

TOWN PLANNING BOARD

**Minutes of 557th Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 27.5.2016**

Present

Director of Planning
Mr K.K. Ling

Chairman

Professor K.C. Chau

Mr Ivan C.S. Fu

Ms Janice W.M. Lai

Dr F.C. Chan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr Billy C.H. Hau

Dr Lawrence K.C. Li

Mr Stephen L.H. Liu

Miss Winnie W.M. Ng

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

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

Principal Environmental Protection Officer (Regional Assessment),
Environmental Protection Department
Mr Louis P.L. Chan

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

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

Secretary

Absent with Apologies

Mr H.W. Cheung

Vice-chairman

Ms Christina M. Lee

Mr H.F. Leung

Mr Alex T.H. Lai

In Attendance

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

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

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

Agenda Item 1

Confirmation of the Draft Minutes of the 556th RNTPC Meeting held on 13.5.2016

[Open Meeting]

1. The draft minutes of the 556th RNTPC meeting held on 13.5.2016 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

[Mr William W.T. Wong, 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/SK-HC/256 Proposed Excavation of Land (1m in depth) for Permitted Agricultural Use in “Green Belt” zone, Lot 130 (Part) in D.D. 247, Ho Chung, Sai Kung, New Territories
(RNTPC Paper No. A/SK-HC/256B)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed excavation of land (1m in depth) for permitted agricultural use;

[Mr Stephen L.H. Liu arrived to join the meeting at this point.]

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as approval of the application would set an undesirable precedent attracting other similar developments to modify the surrounding environment which was of high quality landscape value. Other concerned government departments had no objection to or no adverse comment on the

application;

- (d) during the first three weeks of the two statutory publication periods, a total of 10 public comments were received. An individual raised a concern that the village representative should be consulted. The remaining nine public comments submitted by World Wide Fund for Nature Hong Kong, Designing Hong Kong Limited and other individuals objected to the application on the grounds that the proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone and the Town Planning Board Guidelines No. 10 for Application for Development within “GB” Zone (TPB PG-No. 10); it might affect the nearby stream course; ‘destroy first, build later’ activities could not be tolerated; and approval of the application would set an undesirable precedent; and
- (e) PlanD’s views – PlanD had no objection to the application based on the assessment set out in paragraph 12 of the Paper. The application was for excavation of land for agricultural use which was always permitted within the “GB” zone. While CTP/UD&L, PlanD had some reservation on the application, potential landscape impact could be addressed by the relevant approval condition as recommended. Regarding the adverse public comments, the planning assessment above was relevant.

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

- 4. Members had no question on the application.

Deliberation Session

- 5. 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 27.5.2020, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- “(a) the submission and implementation of a landscape proposal including tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a detailed proposal to ensure no pollution or siltation would occur to the water gathering ground during site formation and building construction period to the satisfaction of the Director of Water Supplies or of the TPB; and
- (c) the submission and implementation of a portable toilet proposal including an operation proposal to the satisfaction of the Director of Water Supplies or of the TPB.”

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

Agenda Item 4

Section 16 Application

[Open Meeting]

A/SK-TLW/6 Proposed Houses (New Territories Exempted Houses - Small Houses) in “Village Type Development” zone, Government Land in D.D. 275, Ham Tin, Tai Long Wan, Sai Kung, New Territories
(RNTPC Paper No. A/SK-TLW/6)

7. The Committee noted that the applicant on 12.5.2016 requested for deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the comments of relevant government departments. It was the first time that the applicant requested for deferment of the application.

8. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its

consideration within 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 William W.T. Wong, STP/SKIs, for his attendance to answer Members' enquiries. Mr Wong left the meeting at this point.]

Sha Tin, Tai Po and North District

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

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/MOS/111 Proposed House (New Territories Exempted House - Small House) in "Village Type Development" and "Green Belt" zones, Lots 146 S.A RP, 146 S.B ss.1 RP and 146 S.B RP in D.D. 167, Cheung Muk Tau Village, Sai Kung North, New Territories
(RNTPC Paper No. A/MOS/111)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservations on the application as approval of the application would set an undesirable precedent of encouraging more houses in the “Green Belt” (“GB”) zone. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, a total of eight public comments were received. Seven residents of Cheung Muk Tau Village objected to the application mainly on the grounds that the proposed Small House development was not in line with the planning intention of the “GB” zone; the approval of the application would set an undesirable precedent; the proposed Small House development would adversely affect the local environment, traffic, landscape or visual quality, pedestrian access, sewerage/drainage system and provision of community facilities in the village; and no impact assessments had been provided. Cheung Muk Tau Village Office submitted a supporting letter with 34 signatures; and
- (e) PlanD’s views – PlanD had no objection to the application based on the assessment set out in paragraph 12 of the Paper. The proposed Small House footprint fell entirely within the village ‘environs’ (‘VE’) of Cheung Muk Tau Village and was in close proximity to the existing village cluster and about 89% of the Small House footprint was within the “Village Type Development” (“V”) zone. In comparison with the previously rejected application (No. A/MOS/104), the applicant had reduced the site area and the footprint by about 51% and 6% respectively to reduce the encroachment onto the “GB” zone. Although CTP/UD&L, PlanD had reservations on the application, the strip of “GB” zone along Sai Sha Road

fronting the village was paved without vegetation. Regarding the adverse public comments, the planning assessment above was relevant.

10. In response to a Member's question, Mr Kenny C.H. Lau, STP/STN, said that the increase in the percentage of the site area and the footprint of the proposed Small House falling within the "V" zone, was only one of the considerations for recommending approval of the subject application.

[Mr K.C. Siu arrived to join the meeting at this point.]

11. A Member asked whether the site being part of a paved car park was a favourable consideration of the subject application and whether similar applications within the 'VE' of Cheung Muk Tau Village to the further west of the site would be approved. In response, with reference to the aerial photo (Plan A-3 of the Paper), Mr Lau said that the car park near the site had existed for a long time. Areas to the west of the site outside the "V" zone were vegetated. Favourable consideration would be given if the application would meet the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories.

12. Noting that there was insufficient land within the "V" zone to meet the Small House demand, the same Member asked whether similar applications within the "GB" zone and 'VE' to the west of Cheung Muk Tau Village would be approved. In response, the Chairman said that it would be difficult to answer a hypothetical question as each application would have to be considered on its own merits.

13. The same Member further asked whether similar applications in which more than 50% of the footprints of proposed Small Houses fell within the 'VE' to the west and south-west of the site would be approved. In response, Mr Lau said that since vegetation were found within the "GB" zone and 'VE' of Cheung Muk Tau Village to the west of the site, those applications would unlikely be recommended for approval as they might lead to adverse landscape impacts on the surrounding areas.

