

## **TOWN PLANNING BOARD**

### **Minutes of 560<sup>th</sup> Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 15.7.2016**

#### **Present**

Director of Planning  
Mr K.K. Ling

Chairman

Mr H.W. Cheung

Vice-chairman

Dr F.C. Chan

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr C.H. Hau

Mr Alex T.H. Lai

Mr Stephen L.H. Liu

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

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

Assistant Director (Environmental Assessment),  
Environmental Protection Department  
Mr K.F. Tang

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

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

Secretary

**Absent with Apologies**

Professor K.C. Chau

Mr Ivan C.S. Fu

Ms Janice W.M. Lai

Ms Christina M. Lee

Mr H.F. Leung

Mr David Y.T. Lui

Dr Lawrence K.C. Li

Miss Winnie W.M. Ng

**In Attendance**

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

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

Town Planner/Town Planning Board  
Ms Winnie W.Y. Leung

**Agenda Item 1**

Confirmation of the Draft Minutes of the 559<sup>th</sup> RNTPC Meeting held on 24.6.2016

[Open Meeting]

1. The Secretary reported that the draft minutes of the 559<sup>th</sup> RNTPC meeting were dispatched to Members on 13.7.2016. A proposed amendment was received, proposing to revise the first sentence of paragraph 73 as “The Secretary reported that Mr Kelvin K.M. Siu, Chief Traffic Engineer/New Territories West, Transport Department, who owned a property *in near* Fu Tei Au had declared interest in the item”.
2. The Committee agreed to the aforesaid proposed revision. The draft minutes of the 559<sup>th</sup> RNTPC meeting held on 24.6.2016 were confirmed subject to the aforesaid revision.

**Agenda Item 2**

Matters Arising

[Open Meeting]

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

**Sai Kung and Islands District**

**Agenda Item 3**

Section 16 Application

[Open Meeting]

A/SK-HC/248                      Temporary Film Studio for a Period of 3 Years in “Green Belt” and “Recreation” zones, Lots 287 (Part), 288 (Part), 289S.A, 289RP, 295, 299, 309(Part), 815(Part) and adjoining Government land in D.D. 247, Ho Chung, Sai Kung  
(RNTPC Paper No. A/SK-HC/248)

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4. The Committee noted that the applicant requested on 6.7.2016 for deferment of the consideration of the application for two months so as to allow time for government departments to comment on the latest further information submitted by the applicant. It was the third time that the applicant requested for deferment of the application.

5. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending departmental comments on the latest further information. The Committee agreed that the application should be submitted for its consideration within two months when the departmental comments were available. The Committee also agreed to advise the applicant that since it was the third deferment of the application and a total of three months had been allowed for preparation of the submission of further information, no further deferment would be granted unless under very special circumstances.

#### **Agenda Item 4**

##### **Section 16 Application**

[Open Meeting]

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

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6. The Secretary reported that the application was submitted by Morerich Resources Limited and Max Cheer International Limited with LWK & Partners (Hong Kong) Limited (LWK) and AECOM Asia Company Limited (AECOM) as two of the consultants of the applicants. The following Members had declared interests in the item:

Mr Ivan C.S. Fu

- being the Director of LWK and having current business dealings with AECOM

Ms Janice W.M. Lai	]	
	]	having current business dealings with AECOM
Dr Billy C.H. Hau	]	
Mr Stephen L.H. Liu	-	having current business dealings with LWK

7. The Committee noted that Mr Ivan C.S. Fu and Ms Janice W.M. Lai had tendered apologies for being unable to attend the meeting and Mr Stephen L.H. Liu had not yet arrived to join the meeting. The Committee also noted that Dr Billy C.H. Hau had no involvement in the application and agreed that he could stay in the meeting.

8. The Committee noted that the applicant requested on 11.7.2016 for deferment of the consideration of the application for one month so as to allow time for government departments to comment on the latest further information submitted by the applicant. It was the third time that the applicant requested for deferment of the application.

9. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending departmental comments on the latest further information. The Committee agreed that the application should be submitted for its consideration within one month when the departmental comments were available. The Committee also agreed to advise the applicant that since it was the third deferment of the application and a total of three months had been allowed, no further deferment would be granted unless under very special circumstances.

[Mr William W.T. Wong, Senior Town Planner/Sai Kung and Islands (STP/SKIs), was invited to the meeting at this point.]

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

**Agenda Item 5**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-PK/229            Renewal of Planning Approval for Temporary “Eating Place (Outside Seating Accommodation of Restaurant)” for a Period of 3 Years in “Road” zone, Open Area in Front of Shop 10C, G/F, Po Tung Road, Lot 1827 (Part) in D.D. 221, Sai Kung  
(RNTPC Paper No. A/SK-PK/229)

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**Presentation and Question Sessions**

10.            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 renewal of planning approval for temporary eating place (outside seating accommodation of restaurant) under previous planning application No. A/SK-PK/202 for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Relevant government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Sai Kung); and
- (e) the Planning Department (PlanD)’s views –PlanD considered that the temporary use could be tolerated for a further period of three years based on the assessments set out in paragraph 10 of the Paper. The renewal of the temporary use for three years up to August 2019 would not frustrate the planning intention of the area shown as ‘Road’, and the implementation of

the road improvement works would not be affected. There were similar approved applications at the same 'Road' area. The temporary use was previously approved by the Committee in 2004, 2010 and 2013 and there was no change in planning circumstances since the approval of the previous applications. Given the small-scale of the proposal, the temporary use would unlikely cause adverse traffic, drainage and environmental impacts on the surrounding areas. Relevant government departments had no objection to or no adverse comment on the application.

11. Members had no question on the application.

[Mr K.F. Tang arrived to join the meeting at this point.]

#### Deliberation Session

12. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 17.8.2016 to 16.8.2019, on the terms of the application as submitted to the Town Planning Board.

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

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

**Agenda Item 6**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/899                      Temporary Shop and Services (Fast Food Shop) for a Period of 3 Years  
in “Industrial” zone, Unit C3, Factory C, G/F, Block 1, Kin Ho  
Industrial Building, 14-24 Au Pui Wan Street, Fo Tan, Sha Tin  
(RNTPC Paper No. A/ST/899)

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**Presentation and Question Sessions**

14.            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 temporary shop and services (fast food shop) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Relevant government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Sha Tin); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments set out in paragraph 11 of the Paper. The temporary use under application was small in scale and considered not incompatible with the industrial and industrial-related uses in the subject industrial building and the surrounding developments. Similar applications for a range of mixed ‘Shop and Services’ uses had been approved for other units on the ground floor of the subject industrial building and its vicinity. The



temporary use under application generally complied with the relevant criteria set out in the ‘Town Planning Board Guidelines for Use/Development within ‘Industrial’ Zone’ (TPB PG-No. 25D) including the fire safety and traffic aspects. Relevant government departments had no objection to or no adverse comment on the application. Three previous applications (No. A/ST/781, A/ST/824 and A/ST/845) submitted by the same applicant applying for ‘Shop and Services (Fast Food Shop)’ use were approved with conditions by the Committee between 2012 and 2014 on a temporary basis of three years and there was no change in planning circumstances since the approval of the previous applications.

15. Members had no question on the application.

#### Deliberation Session

16. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.7.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission of a fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.10.2016;
- (b) in relation to (a) above, the implementation of the fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.1.2017; and
- (c) if the above planning condition (a) or (b) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

**Agenda Item 7**

**Section 16 Application**

[Open Meeting]

A/ST/900                      Shop and Services in “Other Specified Uses” annotated “Business” zone, Workshop 2, G/F, New Commerce Centre, 19 On Sum Street, Shek Mun, Sha Tin  
  
(RNTPC Paper No. A/ST/900)

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18.            The Committee noted that the applicant requested on 29.6.2016 for deferment of the consideration of the application for two months so as to allow time to prepare further information to address the comments of the Transport Department. It was the first time that the applicant requested for deferment of the application.

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

**Agenda Items 8 to 12**

**Section 16 Applications**

[Open Meeting]

A/DPA/NE-TT/74            Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 887 S.B, 888 S.B, 889 S.B, 890 S.C & 891 S.C in D.D. 289, Uk Tau, Tai Po

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A/DPA/NE-TT/75 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 887 RP, 888 RP, 889 RP & 890 RP in D.D. 289, Uk Tau, Tai Po

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A/DPA/NE-TT/76 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lot 886 S.C in D.D. 289, Uk Tau, Tai Po

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A/DPA/NE-TT/77 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 854 S.F & 857 S.B in D.D.289, Uk Tau, Tai Po

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A/DPA/NE-TT/78 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 857 S.D & 862 S.A in D.D. 289, Uk Tau, Tai Po  
(RNTPC Paper No. A/DPA/NE-TT/74 to 78)

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20. The Committee noted that the five applications for proposed houses (New Territories Exempted Houses - Small Houses) were similar in nature and the sites were located in close proximity to one another within the same “Unspecified Use” area. The Committee agreed that the requests for deferral of the applications could be considered together.

21. The Committee noted that the applicants requested on 16.6.2016 for deferment of the consideration of the applications for two months so as to allow time for preparation of further information in response to the comments of relevant government departments. It was the third time that the applicants requested for deferment of the applications.

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

information. Since it was the third deferment, and the applicant had not submitted any further information since the first deferment and a total of six months had been allowed, this was the last deferment and no further deferment would be granted.

### **Agenda Item 13**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/160      Renewal of Planning Approval for Temporary “Open Storage of Construction Materials” for a Period of 3 Years in “Agriculture” and “Open Space” and “Road” zones, Lots 184 RP and 187 RP (Part) in D.D. 52, Sheung Shui Wa Shan, Sheung Shui  
(RNTPC Paper No. A/NE-FTA/160)

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#### **Presentation and Question Sessions**

23.            The Secretary reported that Mr Kelvin K.M. Siu, Chief Traffic Engineer/New Territories West, Transport Department, who owned a property near Fu Tei Au had declared interest in the item. The Committee noted that Mr Kelvin K.M. Siu’s property had no direct view of the site and agreed that he could stay in the meeting.

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

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary open storage of construction materials under previous planning application No. A/NE-FTA/139 for a period of three years;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were domestic structures in the vicinity of the site and the closest one was located to the east of the site at a distance of less than 10m. Other relevant government departments had no objection to or no adverse comment on the application;
  
- (d) during the first three weeks of the statutory publication period, two public comments were received from a North District Council (NDC) member and the Chairman of Sheung Shui District Rural Committee (SSDRC). Both of them indicated that they had no comment on the application. The District Officer (North) conveyed that the incumbent NDC member, the Chairman of the SSDRC and the Indigenous Inhabitant Representatives and Resident Representatives of Wa Shan Tsuen and Sheung Shui Heung had no comment on the application; and
  
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of 3 years based on the assessments set out in paragraph 12 of the Paper. The application generally complied with the Town Planning Board Guidelines for 'Application for Open Storage and Port Back-up Uses' (TPB PG-No. 13E) in that there were previous approvals for similar use on the site, there were no major adverse departmental comments or no local objection had been received on the application, or the concern of relevant department could be addressed through the implementation of approval conditions. The application also generally complied with the Town Planning Board Guidelines on 'Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development' (TPB PG-No. 34B) as there had not been any material change in planning circumstances since the approval of the last application; there were no major adverse departmental comments against the renewal application and all the approval conditions for the last application had been complied with. Although DEP did not support the application, there was no environmental complaint for the site in the past three years. To address DEP's concern,

approval conditions restricting the operation hours and days during the approval period were recommended.

