

TOWN PLANNING BOARD

Minutes of 552nd Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 4.3.2016

Present

Director of Planning
Mr K.K. Ling

Chairman

Professor S.C. Wong

Vice-chairman

Professor Eddie C.M. Hui

Dr C.P. Lau

Ms Anita W.T. Ma

Dr W.K. Yau

Professor K.C. Chau

Ms Janice W.M. Lai

Mr H.F. Leung

Mr F.C. Chan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Chief Traffic Engineer/New Territories West,
Transport Department
Mr Kelvin K.M. 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

Mr Ivan C.S. Fu

Mr Lincoln L.H. Huang

Ms Christina M. Lee

Mr Philip S.L. Kan

In Attendance

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

Chief Town Planner/Town Planning Board
Ms Lily Y.M. Yam

Assistant Town Planner/Town Planning Board
Mr Harris K.C. Liu

Agenda Item 1

Confirmation of the Draft Minutes of the 551st RNTPC Meeting held on 19.2.2016

[Open Meeting]

1. The draft minutes of the 551st RNTPC meeting held on 19.2.2016 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Sai Kung and Islands District

[Ms S.H. Lam, Senior Town Planner/Sai Kung and Islands (STP/SKIs), was invited to the meeting at this point.]

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SLC/144 Proposed Minor Relaxation of Plot Ratio and Building Height
Restrictions for Permitted Residential Use in “Residential (Group C)”
Zone, Government Land near South Lantau Road, Cheung Sha, Lantau
Island
(RNTPC Paper No. A/SLC/144)

3. The Secretary reported that the application was submitted by the Lands Department (LandsD). The following Members had declared interests in the item:

Mr Edwin W.K. Chan - being the Assistant Director of LandsD; and

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

4. As the interests of Mr Edwin W.K. Chan and Ms Janice W.M. Lai were direct, the Committee agreed that they should leave the meeting temporarily for the item.

[Mr Edwin W.K. Chan and Ms Janice W.M. Lai left the meeting temporarily and Mr Peter K.T. Yuen arrived to join the meeting at this point.]

Presentation and Question Sessions

5. The Committee noted that a replacement page (page 2) of the Paper to rectify a typographical error with regard to the gross floor area in paragraph 1.2 was tabled at the

meeting. With the aid of a PowerPoint presentation, Ms S.H. Lam, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed minor relaxation of plot ratio (PR) and building height (BH) restrictions for permitted residential use;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, a total of 21 public comments were received. One comment was not related to the application but raised objection to the opening of South Lantau Road. The remaining 20 comments objected to the application mainly on the grounds that the additional BH of 50% and PR of 20% could not be considered as minor and would set an undesirable precedent for the “Residential (Group C)” (“R(C)”) zone; the additional 3 flats could not cater for the housing demand of the general public; an increase in development intensity would be very obtrusive from shoreline, resulting in adverse air ventilation, visual and environmental impacts on the surrounding area and the adjacent “Coastal Protection Area” (“CPA”) zone; and further increase in population would overload South Lantau Road as well as other infrastructures, generate adverse ecological impacts, destroy the environment and affect the buffalo living on Lantau; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. The proposed minor relaxation of PR by 20% from 0.4 to 0.48 and BH restriction from 2 storeys (7.6m) to 3 storeys (10.5m) were to optimize the development potential of the site and would increase flat production to achieve the policy objective. The BH and bulk of the proposal were not incompatible with the surrounding environment and would unlikely cause

significant adverse visual impact on the surrounding area. The site was not served by public sewer. The developer should be required to make their own provision for the treatment of sewage arising from the site. As for the traffic concerns, the Commissioner for Transport considered the traffic impact generated by the proposed development tolerable and would continue monitor the situation. Other concerned departments including the Drainage Services Department and the Water Supplies Department had no objection to the application. The proposal would not have adverse impact on landscape, environment, road capacity and other infrastructure provision. To address CTP/UD&L, PlanD's concerns on the interface between the proposed development and the adjacent "CPA" zone, an approval condition requiring the inclusion of a minimum 5m wide landscape buffer at the site boundary along the "CPA" zone in the lease of the site was recommended. Regarding the public comments, the planning assessments above were relevant.

6. In response to a Member's enquiry, Ms S.H. Lam, STP/SKIs, said that the existing building on the site was a one-storey government bungalow.

Deliberation Session

7. A Member noted that the site was currently covered with dense vegetation and was not served by public sewer and there was concern on the landscape and sewage impacts that might be generated by the proposed increase in PR and BH, as the site was located adjacent to the "CPA" zone. Whilst acknowledging that the proposal was in line with the government policy of increasing flat supply, the Member said that careful consideration should be given as to whether the application should be approved given there were only three additional flats and the potential environmental impacts arising from the proposal. Also, there was no similar application approved in the area and the approval of the application might set an undesirable precedent for similar applications in the "R(C)" zone.

8. The Chairman recapitulated for Members' information that the application was for minor relaxation of PR restriction by 20% and of BH restriction for 1 storey, and no relaxation of site coverage (SC) restriction was sought. As regards the potential impacts

arising from the proposal, concerned government departments had no objection to or adverse comment on the application.

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

9. A Member noted that there were some other government bungalows in the vicinity, and the cumulative effect of approving similar applications might overstrain the capacity of the existing and planned infrastructure in the area. The benefits of three additional flats under the application might not be able to outweigh the potential adverse impacts on the surrounding areas, particularly in view of its proximity to the “CPA” zone. Another Member expressed similar concern on the precedent effect arising from the approval of the application.

10. A Member supported the application and considered the proposed minor relaxation of PR and BH not excessive and the visual impact generated by an additional storey not significant. With the maximum SC remained unchanged, there would not be any additional impact on trees within the site. Besides, the approval of the application would help better utilize the land resources in South Lantau Coast.

11. A Member concurred and said that the application would not become an undesirable precedent as each application should be assessed on a case-by-case basis. Regarding the potential impact on the surrounding areas, this Member noted that relevant government departments had no objection to or no adverse comment on the application.

12. A Member said that those village houses in the “Village Type Development” zone of Cheung Sha Sheung Tsuen to the north of the site were all 3-storey developments. The proposal was not incompatible with the surrounding areas.

13. A Member reiterated the concern on the lack of public sewer in the area and the use of septic tank for sewage treatment for the proposed development. Should the application be approved, the Member considered that it would set a precedent and there might be cumulative sewage impact on the adjacent “CPA” zone and surrounding areas. The Government should expedite actions in improving sewage treatment facilities in the area. In response, Mr Terence S.W. Tsang, Principal Environmental Protection Officer (Strategic

Assessment), Environmental Protection Department (EPD), said that upgrading of sewage treatment facilities and sewerage network in South Lantau were being carried out but he had no information on whether the site fell within the catchment area of the project. Low-density residential clusters were scattered in South Lantau Coast and the use of septic tank for sewage treatment in accordance with relevant EPD's technical guidelines was considered acceptable.

[Post-meeting Note: EPD advised that the subject site was not within the catchment of the currently planned sewerage upgrading works in South Lantau.]

14. A Member said that the planning intention of "R(C)" zone was for low-rise and low-density residential development, which was to avoid overtaxing the limited infrastructure in the area and to protect the natural character of the South Lantau Coast. Such planning intention should be taken into account in considering the application. Another Member said that approval of the application might generate potential adverse impacts on the surrounding area, particularly the adjacent "CPA" zone.

15. The Chairman concluded that more Members were not in favour of the application, mainly on grounds of potential sewage impact of the proposed development on the adjacent "CPA" zone and the undesirable precedent effect.

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

- “(a) the site is adjacent to the “Coastal Protection Area” zone. There is no strong justification for the proposed increase of plot ratio and building height; and
- (b) the approval of the application would set an undesirable precedent for other similar applications within the “Residential (Group C)” zone on the South Lantau Coast. The cumulative effect of approving such similar applications would overstrain the capacity of the existing and planned infrastructure in the area.”

[The Chairman thanked Ms S.H. Lam, STP/SKIs, for her attendance to answer Members' enquiries. Ms Lam left the meeting at this point.]

[Mr Edwin W.K. Chan and Ms Janice W.M. Lai returned to join the meeting at this point.]

Sha Tin, Tai Po and North District

Agenda Items 4 and 5

Section 16 Applications

[Open Meeting]

A/DPA/NE-TT/67 Proposed House (New Territories Exempted House - Small House) in "Unspecified Use" Area, Lots 79 S.F, 80 S.A, 82 S.A & 83 S.A in D.D. 292, Tai Tan, Tai Po
(RNTPC Paper No. A/DPA/NE-TT/67 and 68)

A/DPA/NE-TT/68 Proposed House (New Territories Exempted House - Small House) in "Unspecified Use" Area, Lots 79 S.D, 82 S.C & 83 S.B in D.D. 292, Tai Tan, Tai Po
(RNTPC Paper No. A/DPA/NE-TT/67 and 68)

17. As the two applications were similar in nature and the application sites were located in close proximity to each other and within the same "Unspecified Use" Area, the Committee agreed that the two applications could be considered together.