14. A Member asked whether the subject application was a cross-village application and, if so, there would be a further reduction in the land available within the "V" zone to meet the Small House demand of indigenous villagers of the same village if the application

was approved. In response, the Chairman said that whether the subject Small House development was a cross-village application would not be a determining factor in considering the planning application and the information was only for Members' reference.

Deliberation Session

15. 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 27.5.2020, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

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

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

Agenda Items 6 and 7

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/506 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” zones, Lots 606 S.D ss.2 and 606 S.G in D.D. 7, Tai Hang, Tai Po, New Territories
(RNTPC Paper No. A/NE-KLH/506)

A/NE-KLH/509 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” zones, Lots 606 S.C ss.2 and 606 S.F in D.D. 7, Tai Hang, Tai Po, New Territories
(RNTPC Paper No. A/NE-KLH/509)

17. The Committee noted that the two applications were similar in nature and the sites were located in close proximity to one another and within the same “Agriculture” (“AGR”) and “Village Type Development” (“V”) zones. The Committee agreed that the applications should be considered together.

18. The Secretary reported that three replacement pages of the Paper for application No. A/NE-KLH/509 were sent to Members on 25.5.2016.

Presentation and Question Sessions

19. Mr C.T. Lau, STP/STN, presented the applications and covered the following aspects as detailed in the Papers:

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Papers. The Director of Agriculture, Fisheries and Conservation did not support the applications as the sites had

high potential for rehabilitation of agricultural activities. Other concerned government departments had no objection to or no adverse comment on the applications;

- (d) during the first three weeks of the two statutory publication periods, a total of two public comments were received from Kadoorie Farm and Botanic Garden (KFBG) and an individual for application No. A/NE-KLH/406 and a total of three public comments were received from KFBG, Designing Hong Kong Limited and an individual for application No. A/NE-KLH/409. All of them objected to the applications mainly for reasons of being not in line with the planning intention of the “AGR” zone; adversely affecting the land availability for agriculture; and setting of an undesirable precedent; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the applications based on the assessment set out in paragraph 11 of the Papers. The proposed Small House developments were not in line with the planning intention of the “AGR” zone. The proposed developments were considered not complying with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that there was no general shortage of land in the “V” zone to meet the demand for Small House development. Since land was still available within the concerned “V” zone for Small House development and capable to meet both the outstanding Small House applications and the 10-year Small House demand, it was considered more appropriate to concentrate the proposed Small Houses within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services.

20. Members had no question on the applications.

Deliberation Session

21. A Member supported rejection of the applications as there was sufficient land within the “V” zone to meet both the outstanding Small House applications and the 10-year

Small House demand.

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone which is to retain and safeguard good agricultural land for agricultural purposes and to retain fallow arable land with good potential for rehabilitation. There is no strong justification in the submission for a departure from the planning intention;
- (b) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that there is no general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone; and
- (c) land is still available within the “V” zone of Tai Hang which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.”

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/570 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 1534 S.D in D.D. 19, Ha Tin Liu Ha, Tai Po,
New Territories
(RNTPC Paper No. A/NE-LT/570)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. Major departmental comments were summarised as follows:
 - (i) the Director of Agriculture, Fisheries and Conservation did not support the application as there were active agricultural activities in the vicinity and the site had high potential for rehabilitation of agricultural activities;
 - (ii) the site fell within the upper indirect Water Gathering Ground (WGG). The Director of Environmental Protection did not support the application as the applicant failed to demonstrate that the connection of the proposed Small House to the planned sewer was feasible;
 - (iii) the Commissioner for Transport had reservation on the application and advised that such type of development should be confined within the “Village Type Development” (“V”) zone as far as possible; and
 - (iv) other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the two statutory publication periods, a total of two public comments were received from the same individual objecting

to the application for the reasons of being not in line with the planning intention of “Agriculture” (“AGR”) zone; losing good quality agricultural land; and setting of an undesirable precedent; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment set out in paragraph 11 of the Paper. The proposed Small House development was not in line with the planning intention of the “AGR” zone. The proposed development did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in 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 applicant failed to demonstrate that the proposed development located within WGG would not cause adverse impact on the water quality in the area.

24. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone which is 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/Small House in New Territories in that there is no general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of Ha Tin Liu Ha, Sheung Tin Liu Ha and Ko

Tin Hom and 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

- (c) land is still available within the “V” zone of Ha Tin Liu Ha, Sheung Tin Liu Ha and Ko Tin Hom which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.”

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/606 Proposed House (New Territories Exempted House - Small House) in “Village Type Development” and “Green Belt” zones, Lots 235 RP and 236 RP in D.D. 22, Lai Chi Shan Village, Tai Po, New Territories
(RNTPC Paper No. A/TP/606)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. Concerned government

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

- (d) during the first three weeks of the statutory publication period, one public comment was received from the Indigenous Inhabitants Representative of Lai Chi Shan Village, expressing no comment on the application; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment set out in paragraph 12 of the Paper. The proposed Small House complied with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that more than 50% of the footprint of the proposed Small House fell within the village 'environs' of Lai Chi Shan Village and the land available within the "Village Type Development" zone was insufficient to meet the future Small House demand. The application was also generally in line with the Town Planning Board Guidelines No. 10 on Application for Development within "Green Belt" zone under Section 16 of the Town Planning Ordinance.

27. Members had no question on the application.

Deliberation Session

28. 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 27.5.2020, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- “(a) the provision of septic tank, as proposed by the applicant, to the satisfaction of the Director of Lands or of the TPB;
- (b) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB; and

- (c) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB.”

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

Agenda Items 10 to 12

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LK/103 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” zones, Lot 422 S.F in D.D. 75, Nam Chung Cheng Uk, Sha Tau Kok, New Territories

A/NE-LK/104 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” zones, Lot 422 S.G in D.D. 75, Nam Chung Cheng Uk, Sha Tau Kok, New Territories

A/NE-LK/105 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” zones, Lot 422 S.H in D.D. 75, Nam Chung Cheng Uk, Sha Tau Kok, New Territories
(RNTPC Paper No. A/NE-LK/103 to 105)

30. The Committee noted that the three applications were similar in nature and the sites were located in close proximity to one another and within the same “Agriculture” (“AGR”) and “Village Type Development” (“V”) zones. The Committee agreed that the applications should be considered together.