25. A Member asked whether there were people living in the two houses located immediately adjacent to the application site. In response, Mr Wallace W.K. Tang, STP/STN, said that the two houses were the subject of Small House applications previously approved by the Committee but had not yet been completed. Although DEP did not support the current application because of the two houses locating in the vicinity of the site, there was no environmental complaint for the site in the past three years. Moreover, approval conditions were suggested to limit the operation hours and days during the planning approval period to minimise possible disturbances to the surrounding areas. The Chairman noted that the two nearby Small Houses had yet to be occupied. He said that consideration of further renewal of planning approval in the future would take into account the planning circumstances of the area at the time of renewal.

#### Deliberation Session

26. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 26.7.2016 to 25.7.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night time operation between 6:30 p.m. and 8:30 a.m. on Mondays to Saturdays, as proposed by the applicants, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicants, should be allowed on the site during the planning approval period;
- (c) no medium/heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicants, is allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;

- (d) the peripheral fencing should be maintained on site at all times during the planning approval period;
- (e) the existing drainage facilities implemented under application No. A/NE-FTA/139 should be maintained properly at all times during the planning approval period;
- (f) the existing mitigation measures to the ecological sensitive receivers in the vicinity of the site implemented under application No. A/NE-FTA/139 should be maintained properly at all times during the planning approval period;
- (g) the existing landscape planting implemented under application No. A/NE-FTA/139 should be maintained properly at all times during the planning approval period;
- (h) the provision of fire extinguisher(s) within 6 weeks from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.9.2016;
- (i) the submission of proposals for water supplies for fire-fighting and fire service installations within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.1.2017;
- (j) in relation to (i) above, the implementation of proposals for water supplies for fire-fighting and fire service installations within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.4.2017;
- (k) the submission of tree preservation proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 26.1.2017;

- (l) in relation to (k) above, the implementation of tree preservation proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 26.4.2017;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (h), (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (o) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of Director of Planning or of the TPB.”

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

#### **Agenda Item 14**

##### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/596      Proposed House (New Territories Exempted House - Small House) in  
“Green Belt” and “Village Type Development” zones, Lot 1782 S.A in  
D.D. 83, Tsz Tong Tsuen, Fanling  
(RNTPC Paper No. A/NE-LYT/596)

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##### **Presentation and Question Sessions**

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



- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix III of the Paper. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L), Planning Department (PlanD) had reservation on the application from the landscape planning perspective. The site was covered by wild grasses with some fruit trees which would be in conflict with the proposed Small House development. Adverse impact on the landscape resource within the site was anticipated. Approval of the application would set an undesirable precedent to encourage similar applications to extend the village into the adjacent “Green Belt” (“GB”) zone. The Commissioner for Transport (C for T) had reservation on the applications as such type of development should be confined within the “Village Type Development” (“V”) zone as far as possible. Approval of the application would set an undesirable precedent for similar applications in the future and the resulting cumulative adverse traffic impact could be substantial. Other relevant government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, four public comments were received. A North District Council member supported the application as the development could provide convenience to the villagers whereas the Chairmen of Fanling District Rural Committee (FDRC) and Sheung Shui District Rural Committee indicated no comment on the application. Designing Hong Kong Limited objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of “GB” zone; no technical assessments had been submitted; and approval of the application would set an undesirable precedent for similar applications in the area. The District Officer (North) conveyed that one of the two Indigenous Inhabitant Representatives and the Resident Representative of Tsz Tong Tsuen raised objections as the site

was located outside the “V” zone whereas the Chairman of the FDRC had no comment on the application; and

- (e) PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “GB” zone and there was a general presumption against development within the zone. There was no strong planning justification in the submission for a departure from the planning intention. The proposed development did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that the applicant failed to demonstrate that the proposed development would not cause adverse landscape impact on the surrounding areas. It was considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for more orderly development pattern, efficient use of land and provision of infrastructures and services. Approval of the application would set an undesirable precedent for similar applications in the area and the cumulative impacts of approving such applications would result in a general degradation of the environment and landscape quality of the area.

29. Members had no question on the application.

#### Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” zone in the Lung Yeuk Tau and Kwan Tei South area which is primarily to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong planning justification in the submission 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 the applicant fails to demonstrate that the proposed development would not cause adverse landscape impact on the surrounding areas;
- (c) land is still available within the “Village Type Development” zones of the Lung Yeuk Tau village cluster which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for more orderly development pattern, efficient use of land and provision of infrastructures and services; and
- (d) the approval of the application would set an undesirable precedent for similar applications in the area. The cumulative impacts of approving such applications would result in a general degradation of the environment and landscape quality of the area.”

### **Agenda Item 15**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/597      Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” zone, Lot 1676 S.H RP in D.D. 76, Leng Pei Tsuen,  
Fanling  
(RNTPC Paper No. A/NE-LYT/597)

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#### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site was a piece of abandoned land overgrown with grasses and active agricultural activities could be found in its vicinity. The site possessed potential for agricultural rehabilitation. The Commissioner for Transport (C for T) had reservation on the application as such type of development should be confined within the “Village Type Development” (“V”) zone as far as possible. Approval of the application would set an undesirable precedent for similar applications in the future and the resulting cumulative adverse traffic impact could be substantial. Other relevant government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, five public comments were received. A North District Council member supported the application as the development could provide convenience to the villagers whereas the Chairmen of Fanling District Rural Committee (FDRC) and Sheung Shui District Rural Committee indicated no comment on the application. Designing Hong Kong Limited and an individual objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone; no technical assessments had been submitted; and approval of the application would set an undesirable precedent for similar applications in the area. The District Officer (North) had consulted the locals regarding the application. The Indigenous Inhabitant Representative and Resident Representative of Leng Pei Tsuen supported the application as development of Small House could improve the village environment whereas the Chairman of FDRC had no comment on the application; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. Although the proposed Small House development was not in line with the planning intention of the “AGR” zone and DAFC did not support the application, the proposed Small House was not incompatible with the rural landscape character of the area dominated by village houses and fallow agricultural land. Significant adverse landscape impact arising from the proposed development was not anticipated. C for T had reservation on the application but considered that the proposed development could be tolerated given that it involved one Small House only. The application generally complied with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (Interim Criteria) as more than 50% of the footprint of the proposed Small House fell within the village ‘environ’ of Ma Mei Ha Leng Tsui and Leng Pei Tsuen and there was a general shortage of land in meeting the demand for Small House development in the “V” zone. Apart from DAFC, other concerned government departments had no objection to the application. Part of the site was involved in a previous application (No. A/NE-LYT/472) for Small Houses development, which was approved by the Committee in 2012 but the planning permission had lapsed on 15.6.2016. There were 45 similar applications in the vicinity and 44 of them were approved by the Committee between 2003 and 2016 mainly on similar considerations that they complied with the Interim Criteria. There had not been any major change in planning circumstances of the area since the approval of those similar applications.

32. Members had no question on the application.

### Deliberation Session

33. 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 15.7.2020, and after the said date, the permission should cease to have

effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

### **Agenda Item 16**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-MKT/1            Proposed Temporary Shop and Services (Metal Hardware Retail Shop) and Ancillary Office for a Period of 3 Years in “Recreation” zone, Lot 758 RP (Part) in D.D. 82, Ping Che Road, Man Kam To, New Territories  
(RNTPC Paper No. A/NE-MKT/1)

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#### **Presentation and Question Sessions**

35. The Secretary reported that Mr Alex T.H. Lai had declared interest in the item as his father jointly owned a property in Ping Che. The Committee noted that had left the meeting temporarily for the item.

[Mr Alex T.H. Lai left the meeting temporarily at this point.]

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

- (a) background to the application;
- (b) the proposed temporary shop and services (metal hardware retail shop) and ancillary office for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there was a domestic structure located less than 25m to the southwest of the site. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L), Planning Department (PlanD) had reservation on the application from the landscape planning point of view as the site was formed and currently occupied by open storage use. Whilst the proposed use was considered not incompatible with the rural character of the surrounding landscape, vegetation removal and site formation works had occurred within 2012 and 2013. Approval of the application would set an undesirable precedent for site modification prior to obtaining planning approval. The cumulative effect of approving such application would result in general degradation of the environment of the area. Other relevant government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, four public comments were received. A North District Council (NDC) member indicated no comment on the application and stated that the nearby villagers should be consulted on the application whereas the Chairman of Sheung Shui District Rural Committee had no comment on the application. Two individuals raised concerns on the waste and sewerage aspects; the use not being in line with the planning intention of “Recreation” (“REC”) zone; and the setting of undesirable precedent. The District Officer (North) conveyed that the Vice-Chairman of Ta Kwu Ling District Rural Committee, the Indigenous Inhabitant Representative and Resident

Representative of Kan Tau Wai raised objection to the application mainly on the grounds of traffic safety and fung shui issues. The incumbent NDC member had no comment on the application; and

- (e) PlanD's views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Although the temporary use was not entirely in line with the planning intention of the “REC” zone, approval of the application on a temporary basis of three years would not frustrate the long-term planning intention of the area. The applicant had submitted a landscape proposal to address the concern of CTP/UD&L, PlanD. An approval condition on the submission and implementation of the landscape proposal was recommended. Although DEP did not support the application, there was no substantiated environmental complaint in the past three years. To address DEP's concern, approval conditions restricting the operations hours and days during the approval period were recommended. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

37. In response to the Chairman's question, Mr Wallace W.K. Tang, STP/STN, said that the site was currently occupied by open storage of metal hardware and construction materials, and had yet to be used for the applied use. The Chairman further asked whether the site was subject to any enforcement action. In response, Mr Tang said that based on the information provided by the Central Enforcement and Prosecution Section of PlanD, the open storage including containers on site was an unauthorised development (UD). On 16.5.2016, an enforcement notice was served to the person responsible for the UD, requiring that the UD should be discontinued by 16.8.2016. Further action would be taken for non-compliance with the notice.

38. The Chairman expressed doubt on the local demand for metal hardware shop at such a remote location near the boundary, where there were limited human and commercial activities. He said that the application should be carefully considered as it was the first s.16 planning application on the Man Kam To Outline Zoning Plan (OZP). He also noted that there was another site in the locality currently occupied by storage of materials and asked



whether it was an existing use. In response, Mr Wallace W.K. Tang said that it was an existing use according to PlanD's record.

39. A Member asked whether there were similar existing uses along Ping Che Road. In response, Mr Wallace W.K. Tang said that rural workshops and open storages were commonly found along Ping Che Road to the south and in the Ta Kwu Ling area. Some of the uses existed before the publication of the first OZP while some were previously approved on a temporarily basis considering that they could serve the local demand in the rural area.