18. The Committee noted that the applicants requested on 4.2.2016 for deferment of the consideration of the applications for another two months to allow time for preparation of further information to address the comments of relevant government departments. It was the applicant's second request for deferment.

19. After deliberation, the Committee decided to defer a decision on the applications as requested by the applicants pending the submission of further information from the

applicants. The Committee agreed that the applications should be submitted for its consideration within two months from the date of receipt of further information from the applicants. If the further information submitted by the applicants was not substantial and could be processed within a shorter time, the applications could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicants that two months were allowed for preparation of the submission of the further information. Since it was the second deferment of the applications and a total of four months had been allowed, no further deferment would be granted unless under very special circumstances.

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

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/158 Temporary Warehouse and Storage of Clothing with Ancillary
Facilities for a Period of 3 Years in "Other Specified Uses" annotated
"Port Back-up Uses" Zone, Lots 121 and 122 in D.D.52, Fu Tei Au,
Sheung Shui
(RNTPC Paper No. A/NE-FTA/158)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary warehouse and storage of clothing with ancillary facilities for a period of 3 years;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were domestic structures in close proximity to the site (the closest one was less than 5 m to the immediate south). 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, two public comments from a North District Council (NDC) member and the Chairman of the Fanling District Rural Committee (FRDC) were received. The NDC member supported the application and the Chairman of FRDC indicated no comment on the application. The District Officer (North) conveyed that the incumbent NDC member and one of the three Indigenous Inhabitant Representatives (IIRs) of Sheung Shui Heung supported the application as it would provide more employment opportunities in the North District and would not cause pollution problem. The other two IIRs had no comment on the application; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. The applied use was not incompatible with the surrounding uses which comprised mainly warehouses, goods distribution centre, open storage yards and vehicle parking. The application was in line with the planning intention of the “Other Specified Uses” annotated “Port Back-up Uses” zone. Although DEP did not support the application, no environmental complaint was received in the past three years and the concern on possible environmental nuisance could be addressed by the imposition of relevant approval conditions. Regarding the public comments, the above assessments were relevant.

21. Members had no question on the application.

Deliberation Session

22. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.3.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 6:00 p.m. and 9:00 a.m. on weekdays and Saturdays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no vehicle repairing, dismantling or other workshop activities is allowed on the site at any time during the planning approval period;
- (d) the maintenance of the existing boundary fencing on the site at all times during the planning approval period;
- (e) the submission of 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 4.9.2016;
- (f) in relation to (e) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.12.2016;
- (g) 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 4.9.2016;
- (h) in relation to (g) 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 4.12.2016;

- (i) 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 4.9.2016;
- (j) in relation to (i) 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 4.12.2016;
- (k) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (l) if any of the above planning conditions (e), (f), (g), (h), (i) or (j) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (m) 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.”

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

Agenda Item 7

Section 16 Application

[Open Meeting]

A/NE-TKL/539 Proposed Temporary Open Storage (Construction Material) for a Period of 3 Years in “Agriculture” Zone, Lots 1504 S.B, 1505, 1506, 1509 RP and 1510 RP in D.D. 76, Sha Tau Kok Road - Ma Mei Ha, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/539)

24. The Committee noted that the applicant requested on 29.1.2016 for deferment of the consideration of the application for two months to allow time for preparation of further information to address the comments of government departments. It was the applicant’s first request for deferment.

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

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

Agenda Item 8

Section 16 Application

[Open Meeting]

A/NE-KLH/501 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 1065 S.A in D.D. 7 & Adjoining Government
Land, Wai Tau Village, Tai Po
(RNTPC Paper No. A/NE-KLH/501)

26. The Committee noted that the applicant requested on 26.2.2016 for deferment of the consideration of the application for one month to allow time for preparation of further information in support of the application. It was the applicant’s first 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 from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee’s consideration. The Committee also agreed to advise the applicant that one month was allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Items 9 and 10

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/566 Proposed 2 Houses (New Territories Exempted Houses - Small
Houses) in “Agriculture” Zone, Lots 1108 S.C and 1108 S.D in D.D.
19, Lam Tsuen San Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/566)

A/NE-LT/567 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” Zones, Lot 1108 S.B
in D.D. 19, Lam Tsuen San Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/567)

28. As the two applications were similar in nature and the application sites were located in close proximity to each other and within the same “Agriculture” (“AGR”) zone, the Committee agreed that the two applications could be considered together.

Presentation and Question Sessions

29. Mr C.T. Lau, STP/STN, drew Members’ attention that there was a typographical error on page 11 of the Paper (line 4, paragraph 11.6) in that the word “not” should be deleted. He then presented the applications and covered the following aspects as detailed in the Paper :

- (a) background to the applications;
- (b) the proposed house(s) (New Territories Exempted House(s) (NTEH) – Small House(s)) at the two sites respectively;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications as there were active agricultural activities in the vicinity and the sites had high potential for rehabilitation of agricultural activities. The Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) objected to the applications as septic tank system was proposed for foul water disposal and there were no information from the applicants regarding consents for laying and future maintenance of the sewer from private land owners whose land lots were located between the site and the public sewerage system. The Director of Environmental Protection (DEP) also objected to the applications for the reason of using septic tank/soakaway system which was not in line with the requirements of the Hong Kong

Planning Standards and Guidelines (HKPSG) for development within water gathering grounds (WGG). The Commissioner for Transport (C for T) had no objection to application No. A/NE-LT/567, but had reservation on application No. A/NE-LT/566 and advised that such type of development should be confined within the “Village Type Development” (“V”) zone;

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

- (d) during the first three weeks of the statutory publication period, four public comments on each application were received from World Wide Fund for Hong Kong, Hong Kong Bird Watching Society and individuals. They objected to the applications mainly on the grounds of the development being not in line with the planning intention of the “AGR” zone, losing agricultural land, creating adverse environmental impacts and setting an undesirable precedent; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the applications based on the assessments set out in paragraph 11 of the Paper. The proposed Small Houses were not in line with the planning intention of “AGR” zone and DAFC did not support the applications. Although C for T had no in-principle objection to application No. A/NE-LT/567, he had reservation on application No. A/NE-LT/566 as such development should be confined within the “V” zone. The applications did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories in that there was no general shortage of land in the “V” zone to meet the demand for Small House development and the applicants failed to demonstrate that the proposed developments located within WGG would be able to be connected to the planned sewerage system and would not cause adverse impact on the water quality in the area. In that respect, both DEP and CE/C of WSD did not support the applications. Regarding the public comments, the planning assessments above were relevant.

30. Members had no question on the application.

Deliberation Session

31. After deliberation, the Committee decided to reject the applications. The reasons were :

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone, which is primary to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and 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 current submission for a departure from the planning intention;
- (b) the proposed development does not comply with the Interim Criteria for consideration of application for New Territories Exempted House (NTEH)/Small House in the New Territories (the Interim Criteria) in that there is no general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone;
- (c) the proposed development does not comply with the Interim Criteria in that the applicant fails to demonstrate that the proposed development located within water gathering grounds would be able to be connected to the planned sewerage system and would not cause adverse impact on the water quality in the area; and
- (d) land is still available within the “V” zone of Lam Tsuen San Tsuen which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for more orderly development pattern, efficient use of land and provision of infrastructure and services.”

Agenda Item 11

Section 16 Application

[Open Meeting]

A/NE-LT/568

Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” Zones, Lot 1108 S.A in D.D. 19 and Adjoining Government Land, Lam Tsuen San Tsuen, Tai Po

(RNTPC Paper No. A/NE-LT/568)

32. The Committee noted that the applicant requested on 25.2.2016 for deferment of the consideration of the application for one month to allow time for preparation of further information in support of the application. It was the applicant’s first request for deferment.

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

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

Fanling, Sheung Shui and Yuen Long East District

Agenda Item 12

Section 12A Application

[Open Meeting]

Y/YL-NSW/4 Application for Amendment to the Approved Nam Sang Wai Outline Zoning Plan No. S/YL-NSW/8, To Rezone the Application Site from “Residential (Group D)” to “Residential (Group D)1”, Lots 594, 595 (Part), 600 (Part), 1288 S.B RP (Part), 1289 S.B RP (Part) and 1292 S.B RP (Part) in D.D. 115, Nam Sang Wai, Yuen Long
(RNTPC Paper No. Y/YL-NSW/4)

34. The Secretary reported that the application was submitted by Topwood Limited and Success King Limited, which were both subsidiaries of Sun Hung Kai Properties Limited (SHK). The following Members had declared interests in the item:

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

35. The Committee noted that Mr Ivan C.S. Fu and Ms Christina M. Lee had tendered apologies for being unable to attend the meeting. As the interests of Professor S.C. Wong and Dr W.K. Yau were indirect, the Committee agreed that they could stay in the meeting. The Committee noted that the applicants had requested for a deferral of consideration of the application and agreed that Ms Janice W.M. Lai could stay in the meeting but should refrain from participating in the discussion.