Presentation and Question Sessions

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

- (a) background to the applications;

- (b) the proposed house (New Territories Exempted House (NTEH) - Small House) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix VI of the Paper. The Director of Agriculture, Fisheries and Conservation did not support the applications as the sites were located at a piece of vacant land overgrown with grasses. Active agricultural activities could be found in the vicinity and the sites possessed potential for agricultural rehabilitation. The Commissioner for Transport had reservations on the applications as Small House developments should be confined within the “V” zone as far as possible. Other concerned government departments had no objection to or no adverse comment on the applications;
- (d) during the first three weeks of the statutory publication period, five public comments on each of the applications were received. A North District Council (NDC) member supported all the applications as they could provide convenience to the villagers, whereas the Chairman of Sheung Shui District Rural Committee indicated no comment on the applications. The other three comments from Designing Hong Kong Limited, Kadoorie Farm and Botanic Garden Corporation and an individual objected to the applications mainly on the grounds that the proposed developments were not in line with the planning intention of the “AGR” zone; land was still available in the “V” zone for Small House development; and setting of undesirable precedents for similar applications in the area. The District Officer (North) conveyed that the Chairman of Sha Tau Kok District Rural Committee, the incumbent NDC member and the two Indigenous Inhabitants Representatives of Nam Chung had no comment on the applications. The Residents Representative of Nam Chung had no comment on application No. A/NE-LK/104 but raised objection to applications No. A/NE-LK/103 and 105 saying that the applicants were not indigenous villagers; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the applications based on the assessment set out in paragraph 11 of the Paper. The proposed Small House developments were not in line with the planning intention of the “AGR” zone. The proposed developments were considered not complying with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that there was no general shortage of land in the “V” zone to meet the demand for Small House development. Since land was still available within the concerned “V” zone for Small House development and capable to meet both the outstanding Small House applications and 10-year Small House demand, it was considered more appropriate to concentrate the proposed Small Houses within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services.

32. In response to the Chairman's question, Mr Wallace W.K. Tang, STP/STN, said that the road fronting the sites was a village road which could allow passage of vehicles.

Deliberation Session

33. After deliberation, the Committee decided to reject the three applications. The reasons for each of the applications were:

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone in the Luk Keng and Wo Hang area which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that there is no general shortage of land in meeting the demand for Small House development in the “Village Type

Development” (“V”) zones of Nam Chung Village; and

- (c) land is still available within the “V” zones of Nam Chung Village which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructures and services.”

Agenda Item 13

Section 16 Application

[Open Meeting]

A/NE-LYT/582 Proposed School (International School) in “Government, Institution or Community” and “Green Belt” zones, Lots 2122 RP (Part) and 1671 in D.D. 83 and Adjoining Government Land in D.D. 51 and D.D. 83, Fanling, New Territories
(RNTPC Paper No. A/NE-LYT/582A)

34. The Secretary reported that Spence Robinson LT Ltd. (SRLT) and Urbis Ltd. (Urbis) were two of the consultants of the applicant. The following Members had declared interests in the item:

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| Mr Ivan C.S. Fu | - | having current business dealings with Urbis; and |
| Ms Janice W.M. Lai | - | having current business dealings with SRLT and Urbis. |

35. The Committee noted that the applicant had requested for deferment of consideration of the application. The Committee also noted that Mr Ivan C.S. Fu and Ms Janice W.M. Lai had no involvement in the application and agreed that they could stay in the meeting.

36. The Committee noted that the applicant requested on 12.5.2016 for deferment of the consideration of the application for two months to allow time for preparation of further

information to address departmental comments. It was the second time that the applicant requested for deferment of the application.

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

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

Fanling, Sheung Shui and Yuen Long East District

Agenda Item 14

Section 16 Application

[Open Meeting]

A/FLN/9 Temporary Private Car Park (Private Cars, Light Goods Vehicles and Medium Goods Vehicles) and Storage of Clothes and Computers Accessories for a Period of 3 Years in "Government, Institution or Community", "Green Belt" and "Other Specified Uses" annotated "Port Back-up Uses" zones and area shown as 'Road', Lots 168 RP (Part), 170 RP (Part) and 181 RP (Part) in D.D.52 and Adjoining Government Land, Wa Shan, Sheung Shui, New Territories
(RNTPC Paper No. A/FLN/9)

38. The Committee noted that the applicant on 5.5.2016 requested for deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the comments of relevant government departments. It was the first time that the applicant requested for deferment of the application.

39. 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 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 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/488 Proposed Residential Development (Houses) in “Residential (Group E)1” zone, Lots 111 RP, 112 RP, 114 RP, 115 RP, 116 RP, 120 RP, 261 RP (Part), 264 S.(A to D) RP and 264 S.(E to H) RP in D.D. 109 and Adjoining Government Land, Kam Tin North, Yuen Long, New Territories
(RNTPC Paper No. A/YL-KTN/488A)

40. The Secretary reported that the application was submitted by Delight World Ltd., which was a subsidiary of CK Hutchison Holdings Ltd. (CKH). Westwood Hong &

Associates Ltd. (Westwood), Ramboll Environ Hong Kong Ltd. (Environ) and ADI Ltd. (ADI) were three of the consultants of the applicant. The following Members had declared interests in the item:

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| Mr Ivan C.S. Fu | - | having current business dealings with CKH, Westwood, Environ and ADI; |
| Mr Stephen L.H. Liu | - | having current business dealings with CKH; and |
| Ms Janice W.M. Lai | - | having current business dealings with Environ and ADI. |

41. Since the interests of Mr Ivan C.S. Fu and Mr Stephen L.H. Liu were direct, the Committee agreed that they should be invited to leave the meeting temporarily for the item. The Committee noted that Ms Janice W.M. Lai had no involvement in the application, and agreed that she could stay in the meeting.

[Mr Ivan C.S. Fu and Mr Stephen L.H. Liu left the meeting temporarily at this point.]

Presentation and Question Sessions

42. With the aid of a PowerPoint presentation, 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) proposed residential development (houses);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Major departmental comments were summarised as follows:
 - (i) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservations on the application in relation to the width of the planting strip along the boundaries of the site;

- (ii) the Director of Agriculture, Fisheries and Conservation (DAFC) noted that double row of trees was originally proposed by the applicant as a buffer and mitigation measures to minimize the disturbance on the West Rail (WR) reconstructed wetland, and cast doubt if the Landscape Master Plan (LMP) could demonstrate the intended functions of the buffer. There should be an additional buffer to screen disturbance from the swimming pool to the WR reconstructed wetland;
 - (iii) the Chief Building Surveyor/New Territories West, Buildings Department and the Chief Architect/Advisory and Statutory Compliance, Architectural Services Department noted that some of the proposed houses could not be served by emergency vehicular access (EVA). The Director of Fire Services (D of FS) advised that EVA provision would be considered at the detailed design stage; and
 - (iv) other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the four statutory publication periods, a total of 14 public comments from MTR Corporation Limited (MTRCL), Kam Tin Rural Committee, the village representatives of Kat Hing Wai and Shui Tau Tsuen, and two individuals were received. Whilst MTRCL raised concerns on the rail noise and adverse impacts on the adjoining MTRCL managed wetland, the remaining commenters objected to the application mainly on the grounds that the proposed development would cause adverse impacts on traffic, visual, drainage, environment, ecology, landscape, hygiene, provision of open space and *fung shui* aspects; and
- (e) PlanD's views – PlanD had no objection to the application based on the assessment set out in paragraph 11 of the Paper. The proposed house development was considered in line with the planning intention of the “Residential (Group E)1” (“R(E)1”) zone and in compliance with the

development restrictions of the zoning. The proposed building height profile was compatible with the rural setting in the area which was mainly low-rise village settlements or houses, and the adoption of a layout design comprising houses and basement car park could help minimize the visual impact of the proposed residential development. The technical concerns of relevant government departments could be addressed by appropriate approval conditions or at the detailed design stage. Regarding the adverse public comments, the planning assessment above was relevant.