### Deliberation Session

40. The Chairman expressed doubt on why the applied use needed to be located in such a remote location and said that there were "Open Storage" zones to the south near Ping Che where metal hardware shop would be more appropriate to be located there. He said that as it was the first application of the OZP, the precedent effect of approving the application should be carefully considered.

41. A Member said that quite a number of similar uses were found near Ping Che and there was no strong justification for locating the applied use near the boundary.

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

“ the application is not in line with the planning intention of the “Recreation” zone in the Man Kam To area which is primarily for recreational developments for the use of the general public, and encourages the development of active and/or passive recreation and tourism/eco-tourism. There is no strong planning justification provided in the submission for a departure from the planning intention, even on a temporary basis.”

[Mr Alex T.H. Lai returned to join the meeting at this point.]

**Agenda Items 17 to 19**

**Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-PK/82 Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” zone, Lot 1642 S.A in D.D. 91, Kai Leng Tsuen, Sheung  
Shui

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A/NE-PK/83 Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” zone, Lot 1642 S.B in D.D. 91, Kai Leng Tsuen, Sheung  
Shui

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A/NE-PK/84 Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” zone, Lot 1642 S.C in D.D. 91, Kai Leng Tsuen, Sheung  
Shui  
(RNTPC Paper No. A/NE-PK/82 to 84)

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**Presentation and Question Sessions**

43. The Committee noted that the three applications for proposed houses (New Territories Exempted Houses (NTEH) – Small Houses) were similar in nature and the sites were located in close proximity to one another and within the same “Agriculture” (“AGR”) zone. The Committee agreed that the three applications could be considered together.

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

- (a) background to the applications;
- (b) the proposed houses (NTEHs – Small Houses) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Papers. The Commissioner for Transport (C for T) had reservation on the application as such type of

developments should be confined within the “Village Type Development” (“V”) zone as far as possible. Approval of the applications would set undesirable precedents for similar applications in the future and the resulting cumulative adverse traffic impact could be substantial. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications from the agricultural development point of view as the sites were at an abandoned land overgrown with grasses. Active agricultural activities could be found in the vicinity and the sites possessed potential for agricultural rehabilitation. Other relevant government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, six public comments on each of the applications were received. The comment from 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 (SSDRC) indicated no comment on the applications. An individual objected to the applications as village land should be reserved for indigenous villagers of their own clan. Designing Hong Kong Limited and two other individuals raised objection to the applications mainly on the grounds that the proposed developments were not in line with the planning intention of the “AGR” zone; the sites should be used for agriculture; no technical assessments had been submitted; the proposed Small Houses were not for meeting the applicants’ housing need; and the setting of undesirable precedents for similar applications in the area. The District Officer (North) conveyed that a NDC member objected to all the applications as the developments would worsen the flooding of the surrounding agricultural land. Another NDC member and the Indigenous Inhabitant Representative of Kai Leng supported the applications while the Chairman of SSDRC and the Resident Representative of Kai Leng had no comment on the applications; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments set out in paragraph 11 of the Papers. Although the proposed Small House developments were not in line with the

planning intention of the “AGR” zone and DAFC did not support the applications, the proposed Small Houses were not incompatible with the rural landscape character of the area dominated by village houses and fallow agricultural land. Significant adverse landscape impact arising from the proposed developments was not anticipated. C for T had reservation on the applications but considered that the proposed developments could be tolerated as each of them involved one Small House only. The applications generally complied with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (Interim Criteria) as more than 50% of the footprints of the proposed Small Houses fell within the village ‘environ’ of Kai Leng and there was a general shortage of land in meeting the demand for Small House development in the “V” zone. Apart from DAFC, other concerned government departments had no objection to the applications. A total of 55 similar applications within the same “AGR” zone in the vicinity of the sites were approved by the Committee between 2001 and 2016 mainly on considerations that they complied with the Interim Criteria. There had not been any major change in planning circumstances of the area since the approval of those applications. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

45. A Member asked about the difference between the subject applications and the other three applications which had requested for deferral. Mr Wallace W.K. Tang, STP/STN, said that the Director of Environmental Protection required that the location of septic tanks of the proposed Small Houses must be at least 30m away from the existing river channel but the other three applications had yet to fulfil such requirement, and hence the deferral request of the respective applicants.

46. In response to another Member’s question, Mr Tang said that a number of applications for Small Houses in the vicinity were previously approved by the Committee.

47. The Chairman asked whether there was insufficient land in the “V” zone of Kai Leng to meet the demand for Small Houses. Mr Tang said that Kai Leng Village was a

well-developed village with limited land area and a large number of approved Small Houses applications.

48. A Member asked whether those previously approved Small House applications had proposed to use septic tanks. Mr Tang said that he had no information in hand on the location of individual Small Houses using septic tanks but a majority of the existing Small Houses in Kai Leng Village was using septic tanks.

49. A Member asked whether the applicants were the indigenous villagers of Kai Leng Village and whether there were any guidelines for cross-village Small House applications. Mr Tang said that the applicants were not the indigenous villagers of Kai Leng Village but were the indigenous villagers of Sheung Shui Village. In general, indigenous villagers should acquire land within their villages to build Small Houses. However, there were circumstances where indigenous villagers might have difficulties in acquiring land within their own villages and Small House applicants could acquire land in nearby villages and submit cross-village Small House applications. From his understanding, only those cross-village Small House applications under the same heung would be processed by Lands Department (LandsD) under the Small House Policy.

#### Deliberation Session

50. A Member had no objection to the application but raised concern that cross-village Small House applications should be handled with caution as such application might entail great demand for Small Houses. Mr Edwin W.K. Chan, Assistant Director/Regional 3, LandsD, said that it was very difficult to verify the forecast demand for Small Houses and each Small House grant application would be considered by LandsD on a case by case basis. The Chairman said that in considering Small House applications, the Committee would focus on the suitability of the application site for the proposed development.

51. The same Member asked whether the applicants had to prove that they could not acquire land within their village in support of their cross-village Small House applications. In response, Mr Edwin W.K. Chan said that he had no such information in hand. In that regard, the Chairman requested LandsD to provide such information when available.

52. After deliberation, the TPB decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the permissions should be valid until 15.7.2020, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. Each of the permissions was subject to the following conditions :

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

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

### **Agenda Items 20 to 22**

#### **Section 16 Applications**

[Open Meeting]

A/NE-PK/85                      Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” zone, Lot 1642 S.D in D.D. 91, Kai Leng Tsuen, Sheung  
Shui  
(RNTPC Paper No. A/NE-PK/85)

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A/NE-PK/86                      Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” zone, Lot 1642 S.E in D.D. 91, Kai Leng Tsuen, Sheung  
Shui  
(RNTPC Paper No. A/NE-PK/86)

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A/NE-PK/87 Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” zone, Lot 1642 S.F in D.D. 91, Kai Leng Tsuen, Sheung  
Shui  
(RNTPC Paper No. A/NE-PK/87)

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54. The Committee noted that the three applications for proposed houses (New Territories Exempted Houses - Small Houses) were similar in nature and the sites were located in close proximity to one another within the same “Agriculture” zone. The Committee agreed that the requests for deferral of the applications could be considered together.

55. The Committee noted that the applicants requested on 12.7.2016 for deferment of the consideration of the applications for one month so as to allow time for preparation of further information to address sewerage issue raised in the departmental comments on the applications. It was the first time that the applicants requested for deferment of the applications.

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

**Agenda Items 23 to 26**

**Section 16 Applications**

[Open Meeting]

A/NE-TKL/543 House (New Territories Exempted House - Small House) in  
“Agriculture” zone, Lot 164 S.A ss.3 in D.D. 79, Ping Yeung Village,  
Ta Kwu Ling  
(RNTPC Paper No. A/NE-TKL/543)

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A/NE-TKL/544 Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” zone, Lot 164 S.A ss.4 in D.D. 79, Ping Yeung Village,  
Ta Kwu Ling  
(RNTPC Paper No. A/NE-TKL/544)

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A/NE-TKL/545 House (New Territories Exempted House - Small House) in  
“Agriculture” zone, Lot 164 S.A ss.5 and Lot 164 S.B ss.3 S.F in D.D.  
79, Ping Yeung Village, Ta Kwu Ling  
(RNTPC Paper No. A/NE-TKL/545)

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A/NE-TKL/546 Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” zone, Lot 164 S.B ss.1 S.A and Lot 164 S.B ss.3 S.C in  
D.D. 79, Ping Yeung Village, Ta Kwu Ling  
(RNTPC Paper No. A/NE-TKL/546)

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57. The Committee noted that the four applications for proposed houses (New Territories Exempted Houses - Small Houses) were similar in nature and the sites were located in close proximity to one another within the same “Agriculture” zone. The Committee agreed that the requests for deferral of the applications could be considered together.

58. The Committee noted that the applicants’ representative requested on 29.6.2016 for deferment of the consideration of the applications for two months so as to allow time for preparation of further information to address the comments of various government departments. It was the first time that the applicants requested for deferment of the applications.



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

### **Agenda Items 27 to 29**

#### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/547 Proposed 2 Houses (New Territories Exempted Houses - Small Houses) in "Agriculture" and "Village Type Development" zones, Lots 808 S.C and 808 S.E in D.D. 84, Ha Shan Kai Wat, Ta Kwu Ling

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A/NE-TKL/548 Proposed House (New Territories Exempted House - Small House) in "Agriculture" zone, Lot 808 S.B in D.D. 84, Ha Shan Kai Wat, Ta Kwu Ling

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A/NE-TKL/549 Proposed House (New Territories Exempted House - Small House) in "Agriculture" and "Village Type Development" zones, Lot 808 S.D in D.D. 84, Ha Shan Kai Wat, Ta Kwu Ling  
(RNTPC Paper No. A/NE-TKL/547 to 549)

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#### **Presentation and Question Sessions**

60. The Committee noted that the three applications for proposed house (New Territories Exempted Houses (NTEHs) – Small Houses) were similar in nature and the application sites were located close to one another. The Committee agreed that the three applications could be considered together.

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

- (a) background to the applications;
- (b) the proposed houses ((NTEHs) – Small Houses) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Papers. The Commissioner for Transport (C for T) had reservation on the applications as such type of developments should be confined within the “Village Type Development” (“V”) zone as far as possible. Approval of the applications would set undesirable precedents for similar applications in the future and the resulting cumulative adverse traffic impact could be substantial. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications as the sites and the surrounding area were largely abandoned land overgrown with grasses. The sites were served with road access and possessed potential for agricultural rehabilitation. Other relevant government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, six public comments were received on each of the applications. The Chairman of Sheung Shui District Rural Committee (SSDRC) indicated no comment on all applications, whereas a North District Council (NDC) member supported the applications as it could provide convenience to the villagers. Designing Hong Kong Limited, Kadoorie Farm and Botanic Garden Corporation and two individuals objected to the applications mainly on the grounds that the proposed developments were not in line with the planning intention of “Agriculture” (“AGR”) zone; land was still available in the “V” zone for Small House development, the sites should be retained for agricultural use; no assessments had been submitted; and the setting of undesirable precedents for similar applications in the area. The District

Officer (North) conveyed that the Vice-Chairman of Ta Kwu Ling District Rural Committee cum Indigenous Inhabitant Representative of Ha Shan Kai Wat, and the incumbent NDC member had no comment on the application; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the applications based on the assessments set out in paragraph 11 of the Papers. The proposed Small House developments were not in line with the planning intention of the “AGR” zone and DAFC did not support the applications from the agricultural development perspective. Although more than 50% of the footprints of the proposed Small Houses fell within the village ‘environ’ of Ha San Kai Wat, land was still available within the “V” zone of Ha San Kai Wat. It was considered more appropriate to concentrate the proposed Small House developments within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructures and services. Two similar applications (No. A/NE-TKL/511 and 512) were rejected by the Committee in 2015 mainly on the grounds of being not in line with the planning intention of “AGR” zone and land was still available within the “V” zone for Small House developments. There had not been major change in planning circumstances since the rejection of the last two similar applications and the rejection of the current three planning applications was in line with the Committee's latest decisions.

