No. A/FSS/247 – Environ and AECOM Asia Co. Ltd. (AECOM) were two 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
Ms Janice W.M. Lai] Environ and AECOM; and

Professor S.C. Wong - having current business dealings with
AECOM and 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.

(c) Application No. A/FSS/248 – MVA Hong Kong Ltd. (MVA) and Environ were two 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 MVA
and Environ; and

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

88. As Mr Fu, Ms Lai and Professor Wong had no involvement in three applications, the Committee agreed that they could stay in the meeting.

Presentation and Question Sessions

89. With the aid of a PowerPoint presentation, Mr Otto K.C. Chan, STP/FSYLE, presented the applications and covered the following aspects as detailed in the Papers :

Background to the Applications

- (a) the applications were located in On Lok Tsuen Industrial Area in Planning Areas 25 and 26 of the Fanling/Sheung Shui Outline Zoning Plan. The 2009 Area Assessments of Industrial Land in the Territory suggested to retain On Lok Tsuen Industrial Area as “Industrial” (“I”) zone. According to the 2014 Area Assessments of Industrial Land in the Territory (2014 Area Assessments), it was reconfirmed that the whole concerned industrial area should be retained as “I” zone. Consideration would be also given to identifying suitable sites in the area for commercial/office and/or logistic/warehousing developments. Besides, the Government announced in October 2009 a set of revitalisation measures to facilitate the redevelopment and wholesale conversion of older industrial buildings. The deadline of application was 31 March 2016;

Applied Uses

- (b) applications No. A/FSS/245 and 248 – the proposed eating place, office and shop and services (in wholesale conversion of an existing building only);
- (c) application No. A/FSS/246 – the proposed eating place, private club, shop and services (in wholesale conversion of an existing building only);

Departmental Comments

- (d) departmental comments were set out in paragraph 10 of the Papers. The Director-General of Trade and Industry (DG of TI) had reservation on the applications, and was concerned over the further depletion of industrial land resulting from the approval of the applications noting that the total

industrial stock in Hong Kong would not be able to meet the future demand for industrial uses as revealed in 2014 Area Assessments. Other concerned departments had no objection to or no adverse comment on the application;

Public Comments

Application No. A/FSS/245

- (e) during the first three weeks of the statutory publication period, one comment was received from a member of North District Council (NDC) who supported the application on the grounds that the proposed development would meet the stakeholders' needs. The District Officer (North) (DO(N)) advised that the Chairman of Fanling Industrial Centre Owners' Corporation (OC) supported the proposal with concerns on the traffic in the vicinity. The Chairman of Fanling District Rural Committee (FDRC), NDC member of the subject constituency and the Chairman of New Territories North District Manufacturers Association (Fanling) had no comment on the application;

Application No. A/FSS/247

- (f) during the first three weeks of the two statutory publication periods, a total of six comments were received. Two comments from the same NDC member, two comments from the Chairman of FDRC and one nearby stakeholder stated that they had no comment on the application. The remaining public comment from an individual stated that the application did not provide indication of the 'Private Club' use and no statistics were given on the ratio of dining facilities in the district to residents. DO(N) advised that the Chairman of Fanling Industrial Centre OC supported the proposal with traffic concerns including illegal parking in the vicinity and pedestrian safety. The Chairman of FDRC, the incumbent NDC member and the Chairman of New Territories North District Manufacturers Association (Fanling) had no comment on the application;

Application No. A/FSS/248

- (g) during the first three weeks of the statutory publication period, two comments from a member of FDRC and a public individual were received. Both had no comment on the application. DO(N) advised that the Chairman of Fanling Industrial Centre OC supported the proposal with concerns on the traffic in the vicinity. The Chairman of FDRC, the incumbent NDC member and the Chairman of New Territories North District Manufacturers Association (Fanling) had no comment on the application, while the NDC member provided additional views on grounds that the applicant should provide sufficient carparking spaces for visitors in order to avoid adverse traffic impact;

The Planning Department (PlanD)'s Views

- (h) PlanD had no objection to the applications based on the assessments as detailed in paragraph 12 of the Papers, which were summarised as follows:
 - (i) despite DG of TI's reservation on the applications, the applications were in line with the government policy to encourage the redevelopment or conversion of industrial buildings;
 - (ii) there was a lack of large-scale commercial/office building in Fanling areas. The proposed uses were considered not incompatible with the surrounding land uses and would provide supporting facilities to serve the existing and future workers of the industrial area and residents in the vicinity;
 - (iii) the proposed use generally complied with the Town Planning Board Guidelines No. 25D on Use/Development within "I" Zone in that concerned departments had no objection to or no adverse comment on the applications and the proposed provision of parking and loading/unloading spaces complied with the Hong Kong Planning Standards and Guidelines requirement. Appropriate approval

conditions would be imposed to ensure that the proposed uses would not cause adverse impacts;

- (iv) regarding the public comments objecting to the applications, the departmental comments and planning assessments above were relevant; and
- (v) in order not to jeopardise the potential long term planning intention of the site, it was recommended that the approval would be for the lifetime of the building only. Upon redevelopment, the site would need to conform with the zoning and development restrictions on the Outline Zoning Plan in force at the time of redevelopment.