43. Noting DAFC's concerns on the reconstructed wetland under the WR viaduct, a Member said that the proposed solid boundary wall along the western site boundary and the proposed location of the swimming pool within the site would cause adverse impact on the reconstructed wetland to its immediate west and obstruct the movements of birds and animals at the wetland. The current design of the boundary wall had not addressed those issues.

44. In response, with reference to the Master Layout Plan (MLP) and landscape proposal (Drawings A-1 and A-3 of the Paper respectively), Mr Kepler S.Y. Yuen, STP/FSYLE, said that the area underneath the two viaducts to the west of the site where the WR reconstructed wetland was located was zoned "Conservation Area (1)" ("CA(1)"). The mitigation measures proposed by the applicant had included (i) setting back of the proposed houses 50m away from the nearest WR viaduct, (ii) a 3m high solid boundary wall along the western site boundary, and (iii) two rows of trees along the boundary wall to serve as a buffer in order to minimize impacts of activities within the proposed residential development on water birds and other species at the wetland. DAFC had no objection to the application, but an approval condition on the provision of the buffer area from the "CA(1)" zone at the detailed design stage was required to minimize the impact of the activities at the swimming pool on the adjoining wetland.

45. The Chairman asked whether the design of the proposed boundary wall was shown in the application. With reference to the landscape proposal, Mr Yuen said that the solid boundary wall was 3m in height and a planting strip of 6m wide for trees would be provided next to the wall. In response to the Chairman's further query, Mr Yuen said the concerned trees would be planted to the immediate east of the boundary wall which were located within the subject site.

46. The Chairman asked why a previous application at the site was rejected but the subject application was recommended for approval. In response, Mr Yuen said the site was zoned “Undetermined” on the then development permission area plan when the previous application was rejected. The long-term planning intention for the site and whether it was suitable for residential use was yet to be determined at that time. Since then, the area including the site had undergone two land use reviews prior to the site was rezoned to “R(E)1”, which was for residential development.

47. A Member noted that the orientation of the proposed houses was in north-east to south-west direction which was different from the general east-west orientation found in the developments in the vicinity such as Fairview Park and Palm Springs. The Member asked whether the orientation of the proposed houses under the subject application would affect air ventilation. In response, Mr Yuen said that while an air quality impact assessment was conducted by the applicant, no air ventilation assessment was conducted. However, as the proposed development would only be in general three storeys above ground, it would unlikely cause adverse impact on air ventilation.

48. Noting that two government departments had raised concerns on the EVA arrangement, the Chairman asked Mr Yuen to elaborate on the EVA arrangement. In response, Mr Yuen said the access to site was at the north via Kam Tai Road and the alignment of the EVA was shown in white on Drawing A-1 of the Paper. Although there were concerns that some of the proposed houses could not be served by EVA, the applicant had indicated that the EVA issue could be resolved at the detailed design stage, and D of FS had no adverse comment.

49. A Member noted that the proposed car park would be at the basement level and excavation would be involved, and asked whether the excavation would have any environmental impact and whether there was any study on that issue. In response, with reference to Drawing A-2 of the Paper, Mr Yuen said that according to the applicant’s submission, the proposed excavation would not cause any adverse ecological or environmental impact. Notwithstanding, the applicant would adopt appropriate mitigation measures during the construction stage and concerned departments did not have any adverse comment on that regard.

Deliberation Session

50. A Member considered that the design of the proposed boundary wall was not desirable. For other developments like Fairview Park and Palm Springs, landscape bunds were adopted, i.e. raising the level of earth bunds with tree planting on top, serving as buffers. The proposed 3m high solid boundary wall would obstruct the movements of species. The Member agreed with DAFC's comment that the location of the proposed swimming pool was not appropriate. For minimizing impacts of the proposed development on the wetland, the proposed buffer area should be designated as an access control zone for the residents. It was considered that such design would be better than the proposed solid boundary wall in the subject application. Another Member agreed and said that even if the applicant was to adopt the original solid boundary wall, concrete should not be used as the construction material and soft landscaping such as planting of climbers should be adopted for the boundary wall adjoining the wetland.

51. In response to a Member's query, the Chairman said that the current proposal was not a designated project under the Environmental Impact Assessment Ordinance. The Chairman also said that the EVA issue could be resolved at the detailed design stage, whereas the design of the proposed boundary wall along the western site boundary should be further deliberated. As for the Member's concern on air ventilation, the Chairman said that taking into account the relatively low-rise and low site coverage of the proposed development, there should not be significant impact on air ventilation.

52. The Committee noted that the reconstructed wetland was currently fenced up by wire netting, instead of solid wall. A Member said that the wire netting for wetland was different from the normal one and spaces between the iron bars could allow passage of species.

53. A Member said that landscape bunds serving as boundary wall could be constructed by using the soil excavated from the construction works of basement car park. That could help reduce the amount of soil to be disposed of and the landscape bunds could allow passage of species. In response to the Chairman's question, Mr Louis P.L. Chan, Principal Environmental Protection Officer (Regional Assessment), Environmental Protection

Department, said that he had no specific comment on the proposed landscape bunds, and agreed that it would be considered at the detailed design stage.

54. To address Members' concern on the interface between the proposed development and the WR reconstructed wetland to the immediate west of the site, the Committee agreed to add an approval condition on the design and provision of the boundary fencing along the western site boundary adjoining the WR reconstructed wetland to the satisfaction of the Director of Planning or of the Town Planning Board. The Committee also agreed to add three advisory clauses to advise the applicant to adopt landscape bunds (i.e. raising levels of earth bunds with tree planting on top) for construction of fencing along the western site boundary, to review the location of the proposed swimming pool in order to minimize impacts on the adjoining WR reconstructed wetland, and to take note of the orientation of the proposed houses in respect of air ventilation impact at the detailed design stage respectively.