62. Members had no question on the applications.

#### Deliberation Session

63. After deliberation, the Committee decided to reject the 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 Ping Che and Ta Kwu Ling 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; and

- (b) land is still available within the “Village Type Development” (“V”) zones of Ha Shan Kai Wat where land 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 30**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/574            Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” and “Village Type Development” zones, Lot 1454 S.A  
ss. 2 in D.D. 8, Ping Long, Tai Po  
(RNTPC Paper No. A/NE-LT/574)

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#### **Presentation and Question Sessions**

64.            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. The District Lands

Officer/Tai Po, Lands Department (DLO/TP, LandsD) did not support the application as less than 50% of the proposed Small House footprint fell within the “Village Type Development” (“V”) zone and village ‘environs’ (‘VE’) of Ping Long. The Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) objected to the application as the site was located within the upper indirect Water Gathering Ground (WGG) and thus, the proposed Small House could not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (Interim Criteria). Other relevant government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, two public comments on the applicant’s further information were received from Designing Hong Kong Limited and an individual. They objected to the application mainly on the grounds of the development being not in line with the planning intention of “Agriculture” (“AGR”) zone; loss of agricultural land; and having adverse environmental, safety and fung shui impacts. No local objection/view was received by the District Officer (Tai Po); and
  
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed Small House was not in line with the planning intention of the “AGR” zone and the site fell within the upper indirect WGG. The proposed development did not comply with the Interim Criteria as more than 50% of the footprint of the proposed Small House fell outside the “V” zone/‘VE’ of Ping Long and there was no general shortage of land in the “V” zone to meet the demand for Small House development. Two similar applications (No. A/NE-LT/415 and 427) were rejected in 2011 mainly for reasons of the development being not in line with the Interim Criteria. The planning circumstances of the current application were similar to the two rejected cases. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

65. The Chairman asked PlanD to provide more information regarding the current situation surrounding the site. He noted from Plan A-4 of the Paper that there was an adjacent existing house located completely outside the “V” zone and the ‘VE’ and asked when it was built and the status of its adjacent hard-paved area. In response, Mr C.T. Lau, STP/STN said that the site was currently bounded by existing houses. The house in question was built before the publication of the first statutory plan covering the site and the building licence was issued in 1974. The hard-paved area belonged to the house in question.

66. The Chairman noted that LandsD and WSD had objected to the application and asked PlanD to elaborate on their reasons for objection. In response, Mr Lau said that WSD, whilst having no comment with regard to the WGG, considered that the proposed Small House could not comply with the Interim Criteria. LandsD did not support the application as less than 50% of the proposed Small House footprint fell within the “V” zone and ‘VE’ of Ping Long. According to the Interim Criteria, not less than 50% of the proposed Small House footprint should fall within the ‘VE’ or “V” zone for sympathetic or favourable consideration.

67. A Member noted that 63.7% of the application site and 42% of the footprint fell within the “V” zone and asked whether the applicant could shift the Small House footprint towards the “V” zone. Mr Lau said that whilst shifting the footprint might result in more than 50% of the footprint falling within the “V” zone, there was sufficient land in the “V” zone to satisfy the outstanding Small House applications and future demand. Furthermore, Small House applications were required to meet other technical requirements.

#### Deliberation Session

68. A Member noted that the area surrounding the site had already been hard-paved and wondered how the proposed Small House would affect the function of the WGG. The Committee noted that in general, for development within WGG, connection to the existing public sewerage system was required. Based on the comments of Drainage Services Department in paragraph 3 of Appendix IV of the Paper, public sewers would be laid in the vicinity of the site and the applicant could extend the sewer to the public sewers.

69. The Chairman said that about 42% and 26.7% of the footprint of the proposed Small House fell within the “V” and ‘VE’ respectively. As the site was already surrounded by Small Houses and had become a residual lot, Members might consider whether sympathetic consideration could be given to the application, if more than 50% of the proposed Small House footprint was within the “V” zone.

70. A Member had no strong view on the application and suggested that the applicant might consider shifting the footprint of the proposed Small House so that more than 50% of the footprint would fall within the “V” zone.

71. After deliberation, the Committee decided to defer a decision on the application pending PlanD’s liaison with the applicant regarding the shifting of the Small House footprint.

### **Agenda Item 31**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/580            Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” zone, Government land in D.D. 19, Chung Uk Tsuen,  
Lam Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/580)

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#### **Presentation and Question Sessions**

72. Three replacement pages (i.e. page 6 of the Paper, page 2 of Appendix V and Appendix VII) of the Paper were tabled at the meeting. 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 V of the Paper. The Commissioner for Transport (C for T) had reservation on the application as such type of development should be confined within the “Village Type Development” (“V”) zone as far as possible. Approval of the application would set an undesirable precedent for similar applications in the future and the resulting cumulative adverse traffic impact could be substantial. Other relevant government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments were received from Designing Hong Kong Limited and an individual objecting to the application mainly on the grounds of the development being not in line with the planning intention of “Agriculture” (“AGR”) zone; loss of agricultural land; and having adverse environmental impact. No local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. Although the proposed Small House was not in line with the planning intention of the “AGR” zone, the Director of Agriculture, Fisheries and Conservation had no strong view on the application as the site had low potential for rehabilitation of agricultural activities. The proposed Small House generally complied with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories as more than 50% of the footprint of the proposed Small House fell within the village ‘environ’ of Chung Uk Tsuen, Fong Ma Po, Tong Min Tsuen and San Uk Tsai; it was able to be connected to the existing sewerage system in the area; and there was a general shortage of land in meeting the demand for Small House development in the “V” zone. C for T had reservation on the application but considered that the proposed development could be tolerated given that it involved a Small House only. The site was the



subject of a previously approved application (No. A/NE-LT/386) submitted by the same applicant. The applicant had made effort to comply with the approval conditions of the previously approved application. Besides, there was no significant change in planning circumstances of the Site since the approval of the previous application. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

73. In response to a Member's question, Mr C.T. Lau, STP/STN said that the site was the subject of a previous application (No. A/NE-LT/386) submitted by the same applicant for the same use which was approved with conditions by the Committee in 2008 and the site was government land. Lands Department was currently processing the Small House grant application which was already at an advance stage. The Member further asked why the applicant did not apply for an extension of time (EOT) for commencement of the development and submitted a fresh s.16 planning application instead. In response, Mr Lau said that the applicant had applied for an EOT and the permission was valid until 1.8.2016. A fresh s.16 planning application was required.

74. A Member asked whether there would be any plans for widening Lam Kam Road and whether approval of the application might affect the road widening works in the future. In response, Mr C.T. Lau said that the Transport Department and Highways Department had been consulted and they had no such plan.

#### Deliberation Session

75. 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 15.7.2020, 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 connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (c) the provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.”

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

### **Agenda Item 32**

#### **Section 16 Application**

[Open Meeting]

A/NE-LT/581                      Proposed Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years in “Road” and “Village Type Development” zones, Government Land adjoining Lot 2443 in D.D. 19, Fong Ma Po, Tai Po  
(RNTPC Paper No. A/NE-LT/581)

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77. The Committee noted that the applicant’s representative requested on 30.6.2016 for deferment of the consideration of the application for one month so as to allow time for preparation of further information to address the departmental comments. It was the first time that the applicant requested for deferment of the application.

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

information, and no further deferment would be granted unless under very special circumstances.

### **Agenda Item 33**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/580            Proposed House (New Territories Exempted House - Small House) in  
                                 “Green Belt” and “Village Type Development” zones, Lot 395 in D.D.  
                                 28, Lung Mei, Tai Po  
                                 (RNTPC Paper No. A/NE-TK/580)

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#### **Presentation and Question Sessions**

79.            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 V of the Paper. Relevant government departments had no objection to or no adverse comment on the application;
- (d)    during the first three weeks of the statutory publication period, three public comments were received from Designing Hong Kong Limited (DHK) and two individuals. They objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of “Green Belt” (“GB”) zone; it would affect the existing natural landscape; no impact assessment on environment, landscape, traffic, drainage and sewerage aspects had been conducted; and the cumulative impacts would

result in degradation of the natural environment. One public comment on the applicant's further information was received from DHK, the content of which was similar to those aforementioned. No local objection/view was received by the District Officer; and

- (e) the Planning Department (PlanD)'s views –PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. Although the proposed development was not in line with the planning intention of “GB” zone and there was a general presumption against development within the zone, it generally complied with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (Interim Criteria) as more than 50% of the proposed Small House footprint fell within the village ‘environ’ and there was a general shortage of land within the “Village Type Development” (“V”) zone of Lung Mei and Tai Mei Tuk/Wong Chuk Tsuen. Relevant government departments had no objection to or no adverse comment on the application. The site was also the subject of a previous application (No. A/NE-TK/375) for a Small House development which was approved by the Committee on 6.1.2012. There was no significant change in planning circumstances since the approval of the last application. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

80. Members had no question on the application.

#### Deliberation Session

81. 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 15.7.2020, 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 landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB.”

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

### **Agenda Item 34**

#### **Section 16 Application**

[Open Meeting]

A/NE-TK/583      Proposed House (New Territories Exempted House - Small House) in  
“Green Belt” and “Village Type Development” zones, Lot 29 S.A.B.  
RP in D.D. 27, Sha Lan Village, Tai Po  
(RNTPC Paper No. A/NE-TK/583)

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83. The Committee noted that the applicant requested on 24.6.2016 for deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the concerns raised by the public. It was the first time that the applicant requested for deferment of the application.