90. In response to a Member's question, Mr Otto K.C. Chan, STP/STN, said that the 2014 Area Assessments reconfirmed that the whole On Lok Tsuen Industrial Area, where the sites fell within, should be retained as "I" zone, and consideration would be also given to identifying suitable sites in the area for commercial/office and/or logistic/warehousing developments.

Deliberation Session

91. The Committee noted that the three applications, though presented together, had been assessed separately based on individual merits in terms of site location, site suitability for the proposed uses. The proposed wholesale conversion of the subject industrial buildings could also enhance diversification of employment opportunities in North District.

92. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permission should be valid until 19.2.2020, 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/FSS/245

- “(a) the submission and implementation of proposals for fire service installations and water supplies for fire-fighting to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) the design and provision of car parking spaces and loading and unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB.”

Application No. A/FSS/247

- “(a) the submission and implementation of proposals for fire service installations and water supplies for fire-fighting to the satisfaction of the Director of Fire Services or of the TPB;
- (b) the design and provision of car parking spaces and loading and unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB; and
- (c) the design and implementation including development programme of the pedestrian crossing facility across Lok Yip Road, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB.”

Application No. A/FSS/248

- “(a) the submission and implementation of proposals for fire service installations and water supplies for fire-fighting to the satisfaction of the Director of Fire Services or of the TPB;
- (b) the design and provision of car parking spaces and loading and unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB; and

- (c) the design and provision of sewage treatment facilities/sewer connections to the site to the satisfaction of the Director of Environmental Protection or of the TPB.”

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

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

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KTN/22 Temporary Warehouse for Storage of Recycling Material and Mini-Scale Family Workshop for Packaging for a Period of 1 Year in “Green Belt” and “Government, Institution or Community (2)” Zones and area shown as 'Road', Lots 746 S.A ss.1, 746 S.A RP, 746 S.B, 747 S.A and 747 S.B (Part) in D.D. 96 and Adjoining Government Land, Ho Sheung Heung, Kwu Tung, Sheung Shui
(RNTPC Paper No. A/KTN/22)

Presentation and Question Sessions

94. 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 warehouse for storage of recycling material and mini-scale family workshop for packaging for a period of one year;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Chief Town Planner/Urban Design and

Landscape, Planning Department (CTP/UD&L, PlanD) had some reservations on the application from landscape planning point of view. With reference to the aerial photos in 2000, 2010 and 2014, the portion of the site zoned “Green Belt” (“GB”) was paved and built with structures except some periphery planting and trees within the site. The portion of the site zoned as “Government, Institution or Community(2)” (“G/IC(2)”) and shown as ‘Road’ was largely vegetated. The vegetation within the site was common plant species with overall fair to good health conditions. No landscape proposal was provided in the application, in particular along the western and southwestern boundary of the site to provide a landscape buffer to adjoining agricultural activities. The proposed development was not in line with the planning intention of “GB” and landscape buffer was considered inadequate. The Director of Environmental Protection did not support the application as there were domestic structures adjacent to the site;

- (d) during the first three weeks of the statutory publication period, five public comments were received from three members of the Northern District Council (NDC), Kadoorie Farm & Botanic Garden Corporation (KFBG) and an individual. Two NDC members had no comment while the remaining NDC member requested the applicant to submit detailed proposals and assessment of impact on the surrounding area. The comments from KFBG and the individual were mainly on the grounds that the applied use could affect the adjacent fish ponds which was the major fish fry supplier in Hong Kong; the case was an ‘apply first and then build later’ case and the Board should ensure that the environs nearby would not be affected by the applied use; and the approval of the application should only be granted if structures were already in place and the intention of the applied use was in line with the intentions of the “GB” and “G/IC” zones. The District Officer (North) advised that the Resident Representative (RR) of Kwu Tung (North) raised objection as the road was narrow and the applied use could affect the residents. The incumbent NDC member, the Chairman of Sheung Shui District Rural Committee and the RR of Ma Tso Lung (South) had no comment; and