55. 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 27.5.2020, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- “(a) the provision of buffer area from the “Conservation Area (1)” zone to the west of the site to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (b) the design and provision of boundary fencing along the western site boundary adjoining the West Rail reconstructed wetland to the satisfaction of the Director of Planning or of the TPB;
- (c) the provision of setback of the development from Kam Tai Road to the north of the site to the satisfaction of the Director of Environmental Protection or of the TPB;

- (d) the provision of road improvement works, vehicular access, car parking and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB;
- (e) the submission of a revised noise impact assessment and implementation of mitigation measures identified therein to the satisfaction of the Director of Environmental Protection and the Director of Highways or of the TPB;
- (f) the submission of a revised traffic impact assessment and implementation of the mitigation measures identified therein to the satisfaction of the Commissioner for Transport or of the TPB;
- (g) the submission and implementation of landscape master plan and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (h) the submission of a revised drainage impact assessment and implementation of mitigation measures identified therein to the satisfaction of the Director of Drainage Services or of the TPB; and
- (i) the design and provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.”

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

- “(o) to adopt landscape bunds (i.e. raising levels of earth bunds with tree planting on top) for construction of fencing along the western site boundary;
- (p) to review the location of the proposed swimming pool within the site in order to minimize its impacts on the adjoining West Rail reconstructed wetland; and

(q) to take note of the orientation of the proposed houses in respect of air ventilation impact at the detailed design stage.”

[Mr Ivan S.C. Fu and Mr Stephen L.H. Liu returned to join the meeting at this point.]

Agenda Item 16

Section 16 Application

[Open Meeting]

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

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

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

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|---------------------|---|--|
| Mr Ivan C.S. Fu | } | having current business dealings with SKH, AECOM, Environ and Urbis; |
| Ms Janice W.M. Lai | | |
| Mr Stephen L.H. Liu | - | having current business dealings with SKH; |
| Miss Winnie W.M. Ng | - | being a Director of the Kowloon Motor Bus Co. Ltd. (KMB) and SHK was one of the shareholders of KMB; |
| Dr Billy C.H. Hau | - | having current business dealings with AECOM; and |

Ms Christina M. Lee - being the Secretary-General of the Hong Kong Metropolitan Sports Events Association which had obtained sponsorship from SHK before.

58. The Committee noted that Ms Christina M. Lee had tendered apologies for being unable to attend the meeting. The Committee also noted that the applicant had requested for deferment of consideration of the application and agreed that Dr Billy C.H. Hau could stay in the meeting. As the interests of Mr Ivan C.S. Fu, Ms Janice W.M. Lai, Mr Stephen L.H. Liu and Miss Winnie W.M. Ng were direct, the Committee agreed that they could stay in the meeting but should refrain from participating in the discussion.

59. The Committee noted that the applicant requested on 13.5.2016 for deferment of the consideration of the application for two months to allow time for preparation of further information to address departmental comments. It was the second time that the applicant requested for deferment of the application.

60. 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 for preparation of the submission of the further information, 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-KTN/520 Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm and Caravan Camp Site) for a Period of 3 Years in “Agriculture” zone, Lots 926 RP, 957 S.A to S.Z, 957 S.AA to S.AC and 957 RP in D.D. 107, Fung Kat Heung, Kam Tin, Yuen Long New Territories
(RNTPC Paper No. A/YL-KTN/520)

Presentation and Question Sessions

61. 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 temporary place of recreation, sports or culture (hobby farm and caravan camp site) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Agriculture, Fisheries and Conservation had no strong view on the application given that part of the site would be used for cultivation. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, a total of three public comments were received from World Wide Fund for Nature Hong Kong, Designing Hong Kong Limited and an individual, all objecting to the application mainly on the grounds that the site was involved in ‘destroy first, build later’ activities; the proposed use was not in line with the planning intention of the “Agriculture” (“AGR”) zone; and approval of the temporary application would set an undesirable precedent for future non-agricultural uses to spread in rural areas; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary place of recreation, sports or culture (hobby farm and caravan camp site) could be tolerated for a period of 3 years based on the assessment set out in paragraph 11 of the Paper. Although the proposed caravan camp sites (occupying about 11% of the site) were recreational use not directly related to agricultural activities, it was considered that approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the “AGR” zone. In view of the scale and nature, the proposed development would unlikely cause significant adverse environmental, traffic, landscape or drainage impacts. Regarding adverse public comments, the planning assessment above was relevant. As the site was subject to previous planning approval, no enforcement action had been taken.

62. A Member asked whether the site was involved in ‘destroy first, build later’ activities. In response, Mr Kepler S.Y. Yuen, STP/FSYLE, said that the site was covered by a valid planning permission for temporary hobby farm, which was approved with conditions by the Committee on 7.8.2015. As such, the site was not involved in ‘destroy first, build later’ activities.

63. In response to the Chairman’s question, Mr Yuen said that according to the advice of the Director of Home Affairs, a licence under the Hotel and Guesthouse Accommodation Ordinance, Cap. 349 would be required for the caravan camping use and the applicant should also conform to any other government requirements, especially fire safety aspect.

Deliberation Session

64. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 27.5.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no reversing of vehicles into or out of the site is allowed at any time during the planning approval period;
- (b) no queuing back of vehicles to public road from the site is allowed at any time during the planning approval period;
- (c) no public announcement system, portable loudspeaker or any form of audio amplification system is allowed to be used on the site at any time during the planning approval period;
- (d) the submission of landscape and 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 27.11.2016;
- (e) in relation to (d) above, the implementation of landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.2.2017;
- (f) 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 27.11.2016;
- (g) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.11.2016;
- (h) in relation to (g) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.2.2017;
- (i) if any of the above planning conditions (a), (b) or (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;

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

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

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/703 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 1846 S.C ss.2 S.A in D.D. 106, Yuen Kong San Tsuen, Pat Heung, Yuen Long, New Territories
(RNTPC Paper No. A/YL-KTS/703)

66. The Secretary reported that the site was located at Kam Tin South. Ms Janice W.M. Lai had declared an interest in the item as her family member owned a house at Cheung Po Tsuen, Kam Tin South. The Committee agreed that Ms Lai could stay in the meeting as the house owned by her family member did not have a direct view of the site.

Presentation and Question Sessions

67. 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 Lawrence K.C. Li returned to join the meeting at this point.]

- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. Major departmental comments were summarised as follows:
 - (i) the Director of Agriculture, Fisheries and Conservation did not support the application as agricultural activities could be found in the site and its vicinity, and the site, being an abandoned land, could be used for plant nursery or greenhouse;
 - (ii) the Director of Environmental Protection (DEP) did not support the application due to the potential industrial/residential (I/R) interface problems as there were existing open storage uses adjacent to the site;
 - (iii) the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) had reservation on the application due to land use incompatibility; no landscape proposal submitted in the application to address the potential adverse impact of the proposed development on the existing trees on site; and approval of the application would set an undesirable precedent for similar applications within the “Agriculture” (“AGR”) zone; and
 - (iv) other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, a total of four public comments were received from an Indigenous Inhabitants Representative, a Residents Representative and a villager of Yuen Kong San Tusen, Designing Hong Kong Limited and two individuals. All

objected to the application mainly on the grounds that the proposed Small House development was not in line with the planning intention of the “AGR” zone; there was adequate land within the “Village Type Development” (“V”) zone; the proposed development would generate adverse impacts on *fung shui*, traffic, drainage and environmental aspects; approval of the application was in contravention with the Government’s new agricultural policy and setting of undesirable precedent for similar applications in the area; and

- (e) PlanD’s views – PlanD did not support the application based on the assessment set out in paragraph 12 of the Paper. The proposed Small House development was not in line with the planning intention of the “AGR” zone. The proposed development did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that the site and the footprint of the proposed Small House fell entirely outside the draft village ‘environs’ and the “V” zone of Yuen Kong San Tsuen. It was considered more appropriate to concentrate the proposed Small House close to the existing village cluster within the “V” zone for a more orderly development pattern, efficient use of land and provision of infrastructure and services. DEP did not support the application due to the potential I/R interface problems. The previous approval granted for Small House development in 1997 had not been implemented and the concerned planning permission lapsed on 7.3.2003. The physical characteristic of the surrounding area and the planning circumstances of the current application were different from that of the previous approved application and there was no exceptional circumstance to justify approval of the application.

68. Members had no question on the application.

Deliberation Session

69. 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 New Territories Exempted House (NTEH)/Small House in New Territories in that the proposed NTEH (Small House) footprint falls entirely outside the draft village ‘environs’ and the “Village Type Development” (“V”) zone of Yuen Kong San Tsuen. Land is still available within the “V” zone 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;

- (c) the applicant fails to demonstrate that the proposed development is environmentally acceptable and would not have adverse impact on the existing trees; and

- (d) 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 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/704 Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Agriculture” and “Residential (Group C)1” zones, Lot 1638 RP (Part) in D.D. 106 and Adjoining Government Land, Yuen Kong, Kam Tin, Yuen Long, New Territories
(RNTPC Paper No. A/YL-KTS/704)

70. The Secretary reported that the site was located at Kam Tin South. Ms Janice W.M. Lai had declared an interest in the item as her family member owned a house at Cheung Po Tsuen, Kam Tin South. The Committee agreed that Ms Lai could stay in the meeting as the house owned by her family member did not have a direct view of the site.

Presentation and Question Sessions

71. 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) temporary shop and services (real estate agency) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, a total of two public comments were received from residents of Yuen Kong Tsuen and an individual. All commenters objected to the application mainly on the grounds that approval of the application would result in loss of agricultural land; the development had adverse environmental and traffic impacts; the signage board on site was considered as a dangerous structure;

and the occupation of a large site by a real estate agency was considered as an inefficient use of land; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary shop and services (real estate agency) could be tolerated for a period of 3 years based on the assessment set out in paragraph 11 of the Paper. Although the use was not in line with the planning intentions of the “Agriculture” (“AGR”) and “Residential (Group C)1” (“R(C)1”) zones, there was no known programme for residential development on the “R(C)1” portion of the site. It was considered that approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intentions of the “AGR” and “R(C)1” zones. In view of its scale and close proximity to Kam Sheung Road, it was unlikely that the use would generate significant environmental nuisance to the nearby residential structures or dwellings. The site was involved in three previously approved applications for the same applied use and there had been no major change in planning circumstances that warranted a departure from the Committee's previous decisions. Since the last approval was revoked due to non-compliance with approval condition, shorter compliance periods were recommended in order to monitor the fulfilment of approval conditions.

72. Members had no question on the application.

Deliberation Session

73. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 27.5.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 8:00 p.m. and 10:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;

- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (c) no reversing of vehicles into or out from the site is allowed at any time during the planning approval period;
- (d) no queuing back of vehicles to public road from the site is allowed at any time during the planning approval period;
- (e) the existing drainage facilities on the application site shall be maintained at all times during the planning approval period;
- (f) the submission of a record of existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.8.2016;
- (g) the implementation of the accepted landscaping and tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.8.2016;
- (h) the implementation of the accepted 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 27.8.2016;
- (i) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;
- (j) if any of the above planning conditions (f), (g) or (h) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and

- (k) 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.”

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

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, New Territories
(RNTPC Paper No. A/YL-PH/727A)

75. The Secretary reported that the site was located at Pat Heung. Ms Janice W.M. Lai had declared an interest in the item as her family member owned property at Leung Uk Tsuen, Pat Heung. The Committee noted that the applicant had requested for deferment of consideration of the application and agreed that Ms Janice W.M. Lai could stay in the meeting.

76. The Committee noted that the applicant on 10.5.2016 requested for deferment of consideration of the application for two months so as to allow time for preparation of further information to address the comments of relevant government departments. It was the second time that the applicant requested for deferment of the application.

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

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/336 Renewal of Planning Approval for Temporary Shop and Services (Sales Office for Sale of Goods Vehicles) for a Period of 3 Years in "Open Storage" zone, Lots 2757 RP (Part), 2758 RP (Part), 2759 (Part), 2760, 2761 S.A (Part), 2761 RP (Part), 2762 (Part) and 2803 RP in D.D. 102 and Adjoining Government Land, Ngau Tam Mei, Yuen Long, New Territories
(RNTPC Paper No. A/YL-NTM/336)

Presentation and Question Sessions

78. Mr K.T. Ng, STP/FSYLE, drew Members' attention that replacement pages (pages 12 and 13) of the Paper to rectify typographical errors under recommended approval conditions (e) to (i) were tabled at the meeting. He then 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 shop and services (sales office for sale of goods vehicles) for a period of 3 years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Chief Engineer/Railway Development (2-2), Railway Development Office, Highways Department advised that the site fell within the administrative route protection boundary of the proposed Northern Link (NOL) and according to the Railway Development Strategy 2014, the recommended implementation window of NOL was from 2018 to 2023. He had no objection to the application provided that the applied use was for a period of one year (i.e. from 8.6.2016 to 7.6.2017 before 2018), instead of 3 years sought under application. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the site, and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received. The District Officer (Yuen Long) advised that he had not received any comment from the locals on the application; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary shop and services (sales office for sale of goods vehicles) could be tolerated for a period of 1 year based on the assessment set out in paragraph 12 of the Paper. 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) and the application was in line with the TPB PG-No. 13E in that there were no adverse comments from most of the concerned government departments. Although the DEP did not support the application, there was not any complaint regarding the site in the past three years. Approval conditions on restriction on operation hours and activities had been recommended. Also, there was no major change in the planning circumstances since the granting of the previous five planning permissions and approval of the application was in line with the Committee's previous decisions.