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

### **Fanling, Sheung Shui and Yuen Long East District**

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

#### **Agenda Item 35**

##### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

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

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##### **Presentation and Question Sessions**

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

- (a)    background to the application;
- (b)    the temporary storage of pet supplies and beverages with ancillary office for a period of three years;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of domestic uses in the vicinity of the site, with the nearest one located at a distance of about 35m to the south-east and environmental nuisance was expected. Other relevant 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 a North District Council (NDC) member who had no specific comment on the application but indicated that the nearby residents should be consulted. The District Officer (North) conveyed that the incumbent NDC member, the Chairman of Sheung Shui District Rural Committee and the Resident Representative of Ying Pun Village had no comment on the application; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Although the applied use was not in line with the planning intention of the "Recreation" ("REC") zone, approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the "REC" zone. It was considered not incompatible with the surrounding areas which were predominantly rural in nature mixed with workshops, open storage yard, warehouse, second-hand vehicle sale site and vacant land and it was unlikely to cause significant adverse traffic, drainage and landscape impacts on the surrounding areas. Although DEP did not support the application, there was no environmental complaint for the site in the past three years. To address DEP's concern, approval conditions restricting the operation hours and days during the approval period were recommended. The site was involved in four previous applications (No. A/NE-KTS/184, 251, 288 and 340) for temporary open storage / storage use approved with conditions between 2004 and 2013. There had been no

major change in the land uses of the surrounding areas since the last temporary planning approval was granted in 2013. Approval of the current application was in line with the previous decisions of the Committee. Although the last planning approval (application No. A/NE-KTS/340 submitted by the same applicants) was revoked due to non-compliance with the approval conditions, the applicants had demonstrated efforts by satisfactorily complied with five of the approval conditions. Sympathetic consideration might be given to the application but a shorter compliance period for approval conditions was recommended.

86. Members had no question on the application.

#### Deliberation Session

87. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.7.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 6:00 p.m. and 8:00 a.m. from Mondays to Saturdays, as proposed by the applicants, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and Public Holidays, as proposed by the applicants, is allowed on the site during the planning approval period;
- (c) the existing drainage facilities should be properly maintained and rectified if found inadequate/ineffective during operation at all times during the planning approval period;
- (d) the submission of condition record of the drainage facilities as implemented under application No. A/NE-KTS/340 within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.10.2016;



- (e) the submission of tree preservation proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.10.2016;
- (f) in relation to (e) above, the implementation of tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.1.2017;
- (g) the provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of Director of Fire Services or of the the TPB by 26.8.2016;
- (h) the implementation of accepted proposals of water supplies for fire fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.1.2017;
- (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 application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

**Agenda Item 36**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/526 Proposed Eating Place and Shop and Services in “Residential (Group B)” zone, Shops No. 3 and 4 in Commercial Portion of RIVA, Lot 2099 in D.D.109, 1 Ying Ho Road, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/526)

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**Presentation and Question Sessions**

89. The Secretary reported that the application was submitted by Ease Gold Development Limited which was a subsidiary of Sun Hung Kai Properties Limited (SHK) with Llewelyn Davies Hong Kong Limited (LD) as the consultant of the applicant. The following Members had declared interests in the item:

- |                     |   |  |
|---------------------|---|--|
| Mr Ivan C.S. Fu     | ] |  |
|                     | ] | having current business dealings with SHK  |
| Ms Janice W.M. Lai  | ] |  |
| Ms Christina M. Lee | - | being the Secretary-General of the Hong Kong Metropolitan Sports Events Association which had obtained sponsorship from SHK before |
| Miss Winnie W.M. Ng | - | being a Director of the Kowloon Motor Bus Company Limited (KMB) with SHK as one of the shareholders of KMB                         |
| Mr Stephen L.H. Liu | - | having current business dealings with SHK and LD   |

90. The Committee noted that Mr Ivan C.S. Fu, Ms Janice W.M. Lai, Ms Christina M. Lee and Miss Winnie W.M. Ng had tendered apologies for being unable to attend the meeting. The Committee also noted that the interest of Mr Stephen L.H. Liu was direct and agreed that he should be invited to leave the meeting temporarily for the item.

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

91. 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 eating place and shop and services;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Relevant government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, three public comments were received from three local residents. They objected to the application mainly on the grounds that there was excessive provision of ‘shops and services’ and ‘eating places’ uses in the local area; it might invite shops/services that would create air, noise and hygiene pollution; there was insufficient supply of parking; and it would aggravate illegal parking. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. The application premises were within the commercial portion of the existing building, RIVA, which had been designated for ‘shop and services’ use and the current application was to allow flexibility for other commercial uses. The proposed uses did not contravene the planning intention for the “Residential (Group B)” (“R(B)”) zone and could serve some of the local demand for eating places and shop and services uses. It was considered not incompatible with the surrounding residential character. Separate direct public access had been provided via the pavement adjoining Ying Ho Road in front of the proposed shop. Relevant government departments had no objection to or no adverse comment on the application. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

92. Members had no question on the application.

### Deliberation Session

93. 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 was subject to the following conditions :

- “(a) the design and provision of water supply for fire fighting and fire service installations prior to commencement of the proposed development to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) if the above planning condition (a) is not complied with, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.”

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

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

### **Agenda Item 37**

#### Section 16 Application

[Open Meeting]

A/YL-KTN/527      Temporary Open Storage of Industrial Machinery for a Period of 1 Year in “Agriculture” zone, Lot 125 RP (Part) in D.D.110, Tsat Sing Kong, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-KTN/527)

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95. The Committee noted that the applicant requested on 21.6.2016 for deferment of the consideration of the application for two months so as to allow time for preparation of further information on drainage impact assessment in response to departmental comments. It was the first time that the applicant requested for deferment of the application.

96. 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 38**

#### **Section 16 Application**

[Open Meeting]

A/YL-KTN/528      Temporary Open Storage of Construction Machinery, Construction Vehicles and Electrical Appliances for Recycling for a Period of 1 Year in "Agriculture" zone, Lots 157 S.A RP and 158 RP (Part) in D.D.110, Tsat Sing Kong, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-KTN/528)

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97. The Committee noted that the applicant requested on 28.6.2016 for deferment of the consideration of the application for two months so as to allow time for preparation of further information on drainage impact assessment in response to departmental comments. It was the first time that the applicant requested for deferment of the application.

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

meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

**Agenda Item 39**

**Section 16 Application**

[Open Meeting]

A/YL-KTN/529      Temporary Open Storage of Construction Machinery for a Period of 1 Year in "Agriculture" zone, Lot 125 RP (Part) in D.D.110, Tsat Sing Kong, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-KTN/529)

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99.            The Committee noted that the applicant requested on 28.6.2016 for deferment of the consideration of the application for two months so as to allow time for preparation of further information on drainage impact assessment in response to departmental comments. It was the first time that the applicant requested for deferment of the application.

100.          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 40**

**Section 16 Application**

[Open Meeting]

A/YL-KTS/710            Temporary Open Storage of Construction Machinery for a Period of 1 Year in “Agriculture” zone, Lots 483 (Part), 486 (Part), 487 (Part), 488, 489, 490 (Part), 491 (Part), 492, 493 (Part), 494 (Part) and 506 (Part) in D.D. 113 and Adjoining Government Land, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTS/710)

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101.            The Committee noted that the applicant’s representative requested on 8.7.2016 for deferment of the consideration of the application for two months so as to provide further information on landscape and drainage proposals in support of the application. It was the first time that the applicant requested for deferment of the application.

102.            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 41**

**Section 16 Application**

[Open Meeting]

A/YL-SK/216            Temporary Shop and Services (Real Estate Agency) for a Period of 3  
Years in “Agriculture” zone, Lot 288 RP (Part) in D.D.112, Kam  
Sheung Road, Yuen Long  
(RNTPC Paper No. A/YL-SK/216)

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103.            The Committee noted that the applicant’s representative requested on 22.6.2016 for deferment of the consideration of the application for two months so as to allow time to address the comments of relevant departments. It was the first time that the applicant requested for deferment of the application.

104.            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 42**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/217            Renewal of Planning Approval for Temporary Dog Kennels for a  
Period of 3 Years in “Conservation Area” zone, Lots 1353 S.A, 1354  
(Part) and 1355 S.A in D.D. 114, Shek Kong, Yuen Long  
(RNTPC Paper No. A/YL-SK/217)

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**Presentation and Question Sessions**

105.            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 renewal of planning approval for temporary dog kennels under previous planning application No. A/YL-SK/190 for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Relevant 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 an individual who objected to the application mainly on the grounds that the development occupying the site for 10 years could not be considered as temporary and rejection of the application would allow the site to be converted into other uses (such as agricultural use or nature reserve) which were in line with the planning intention of the “Conservation Area” (“CA”) zone. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a further period of three years based

on the assessments set out in paragraph 12 of the Paper. Although the applied use was not in line with the planning intention of the “CA” zone and there was a general presumption against development within the zone, it was considered that the continuation of the temporary use at the site would not frustrate the long-term planning intention of the “CA” zone. The application was generally in line with the Town Planning Board Guidelines on ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’ (TPB PG-No. 34B) in that there was no material change in planning circumstances since the previous planning approval had been granted. The current application was the same as the last application (No. A/YL-SK/190) in terms of site layout and parameters. Relevant government departments had no objection to or no adverse comment on the application. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

106. In response to a Member’s question, Mr Kepler S.Y. Yuen, STP/FSYLE, said that the temporary dog kennels had obtained a sewage disposal licence which was valid until October 2017.

#### Deliberation Session

107. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 3.8.2016 until 2.8.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the existing trees and landscape planting within the site shall be maintained at all times during the planning approval period;
- (b) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;

- (c) the submission of a record of existing drainage facilities on the site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 3.11.2016;
- (d) the implementation of the accepted fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of Director of Fire Services or of the TPB by 3.2.2017;
- (e) if any of the above planning conditions (a) or (b) is not complied with at any time during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (f) if any of the above planning conditions (c) or (d) 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
- (g) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

**Agenda Item 43**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NSW/249      Proposed Land Filling for Access Road Leading to a Site for Permitted Agriculture Use in “Road” and “Village Type Development” zones, Government Land adjoining Lot 3566 RP in D.D. 104 and near Lamp Post FA8260, Castle Peak Road - Tam Mei, Nam Sang Wai, Yuen Long  
(RNTPC Paper No. A/YL-NSW/249)

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**Presentation and Question Sessions**

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

- (a)    background to the application;
- (b)    the proposed land filling for access road leading to a site for permitted agriculture use;
- (c)    departmental comments – departmental comments were set out in paragraph 8 of the Paper.    The Director of Environmental Protection (DEP) did not support the application as the application had not provided sufficient information to avoid and assess the potential water quality and ecological impacts during the construction and operational phases.    The Chief Engineer/Lighting Division, Highways Department (CE/L, HyD) did not support the application as the proposed access location was close to a lamp post which would easily be damaged by vehicles entering or leaving the site.    The Chief Town Planner/Urban Design and Landscape (CTP/UD&L), Planning Department (PlanD), had some reservation on the proposed land filling as existing trees found within and adjacent to the site appeared to be in conflict with the proposed land filing and road works but the applicant had not provided tree survey and treatment information to

reasonably assess the impact on the existing land resources. Other relevant government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, six public comments were received. A Yuen Long District Council Member and two individuals supported the application mainly for the grounds that the proposed run-in/run out was essential for the operation of the agricultural use and the proposal would not affect traffic and pedestrians. The World Wild Fund for Nature Hong Kong, village representative of Pok Wai and an individual objected to the application mainly on the grounds that approval of the application would set an undesirable precedent; no environmental and ecological assessment had been conducted and ecological value in the Deep Bay would decline; there were alternative run-in/run outs, and the proposal would induce safety hazards for cars/pedestrians. No local objection/view was received by the District Officer (Yuen Long); and
- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 10 of the Paper. The proposed land filling works might affect the ecologically sensitive areas downstream without proper mitigation measures. However, the applicant had not provided sufficient information to avoid and assess the potential water quality and ecological impacts during the construction and operational phases. DEP and CE/L, HyD did not support the application and CTP/UD&L, PlanD had reservation on the application. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

110. A Member asked whether the previous application No. A/YL-NSW/245 was rejected by the Committee. In response, Mr K.T. Ng, STP/FSYLE, said that the application was withdrawn by the applicant.