36. The Committee noted that the applicants requested on 24.2.2016 for deferment of the consideration of the application for two months to allow time for preparation of further information to address the comments of government departments. It was the applicant's first request for deferment.

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

[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 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/FSS/246 Proposed Shop and Services and/or Eating Place (in Wholesale Conversion of an Existing Building Only) in “Industrial” Zone, No. 2 Choi Fat Street, Sheung Shui
(RNTPC Paper No. A/FSS/246B)

38. The Secretary reported that the application was submitted by Forever Glory Investment Limited, which was related to Sun Hung Kai Properties Limited (SHK). MLA Architects (HK) Limited (MLA) and Ramboll Environ Hong Kong Limited (Environ) are two of the consultants of the applicant. The following Members had declared interests in the item:

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

39. The Committee noted that Mr Ivan C.S. Fu and Ms Christina M. Lee had tendered apologies for being unable to attend the meeting. Since the interest of Ms Janice W.M. Lai was direct, the Committee agreed that she should leave the meeting temporarily for the item. As the interests of Professor S.C. Wong and Dr W.K. Yau were indirect, the Committee agreed that they could stay in the meeting.

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

Presentation and Question Sessions

40. Mr Otto K.C. Chan, STP/FSYLE, drew Members' attention that the Commission of Police (C of P) had provided further comments on the application which would be incorporated in the PowerPoint presentation. With the aid of a PowerPoint presentation, he presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed shop and services and/or eating place (in wholesale conversion of an existing building only);
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Housing (D of H) objected to the application as it might impose planning and design constraints on the Engineering Feasibility Study for exploring feasibility of the public housing development for Fanling/Sheung Shui Areas 4 and 30 (the Study) and cause potential environmental and pedestrian impacts on the future residents of the proposed public housing development in the vicinity. The Director-General of Trade and Industry (DG of TI) had reservation on the application as the application might have impact on the existing operators and the supply of industrial floor space for warehousing use, given that the total industrial stock in Hong Kong would not be able to meet the future demand for industrial uses. C of P noted that the Sheung Shui Ambulance Depot was located next to the site and considered that the increase of flow of visitors would worsen the obstruction to ambulance service. Other

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

- (d) during the first three weeks of the statutory publication periods, a total of 298 public comments from a North District Council (NDC) member, the Chairman of Sheung Shui District Rural Committee (SSDRC), the Convenor of the Population Policy Concern Group, Neo Democrats and individuals were received. The NDC member and the Chairman of SSDRC had no comment on the application. The remaining 296 comments indicated that as the existing industrial building had already become a hub of parallel trading activities, the proposed conversion would result in worsening of fire safety as well as adverse environmental hygiene and traffic impacts, generate conflicts between local residents and mainlanders, pose damages to the local residents and generate influx of visitors. The District Officer (North) conveyed that the incumbent NDC members and three Indigenous Inhabitant Representatives (IIRs) and the Resident Representative of Sheung Shui Heung had no comment, while the NDC members of Shek Wu Hui Constituency and Fung Tsui Constituency objected to the application for reasons of adverse traffic impact and complaints arising from parallel trading activities, and raised concerns of pedestrian safety and vehicular flows respectively;
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in the paragraph 12 of the Paper. The site fell within the “Industrial” (“I”) zone in Fanling/Sheung Shui Areas 4 and 30. According to the 2014 Area Assessments of Industrial Land in the Territory, the subject “I” zone would be retained, pending for the findings and recommendations of the Study undertaken by HD. The proposed eating place and/or shop and services might provide supporting facilities to serve the existing and future population in the area. Although DG of TI had reservation on the application with the concern on the further depletion of industrial land, the application was in line with the revitalization policy introduced in 2010. Besides, similar applications in Fanling/Sheung Shui district had been approved by the Committee between

2012 and 2016. The approval of the application would be in line with the Committee's previous decisions. The proposed conversion generally complied with the Town Planning Board Planning Guidelines No. 25D for Use/Development within "I" Zone in that relevant departments consulted had no objection to or no adverse comment on the application, except D of H, DG of TI and C of P, and the proposed provision of parking and loading/unloading spaces complied with the Hong Kong Planning Standards and Guidelines. Nevertheless, appropriate approval conditions would be imposed to ensure that the proposal would not cause adverse impacts on the surrounding areas. In order not to jeopardize 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. Regarding the public comments, the planning assessments above were relevant.

41. In response to the Chairman's enquiry, Mr Otto K.C. Chan, STP/FSYLE said that a total of four similar applications in the vicinity of the application site had been approved by the Committee.

42. In response to a Member's enquiry, Mr Chan clarified that Landmark North with a high occupancy rate was about 700m to the southeast of the site and was the only purposely built commercial development in the area. The conversion proposal under the current application would provide additional commercial floor space to relieve the limited supply.

Deliberation Session

43. 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 4.3.2020, 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 submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the TPB;
- (c) 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
- (d) the submission of an updated traffic assessment and implementation of the traffic measures identified therein to the satisfaction of the Commissioner for Transport or of the TPB.”

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

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

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KTN/23 Temporary Coach, Container Tractor and Trailer Park for a Period of 3 Years in “Other Specified Uses” annotated “Amenity Area” and “Other Specified Uses” annotated “Business and Technology Park” Zones and an Area shown as “Road”, Lot 904 in D.D. 92 and Adjoining Government Land, Yin Kong, Sheung Shui
(RNTPC Paper No. A/KTN/23)

Presentation and Question Sessions

45. 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 coach, container tractor and trailer park 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 domestic structures in the vicinity of the site. Other concerned department had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, three public comments from the Vice Chairman of the North District Council (NDC), a NDC member and an individual were received. The individual objected to the application on the grounds that the approval of the application would delay the development planned for the site, while the Vice Chairman and member of NDC had no comment. The District Officer (North) conveyed that the Resident Representative (RR) of Kwu Tung (North) and the Indigenous Inhabitant Representative of Yin Kong objected to the application on the grounds that heavy vehicles would cause traffic impact and affect the capacity of Castle Peak Road. The Chairman of Sheung Shui District Rural Committee, the incumbent NDC member, the RR of Kwu Tung (South) and Yin Kong had no comment on the application; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Although the application was not in line with the planning intention of the area which was mainly for business technology park, amenity and road use under the Kwu Tung North New Development Area (KTN NDA) development, the

site fell within the remaining package of the KTN NDA project which was planned to commence in 2023. The application on a temporary basis for a period of three years would not frustrate the long-term planning intention. The area in the vicinity was currently used for vehicle repair workshops, marble workshop, open storage of cars, coach and container trailer parks, godown and factory despite the presence of some fallow farmland and domestic structures. The applied use was not incompatible with the surrounding land uses and would unlikely cause adverse traffic, drainage and landscape impacts. Concerned departments had no objection to or no comment on the application. Although DEP did not support the application, there was no environmental complaint received in the past three years. Relevant approval conditions restricting the operation hours and date, and requiring maintenance of the access, parking and loading/unloading arrangement were recommended to address the environmental concerns. Regarding the objecting public comments, the planning assessments above were relevant.

46. Members had no question on the application.

Deliberation Session

47. A Member considered that approval of the application, with the use currently subject to enforcement actions, might encourage others to submit planning applications after enforcement actions were initiated against their unauthorised development (UD), and would render enforcement actions against UD ineffective. The Chairman remarked that in considering a planning application, whether the site was subject to any enforcement action was one of the planning considerations to be taken into account. For 'Destroy First, Build Later' cases, the Committee would take into account the reinstated condition of the site as required by the Planning Authority in considering the application. Should the application be rejected, the Planning Authority would continue to undertake enforcement actions against the UD on the site.

48. The Member said that planning application with use under enforcement actions should be handled with greater care. The Member was also concerned that approval of such

application might affect the compensation involved in case the land was later resumed for implementing planned developments on the Outline Zoning Plan. The Chairman responded that once an application was approved, the concerned use would no longer be subject to enforcement actions and compensation issue was not under the purview of the Town Planning Board.

49. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.3.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night time operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) the vehicular access, parking and loading/unloading arrangement within the site, as proposed by the applicant, should be maintained during the planning approval period;
- (d) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.9.2016;
- (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 4.12.2016;
- (f) 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 4.9.2016;
- (g) in relation to (f) above, the provision of water supplies for fire fighting and fire service installations within 9 months from the date of planning

approval to the satisfaction of the Director of Fire Services or of the TPB by 4.12.2016;

- (h) the submission of landscape and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or to the TPB by 4.9.2016;
- (i) in relation to (h) above, the implementation of tree preservation and landscaping proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.12.2016;
- (j) if any of the above planning conditions (a), (b) or (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (k) if any of the above planning conditions (d), (e), (f), (g), (h) or (i) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

[Dr C.P. Lau left the meeting temporarily at this point.]