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

79. Members had no question on the application.

Deliberation Session

80. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year, instead of 3 years sought, and be renewed, from 8.6.2016 until 7.6.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no cutting, dismantling, cleansing, repairing and workshop activity, including container repair and vehicle repair, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (b) no operation between 7:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no operation on Sundays or public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (d) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (e) the submission of a tree preservation proposal within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 8.9.2016;
- (f) in relation to (e) above, the implementation of a tree preservation proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 8.12.2016;
- (g) the submission of a condition record of the existing drainage facilities on site within 3 months from the date of commencement of the renewed

planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 8.9.2016;

- (h) the submission of fire service installations proposal within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.9.2016;
- (i) in relation to (h) above, the provision of fire service installations within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.12.2016;
- (j) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (k) if any of the above planning conditions (e), (f), (g), (h) or (i) 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.”

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

Agenda Item 22

Section 16 Application

[Open Meeting]

A/YL-ST/488 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, New Territories
(RNTPC Paper No. A/YL-ST/488)

82. The Committee noted that the applicant on 10.5.2016 requested for deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the comments of relevant government department. It was the first time that the applicant requested for deferment of the application.

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

[The Chairman thanked Mr Kepler S.Y. Yuen and Mr K.T. Ng, STPs/FSYLE, for their attendance to answer Members’ enquiries. They left the meeting at this point.]

Tuen Mun and Yuen Long West District

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

Agenda Item 23

Section 16 Application

[Open Meeting]

A/TM-LTYYY/304 Proposed Temporary Industrial Use (Food Processing Factory) for a Period of 3 Years in “Residential (Group C)” and “Residential (Group D)” zones, Lot 1150 RP in D.D. 130, near Wong Kong Wai Road, Tuen Mun, New Territories
(RNTPC Paper No. A/TM-LTYYY/304A)

84. The Committee noted that on 25.5.2016, after issuance of the Paper, the applicant wrote to the Town Planning Board requesting for deferment of the consideration of the application for two months to allow time to resolve matters raised by various government departments. The letter from the applicant was tabled at the meeting for Members’ consideration. This was the second time that the applicant requested for deferment of the application.

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

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

had been allowed for preparation of the submission of the further information, no further deferment would be granted unless under very special circumstances.

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/518 Temporary Shop and Services (Real Estate Agency) for a Period of 3
Years in “Village Type Development” zone, Lot 455 in D.D. 123, Ng
Uk Tsuen, Ping Shan, Yuen Long, New Territories
(RNTPC Paper No. A/YL-PS/518)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary shop and services (real estate agency) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, a total of five public comments were received from the local villagers or organizations and an individual, all objecting to the application mainly on the grounds of flooding concerns; traffic and pedestrian safety; the number of vehicles parked at the site was not in line with the previously approved application; unauthorized development; and request for reinstatement of land; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary shop and services (real estate agency) could be tolerated for a period of 3 years based on the assessment set out in paragraph 12 of the Paper. The development could provide real estate agency services in the area to meet any such demand and approval of the application on a temporary basis for 3 years would not jeopardize the long-term planning intention of the “Village Type Development” (“V”) zone. Approval of the subject application was in line with the approval of the previous applications for the same use and the similar applications within the same “V” zone. Since the last application was revoked due to non-compliance with the approval condition on implementation of fire services installations plan, shorter compliance periods were recommended in order to closely monitor the progress on compliance with the associated approval conditions.

87. Noting the comment that there was a fee-charging car park at the site, a Member asked whether it was an unauthorized development. Ms Stella Y. Ng, STP/TMYLW, said that the site was subject to enforcement investigation and no car parking was proposed under the subject application. The Chairman supplemented that if the use at the site was not covered by a planning permission, it might constitute a suspected unauthorized development which would be subject to enforcement action.

Deliberation Session

88. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 27.5.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 7:00 p.m. and 10:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;

- (c) the submission of condition record of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.8.2016;
- (d) the submission of fire service installations proposal within 3 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.8.2016;
- (e) in relation to (d) above, the implementation of fire service installations proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.11.2016;
- (f) the submission of landscape and tree preservation proposal within 3 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 27.8.2016;
- (g) in relation to (f) above, the implementation of landscape and tree preservation proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 27.11.2016;
- (h) if any of the above planning conditions (a) or (b) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (i) if any of the above planning conditions (c), (d), (e), (f) or (g) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;
and
- (j) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/378 Proposed Utility Installation for Private Project (Electricity Substation) and Excavation of Land in “Village Type Development” zone, Lot 4921 S.I in D.D. 116, Tai Tong, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TT/378)

Presentation and Question Sessions

90. Ms Bonita K.K. Ho, STP/TMYLW, drew Members’ attention that a replacement page (page 2 of Appendix III) of the Paper to rectify typographical errors under advisory clause (f) was dispatched to the Members. She then presented the application and covered the following aspects as detailed in the Paper:

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

- (a) background to the application;
- (b) proposed utility installation for private project (electricity substation) and excavation of land;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period. The District Officer (Yuen Long) advised that he had not received any local comment on the application; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment set out in paragraph 11 of the Paper. The proposed development was for the provision of the necessary electricity supply to support the nearby Small House developments and was considered not in conflict with the planning intention of “Village Type Development” zone. The proposed was small in scale and it would not cause any significant adverse environmental, traffic, drainage and landscape impact on surrounding areas.

91. Members had no question on the application.

Deliberation Session

92. 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 27.5.2020, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- “(a) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the submission and implementation of fire service installations proposal to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or the TPB.”

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

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/782 Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 5 Years in “Green Belt” zone, Lots 417 RP, 418, 419, 422 RP, 496, 497, 498, 499, 500 and 501 in D.D. 119 and Adjoining Government Land, Lam Tai West Road, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TYST/782A)

Presentation and Question Sessions

94. 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;

[Mr Martin W.C. Kwan left the meeting temporarily at this point.]

- (b) temporary place of recreation, sports or culture (hobby farm) for a period of 5 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, a total of 35 public comments were received from the village representatives of Shan Ha Tsuen, Green Sense, Designing Hong Kong Limited and private individuals. They objected to the application on various grounds, including proximity to the burial grounds of Shan Ha Tsuen which would affect *fung shui*; erection of structures, diversion of existing streams and vegetation clearance prior to planning approval; not in line with the planning intention of the “Green Belt” (“GB”) zone; and setting of undesirable precedent; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment set out in paragraph 12 of the Paper. The development did not contravene the Town Planning Board Guidelines No. 10 for Application for Development within “GB” Zone (TPB PG-No. 10) as no site formation, land filling or tree felling would be involved. Approval of the application would not set an undesirable precedent.