111. Mr Kelvin K.M. Siu, Chief Traffic Engineer/New Territories West, Transport Department said that the traffic impact induced by the proposal was considered not substantial and the Commissioner for Transport had no objection to the application. The Committee noted that it was CE/L, HyD who did not support the application from traffic point of view.

### Deliberation Session

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

“ the applicant fails to demonstrate that the proposal land filing works would not generate adverse environmental, ecological, landscape and traffic impacts on the surrounding areas.”

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

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

### Tuen Mun and Yuen Long West District

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

## **Agenda Items 44 and 45**

### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/1031      Temporary Open Storage of Containers for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 26 RP (Part), 29 RP (Part), 31 RP (Part) in D.D. 128, Lots 2401 (Part), 2402, 2403 (Part), 2404 (Part), 2409 RP (Part), 2420 RP (Part), 2422 RP (Part), 2423 (Part), 2424 (Part), 2426, 2427 (Part), 2428, 2429, 2430 (Part), 2431 (Part), 2432 (Part), 2439 (Part), 2974 (Part), 2975 S.A (Part), 2975 S.B (Part), 2977 S.A (Part), 2979 (Part), 2980 (Part), 2982 RP, 2983 RP (Part) in D.D. 129, and Adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/1031)

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A/YL-HT/1032      Temporary Open Storage of Containers for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 24 RP, 26 RP (Part) and 29 RP (Part) in D.D. 128, Lots 2387 RP, 2388 S.B RP (Part), 2389 RP (Part), 2390, 2395 RP, 2396 RP, 2397, 2398 RP, 2399, 2400, 2401 (Part), 2403 (Part), 2404 (Part), 2405, 2406 S.A, 2406 RP, 2407, 2408, 2409 RP (Part), 2410 RP, 2411 RP, 2420 RP (Part), 2421 RP, 2422 RP (Part), 2423 (Part) and 2424 (Part) in D.D. 129, and Adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/1032)

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### **Presentation and Question Sessions**

113.            The Committee noted that the two applications for temporary open storage of containers were similar in nature and the sites were located in close proximity to one another within the same “Comprehensive Development Area” (“CDA”) zone. The Committee agreed that the two applications could be considered together.

114.            The Secretary reported that Ms Janice W.M. Lai had declared interests in the items as her husband was a shareholder of a company which owned two pieces of land in Ha Tsuen. The Committee noted that Ms Lai had tendered apology for being unable to attend

the meeting.

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

- (a) background to the applications;
- (b) the temporary open storage of containers for a period of three years at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Papers;

*Application No. A/YL-HT/1031*

The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site (the nearest residential structure was about 36m away) and along the access road (Lau Fau Shan Road), and environmental nuisance was expected. Other relevant government departments had no objection to or no adverse comment on the application;

*Application No. A/YL-HT/1032*

DEP did not support the application as there were sensitive uses in the vicinity of the site (the nearest residential structure was about 33m away) and along the access road (Lau Fau Shan Road), and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L), Planning Department (PlanD), had reservation on the application from landscape planning perspective as it was observed from an aerial photo of 2014 and recent site photos that the existing trees were missing and adverse landscape impact had taken place. Approval of the application would likely set an undesirable precedent encouraging the applicant to clear and form the site prior to obtaining planning approval.



The cumulative impact of which would lead to the general degradation of the landscape character of the area. Other relevant 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 of the applications and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary uses could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Papers. Although the proposed uses were not in line with the planning intention of the “CDA” zone, there was not yet any programme/known intention to implement the zoned use on the Outline Zoning Plan. Whilst the sites fell within the boundary of the Hung Shui Kiu New Development Area where the development programme was being formulated, the Chief Town Planner/Studies and Research, PlanD and Project Manager (New Territories West), Civil Engineering and Development Department had no objection to the temporary uses for three years. Approval of the applications on a temporary basis of three years would not jeopardize the long-term development of the area. The applications were generally in line with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No. 13E) in that the sites fell within Category 1 areas which were considered suitable for open storage and port back-up uses and relevant proposals had been submitted to demonstrate that the proposed use would not generate adverse impacts. Although DEP did not support the applications, there was no environmental complaint for the sites in the past three years. To address DEP's concern, approval conditions were recommended to minimise any potential environmental nuisances. The concern of CTP/UD&L, PlanD (for application No. A/YL-HT/1032 only) could also be addressed by imposing approval conditions requiring the applicant to mitigate the potential landscape impact. Previous planning applications for similar open storage uses at the sites and a number of similar applications within the same “CDA” zone were approved

by the Committee. Approval of the subject applications was in line with the Committee's previous decisions.

116. Referring to application No. A/YL-HT/1032, a Member asked for more information on the conditions of the existing vegetation on site. In response, Mr Vincent T.K. Lai said that the land had been formed.

### Deliberation Session

#### *Application No. A/YL-HT/1032*

117. A Member had reservation on approving application No. A/YL-HT/1032 in view of the comments of CTP/UD&L, PlanD, raising concern that the application might be a 'destroy first, build later' case and there was no information on the types of trees which had been removed by the applicant. The Committee noted that the site fell within the Category 1 areas of the TPB PG-No. 13E, favourable consideration would normally be given to applications within those areas. The Chairman said that the site fell within a development zone as recommended in the Hung Shui Kiu New Development Area Planning and Engineering Study. He also said that existing public drains were found along the northern and western boundaries of the site, and the applicant should be requested to set back the temporary use from the public drains and carry out landscaping along the setback area. Approval conditions for the submission and implementation of tree preservation and landscape proposals would be imposed should the application be approved.

118. After deliberation, the Committee decided to approve the applications on a temporary basis for a period of 3 years until 15.7.2019, on the terms of the applications as submitted to the Town Planning Board (TPB) and subject to the following conditions :

#### *Application No. A/YL-HT/1031*

“(a) no operation from 9:00 p.m. to 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;

- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no cutting, dismantling, cleaning, repairing, compacting, tyre repair, vehicle repair, container repair and any other workshop activity is allowed to be carried out on the site, as proposed by the applicant, at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;
- (e) no stacking of object or container is allowed within 1m of any tree on the site at any time during the planning approval period;
- (f) the stacking height of containers stored on the site shall not exceed 8 units, as proposed by the applicant, at all times during the planning approval period;
- (g) no stacking of containers within 5m of the periphery of the site is allowed, as proposed by the applicant, at any time during the planning approval period;
- (h) 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 15.1.2017;
- (i) the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (j) 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 15.1.2017;

- (k) in relation to (j) above, the implementation of the run in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 15.4.2017;
- (l) 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 15.1.2017;
- (m) in relation to (l) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.4.2017;
- (n) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.8.2016;
- (o) 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 15.1.2017;
- (p) in relation to (o) 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 15.4.2017;
- (q) 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 15.1.2017;
- (r) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (i) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;

- (s) if any of the above planning conditions (h), (j), (k), (l), (m), (n), (o), (p) or (q) 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
- (t) 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.”

*Application No. A/YL-HT/1032*

- “(a) no operation from 9:00 p.m. to 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no cutting, dismantling, cleaning, repairing, compacting, tyre repair, vehicle repair, container repair and any other workshop activity is allowed to be carried out on the site, as proposed by the applicant, at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;
- (e) the stacking height of containers stored on the site shall not exceed 8 units, as proposed by the applicant, at all times during the planning approval period;
- (f) no stacking of containers within 5m of the periphery of the site is allowed, as proposed by the applicant, at any time during the planning approval period;

- (g) 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 15.1.2017;
- (h) the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (i) the submission of run in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 15.1.2017;
- (j) in relation to (i) above, the implementation of the run in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 15.4.2017;
- (k) the submission of tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.1.2017;
- (l) in relation to (k) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.4.2017;
- (m) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.8.2016;
- (n) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 15.1.2017;
- (o) in relation to (n) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 15.4.2017;

- (p) 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 15.1.2017;
- (q) if any of the above planning conditions (a), (b), (c), (d), (e), (f), or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (r) if any of the above planning conditions (g), (i), (j), (k), (l), (m), (n), (o), or (p) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (s) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

**Agenda Item 46**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/1033      Renewal of Planning Approval for Temporary “Open Storage of Containers” for a Period of 3 Years in “Undetermined” zone, Lot 108 S.B (Part) in D.D. 124, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/1033)

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Presentation and Question Sessions

120. The Secretary reported that the application was submitted by Container System Limited (CSL) and Ms Janice W.M. Lai had declared interest in the item as CSL was a company of her spouse's family and her spouse was a shareholder of the company which owned two pieces of land in Ha Tsuen. The Committee noted that Ms Lai had tendered apology for being unable to attend the meeting.

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary open storage of containers under previous application No. A/YL-HT/857 for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site (the closest one was about 53m away) and along the access road (Tin Ha Road) and environmental nuisance was expected. Other relevant government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Although the site fell within the boundary of the Hung Shui Kiu New Development Area where the development programme was being formulated, the Chief Town Planner/Studies and Research, PlanD and Project Manager (New Territories West), Civil Engineering and Development Department, had no objection to the proposed temporary use for three years. Approval of the



application on a temporary basis of three years would not jeopardize the long-term development of the area. The application was generally in line with Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No. 13E) in that the site fell within Category 1 areas which were considered suitable for open storage and port back-up uses and relevant proposals had been submitted to demonstrate that the proposed use would not generate adverse impacts. Although DEP did not support the application, there was no environmental complaint for the site in the past three years. To address DEP’s concern, approval conditions were recommended to mitigate any potential environmental impacts. The Committee had approved seven previous applications at the site and two other similar applications covering the same “Undetermined” zone. Approval of the application was in line with the previous decisions of the Committee.