- (e) PlanD's views – PlanD did not support the applications based on the assessments set out in paragraph 12 of the Paper, which were summarised as follows:
- (i) there was no strong planning justification given in the submission to justify for a departure from the planning intentions of the “GB” and “G/IC(2)” zones, even on a temporary basis;
 - (ii) the site was mainly located in a rural area occupied by fish ponds, some domestic scattered active and fallow farmlands and rural domestic structures. The applied use under the application was considered incompatible with the existing land uses in the surrounding. CTP/UD&L, PlanD also had reservations on the application as there was no adequate landscape buffer between the site and the fish pond nearby;
 - (iii) the southeastern part of the site was largely vegetated with trees, but the applicant had not provided any tree preservation and landscaping proposals to support the application. As such, the development did not comply with the Town Planning Board Guidelines for Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance (TPO) (TPB PG-No. 10) in terms of its scale, the development was not compatible to the surrounding areas and no tree preservation and landscaping proposals were provided. The approval of the application would set an undesirable precedent of similar applications in the “GB” zone and result in degradation of landscape character of the area;
 - (iv) the application did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the TPO (TPB PG-No. 13E) in that there was no previous approval for open storage use granted at the site which fell within the Category 3 areas and further proliferation of such use was not acceptable. Moreover, there were adverse departmental

comments and local concerns on the application. In this regard, DEP did not support the application as there were domestic structures located to the immediate northwest of the site, and environmental nuisance was expected. Besides, there was no similar application approved by the Board in the vicinity. Hence, the current application did not warrant sympathetic consideration even on a temporary basis; and

- (v) the public comments received expressed concerns on the application.

95. Members had no question on the application.

Deliberation Session

96. 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 development areas, to preserve existing natural features, as well as to provide passive recreational outlets for the local population and visitors. There is a general presumption against development within this zone. No strong planning justification has been given in the submission to justify for a departure from the planning intention, even on a temporary basis;
- (b) the development does not comply with the Town Planning Board (TPB) Guidelines for Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance (TPO) (TPB PG-No. 10) in terms of its scale; the development is not compatible with the surrounding areas; no tree preservation and landscaping proposals are provided;
- (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 TPO (TPB PG-No. 13E) in that there is no previous planning approval of open

storage use or similar development has been granted for the site, there are adverse departmental comments and local objection to the application; 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 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/691 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 1162 S.D in D.D.113, Tai Wo Tsuen, Pat
Heung, Yuen Long
(RNTPC Paper No. A/YL-KTS/691)

97. The Secretary reported that Ms Janice W.M. Lai had declared an interest in the item as her family members had a house at Cheung Po Tsuen, Pat Heung. The Committee noted that Ms Lai had already left the meeting.

Presentation and Question Sessions

98. 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 proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in

paragraph 10 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view as the agricultural activities in the vicinity of the site were active and the site had potential for agricultural rehabilitation. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had reservations on the application from the landscape planning point of view. It seemed that the proposed building footprint was in conflict with the existing six trees at the site and tree felling was very likely. However, no information regarding tree felling was provided and landscape proposal was also missing. Approval of the application would encourage more village house developments into the “AGR” zone, resulting in further extension of village development beyond the existing “Village Type Development” (“V”) zone boundary, irreversibly altering the landscape character of the “AGR” zone;

- (d) during the first three weeks of the statutory publication period, three public comments were received from Kadoorie Farm & Botanic Garden Corporation, Designing Hong Kong Limited and a member of public. All objected to the application mainly on the grounds that the proposed Small House development was not in line with the planning intention of the “AGR” zone and there was no strong justification for departure from the concerned planning intention; the Government had the responsibility to protect and conserve the farmland in Hong Kong; the adjacent “V” zone was largely vacant at present, hence it was inappropriate to allow Small House development to spread to the “AGR” zone; approval of the application was in contravention with the Government’s new agricultural policy under consultation and would set an undesirable precedent for similar application in the area; no impact assessment had been submitted for environmental, landscape, traffic, drainage and sewerage aspects; and shortage of parking and access would lead to disharmony among residents and illegal behaviours. No local objection/view was received by the District Officer (Yuen Long); and
- (e) PlanD’s views – PlanD did not support the application based on the

assessments set out in paragraph 12 of the Paper, which were summarised as follows:

- (i) the proposed Small House development was not in line with the planning intention of “AGR” zone. DAFC did not support the application from the agricultural point of view as agricultural activities in the vicinity of the site were active and the site had potential for agricultural rehabilitation. There was no strong planning justification in the submission for a departure from the planning intention of the “AGR” zone;
- (ii) the application did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories (the Interim Criteria) in that the site and the footprint of the proposed Small House fell entirely outside the village ‘environs’ of Tai Wo Tsuen and the “V” zone in Tai Wo and Cheung Po. It was considered more appropriate to concentrate the proposed Small House close to the existing village cluster within the “V” zone for a more orderly development pattern, efficient use of land and provision of infrastructure and services. There was no exceptional circumstance to justify approval of the application;
- (iii) CTP/UD&L, PlanD had reservation on the application from landscape planning point of view as the applicant had failed to demonstrate that the proposed development would have no adverse landscape impact;
- (iv) there was no previous approval for Small House development at the site and the situation of the current application was not comparable to those approved similar applications. There were also 32 similar applications rejected by the Committee or the Board on review from 2000 to 2015. Rejection of the current application was in line with the previous decisions of the Committee or the Board; and

- (v) there were adverse public comments on the application received.

99. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed Small House development is not in line with the planning intention of the “Agriculture” zone which is to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention; and
- (b) the application does not comply with the Interim Criteria for assessing planning applications for New Territories Exempted House (NTEH) – Small House development in that the proposed NTEH – Small House footprint falls entirely outside the village ‘environs’ of Tai Wor Tsuen and the “Village Type Development” (“V”) zone in Tai Wo and Cheung Po. Land is still available within the “V” zone in Tai Wo and Cheung Po. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructure and services. There is no exceptional circumstance to justify approval of the application.”

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/480 Proposed Temporary Shop and Services (Retail Shop) for a Period of 3
Years in “Other Specified Uses” annotated “Service Stations” Zone,
Lot 774 RP in D.D. 99, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/480)

Presentation and Question Sessions

101. 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 temporary shop and services (retail shop) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one objecting comment was received from six village representatives of Mai Po Tsuen, Pun Uk Tsuen, Chau Tau Tsuen and Tsing Lung Tsuen, mainly on the grounds of inappropriate use of the site for retail shop without owner’s consent, pedestrian flow problem, and being not in line with the planning intention of the “Other Specified Uses” annotated “Service Stations” (“OU(SS)”) zone. 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. According to the Explanatory Statement of the Outline Zoning Plan, sites under “OU(SS)” zone could be developed for commercial uses subject to planning permission of the Board. According to the applicant, the proposed shop and services was to serve the local community including the adjacent seven villages and help meet the need of local residents by providing daily necessities. As there was no immediate proposal for permanent development at this part of “OU(SS)” zone, approval of the subject application on a temporary basis would not frustrate the long-term planning intention of “OU(SS)” zone. Regarding the objecting public comment received, the planning assessments above were relevant. The applicant was advised to resolve any land issue relating to the proposed development with the concerned owner(s) of the site.

102. Members had no question on the application.

Deliberation Session

103. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 19.2.2019, 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 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) the provision of boundary fencing on the site, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.8.2016;
- (c) the submission of water supplies for fire fighting and 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 19.8.2016;

- (d) in relation to (c) above, the implementation of water supplies for fire fighting and 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 19.11.2016;
- (e) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.8.2016;
- (f) in relation to (e) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.11.2016;
- (g) in relation to (f) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (h) the submission of 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 19.8.2016;
- (i) in relation to (h) above, the implementation of tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.11.2016;
- (j) if any of the above planning conditions (a) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (k) if any of the above planning conditions (b), (c), (d), (e), (f), (h) or (i) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

[Dr W.K. Yau returned to join the meeting at this point.]

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/481 Temporary Public Car Park (Private Cars and Light Goods Vehicles under 5.5 Tonnes) with Ancillary Facilities (Including Canteen and Site Office) for a Period of 3 Years in “Village Type Development” Zone, Lots 153 (Part), 154 S.A (Part), 155 (Part), 156, 157 (Part), 194 S.A (Part), 194 S.B (Part), 195 (Part), 196 (Part) and 199 RP (Part) in D.D.102 and Adjoining Government Land, San Tin, Yuen Long (RNTPC Paper No. A/YL-ST/481)

Presentation and Question Sessions

105. 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 temporary public car park (private cars and light goods vehicles under 5.5 tonnes) with ancillary facilities (including canteen and site office) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and 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 assessment set out in paragraph 12 of the Paper. While there was a Small House application received/under processing at one lot within the site, the District Lands Officer/Yuen Long had no objection to the subject temporary public vehicle park as approval of the application for a temporary basis of three years would not frustrate the long-term planning intention of the “Village Type Development” zone.

106. Members had no question on the application.

Deliberation Session

107. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 19.2.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no vehicles without valid licence issued under the Road Traffic Ordinance are allowed to be parked/stored on the site at any time during the planning approval period;
- (b) no medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes) or container trailers/tractors as defined in the Road Traffic Ordinance are allowed to be parked/stored on the site at any time during the planning approval period;
- (c) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) including container trailers/tractors as defined in the Road Traffic Ordinance is allowed to be parked/stored on the site at all times during the planning approval period;
- (d) no car washing, vehicle repair, dismantling, paint spraying or other

workshop activities are allowed on the site at any time during the planning approval period;

- (e) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (f) the submission of an as-built drainage plan and photographic records 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 19.5.2016;
- (g) 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 19.8.2016;
- (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 19.11.2016;
- (i) the submission 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 19.8.2016;
- (j) in relation to (i) above, the implementation of tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.11.2016;
- (k) the provision of boundary fencing within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.8.2016;
- (l) 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;

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

108. 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 Mr Otto K.C. Chan, Mr Kevin C.P. Ng, Mr Kepler S.Y. Yuen and Mr K.T. Ng, STPs/FSYLE, for their attendance to answer Members’ enquiries. They left the meeting at this point.]