95. In response to a Member's question, Ms Bonita K.K. Ho, STP/TMYLW, said that the site area involved about 2.7 square metres of Government land.

Deliberation Session

96. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 27.5.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no land filling is allowed on the site during the planning approval period;
- (b) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (d) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (e) the provision of boundary fence on the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.11.2016;

- (f) the submission of run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 27.11.2016;
- (g) in relation to (f) above, the implementation of run-in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 27.2.2017;
- (h) the submission of tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.11.2016;
- (i) in relation to (h) above, the implementation of tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.2.2017;
- (j) 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 27.11.2016;
- (k) in relation to (j) 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 27.2.2017;
- (l) in relation to (k) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (m) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.11.2016;
- (n) in relation to (m) 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 27.2.2017;

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

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

Agenda Item 27

Section 16 Application

[Open Meeting]

A/YL-TYST/789 Temporary Eating Place with Ancillary Parking Spaces for a Period of 3 Years in “Residential (Group B)1” zone, Lots 1355 RP and 1356 RP (Part) in D.D. 121, Tong Yan San Tsuen, Yuen Long, New Territories (RNTPC Paper No. A/YL-TYST/789)

98. The Committee noted that the applicant on 11.5.2016 requested for deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the comments of relevant government departments. It was the first time that the applicant requested for deferment of the application.

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

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

Agenda Item 28

Section 16 Application

[Open Meeting]

A/TM/487 Columbarium (within a Religious Institution or extension of existing Columbarium only) in "Green Belt" zone, G/F and 1/F, Lot 559 in D.D. 131 within Tsing Wan Kun, Tuen Mun, New Territories
(RNTPC Paper No. A/TM/487)

100. The Committee noted that the applicant on 11.5.2016 requested for deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the comments of relevant government departments. It was the first time that the applicant requested for deferment of the application.

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

Agenda Item 29

Section 16 Application

[Open Meeting]

A/TM/488 Proposed Columbarium in “Government, Institution or Community” zone, Lots 813 RP and 814 RP in D.D. 131 and Adjoining Government Land, Tuen Mun, New Territories
(RNTPC Paper No. A/TM/488)

102. The Secretary reported that Landes Ltd. (Landes) was one of the consultants of the applicant. The following Members had declared interests in the item:

| | |
|--------------------|---|
| Mr Ivan C.S. Fu | } having current business dealings Landes. |
| Ms Janice W.M. Lai | |

103. The Committee noted that the applicant had requested for deferment of consideration of the application. The Committee also noted that Mr Ivan C.S. Fu and Ms Janice W.M. Lai had no involvement in the application and agreed that they could stay in the meeting.

104. The Committee noted that the applicant requested on 10.5.2016 for deferment of the consideration of the application for two months to allow time for preparation of further information to address departmental comments. It was the first time that the applicant requested for deferment of the application.

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

applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/1024 Temporary Public Vehicle Park (Private Cars, Light Goods Vehicles, Heavy Goods Vehicles and Container Trailers) for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 826 S.A (Part), 828, 839 (Part) and 840 (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-HT/1024)

106. The Secretary reported that the site was located at Ha Tsuen. 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 agreed that Ms Lai could stay in the meeting as the two pieces of land owned by the company of her spouse did not have a direct view of the site.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary public vehicle park (private cars, light goods vehicles, heavy goods vehicles and container trailers) 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 sensitive uses (a residential dwelling about 3m away) and along the access road (Ha Tsuen Road) and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, one public comment was received which supported the application as there was insufficient parking provision for heavy vehicles in the area; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary public vehicle park (private cars, light goods vehicles, heavy goods vehicles and container trailers) could be tolerated for a period of 3 years based on the assessment set out in paragraph 11 of the Paper. Approval of the application on a temporary basis of 3 years would not jeopardize the long-term development of the area. The use was not incompatible with the surrounding areas predominantly used for vehicle service centre, open storage of vehicles and logistics centre uses. Although DEP did not support the application, there was no environmental complaint pertaining to the site in the past three years and relevant approval conditions had been recommended to minimize any potential environmental nuisances.

108. Members had no question on the application.

Deliberation Session

109. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 27.5.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the approval period;

- (b) no vehicle without valid licence issued under the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on the site at any time during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;
- (d) no material is allowed to be stored/dumped within 1m of any tree on the site at any time during the planning approval period;
- (e) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.8.2016;
- (g) the submission of tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.11.2016;
- (h) in relation to (g) above, the implementation of tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.2.2017;
- (i) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 27.11.2016;
- (j) in relation to (i) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 27.2.2017;

- (k) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.11.2016;
- (l) if any of the above planning conditions (a), (b), (c), (d) and (e) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (m) if any of the above planning conditions (f), (g), (h), (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (n) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/287 Proposed Temporary Shop and Services (Convenience Store) for a Period of 3 Years in “Residential (Group D)” zone, Lot 20 RP (Part) in D.D. 128, Lots 2393 RP (Part) and 2394 RP (Part) in D.D. 129 and Adjoining Government Land, Lau Fau Shan, Yuen Long, New Territories
(RNTPC Paper No. A/YL-LFS/287)

Presentation and Question Sessions

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

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

- (a) background to the application;
- (b) proposed temporary shop and services (convenience store) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received which objected to the application mainly on traffic grounds; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the proposed temporary shop and services (convenience store) could be tolerated for a period of 3 years based on the assessment set out in paragraph 11 of the Paper. There was no known programme for permanent development on the site and approval of the application on a temporary basis would not jeopardize the long-term planning intention of the “Residential (Group D)” zone. The proposed development was small in scale and could provide commercial facility to serve any such demand in the area. In view of the scale and temporary nature of the proposed development, significant adverse environmental, traffic and drainage on the surrounding area were not envisaged. Regarding the public comment, the Commissioner for Transport had no objection to the application and the above planning assessment was relevant.

112. Members had no question on the application.

Deliberation Session

113. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 27.5.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 10:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (c) the existing drainage facilities on site shall be maintained at all times during the planning approval period;
- (d) the submission of record of the drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.8.2016;
- (e) the submission of run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 27.11.2016;
- (f) in relation to (e) above, the provision of run-in/out within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 27.2.2017;
- (g) the submission of a tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.11.2016;
- (h) in relation to (g) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.2.2017;

- (i) 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 27.11.2016;
- (j) in relation to (i) 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 27.2.2017;
- (k) if any of the above planning conditions (a), (b) or (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (l) if any of the above planning conditions (d), (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 the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

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

Agenda Item 32

Any Other Business

115. There being no other business, the meeting closed at 4:10 p.m..