122. Members had no question on the application.

#### Deliberation Session

123. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 20.7.2016 to 19.7.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 6:00 p.m. to 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) the stacking height of containers stored within 5m of the periphery of the site shall not exceed the height of the boundary fence, as proposed by the applicant, during the planning approval period;

- (d) the stacking height of containers stored on the site shall not exceed 7 units, as proposed by the applicant, during the planning approval period;
- (e) no material is allowed to be stored/dumped within 1m of any tree on the site at any time during the planning approval period;
- (f) the existing boundary fencing on site shall be maintained at all times during the planning approval period;
- (g) no vehicle is allowed to queue back or reverse onto/from the public road at any time during the planning approval period;
- (h) the existing trees and the landscape planting on the site shall be maintained at all times during the planning approval period;
- (i) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (j) the submission of a condition record of existing drainage facilities within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 20.10.2016 ;
- (k) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 31.8.2016;
- (l) the submission of a fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.1.2017;
- (m) in relation to (l) above, the implementation of the fire service installations proposal within 9 months from the date of commencement of the renewal

planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.4.2017;

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

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

#### **Agenda Item 47**

##### Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/1034      Temporary Open Storage of Metal Ware for a Period of 3 Years in  
“Residential (Group D)” and “Village Type Development” zones, Lots  
63 (Part), 64 (Part), 67 (Part), 68 (Part) and 1246 (Part) in D.D. 124, Ha  
Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/1034)

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##### Presentation and Question Sessions

125. The Secretary reported that Ms Janice W.M. Lai had declared interest in the item as her husband was a shareholder of a company which owned two pieces of land in Ha Tsuen.

The Committee noted that Ms Lai had tendered apology for being unable to attend the meeting.

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

- (a) background to the application;
- (b) the temporary open storage of metal ware for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L), Planning Department (PlanD), had reservation on the application as when comparing with the aerial photos of 2011 and 2014, it was observed that the site was originally vegetated with a cluster of large trees at the eastern portion of the site, but the trees were now missing. Adverse landscape impact had already taken place. Approval of the application would likely set an undesirable precedent encouraging applicants to clear and form the sites prior to obtaining planning approval, the cumulative impact of which would lead to the general degradation of the landscape character of the area. The Director of Environmental Protection (DEP) did not support the application as there were sensitive users near the site (the closest dwelling was about 5.5m away) and along the Tin Ha Road, and environmental nuisance was expected. Other relevant government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments were received from Designing Hong Kong Limited and an individual. They objected to the application mainly on the grounds of incompatibility with the zoning intention; adverse traffic and road safety impact; a suspected ‘destroy first, development later’ case; inefficient use of land resources; and undesirable precedent. No local objection/view was received by the District Officer (Yuen Long); and

- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone and the “Village Type Development” (“V”) zone. It did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that the applicant had not provided any strong planning justifications to demonstrate that the applied open storage use in Category 4 areas should be treated as exception. No previous approval had been granted for the site, there were adverse departmental comments and local objections and the applicant failed to demonstrate that the proposed development would not generate adverse traffic, drainage, landscape and environmental impacts. The Committee had not approved any application for temporary open storage use within the subject “R(D)” and “V” zones. Approval of the application would set an undesirable precedent and the cumulative effect of approving such application would result in a general degradation of the environment of the area.

127. A Member asked for information about the two massive structures located to the north of the site. In response, Mr Vincent T.K. Lai, STP/TMYLW said that they were warehouses in the adjacent “Open Storage” zone.

#### Deliberation Session

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

- “(a) the development is not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone, which is for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into low-rise, low-density permanent residential buildings subject to planning permission from the Board. It is also not in line with the planning intention of the “Village

Type Development” (“V”) zone which is to designate both existing recognized villages and areas of land considered suitable for village expansion. There is no strong planning justification in the submission for a departure from such planning intentions, even on a temporary basis;

- (b) the development is not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that the applicant has not provided any strong planning justifications to demonstrate that the applied open storage use in Category 4 areas should be treated as exception under the Guidelines. No previous approval has been granted for the site, there are adverse departmental comments and local objections and the applicant fails to demonstrate that the proposed development would not generate adverse traffic, drainage, landscape and environmental impacts; and
- (c) approval of the application, even on a temporary basis, would set an undesirable precedent for applications for other developments within the “R(D)” and “V” zones, the cumulative effect of which will result in a general degradation of the environment of the “R(D)” and “V” zones.”

**Agenda Items 48 and 49**

**Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/1036      Proposed House (New Territories Exempted House - Small House) in “Recreation” and “Village Type Development” zones, Lot 603 S.A ss.6 in D.D. 125, Tseung Kong Wai, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/1036)

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A/YL-HT/1037 Proposed 5 Houses (New Territories Exempted Houses - Small Houses) in "Recreation" zone, Lots 603 S.A ss.1, 603 S.A ss.2, 603 S.A ss.3, 603 S.A ss.4 and 603 S.A ss.5 in D.D. 125, Tseung Kong Wai , Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/1037)

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### Presentation and Question Sessions

129. The Committee noted that the two applications for proposed houses (New Territories Exempted Houses (NTEHs) – Small Houses) were similar in nature and the sites were located in close proximity to each another. The Committee agreed that the two applications could be considered together.

130. The Secretary reported that Ms Janice W.M. Lai had declared interest in the item as her husband was a shareholder of a company which owned two pieces of land in Ha Tsuen. The Committee noted that Ms Lai had tendered apology for being unable to attend the meeting.

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

- (a) background to the applications;
- (b) the proposed houses (NTEHs - Small Houses) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Papers. Relevant government departments had no objection to or no adverse comment on the applications;
- (d) during the first three weeks of the statutory publication period, four and three public comments were received respectively on applications No. A/YL-HT/1036 and A/YL-HT/1037.

*Application No. A/YL-HT/1036*

All of the four comments objected to the application mainly on the grounds that the proposed use was not in line with the planning intention of the “Recreation” (“REC”) zone; it was not in line with the proposals of the Hung Shui Kiu New Development Area (HSK NDA); the applicant was not an Indigenous Villager of Tseung Kong Wai; the development would cause flooding and traffic problems and affect the ‘Fung Shui’; and it did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories (Interim Criteria);

*Application No. A/YL-HT/1037*

All of the three comments objected to the application mainly on the grounds that the proposed use was not in line with the planning intention of the “REC” zone; it was not in line with the proposals of the HSK NDA; the applicant was not an Indigenous Villager of Tseung Kong Wai; the development would cause flooding and traffic problems and affect the ‘Fung Shui’; it might involve cross-village application or criminal offences; and it did not comply with the Interim Criteria;

No local objection/view was received by the District Officer (Yuen Long) regarding both applications; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the applications based on the assessments set out in paragraph 11 of the Papers. The proposed developments were not in line with the planning intention of the “REC” zone. Land was still available within the “V” zone and it was considered more appropriate to concentrate Small House development close to the existing village cluster for more orderly development pattern, efficient use of land and provision of infrastructure and services. The proposed development did not comply with the Interim Criteria in that more than 50% of the proposed Small Houses footprint fell outside the “V” zone. Approval of the application would set an undesirable precedent for



similar applications in the “REC” zone.

132. Members had no question on the applications.

#### Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Recreation” (“REC”) zone for recreational developments for the use of the general public. There is no strong planning justification provided in the submission for a departure from the planning intention;
- (b) land is still available within the “Village Type Development” (“V”) zone of Tseung Kong Wai, Ha Tsuen San Wai, Hong Mei Tsuen, Tung Tau Tsuen, Lo Uk Tsuen, Sik Kong Tsuen, Sik Kong Wai, Ha Tsuen Shi, San Uk Tsuen and San Sang Tsuen which is primarily intended for Small House development. It is considered more appropriate to concentrate Small House development close to the existing village cluster for more orderly development pattern, efficient use of land and provision of infrastructure and services;
- (c) the proposed development does not comply with the ‘Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories’ in that more than 50% of the proposed Small House footprint falls outside the “V” zone; and
- (d) approval of the application would set an undesirable precedent for similar applications in the “REC” zone.”

**Agenda Item 50**

**Section 16 Application**

[Open Meeting]

A/YL-PS/519

Proposed Temporary Driving School for a Period of 3 Years and Associated Road and Drainage Works and Filling and Excavation of Land in “Comprehensive Development Area” and “Green Belt” and “Road” zones, Lots 708 RP, 709 (Part), 710 (Part), 711(Part), 712 (Part), 713, 714, 715, 716 RP, 717 RP, 718 RP, 728, 729 RP, 730 RP, 814 RP, 815 RP, 816, 817, 819, 820 (Part), 821 (Part), 822 S.B (Part), 894 RP (Part) and 934 RP (Part) in D.D. 122 and adjoining Government Land, Wing Ning Tsuen, Ping Shan, Yuen Long (RNTPC Paper No. A/YL-PS/519)

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134. The Secretary reported that the application was submitted by HKSM Yuen Long Driving School Limited with Ramboll Environ Hong Kong Limited (Environ) as one of the consultants of the applicant. The following Members had declared interests in the item:

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

135. The Committee noted that Mr Ivan C.S. Fu and Ms Janice W.M. Lai had tendered apologies for being unable to attend the meeting.

136. The Committee noted that the applicant’s agent requested on 24.6.2016 for deferment of the consideration of the application for two months so as to allow time to prepare further information in response to the comments made by relevant government departments. It was the first time that the applicant requested for deferment of the application.

137. 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 51**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/382            Proposed House (New Territories Exempted House - Small House) in  
                                 "Agriculture" and "Village Type Development" zones, Lot 2069 S.B in  
                                 D.D. 119, Muk Kiu Tau Tsuen, Yuen Long  
                                 (RNTPC Paper No. A/YL-TT/382)

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#### **Presentation and Question Sessions**

138.            Mr Alan Y.L. Au, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a)    background to the application;
- (b)    the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c)    departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site partly fell within the "Agriculture" ("AGR") zone and road access and water source were available in the vicinity. The site was considered possessing potential for agricultural rehabilitation. Other relevant government departments had no objection to or no adverse comment on the

application;

- (d) during the first three weeks of the statutory publication period, four public comments were received from a Yuen Long District Council Member, Chairman of the Shap Pat Heung Rural Committee, a member of the public and Designing Hong Kong Limited. Two commenters supported the application mainly on the grounds that the proposed Small House was compatible with the surrounding areas and adverse environmental, drainage or traffic impacts arising from the development were not anticipated. The other two commenters objected to the application mainly on the grounds of the development being not in line with the planning intention of the “AGR” zone; setting of undesirable precedent; and failure to submit assessments to demonstrate no adverse environmental, traffic, drainage, sewage and fire safety impacts on the surroundings. No local objection/view was received by the District Officer (Yuen Long); and
  
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “AGR” zone. DAFC did not support the application from agricultural development point of view as the site possessed potential for agricultural rehabilitation. The proposed development did not comply with the Interim Criteria for Consideration of application for NTEH/Small House in the New Territories in that more than 50% of the proposed Small House footprint fell outside the “Village Type Development” (“V”) zone. As land was still available within the “V” zone of Muk Kiu Tau Tsuen, it was considered more appropriate to concentrate Small House development close to the existing village cluster for more orderly development pattern, efficient use of land and provision of infrastructure and services. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

139. In response to the Chairman’s question, Mr Alan Y.L. Au, STP/TMYLW said that 48.5% of the Small House footprint fell within the “V” zone.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) zone for the area which is primarily 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 proposed development does not comply with the ‘Interim Criteria for Consideration of application for New Territories Exempted House/Small House in the New Territories’ in that more than 50% of the proposed Small House footprint falls outside the “Village Type Development” (“V”) zone; and
- (c) land is still available within the “V” zone of Muk Kiu Tau Tsuen which is primarily intended for Small House development. It is considered more appropriate to concentrate Small House development close to the existing village cluster for more orderly development pattern, efficient use of land and provision of infrastructure and services.”