Agenda Item 15

Section 16 Application

[Open Meeting]

A/NE-KTS/390

Proposed School (International School) and Access Road in “Agriculture” and “Village Type Development” Zones, Lots 257 (Part), 258 (Part), 259 (Part), 334, 336, 337, 338, 340, 341, 342, 344, 345, 346, 347, 348, 349, 351 S.B (Part), 352, 353, 354, 355 (Part), 356, 357, 378 S.A (Part), 379 (Part), 403 (Part), 405 (Part), 406 (Part), 408 (Part), 411 (Part), 412 (Part), 415 (Part), 416 (Part), 417 (Part), 430 (Part), 590 RP (Part), 590 S.A (Part), 591 (Part), 598 S.A ss.3 (Part), 598 S.A ss.7 (Part), 598 S.A ss.13 (Part), 598 S.B ss.10 (Part) and 693 (Part) in D.D. 100 and Adjoining Government Land, Kwu Tung South (RNTPC Paper No. A/NE-KTS/390)

51. The Secretary reported that AECOM Asia Company Limited (AECOM), Ramboll Environ Hong Kong Limited (Environ) and MVA Hong Kong Limited (MVA) 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 AECOM, Environ and MVA;

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

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 before

52. The applicant had requested for a deferral of consideration of the application.

The Committee noted that Mr Ivan C.S. Fu had tendered apologies for being unable to attend the meeting. Since Ms Janice W.M. Lai and Professor S.C. Wong had no involvement in the application, the Committee agreed that they could stay in the meeting.

53. The Committee noted that the applicant requested on 23.2.2016 for deferment of the consideration of the application for another two months to allow time for preparation of further information to address the comments of relevant government departments together with pending comments on the new Ecological Review and Tree Survey Report submitted on 6.1.2016. It was the applicant's third request for deferment.

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

Agenda Item 16

Section 16 Application

[Open Meeting]

A/NE-KTS/415 Temporary Storage of Pet Supplies and Beverages with Ancillary Office for a Period of 3 Years in "Recreation" Zone, Lots 1669 S.A ss.1 RP (Part), 1670 S.A ss.1 RP, 1671 S.A ss.1, 1673 S.A and 1675 S.B ss.1 S.A RP (Part) in D.D. 100 and Adjoining Government Land, Kwu Tung South, Sheung Shui
(RNTPC Paper No. A/NE-KTS/415)

55. The Committee noted that the applicant requested on 17.2.2016 for deferment of the consideration of the application for another two months to allow time for preparation of further information to address the comments of Transport Department. It was the applicant's second request for deferment.

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

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/692 Proposed House (New Territories Exempted House - Small House) in
"Agriculture" Zone, Lot 1725 S.A RP (Part) in D.D. 106, Yuen Kong
Tsuen, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTS/692)

Presentation and Question Sessions

57. 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);

[Dr C.P. Lau returned to join the meeting at this point.]

- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as a hydroponic farm to the north of the site is under construction and the site had high potential for agricultural rehabilitation. 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, two public comments from Kadoorie Farm & Botanic Garden Corporation and an individual were received. They objected to the application mainly for reasons that the development was not in line with the planning intention of the “Agriculture” (“AGR”) zone and far from any existing “Village Type Development” (“V”) zone/village clusters; contravention with new agricultural policy; and setting an undesirable precedent for similar applications; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed Small House was not in line with the planning intention of “AGR” zone and DAFC did not support the application. The application did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories in that the proposed Small House fell entirely outside the village ‘environs’ of Yuen Kong Tsuen and the “V” zone in Yuen Kong. It was considered more appropriate to concentrate the proposed Small House development 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. Regarding the public comments, the planning assessments above were

relevant.

58. In response to a Member's enquiry, Mr Kepler S.Y. Yuen, STP/FSYLE, made reference to Plans A-2 and A-4 of the Paper and said that those structures in the vicinity of the site shown on the plans were temporary structures for storage use and residential dwelling under construction.

Deliberation Session

59. 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” (“AGR”) 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;
- (b) the application does not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories in that the proposed Small House falls entirely outside the village ‘environs’ of Yuen Kong Tsuen and the “Village Type Development” (“V”) zone in Yuen Kong. Land is still available within the “V” zone in Yuen Kong where land is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructure and services. There is no exceptional circumstance to justify approval of the application; and
- (c) approval of the application would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would lead to degradation of the rural character and

environment in the area.”

Agenda Item 18

Section 16 Application

[Open Meeting]

A/YL-KTS/693 Proposed Flat and House Development in “Other Specified Uses” annotated “Rural Use” Zone, Lots 547 RP (Part), 550 RP and 551 in D.D.106 and Adjoining Government Land, Kam Tin, Yuen Long (RNTPC Paper No. A/YL-KTS/693)

60. The Committee noted that the applicant requested on 18.2.2016 for deferment of the consideration of the application for one month to allow time for preparation of further information to address the comments of relevant government departments. It was the applicant’s first request for deferment.

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

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/694 Proposed 6 Houses (New Territories Exempted Houses) in
“Agriculture” Zone, Lot 731 RP in D.D.113, Ma On Kong Tsuen,
Yuen Long
(RNTPC Paper No. A/YL-KTS/694)

Presentation and Question Sessions

62. 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 six houses (New Territories Exempted Houses (NTEH));
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site could be used for plant nursery and greenhouse cultivation. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as approval of the application might encourage more village house developments to encroach into the “Agriculture” (“AGR”) zone resulting in further extension of village development beyond the existing “Village Type Development” (“V”) zone boundary and irreversibly further altering the landscape character of the “AGR” zone. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, three public comments from Kadoorie Farm & Botanic Garden Corporation, Designing Hong Kong and an individual were received. They objected to the

application mainly on grounds that the proposed development was not in line with the planning intention of the “AGR” zone; it was inappropriate to allow Small House development to spread to the “AGR” zone given that the adjacent “V” zone was largely vacant; no impact assessment had been submitted; approval of the application was in contravention of the agricultural policy and would set an undesirable precedent for similar application; and a similar application close to the site was rejected; and

- (e) PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed development was not in line with the planning intention of the “AGR” zone and DAFC did not support the application. The existing village houses were largely confined within the boundary of “V” zone and active agricultural activities were found in the vicinity of the site. Approval of the application would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such developments would lead to further extension of village development beyond the existing “V” zone boundary. In that regard, CTP/UD&L, PlanD had reservation on the application. Regarding the public comments, the planning assessments above were relevant.

63. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) 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) approval of the application would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would lead to degradation of the rural character and environment in the area.”

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

Agenda Item 20

Section 16 Application

[Open Meeting]

A/YL-PH/727 Proposed Temporary Place of Recreation, Sports or Culture (including Agricultural Shed, Farms and Area for Pets) for a Period of 3 Years in “Residential (Group D)” Zone, Lots 3037 S.A, 3037 RP (Part), 3039 and 3040 (Part) in D.D. 111 and Adjoining Government Land, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/727)

65. The Secretary reported that the applicant had requested for a deferral of consideration of the application. Ms Janice W.M. Lai had declared an interest in the item as her family members owned a house in Pat Heung. As the said property did not have a direct view of the application site, the Committee agreed that Ms Janice W.M. Lai could stay in the meeting.

66. The Committee noted that the applicant requested on 18.2.2016 for deferment of the consideration of the application for two months to allow time for preparation of further information to address the comments of relevant government departments. It was the applicant’s first request for deferment.

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

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

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/212 Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles (Not Exceeding 5.5 Tonnes) and Ancillary Car Beauty Services for a Period of 3 Years in "Village Type Development" Zone, Lots 616 S.B RP (Part) and 617 (Part) in D.D. 114, Kam Tin Road, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-SK/212A)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary public vehicle park for private cars and light goods vehicles (not exceeding 5.5 tonnes) and ancillary car beauty services for a period of three years;
- (c) departmental comments – departmental comments were set out in

paragraph 10 of the Paper. Concerned departments consulted 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 assessments set out in paragraph 12 of the Paper. Although the application was not entirely in line with the planning intention of the “Village Type Development” (“V”) zone, it could serve the needs of residents and businesses in the vicinity of Sheung Tsuen. According to District Lands Officer/Yuen Long, Lands Department, there was no Small House application received/approved on the site. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “V” zone. Moreover, the applied use was not incompatible with the surrounding land uses. Concerned departments had no objection to or no adverse comment on the application and their technical requirements could be addressed by incorporation of suitable approval conditions.