Tuen Mun and Yuen Long West District

Agenda Item 24

Section 16 Application

[Open Meeting]

A/TSW/65 Proposed Comprehensive Residential and Commercial Development with Eating Place, Shop and Services and Public Vehicle Park in “Comprehensive Development Area” Zone, Tin Shui Wai Planning Area 112 (Tin Shui Wai Town Lot 33)
(RNTPC Paper No. A/TSW/65)

109. The Secretary reported that the application was submitted by Jet Group Ltd. which was the subsidiary of Sun Hung Kai Properties Ltd. (SHK). MVA Hong Kong Ltd.

(MVA) and Ramboll Environ Hong Kong Ltd. (Environ) were two 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, MVA and Environ;
- Ms Janice W.M. Lai - having current business dealings with SHK and Environ;
- Ms Christina M. Lee - being the Secretary – General of the Hong Kong Metropolitan Sports Events Association that had obtained sponsorship from SHK;
- Dr W.K. Yau - being an operation agent of a community building lighting and energy improvement project which had obtained sponsorship from SHK;
- Professor S.C. Wong - being the Chair Professor and Head of the Department of Civil Engineering of the University of Hong Kong which had obtained sponsorship from SHK on some activities of the Department

110. The applicant had requested for deferment of consideration of the application. The Committee noted that Ms Lee had tendered apologies for being unable to attend the meeting and Ms Lai had already left the meeting. As the interest of Mr Fu was direct, the Committee agreed that he could stay in the meeting but should refrain from participating in the discussion. As the interests of Dr Yau and Professor Wong were indirect, the Committee agreed that they could stay in the meeting.

111. The Committee noted that the applicant requested on 3.2.2016 for deferment of the consideration of the application for two months to allow time for preparation of further information to address departmental comments. It was the applicant's first request for deferment.

112. 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/YL-HT/1005 Proposed Public Utility Installation (Radio Base Station) in
“Agriculture” Zone, Government Land in D.D. 128, Deep Bay Road,
Sheung Pak Nai, Yuen Long
(RNTPC Paper No. A/YL-HT/1005)

113. The Secretary reported that the application was submitted by SmarTone Mobile Communications Ltd. which was the subsidiary of Sun Hung Kai Properties Ltd. (SHK). The following Members had declared interests in the item:

- Mr Ivan C.S. Fu]
having current business dealings with SHK;
- Ms Janice W.M. Lai]
- Ms Christina M. Lee - being the Secretary – General of the Hong Kong Metropolitan Sports Events Association that had obtained sponsorship from SHK;
- Dr W.K. Yau - being an operation agent of a community

building lighting and energy improvement project which had obtained sponsorship from SHK; and

Professor S.C. Wong - being the Chair Professor and Head of the Department of Civil Engineering of the University of Hong Kong which had obtained sponsorship from SHK on some activities of the Department.

114. The applicant had requested for deferment of consideration of the application. The Committee noted that Ms Lee had tendered apologies for being unable to attend the meeting and Ms Lai had already left the meeting. As the interest of Mr Fu was direct, the Committee noted that he could stay in the meeting but should refrain from participating in the discussion. As the interests of Dr Yau and Professor Wong were indirect, the Committee agreed that they could stay in the meeting.

115. The Committee noted that the applicant requested on 11.2.2016 for deferment of the consideration of the application for two months to allow time for preparation of further information to address departmental comments. It was the applicant's first request for deferment.

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

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

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/1006 Proposed Temporary Warehouse for Storage of Recyclable Materials for a Period of 3 Years in “Open Storage” and “Recreation” Zones, Lots 1519 (Part), 1520 (Part), 1522 (Part), 1535 (Part), 1536 (Part), 1537, 1538 RP (Part) and 1540 (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/1006)

117. 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 Lai had already left the meeting.

Presentation and Question Sessions

118. The Committee noted that a replacement page for page 1 of Appendix IV of the Paper had been tabled at the meeting. 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 warehouse for storage of recyclable materials 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 because there were sensitive uses in the vicinity of the site (the nearest residential structure was about 36m away)

and along the access road (Ha Tsuen Road), and environmental nuisance was expected. Other concerned departments had no objection to or no adverse comment on the application;

- (d) no public comment was received during the first three weeks of the statutory publication period and 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 assessment set out in paragraph 11 of the Paper. Regarding DEP's objection to the application, there was no substantiated environmental complaint against the site over the past three years. Relevant approval conditions were recommended to mitigate any potential environmental impacts. Any non-compliance with those approval conditions would result in revocation of the planning permission and unauthorised development on-site would be subject to enforcement action by the Planning Authority.