69. Members had no question on the application.

Deliberation Session

70. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.3.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 7:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no vehicles are allowed to reverse into or out of the site at any time during

the approval period;

- (c) no vehicles without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations are allowed to be parked/stored on the site at any time during the planning approval period;
- (d) no more than 43 private cars/light goods vehicles/motorcycles, as proposed by the applicant, are allowed to be parked on the site at any time during the planning approval period;
- (e) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance and coaches are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (f) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance and coaches are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (g) no vehicle dismantling, maintenance, repairing, paint spraying or workshop activities shall be carried out on the site at any time during the planning approval period;
- (h) the existing boundary fence on the site shall be maintained at all times during the planning approval period;
- (i) the implementation of the approved 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 4.9.2016;
- (j) the implementation and maintenance of the agreed 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 4.9.2016;

- (k) the provision of 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 4.9.2016;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (m) if any of the above planning conditions (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (n) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

Agenda Item 22

Section 16 Application

[Open Meeting]

A/YL-NSW/241

Proposed Comprehensive Development of an Outlet Mall with Commercial Uses (Including ‘Shop and Services’ and ‘Eating Place’), ‘Agricultural Use’ (Commercial Fish Ponds), ‘Excavation of Land’ and ‘Filling of Land’ in “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” Zone, Lots 8 RP (Part), 14 S.B RP (Part), 45 and 1740 S.A RP in D.D.107 and Adjoining Government Land, to the South of Pok Wai and Wing Kei Tsuen, Yuen Long
(RNTPC Paper No. A/YL-NSW/241)

72. The Secretary reported that the application was submitted by King Garden Limited, which was a subsidiary of Sun Hung Kai Properties Limited (SHK). AECOM Asia Company Limited (AECOM), AGC Design Limited (AGC), Ramboll Environ Hong Kong Limited (Environ) and Urbis Limited (Urbis) were four of the consultants of the applicant. The following Members had declared interests in the item:

- | | |
|---------------------|--|
| Mr Ivan C.S. Fu | - having current business dealings with SHK, AECOM, AGC, Environ and Urbis; |
| Ms Janice W.M. Lai | - having current business dealings with SHK, AECOM, Environ and Urbis; |
| Professor S.C. Wong | - having current business dealings with AECOM;

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

73. The Committee noted that Mr Ivan C.S. Fu and Ms Christina M. Lee had tendered apologies for being unable to attend the meeting. As the applicant had requested for a deferral of consideration of the application, the Committee agreed that Ms Janice W.M. Lai could stay in the meeting but should refrain from participating in the discussion. The Committee also agreed that Dr W.K. Yau, whose interest was indirect, and Professor S.C.

Wong, who had no involvement in the application, could stay in the meeting.

74. The Committee noted that the applicant requested on 24.2.2016 for deferment of the consideration of the application for another two months to allow time for preparation of further information to address the comments of relevant government departments and to allow time for respective departments to review the application. It was the applicant's third request for deferment.

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

[Mr Kelvin K.M. Siu left the meeting temporarily at this point.]

Agenda Item 23

Section 16 Application

[Open Meeting]

A/YL-NSW/246 Proposed Petrol Filling Station with Sales Office and Car Parking Spaces in an Area shown as "Road" and "Undetermined" zone, Lots 999 S.E (Part), 1001 S.A RP (Part), 1002 S.A RP (Part) and 1327 RP (Part) in D.D.115 and Adjoining Government Land, Au Tau, Yuen Long
(RNTPC Paper No. A/YL-NSW/246)

76. The Committee noted that the applicant requested on 22.2.2016 for deferment of the consideration of the application for two months to allow time for preparation of further information to address the comments of relevant government departments. It was the applicant's first request for deferment.

77. 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 24

Section 16 Application

[Open Meeting]

A/YL-NTM/331 Temporary Open Storage of Lard Oil Tanks for a Period of 3 Years in
"Village Type Development" Zone, Government Land in D.D. 104,
Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/331)

78. The Committee noted that the applicant requested on 23.2.2016 for deferment of the consideration of the application for two months to allow time for preparation of further information to address the comments of relevant government departments. It was the applicant's first request for deferment.

79. 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 Kelvin K.M. Siu returned to join the meeting at this point.]

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/332 Renewal of Planning Approval for Temporary Private Swimming Pool
for a Period of 3 Years in "Village Type Development" Zone, Lot 2158
RP in D.D.104, Sheung Chuk Yuen, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/332)

Presentation and Question Sessions

80. 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 renewal of planning approval for temporary private swimming pool 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, five public comments were received, objecting to the application mainly on the ground that the “Village Type Development” (“V”) zone was not intended for providing a large swimming pool for private use; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a further period of three years based on the assessments set out in paragraph 12 of the Paper. Given the temporary nature of the application, the long-term planning intention of the “V” zone would not be jeopardized. The current 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 in that there was no material change in planning circumstances since the previous temporary approval granted in 2013, all approval conditions under the previous approval had been completed with, and the approval period sought was the same as that of the previous approval. The technical concerns and requirements of the concerned departments could be addressed by imposing relevant approval conditions. Regarding the public comments, the above planning assessments were relevant.

81. Members had no question on the application.

Deliberation Session

82. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 20.3.2016 to 19.3.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the proposed swimming pool should not be open to members of the public;
- (b) the drainage facilities implemented on the site should be maintained at all times during the planning approval period;

- (c) the submission of a condition record of the existing drainage facilities within 6 months from the date of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.9.2016;
- (d) the submission of a tree preservation and landscape proposal within 6 months from the date of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 19.9.2016;
- (e) the implementation of the tree preservation and landscape proposal within 9 months from the date of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 19.12.2016;
- (f) if any of the above planning condition (a) or (b) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (g) if any of the above planning condition (c), (d) or (e) 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
- (h) 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.”

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

Agenda Item 26

Section 16 Application

[Open Meeting]

A/YL-ST/477

Proposed Eating Place, Place of Entertainment, Shops and Services, Minor Relaxation of Building Height Restriction and Excavation of Land in “Other Specified Uses” annotated “Service Stations” Zone, Lots 661 S.C RP, 669 RP, 674 RP (Part), 733 RP (Part) in D.D. 99 and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/477B)

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

- | | |
|---------------------|--|
| Mr Ivan C.S. Fu | - having current business dealings with SHK, HLD, Masterplan, AECOM and Environ; |
| Ms Janice W.M. Lai | - having current business dealings with SHK, HLD, AECOM and Environ; |
| Professor S.C. Wong | - having current business dealings with AECOM;

- being the Chair Professor and Head of the Department of Civil Engineering of the University of Hong Kong (HKU) where SHK and AECOM had sponsored some activities of the Department before; |

- being an employee of HKU which had obtained a donation from a family member of the Chairman of HLD before;
- Dr W.K. Yau
- being a Director of a non-governmental organisation which had obtained sponsorship from HLD before, and the operation agent of a community building lighting and energy improvement project which had obtained sponsorship from SHK before;
- Ms Christina M. Lee
- being the Secretary-General of the Hong Kong Metropolitan Sports Events Association which had obtained sponsorship from SHK and HLD before;
- Mr H.F. Leung
- being an employee of HKU which had obtained a donation from a family member of the Chairman of HLD before;
- Professor K.C. Chau
- being an employee of the Chinese University of Hong Kong which had obtained a donation from a family member of the Chairman of HLD before; and
- Mr Peter K.T. Yuen
- being a member of the Board of Governors of the Hong Kong Arts Centre which had obtained a donation from a Executive Director of HLD before

85. The Committee noted that Mr Ivan C.S. Fu and Ms Christina M. Lee had tendered apologies for being unable to attend the meeting. As the applicant had requested for a deferral of consideration of the application, the Committee agreed that Ms Janice W.M. Lai could be allowed to stay in the meeting but should refrain from participating in the

discussion. The Committee also noted that the interests of Dr W.K. Yau, Mr H.F. Leung, Professor K.C. Chau and Mr Peter K.T. Yuen were indirect and Professor S.C. Wong was not involved in the application, and agreed that they should stay in the meeting.

86. The Committee noted that the applicant requested on 19.2.2016 for deferment of the consideration of the application for another two months to allow time for preparation of further information to address the comments of relevant government departments. It was the applicant's third request for deferment.

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

[Mr Edwin W.K. Chan left the meeting temporarily at this point.]