119. Members had no question on the application.

Deliberation Session

120. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 19.2.2019, 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) no cutting, dismantling, cleaning, repairing, compacting, vehicle repair or

other workshop activity, is allowed on site at any time 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 within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.8.2016;
- (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 replanting proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.8.2016;
- (h) in relation to (g) above, the implementation of the tree preservation and replanting proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.11.2016;
- (i) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 19.8.2016;
- (j) in relation to (i) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 19.11.2016;
- (k) provision of fencing within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB 19.8.2016;
- (l) 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;

- (m) if any of the above planning conditions (e), (g), (h), (i), (j) or (k) 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
- (n) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/283 Temporary Open Storage (Marbles, Construction Materials, Aluminum Cans and Cylinders/Frames, Small-scale Machinery, Parking for Car, Lorries and Motorcycles, Mini Elevating Platforms and 4 Loading/Unloading Spaces) for a Period of 3 Years in “Residential (Group E)” and “Recreation” Zones, Lots 2219 RP (Part) and 2226 (Part) in D.D. 129 and adjoining Government Land, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/283)

Presentation and Question Sessions

122. 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 (marbles, construction materials, aluminum cans and cylinders/frames, small-scale machinery, parking for car, lorries and motorcycles, mini elevating platforms and four 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 there were sensitive uses (residential dwellings) in the vicinity of the site (the closest being about 3m away) and along the access road (Deep Bay Road), and environmental nuisance was expected. Four non-substantiated complaints on noise against the site were received in the past three years;
- (d) during the first three weeks of the statutory publication period, one public comment was received from the public urging the Committee to reject the application as the application perpetuated inefficient use of land and set an undesirable precedent for preventing the use of the site for its intended use. 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 assessment set out in paragraph 12 of the Paper. Whilst the temporary open storage was not in line with the planning intentions of “Residential (Group E)” and “Recreation” zones, there was not yet any programme/known intention to implement the zoned uses. Approval of the application on a temporary basis would not jeopardize the long-term development of the site. The applied use was not incompatible with the surrounding uses which were predominantly occupied for open storage yards and workshops. Regarding DEP's objection to the application, there was no substantiated environmental complaint pertaining to the site in the past three years. Furthermore, relevant approval conditions had been recommended to minimize any potential environmental nuisances. Any non-compliance with these approval conditions would result in revocation

of the planning permission and unauthorized development on site would be subject to enforcement action by the Planning Authority. Regarding the public comment objecting to the application, the above planning assessments were relevant.

123. Members had no question on the application.

Deliberation Session

124. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 19.2.2019, 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. to 7:30 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no cutting, dismantling, cleansing, melting, repairing, compaction or other workshop activity is allowed on the site at any time during the planning approval period;
- (d) no vehicle exceeding 24 tonnes, including heavy goods vehicle as defined in the Road Traffic Ordinance, is allowed to be parked/operated at or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (e) no vehicle over 10m long, including container vehicle/trailer/tractor as defined in the Road Traffic Ordinance, is allowed to be parked/operated at or enter/exit the site at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;

- (g) no materials are allowed to be stored within 3m from the south-western boundary of the site at any time during the planning approval period;
- (h) the stacking height of materials stored within 5m of the periphery of the site shall not exceed the height of the boundary fence at all times during the planning approval period;
- (i) the existing fencing on site shall be maintained at all times during the planning approval period;
- (j) the existing drainage facilities on site shall be maintained at all times during the planning approval period;
- (k) the submission of record of the 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 19.5.2016;
- (l) 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 19.8.2016;
- (m) in relation to (l) above, the implementation of a 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 19.11.2016;
- (n) 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 1.4.2016;
- (o) 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 19.8.2016;
- (p) in relation to (o) 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 19.11.2016;

- (q) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h), (i) or (j) is not complied with at any time during the planning 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 (k), (l), (m), (n), (o) or (p) 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
- (s) 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.”

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

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/284 Renewal of Planning Approval for Temporary “Public Vehicle Park for Private Cars, Light Goods Vehicles and Medium Goods Vehicles” for a Period of 3 Years in “Residential (Group C)” Zone, Lots 2847 (Part), 2849, 2850 and 2857 (Part) in D.D. 129, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/284)

Presentation and Question Sessions

126. 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 renewal of planning approval for temporary public vehicle park for private cars, light goods vehicles and medium goods vehicles under previous application No. A/YL-LFS/245 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 (residential dwellings) in the vicinity of the site (the closest being about 10m away) and along the access road (Deep Bay Road), and environmental nuisance was expected. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from the public urging the Board to reject the application as the application perpetuated inefficient use of land and set undesirable precedent for preventing the use of the site for its intended use. 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 further period of three years based on the assessment set out in paragraph 12 of the Paper. The current application was for renewal of a planning permission for temporary use and the application was generally in line with the Town Planning Board Guidelines No. 34B on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development. Regarding DEP's objection to the application, there was no substantiated environmental complaint pertaining to the site received in the past three years. Relevant approval conditions were recommended to mitigate any potential environmental impacts. Any non-compliance with

these approval conditions would result in revocation of the planning permission and unauthorised development on-site would be subject to enforcement action by the Planning Authority. Regarding the public comment opposing the application, the above planning assessments were relevant.

127. Members had no question on the application.

Deliberation Session

128. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 16.3.2016 to 15.3.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation (i.e. no vehicular movement in/out/within the site) between 11:00 p.m. to 7:00 a.m., as proposed by the applicant, is allowed on the site during the approval period;
- (b) no repairing, dismantling or other workshop activity, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (c) the noise mitigation measures, including the internal solid boundary wall, on-site shall be maintained at all times during the planning approval period;
- (d) no heavy goods vehicle (i.e. exceeding 24 tonnes), including container trailer and tractor 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) a notice should be posted at a prominent location of the site to indicate that no heavy goods vehicle (i.e. exceeding 24 tonnes), including container trailers/tractors, as defined in the Road Traffic Ordinance is allowed to be

parked/stored on the site at all times during the planning approval period;

- (f) no vehicle without valid license issued under the Road Traffic Ordinance is allowed to be parked/stored 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 existing fencing on-site shall be maintained at all times during the planning approval period;
- (i) the existing drainage facilities on-site shall be maintained at all times during the planning approval period;
- (j) the submission of a 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 16.6.2016;
- (k) the submission of a tree preservation and landscape proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 16.9.2016;
- (l) in relation to (k) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 16.12.2016;
- (m) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.9.2016;

- (n) in relation to (m) above, the implementation of fire service installations proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.12.2016;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (i) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (p) if any of the above planning conditions (j), (k), (l), (m) or (n) is not complied with by the above 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.”

129. 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 returned to join the meeting at this point.]

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/513 Proposed Temporary Warehouse (Storage of Used and New Construction Materials and Equipment) for a Period of 3 Years in “Comprehensive Development Area” Zone, Lots 763 RP, 764, 765, 766, 767, 768, 771 and 772 S.B in D.D. 122, East of Yung Yuen Road, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/513)

130. The Secretary reported that Landes Ltd. (Landes) and MVA Hong Kong Ltd. (MVA) were two 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 Landes and MVA; and

Ms Janice W.M. Lai - having current business dealings with Landes.

131. The Committee noted that Ms Lai had already left the meeting. As Mr Fu had no involvement in the application, the Committee agreed that he could stay in the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary warehouse (storage of used and new construction materials and equipment) 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, two public comments were received from a village representative (VR) of Wing Ning Tsuen and an individual. The former strongly objected to the application mainly on the grounds that the development under application was in operation without permission, the heavy vehicles passing through the village would cause dangers to villagers, noise pollution was created by operation of the machineries, the periphery of the site was not properly fenced, and dust nuisance caused by construction. The latter objected to

the application mainly on the grounds of inefficient land use and rejecting the application would encourage the process to speed up redevelopment of brownfield sites in Yuen Long. The District Officer (Yuen Long) advised that an objection letter from VR of Wing Ning Tsuen concerning the application was received; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessment set out in paragraph 11 of the Paper. As there was no permanent development proposal at the site, approval of the application on a temporary basis would not jeopardize the long-term planning intention of the “Comprehensive Development Area” zone. The proposed development was not incompatible with the surrounding uses including open storage yards, storage yards, car park, workshops, etc.. Concerned departments had no objection to or no adverse comment on the application. Relevant approval conditions were recommended to minimize the potential nuisance or to address the technical concerns of concerned departments. Regarding the public comments objecting to the application, the above planning assessments were relevant.

133. Members had no question on the application.

Deliberation Session

134. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 19.2.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 5:00 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 repairing, dismantling 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 and light goods vehicles as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site at all times during the planning approval period;
- (e) 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 be parked/stored on or enter/exit the site at all times during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) the submission of 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 19.8.2016;
- (h) in relation to (g) above, the implementation of drainage proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.11.2016;
- (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 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 19.8.2016;
- (k) in relation to (j) 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 19.11.2016;

- (l) 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 19.8.2016;
- (m) 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 19.5.2016;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f) 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;
- (o) if any of the above planning conditions (g), (h), (j), (k), (l) or (m) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;
and
- (p) upon 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.”