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/483 Proposed Temporary Chilled Meat Storage Facilities for a Period of 3
Years in "Undetermined" Zone, Government Land at junction of Castle
Peak Road - Chau Tau and Lok Ma Chau Road, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/483A)

Presentation and Question Sessions

88. 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 chilled meat storage facilities for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Commissioner of Police (C of P) had concerns on the impact of the congested traffic situation along Castle Peak Road, heavy traffic flow at Lok Ma Chau Road and Castle Peak Road (Chau Tau section) and the increased traffic on Castle Peak Road and Lok Ma Chau area due to the commencement of construction of San Tin Shopping Facility, Kwu Tung North New Development Area and the Lok Ma Chau Loop in 2016. Other concerned departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, one public comment objecting to the application mainly for reason of adverse traffic impact was received. The District Officer (Yuen Long) conveyed that the San Tin Rural Committee objected to the application on the ground of adverse traffic impact on the surrounding area; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. The proposed temporary use for a period of three years would not frustrate the long-term use of the “Undetermined” zone, of which the development potential would be examined in the Preliminary Feasibility Study on Developing the New Territories North and was not incompatible with the surrounding land uses. Regarding C of P’s concern, the proposed development would provide adequate spaces for parking, manoeuvring, loading and unloading, and the

transportation of the chilled meat and poultry would be scheduled with appointment for delivery (normally from midnight to 6:00 a.m.). No queuing of vehicles to Castle Peak Road – Chau Tau was therefore anticipated. To address the traffic concern, an approval condition requiring the submission and implementation of the transport arrangement proposal was recommended. Regarding the public comments, the planning assessments above were relevant.

89. Members had no question on the application.

Deliberation Session

90. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.3.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the provision of boundary fencing on the site to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of water supplies for fire fighting and fire service installations proposal to the satisfaction of the Director of Fire Services or of the TPB;
- (c) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (d) the submission and implementation of landscape and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (e) the submission and implementation of transport arrangement proposal, including delivery time and operation hours, to the satisfaction of the Commissioner for Transport and Commissioner of Police, or of the TPB; and

- (f) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with before operation of the applied use, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

91. 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]

A/YL-ST/485 Proposed Temporary Shop and Services (Retail Shops, Laundry, Pharmacy and Convenient Store) for a Period of 3 Years in “Village Type Development” Zone, Lots 3048 S.B, 3048 RP, 3049 RP (Part) and 3050 RP (Part) in D.D.102 and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/485)

92. The Committee noted that the applicant requested on 17.2.2016 for deferment of the consideration of the application for two months to allow time for preparation of responses to address comments from the Commissioner of Police. It was the applicant’s first request for deferment.

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

circumstances.

[The Chairman thanked Mr Otto K.C. Chan, Mr Kevin C.P. Ng, Mr Kepler S.Y. Yuen and Mr K.T. Ng, STP/FSYLE, for their attendance to answer Members' enquiries. Messrs Chan, Ng and Yuen left the meeting at this point.]

Tuen Mun and Yuen Long West District

Agenda Item 29

Section 12A Application

[Open Meeting]

Y/YL-PS/2

Application for Amendment to the Approved Ping Shan Outline Zoning Plan No. S/YL-PS/16, To Rezone the Application Site from "Green Belt" Zone to "Residential (Group A)5" Zone, Lots 878 (Part), 879 (Part), 880 (Part), 881 (Part), 882 (Part), 886 (Part), 890, 907 RP, 908 RP (Part), 909 RP, 910 RP, 911 RP, 912, 913 RP and 937 RP in D.D. 122 and Adjoining Government Land, Wing Ning Tsuen, Ping Shan, Yuen Long
(RNTPC Paper No. Y/YL-PS/2A)

94. The Secretary reported that the application was submitted by Busy Firm Investment Limited, which was a subsidiary of New World Development Company Limited (NWD). Ove Arup & Partners Hong Kong Limited (Arup) was the consultant of the applicant. The following Members had declared interests in the item:

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

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

Professor S.C. Wong

- being a consultant of Arup

95. The Committee noted that Mr Ivan C.S. Fu had tendered apologies for being unable to attend the meeting. As the applicant had requested for a deferral of consideration of the application, the Committee agreed that Ms Janice W.M. Lai could stay in the meeting but should refrain from participating in the discussion. As Professor S.C. Wong had no involvement in the application, the Committee agreed that he should stay in the meeting.

96. The Committee noted that the applicant requested on 19.2.2016 for deferment of the consideration of the application for another two months to allow time for liaison with relevant government departments. It was the applicant's second request for deferment.

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

Agenda Item 30

Section 16 Application

[Open Meeting]

A/TM-LTY Y/306 Temporary Public Vehicle Park (Private Cars only) for a Period of 3 Years in "Residential (Group C)" Zone, Lot 827 RP (Part) in D.D. 130 and Adjoining Government Land, Fuk Hang Tsuen, Lam Tei, Tuen Mun, New Territories
(RNTPC Paper No. A/TM-LTY Y/306)

98. The Committee noted that the applicant requested on 16.2.2016 for deferment of the consideration of the application for two months to allow time for preparation of further information to address the comments of the Transport Department. It was the applicant's first request for deferment.

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

[Ms Jessica Y.C. Ho, Mr Vincent T.K. Lai 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 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-SKW/94 Temporary Barbecue Area for a Period of 3 Years in "Village Type Development" Zone, Lots 246 S.B (Part), 248 (Part), 250 (Part), 251 (Part), 258, 259, 260, 261 (Part), 262 S.B (Part) and 263 S.B (Part) in D.D. 385 and Adjoining Government Land, Tai Lam Chung, Tuen Mun
(RNTPC Paper No. A/TM-SKW/94)

100. The Secretary reported that Dr C.P. Lau had declared an interest in the item as he

owned a flat in So Kwun Wat. As the said property did not have a direct view of the application site, the Committee agreed that he should stay in the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary barbecue area for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, five public comments from Kadoorie Farm & Botanic Garden Corporation (KFBG), two Tuen Mun District Council (TMDC) members and individuals were received. Kadoorie objected to the application as Tai Lam Chung River located near the site would be affected by the daily operation of the applied use. An individual also objected to the application on road traffic safety and noise pollution grounds. Two TMDC members expressed concern that the site was located too close to residential dwellings. Another individual commented that the zoning of the site should be reconsidered; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Although the application was not entirely in line with the planning intention of the “Village Type Development” (“V”) zone, it could provide a recreational outlet to serve any such demand in the area. According to the District Land Officer/Tuen Mun, Lands Department, there was no Small House

application within the site. Approval of the application on a temporary basis for three years would not frustrate the long-term planning intention of the “V” zone. The applied use was not incompatible with the character of the surrounding area where temporary barbecue area, open storage and parking of vehicles were found. An application for the same use at the site was approved by the Committee on 1.3.2013 for a period of three years and approval of the current application was in line with the Committee’s previous decision. As for the concerns on the potential impact on Tai Lam Chung River, road safety and nuisance to nearby residential use, despite two complaints relating to vehicle obstruction and illegal parking received in the past three years, the Commissioner of Police and the Commissioner for Transport had no adverse comment on the application. The Director of Environmental Protection also advised that there were no environmental complaints at the site in the past five years. Regarding the public comments, the planning assessments above were relevant.

102. In response to the Chairman’s enquires, Ms Jessica Y.C. Ho, STP/TMYLW said that those photos showing garbage disposal attached to KFBG’s comment were taken from another barbecue site in Siu Lam. She also said that the Environmental Protection Department (EPD) had conducted a site visit to the application site and no problem with regard to environmental issues had been identified.

[Mr Edwin W.K. Chan returned to join the meeting at this point.]

103. In response to a Member’s enquiry, Mr Terence S. W. Tsang, Principal Environmental Protection Officer (Strategic Assessment), EPD said that the relevant regional office of EPD would undertake follow up action on the environmental issues at the said site in Siu Lam as raised by KFBG.

Deliberation Session

104. A Member asked whether it was possible to impose an approval condition to require the applicant to properly handle garbage generated by the barbecue use. The Chairman said that an advisory clause to that effect could be added should the application be

approved.

105. In response to a Member's concern on the effectiveness of only incorporating an advisory clause, the Chairman said that garbage disposal issue would be taken care of by the concerned government departments. Mr Terence S. W. Tsang supplemented that EPD would act on complaints regarding any environmental and sewage disposal problems.

106. A Member asked if a garbage disposal plan could be imposed. The Chairman responded that while a planning permission could be revoked for non-compliance of approval conditions, it might not be appropriate to extend the planning enforcement power to municipal services such as garbage disposal which fell within the jurisdiction of concerned government departments. Another Member considered that since the application was on a temporary basis, if repeated complaints on environmental concerns were received, the Committee could reject future similar planning application at the site.

107. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.3.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 11:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) the implementation of the accepted drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.9.2016;
- (c) the implementation of the accepted tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.9.2016;
- (d) 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 4.9.2016;

- (e) in relation to (d) 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 4.12.2016;
- (f) if planning condition (a) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (g) if any of the above planning conditions (b), (c), (d) or (e) 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
- (h) 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.”

108. The Committee also agreed to advise the applicant to note the following additional advisory clauses and those as set out at Appendix V of the Paper.

“to properly dispose of garbage generated by the daily operation of the applied use.”