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

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/779 Temporary Warehouse and Open Storage of Exhibition Materials and Construction Materials with Ancillary Office for a Period of 3 Years in “Undetermined” Zone, Lot 1876 RP (Part) in D.D. 117 and Adjoining Government Land, Kung Um Road, Yuen Long
(RNTPC Paper No. A/YL-TYST/779)

Presentation and Question Sessions

136. Ms Bonita K.K. Ho, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary warehouse and open storage of exhibition materials and construction materials with ancillary office for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. residential structures located to the southwest and in the vicinity, and environmental nuisance was expected. Other concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and 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 assessment set out in paragraph 12 of the Paper. Regarding DEP’s

objection to the application, there had been no environmental complaint concerning the site received in the past 3 years. Relevant approval conditions were recommended to address the concerns on the possible environmental nuisances generated by the temporary use. Any non-compliance with the approval conditions would result in revocation of the planning permission and unauthorized development on the site would be subject to enforcement action by the Planning Authority.

137. Members had no question on the application.

Deliberation Session

138. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 19.2.2019, 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 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no repairing, dismantling, cleansing, paint-spraying or any other workshop activities, as proposed by the applicant, shall be carried out on the site at any time during the planning approval period;
- (d) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (e) the existing boundary fence on the site shall be maintained at all times during the planning approval period;

- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (h) the submission of 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 19.5.2016;
- (i) the submission of 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 19.8.2016;
- (j) in relation to (i) 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 19.11.2016;
- (k) 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 19.8.2016;
- (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 19.11.2016;
- (m) the provision of fire extinguisher(s) with valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.4.2016;
- (n) 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 19.8.2016;

- (o) in relation to (n) 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 19.11.2016;
- (p) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (q) if any of the above planning conditions (h), (i), (j), (k), (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.”

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

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL/218 Proposed Temporary Shop and Services (Real Estate Agency and Car Audio Shop) for a Period of 6 Years in “Open Space” Zone, Lot 4585 RP in D.D. 116 and Adjoining Government Land, Tai Kei Leng, Yuen Long
(RNTPC Paper No. A/YL/218A)

Presentation and Question Sessions

140. Ms Bonita K.K. Ho, 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 car audio shop) for a period of six years;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment from the villagers of Tai Kei Leng Village was received. They objected to the application mainly on the grounds that the proposed commercial use would affect the tranquillity of the village and the site was located at the main pedestrian access of the area. The use of vehicle at the site would have adverse impact on road safety. 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 six years based on the assessment set out in paragraph 10 of the Paper. The proposed development with five temporary structures were not incompatible with the surrounding uses which comprised mainly residential structures, shops, car parks, etc.. The proposed development would unlikely cause significant adverse environmental, traffic, drainage and landscape impacts on the surrounding areas as concerned departments had no objection to or no adverse comment on the application. Approval conditions were suggested to minimise any possible environmental impacts and nuisances on the surrounding areas or to address the technical requirements of the concerned departments. Any non-compliance with the approval conditions would result in revocation of the planning permission. Regarding the public comment objecting to the application, the above planning assessments were

relevant.

141. In response to the Chairman's question, Ms Bonita K.K. Ho, STP/TMYLW said that as advised by the Director of Leisure and Cultural Services, there was no plan to develop the site into a public open space at the moment.

Deliberation Session

142. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 6 years until 19.2.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 9:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (d) the submission of 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 19.8.2016;
- (e) in relation to (d) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.11.2016;
- (f) in relation to (e) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;

- (g) the implementation of the accepted landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.8.2016;
- (h) 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 19.8.2016;
- (i) in relation to (h) 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 19.11.2016;
- (j) if any of the above planning conditions (a), (b), (c) 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;
- (k) if the above planning conditions (d), (e), (g), (h) or (i) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (l) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

143. 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 Mr Vincent T.K. Lai, Ms Stella Y. Ng and Ms Bonita K.K. Ho, STPs/TMYLW, for their attendance to answer Members’ enquiries. They left the meeting at this point.]

Agenda Item 32

Any Other Business

Section 16A Application

[Open Meeting]

A/KTN/17-4 Application for Extension of Time for Compliance with Planning
Conditions, Lot 542 S.A RP in D.D. 92, Castle Peak Road,
Kwu Tung, Sheung Shui

144. The Secretary reported that an application for extension of time (EOT) for compliance with approval conditions (j) and (l) by three months under application No. A/KTN/17 was received on 11.2.2016. The deadline for compliance with approval condition (j) on the submission of proposals for fire service installations and water supplies for firefighting and approval condition (l) on the submission of tree preservation and landscape proposals was 21.2.2016. The current EOT application was received on 11.2.2016, which was eight working days before the expiry of the specified time limit for the aforesaid conditions. According to the Town Planning Board (TPB) 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 TPB. The Committee was recommended not to consider the application as there was insufficient time to obtain departmental comments before the expiry of the specified time limit for compliance with the conditions (j) and (l) which were essential for the consideration of the application.

145. After deliberation, the Committee agreed that the application for EOT for compliance with planning conditions could not be considered for reason that there was insufficient time to obtain departmental comments before the expiry of the specified time limit for compliance with the conditions (j) and (l) which were essential for the consideration of the application.

146. There being no other business, the meeting closed at 5:30 p.m..