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

Agenda Item 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/984 Proposed Temporary Warehouse for Storage of Construction Material and Open Storage of Construction Material with Ancillary Site Office for a Period of 3 Years in “Open Storage” and “Recreation” Zones, Lots 1141 RP (Part), 1143 RP (Part), 1144 (Part), 1145 (Part), 1146 (Part), 1149 (Part), 1152, 1153 (Part), 1155 (Part), 1156 (Part), 1157 (Part), 1158 (Part), 1159 (Part), 1160 (Part), 1161 (Part), 1162 (Part), 1163 (Part), 1164 (Part), 1197 (Part), 1198 (Part), 1199 S.B (Part), 1200 and 1201 (Part) in D.D.125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/984A)

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

Presentation and Question Sessions

110. 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 construction material and open storage of construction material with ancillary site 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 uses in the vicinity of the site (the nearest residential structure was about 25m away) and along the access road (Ha Tsuen Road), and environmental nuisance

was expected. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application in that the farmland within the site and tree planting at the south of the site were found missing. The double row of trees proposed along the northern boundary of the site was considered inadequate to compensate the loss of landscape resources or buffer the development. 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) PlanD's views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The site was partly zoned “Recreation” (“REC”) (about 83%) and partly “Open Storage” (about 17%) on the Outline Zoning Plan (OZP). Although the proposed temporary use was not in line with the planning intention of the “REC” zone, there was not yet any programme/known intention to implement the zoned use on the OZP. Whilst the site fell within the Hung Shui Kiu New Development Area, the development programme was being formulated. Approval of the application on a temporary basis of three years would not jeopardize the long-term development of the area. The site fell within Category 1 and Category 2 areas under the Town Planning Board Planning Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) and the application was generally in line with the TPB PG-No. 13E in that there was no adverse comment from the relevant departments, except CTP/UD&L, PlanD and DEP. To address the concern of CTP/UD&L, PlanD, approval conditions on the submission and implementation of tree preservation and landscape proposal were recommended to mitigate any potential landscape impact. 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, or to address the technical concerns of other relevant government departments.

111. Members had no question on the application.

Deliberation Session

112. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.3.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 8:00 p.m. and 8:00 a.m. on Mondays to Saturdays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no 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 time 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 4.9.2016;
- (f) the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (g) 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 15.4.2016;

- (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 4.9.2016;
- (i) in relation to (h) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.12.2016;
- (j) 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 4.9.2016;
- (k) in relation to (j) 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 4.12.2016;
- (l) the provision of fencing within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.9.2016;
- (m) if any of the above planning conditions (a), (b), (c), (d) 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;
- (n) if any of the above planning conditions (e), (g), (h), (i), (j), (k) or (l) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (o) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/1007 Temporary Logistics Transit Centre with Ancillary Vehicle Parking Facilities for a Period of 3 Years in “Comprehensive Development Area” Zone, Lots 838 (Part), 839 (Part), 840 (Part), 845, 846 S.B RP (Part) and 849 S.B RP (Part) in D.D. 125, and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/1007)

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

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary logistics transit centre with ancillary vehicle parking facilities 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 in the vicinity of the site (the nearest dwelling being about 48m away across

Ping Ha Road) and along Ping Ha 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, objecting to the application on the ground of inefficient use of land; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The applied use was not in line with the planning intention of the “Comprehensive Development Area” zone, but there was not yet any programme/known intention to implement the zoned use. Whilst the site fell within the boundary of Hung Shui Kiu New Development Area, the development programme was being formulated. Approval of the application on a temporary basis of three years would not jeopardize the long-term development of the area. The site fell within Category 1 areas under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No.13E). Although DEP did not support the application, there was no environmental complaint against the site in the past three years. The application was generally in line with TPB PG-No.13E in that the concerns of relevant departments were technical in nature which could be addressed through the implementation of approval conditions. Six previous applications for the same logistic or open storage use on the site had been approved. Approval of the application was in line with the Committee's previous decisions. Regarding the public comment, the planning assessments above were relevant.

116. Members had no question on the application.

Deliberation Session

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

temporary basis for a period of 3 years until 4.3.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 9:00 p.m. to 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) the stacking height of materials stored within 5m of the periphery of the site shall not exceed the height of the boundary fence at any time, as proposed by the applicant, during the planning approval period;
- (d) no recycling, cutting, dismantling, cleansing, repairing, compaction and workshop activity, including container repair and vehicle repair, as proposed by the applicant, is allowed at any time on the site during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from the public road is allowed at any time during the planning approval period;
- (f) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (g) the submission of a condition record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.6.2016;
- (h) the submission of a run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 4.9.2016;
- (i) in relation to (h) above, the implementation of the 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 4.12.2016;

- (j) 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 4.9.2016;
- (k) in relation to (j) 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 4.12.2016;
- (l) 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 4.9.2016;
- (m) in relation to (l) 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 4.12.2016;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (o) if any of the above planning conditions (g), (h), (i), (j), (k), (l) or (m) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;
and
- (p) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/1008 Temporary Open Storage of Construction Materials and Equipment for a Period of 3 Years in “Recreation” Zone, Lots 228, 229, 230 and 231 (Part) in D.D.125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/1008)

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

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of construction materials and equipment 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 because there were sensitive uses along the access road (Kai Pak Ling 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, two public comments from Designing Hong Kong Limited and an individual were

received. They objected to the application on the grounds that the development was not in line with the planning intention of the “Recreation” (“REC”) zone; removal of vegetation; impacts on environment, landscape and traffic; inefficient use of land; and setting of an undesirable precedent; and

- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Although the applied use was not in line with the planning intention of the “REC” zone, there was not yet any programme/known intention to implement the zoned use on the Outline Zoning Plan. Whilst the site fell within Hung Shui Kiu New Development Area, the development programme was being formulated. Approval of the application on a temporary basis of three years would not jeopardize the long-term development of the area. The applied use was also not incompatible with the surrounding areas which were predominantly for open storage and logistics uses. The site fell within Category 2 areas under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No.13E) and the application was generally in line with the TPB PG-No.13E in that there was no adverse departmental comment except DEP. Regarding DEP’s objection to the application, there was no substantiated environmental complaint against the site over the past three years and the environmental concern could be addressed by the imposition of relevant approval conditions. Since the previous planning application No. A/YL-HT/964 was revoked due to non-compliance with the approval conditions, shorter compliance periods were proposed to monitor the progress of compliance should the Committee decide to approve the application. Regarding the public comments received, the planning assessments above were relevant.

121. Members had no question on the application.

Deliberation Session

122. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.3.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 5:00 p.m. to 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no cutting, cleansing, melting, dismantling or any other workshop activity is allowed to be carried out at any time on the site during the planning approval period;
- (d) no vehicle is allowed to queue back or reverse onto/from the public road at any time during the planning approval period;
- (e) the implementation of the accepted drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.6.2016;
- (f) the implemented drainage facilities on site shall be maintained at all times during the planning approval period;
- (g) the submission of a tree preservation and landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.6.2016;
- (h) in relation to (g) above, the implementation 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 4.9.2016;

- (i) the provision of the fire extinguisher(s) and the submission of a valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.4.2016;
- (j) the submission of a fire service installations proposal within 3 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 4.6.2016;
- (k) in relation to (j) above, the implementation of the fire service installations proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 4.9.2016;
- (l) the provision of fencing of the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.6.2016;
- (m) if any of the above planning conditions (a), (b), (c), (d) 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;
- (n) if any of the above planning conditions (e), (g), (h), (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and;
- (o) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 35

Section 16 Application

[Open Meeting]

A/YL-HT/1009 Temporary Eating Place for a Period of 3 Years in “Village Type Development” Zone, Lots 924 RP (Part) and 1007 RP (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-HT/1009)

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

125. The Committee noted that the applicant requested on 19.2.2016 for deferment of the consideration of the application for two months to allow time for preparation of further information to address the comments of relevant government departments. It was the applicant’s first request for deferment.

126. 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 36

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/372 Proposed Filling of Land for Permitted Agricultural Use in
 “Agriculture” Zone, Lot 1612 S.B RP (Part) in D.D. 116, Shek Tong
 Tsuen, Yuen Long
 (RNTPC Paper No. A/YL-TT/372)

Presentation and Question Sessions

127. Ms Bonita K.K. Ho, STP/TMYLW, drew Members’ attention that a replacement page (page 12) of the Paper to rectify a typographic error in the recommended rejection reason had been tabled at the meeting. She then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed filling of land for permitted agricultural use;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as approval of the application might set an undesirable precedent encouraging applicants to clear and form the sites prior to obtaining approval and the cumulative impact of such approval might lead to a general degradation of the landscape character of the area. The Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the application in that the footprint of the proposed paved road did not commensurate with the production scale of the western portion of the site. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, four public

comments from World Wide Fund Hong Kong, Designing Hong Kong Limited, Kadoorie Farm & Botanic Garden Corporation and an individual were received. They raised objection to or concern on the application mainly on grounds of the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone, suspected “Destroy First, Build Later” case, incompatible scale of development and setting of an undesirable precedent; and

- (e) PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. While the agricultural use was not in conflict with the planning intention of the “AGR” zone, the applicant failed to justify the need for concrete-paving of the site. DAFC also considered that the extent of paving for access road did not commensurate with the production scale and did not favour the application. The paving with concrete was not entirely compatible with the surrounding largely undisturbed natural and rural area mainly comprising agricultural land with scattered structures. CTP/UD&L, PlanD had reservation and considered that approval of the application would lead to similar practices which would destroy the rural character of the area. There was no strong planning justification to support a departure from the planning intention of the “AGR” zone. Also, the application was a ‘Destroy First, Build Later’ case. The site was the subject of an enforcement case involving filling of land and the Planning Authority had issued an Enforcement Notice to the concerned parties. Regarding the public comments, the planning assessments above were relevant.

128. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed filling of land for construction of an access road and

structures ancillary to agricultural use is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. The applicant fails to demonstrate in the submission that the proposed land filling is essential for genuine agricultural propose; and

- (b) the approval of the application would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such application would result in a general degradation of the environment of the area and adverse landscape impact on the surrounding areas.”

Agenda Item 37

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/373 Temporary Eating Place for a Period of 1 Year in “Village Type Development” Zone, Lots 1184 S.A ss.4 (Part), 1184 S.A RP (Part), 1186 (Part), 1187 S.F (Part), 1187 S.J, 1187 S.K, 1187 S.L, 1187 S.M, 1187 S.N, 1187 RP (Part), 1200 RP (Part), 1298 RP (Part) and 2146 in D.D. 117 and Adjoining Government Land, Tai Tong, Yuen Long (RNTPC Paper No. A/YL-TT/373)

Presentation and Question Sessions

130. Ms Bonita K.K. Ho, STP/TMYLW, drew Members’ attention that there were typographical error in paragraphs 10.1.1(b) and 12.1 of the Paper. The words ‘2 Small House (SH) applications and ...’ in paragraph 10.1.1(b) should read as ‘2 Small Houses (SH) and ...’ and ‘2 approved Small House (SH) application and ...’ in paragraph 12.1 should read as ‘2 approved Small Houses (SHs) and ...’. She then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary eating place for a period of one year;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) advised that there were two Small Houses approved and four Small House applications under processing within the site. The Commissioner for Transport (C for T) raised concern on the parking provision. 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, six public comments from Shap Pat Heung Rural Committee, Village/Resident Representatives of Tai Tong Tsuen, Pak Sha Tsuen and Wong Nai Tun Tsuen, New Territories Warehouse and Logistic Business Association and Hong Kong Excellent Youth of Agriculture and Fisheries Development Association were received. They supported the application in that there was a demand for local eatery in the Tai Tong area and the eating place under application could provide catering services and a place for organizing events for the local residents, workers and visitors; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. Although the eating place could provide catering services to serve any such demand in the area, DLO/YL, LandsD advised that there were two approved Small Houses and four Small House Applications under processing at the site. The applied use was not entirely in line with the planning intention of the “Village Type Development” (“V”) zone and there was no strong justification for a departure from the planning intention, even on a temporary basis. The technical proposals, including drainage and fire services installations proposals, had yet to be accepted by the concerned departments. The Commissioner for Transport also raised

concern over the parking provision. The application failed to comply with the Town Planning Board Guidelines for Application for Eating Place within “V” zone in Rural Areas (TPB PG-No. 15A) in that the applicant failed to demonstrate that the requirements of relevant departments would be satisfactorily complied with and that the development would not cause adverse traffic, drainage and fire safety impacts on the surrounding areas. The last planning application No. A/YL-TT/366 submitted by the same applicant for the same use was rejected mainly on the grounds of approving the application with repeated non-compliances with approval conditions would set an undesirable precedent. Since there was no material change in circumstances since the rejection of the last application, the current application did not warrant sympathetic consideration. Regarding the public comments, the planning assessments above were relevant.

131. Members had no question on the application.

Deliberation Session

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

- “(a) the planning intention of the “Village Type Development” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the applicant fails to demonstrate that the development would not cause adverse traffic, drainage and fire safety impacts on the surrounding area; and
- (c) approval of the application with repeated non-compliances with approval conditions would set an undesirable precedent for other similar applications,

thus nullifying the statutory planning control mechanism.”

Agenda Item 38

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/750 Proposed Industrial Use (Manufacturing of Inert Gases and Fire Suppression Agents, Servicing and Filling of Fire Extinguishers and Compressed Gas Cylinders with Inert Gases and Fire Suppression Agents and Hydraulic Pressure Testing) and Dangerous Goods Godown (Storage of Inert Gases and Fire Suppression Agents) in “Industrial” Zone, Lot 1945 RP (Part) in D.D.121 and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long (RNTPC Paper No. A/YL-TYST/750B)

Presentation and Question Sessions

133. Ms Bonita K.K. Ho, STP/TMYLW, drew Members’ attention that replacement pages (pages 6 and 14) of the Paper to incorporate the latest comments of the Commissioner for Transport (C for T) and an additional approval condition were tabled at the meeting. She then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed industrial use (manufacturing of inert gases and fire suppression agents, servicing and filling of fire extinguishers and compressed gas cylinders with inert gases and fire suppression agents and hydraulic pressure testing) and dangerous goods godown (storage of inert gases and fire suppression agents);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Chief Town Planner/Urban Design and

Landscape, Planning Department (CTP/UD&L, PlanD) had some reservation on the application as large mature trees on site had been removed and approval of the application might set an undesirable precedent to encourage applicants to modify their sites before application for planning permission. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication periods, four public comments from Exxon Mobil, CBRE Limited and two individuals were received. They raised objection to or concerns on the application for reasons that the development was incompatible with the nearby residential use, generating fire safety and environment impacts on the surrounding area, and posing additional hazards and operational risks to the nearby existing petrol filling station and the neighbourhood; 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 use was not in conflict with the planning intention of the “Industrial” (“I”) zone and was not incompatible with the surrounding uses. Although CTP/UD&L, PlanD had reservation on the application in view of the removal of large mature trees on the site and setting of an undesirable precedent, the concerns on landscape aspect could be addressed by imposing relevant approval condition requiring the submission and implementation of tree preservation and landscape proposal. For fire and gas safety concern, the Director of Fire Services had no objection to and the Director of Electrical and Mechanical Services had no adverse comments on the application. Approval conditions were recommended to address the technical concerns of the relevant departments. Regarding the public comments received, the planning assessments above were relevant.

134. Members had no question on the application.

Deliberation Session

135. 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 4.3.2020, 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 run-in/out proposal to the satisfaction of the Director of Highways or of the TPB;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the submission and implementation of tree preservation and landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (d) the submission and implementation of water supplies for firefighting and fire service installations proposal to the satisfaction of the Director of Fire Services or of the TPB; and
- (e) the design and provision of internal vehicular access, car parking and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB.”

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

Agenda Item 39

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/780 Renewal of Planning Approval for Temporary “Eating Place (Outside Seating Accommodation of a Licensed Restaurant)” for a Period of 1 Year in “Residential (Group A)” Zone, Government Land in front of Shops No. 4-5, G/F, Blocks 1-9, Treasure Court, 8 Ying Fuk Street, Hung Shui Kiu, Yuen Long
(RNTPC Paper No. A/YL-TYST/780)

Presentation and Question Sessions

137. 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 renewal of planning approval for temporary “Eating Place (Outside Seating Accommodation (OSA) of a Licensed Restaurant)” under previous application No. A/YL-TYST/720 for a period of one year;
- (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, four public comments were received. The commenters objected to the application mainly for reasons of obstruction to the existing footpath, pedestrian safety, environmental hygiene problems, new restaurants in the vicinity, public security, personal safety, illegal parking of vehicles, and wasting of government departments’ resources for the excessive enforcement of illegal parking/hygiene problem; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of one year based on the assessments set out in paragraph 12 of the Paper. 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 in that there was no material change in planning circumstances since the last approval, all the approval conditions under the previous approval had been complied with and the 1-year approval period sought was of the same timeframe of the previous approval. Given its small-scale operation, the OSA was unlikely to cause significant adverse traffic, drainage and environmental impacts on the surrounding area. Relevant departments had no adverse comments on the application and there was no substantiated environmental complaint and complaint on the operation of the subject OSA received in the past year. Regarding the public comments received, the above planning assessments were relevant.

138. In response to the Chairman's question, Ms Bonita K.K. Ho, STP/TMYLW clarified that OSA, though falling within "Residential (Group A)" zone where 'Eating Place' was permitted on the lowest three floors of the zone, required planning permission from the Town Planning Board.

Deliberation Session

139. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year from 12.5.2016 to 11.5.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

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

shall be revoked immediately without further notice.”

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

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

Agenda Item 40

Any Other Business

141. There being no other business, the meeting closed at 5:00 p.m..