**Agenda Item 52**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/383            Proposed Temporary Venue for Ceremony and Recreation for a Period of 3 Years in “Village Type Development” zone, Government Land near Muk Kiu Tau, Lot 9 in D.D. 119, Muk Kiu Tau Tsuen, Yuen Long (RNTPC Paper No. A/YL-TT/383)

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Presentation and Question Sessions

141. Mr Alan Y.L. Au, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary venue for ceremony and recreation for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Relevant government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, five public comments were received. Two Yuen Long District Council members and the Chairman of Shap Pat Heung Rural Committee supported the application mainly on the grounds that the proposed use was easily accessible; it was compatible with the surrounding village setting and would provide a venue for gathering and holding traditional festivals and recreational activities. The other two comments submitted by individuals objected to the application mainly on the grounds of illegal occupation of government land (GL) and lack of information on the proposal details. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Although the applied use was considered not entirely in line with the planning intention of the “Village Type Development” (“V”) zone, it could be regarded as a community and recreational use serving the needs of the villagers. There was no Small House application at the site and approval of the development on a temporary basis would not frustrate the long-term planning intention

of the “V” zone. In view of the scale and temporary nature of the proposed development, significant adverse environmental, traffic, landscape and drainage impacts on the surrounding areas were not envisaged. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

142. Members had no question on the application.

#### Deliberation Session

143. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.7.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (b) no open storage activity is allowed at the site at any time during the planning approval period;
- (c) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (d) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.1.2017;
- (e) in relation to (d) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.4.2017;

- (f) in relation to (e) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (g) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.1.2017;
- (h) in relation to (g) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.4.2017;
- (i) if any of the above planning conditions (a), (b), (c) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (j) if any of the above planning conditions (d), (e), (g) or (h) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (k) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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



**Agenda Item 53**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/788 Proposed Temporary Concrete Batching Plant for a Period of 5 Years  
in “Open Storage” zone, Lot 2631 RP in D.D.120, Shan Ha Road,  
Yuen Long  
(RNTPC Paper No. A/YL-TYST/788A)

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**Presentation and Question Sessions**

145. Mr Alan Y.L. Au, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary concrete batching plant for a period of five years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Commissioner for Transport (C for T) did not support the application as his comments on the application had not been satisfactorily addressed by the applicant. The applicant should assess the traffic leaving the site using Shan Ha Road at the north of Yuen Long Highway for delivery of concrete to the area of Yuen Long Town and there was no justification for the non-provision of loading/unloading space for waste disposal vehicles. The Director of Environmental Protection (DEP) did not support the application as residential units were located within 100m from the site boundary and the operation of the proposed concrete batching plant might cause dust nuisance. Besides, part of the generated heavy vehicle traffic would travel along Long Hon Road which was within 50m from the nearest residential use. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L), Planning Department (PlanD) commented that the applicant had not yet provided any visual materials to illustrate the screening effect of the proposed peripheral planting and any

other mitigation measures to address the visual impact of the proposed concrete batching plant. She had some reservation on the application from the landscape perspective as the location where a large mature tree was previously found within the site had been hard paved;

- (d) during the first three weeks of the statutory publication periods, a total of 154 comments were received. All the received comments objected to the application mainly on traffic, environmental/noise nuisances, visual/landscape, drainage, and land use planning/compatibility grounds. The commenters generally raised the following concerns: (i) the environmental nuisances generated and associated impacts on health and well-being (e.g. noise, air/dust pollution, etc.); (ii) the aggravation of the local traffic conditions, in particular Shan Ha Road, and impact on pedestrian safety; (iii) incompatibility with the surrounding areas in terms of land use and visual aspects; and (iv) insufficient information to demonstrate no adverse environmental, visual, landscape and drainage impacts; and (v) setting of undesirable precedent encouraging undesirable uses near residential areas. No local objection/view was received by the District Officer (Yuen Long); and
  
- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed concrete batching plant, which would generate potential environmental nuisance, including those from concrete mixer trucks, was not entirely compatible to the surrounding uses. Concrete batching plants were dusty uses and noise emitters which should be located away from residential development as far as possible. DEP did not support the application as the operation of the proposed concrete batching plant may cause dust nuisance to the nearby residential units and would generate heavy traffic along the access road within 50m of the nearest residential uses which were considered environmentally undesirable. The applicant had not demonstrated that air quality impacts arising from the operation of the concrete batching plant and traffic emissions from the concrete mixer trucks on nearby sensitive receivers would be acceptable. C for T did not support the application as

the applicant failed to demonstrate that the proposed development would not cause adverse traffic impact on the surrounding areas. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

146. Members had no question on the application.

#### Deliberation Session

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

- “(a) the applicant fails to demonstrate that the proposed development would not generate adverse environmental impact on the sensitive receivers within the adjoining “Village Type Development” and “Residential (Group D)” zones and along the access roads; and
- (b) the applicant fails to demonstrate that the proposed development would not generate adverse traffic impact on the surrounding areas.”

#### **Agenda Item 54**

##### Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/794      Temporary Warehouse for Storage of Brand New Electronic Goods for a Period of 3 Years in “Undetermined” zone, Lots 1415 RP, 1416 RP, 1426 (Part) and 1427 (Part) in D.D. 119 and Adjoining Government Land, Shan Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/794)

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##### Presentation and Question Sessions

148. Mr Alan Y.L. Au, STP/TMYLW, presented the application and covered the

following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary warehouse for storage of brand new electronic goods for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. residential structures, located to the west of the site and environmental nuisance was expected. Other relevant government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. The applied use was not in conflict with the planning intention of the “Undetermined” (“U”) zone. Although the use of the area was now being reviewed under the Planning and Engineering Study for Housing Sites in Yuen Long South, the Study had yet to be completed and approval of the application on a temporary basis would not frustrate the long-term development of the area. The subject “U” zone was mainly occupied by open storage yards, warehouses and workshops and the development was not incompatible with the surrounding uses in the subject “U” zone. Although DEP did not support the application, there was no environmental complaint for the site in the past three years. To address DEP's concern, approval conditions were recommended to minimise the possible environmental nuisances generated by the temporary use. The Committee had approved 22 similar applications in the vicinity of the site, approval of the subject application

was in line with the Committee's previous decisions.

149. Members had no question on the application.

#### Deliberation Session

150. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.7.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no repairing, dismantling, spraying, cleansing and any other workshop activities, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (d) no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (e) no storage of electronic goods outside the concrete-paved covered structure, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (f) no open storage activity, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (g) 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;

- (h) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (i) the provision of boundary fence on the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.10.2016;
- (j) the submission of a revised drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.10.2016;
- (k) in relation to (j) above, the implementation of the 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 15.1.2017;
- (l) in relation to (k) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (m) the submission of landscape 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 15.10.2016;
- (n) in relation to (m) above, the implementation 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 15.1.2017;
- (o) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.10.2016;
- (p) in relation to (o) above, the implementation 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 15.1.2017;

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

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

### **Agenda Item 55**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/795 Proposed Temporary Open Storage of Construction Materials and Recyclable Materials (including Metal, Paper and Plastic Goods) for a Period of 3 Years in “Undetermined” and “Village Type Development” zones, Lots 1439 (Part) and 1440 S.A (Part) in D.D. 119, Shan Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/795)

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Presentation and Question Sessions

152. Mr Alan Y.L. Au, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary open storage of construction materials and recyclable materials (including metal, paper and plastic goods) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. residential structures, located to the southwest and environmental nuisance was expected. Other relevant government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and

[Mr Alex T.H. Lai left the meeting at this point.]

- (e) the Planning Department (PlanD)'s views –PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The applied use was not in conflict with the planning intention of the “Undetermined” (“U”) zone. Although the use of the area was now being reviewed under the Planning and Engineering Study for Housing Sites in Yuen Long South, the Study had yet to be completed and approval of the application on a temporary basis would not frustrate the long-term development of the area. The application was generally in line with Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No.13E) in that the majority of the site (about 98.2%) fell within Category 1 areas; relevant proposals had been submitted to demonstrate that the proposed use



would not generate adverse impacts; the technical concerns of relevant departments could be addressed through the implementation of approval conditions; and the site was involved in four previously approved applications for the same applied use. Although DEP did not support the application, there was no environmental complaint for the site in the past three years. To address DEP's concern, approval conditions were recommended to minimise the possible environmental nuisances generated by the temporary use. The Committee had approved 100 similar applications in the same "U" zone, approval of the application was in line with the Committee's previous decisions.

153. Members had no question on the application.

#### Deliberation Session

154. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.7.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no open storage at the northwestern portion of the site encroaching onto the adjoining “Village Type Development” zone, as proposed by the applicant, is allowed at any time during the planning approval period;
- (d) no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste, as proposed by the applicant, is allowed on the site at any time during the planning approval period;

- (e) no repairing, cleansing, dismantling and any other workshop activities, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (f) 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;
- (g) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (h) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (i) the submission of records of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.10.2016;
- (j) the provision of boundary fence on the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.10.2016;
- (k) the submission of a landscape 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 15.10.2016;
- (l) in relation to (k) above, the implementation of the 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 15.1.2017;
- (m) the provision of fire extinguisher(s) with valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.8.2016;

- (n) the submission of a fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.10.2016;
- (o) in relation to (n) above, the implementation of the 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 15.1.2017;
- (p) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (q) if any of the above planning conditions (i), (j), (k), (l), (m), (n) or (o) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (r) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

**Agenda Item 56**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/796      Temporary Warehouse for Storage of Construction Materials for a Period of 3 Years in “Undetermined” zone, Lots 1255 (Part), 1256 (Part), 1258 (Part) and 1259 (Part) in D.D. 119, Pak Sha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/796)

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Presentation and Question Sessions

156. Mr Alan Y.L. Au, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary warehouse for storage of construction materials for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. residential structures, located to the northwest of the site and environmental nuisance was expected. Other relevant government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The applied use was not in conflict with the planning intention of the “Undetermined” (“U”) zone. Although the use of the area was now being reviewed under the Planning and Engineering Study for Housing Sites in Yuen Long South, the Study had yet to be completed and approval of the application on a temporary basis would not frustrate the long-term development of the area. The subject “U” zone was mainly occupied by open storage/storage yards, warehouses and workshops and the development was not incompatible with the surrounding uses in the subject “U” zone. To address DEP's concern, approval conditions were recommended to minimise the possible

environmental nuisances generated by the temporary use. The Committee had approved 57 similar applications in the vicinity of the site, approval of the subject application was in line with the Committee's previous decisions.

157. In response to the Chairman's question, Mr Alan Y.L. Au confirmed that no environmental complaint for the site was received by DEP in the past three years.

#### Deliberation Session

158. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.7.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 7:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (d) no repairing, dismantling, spraying or any other workshop activities, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (e) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance 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;;

- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) all existing trees and landscape plantings within the site shall be maintained at all times during the planning approval period;
- (h) 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 15.1.2017;
- (i) the implementation of the accepted drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.1.2017;
- (j) in relation to (i) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (k) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.1.2017;
- (l) in relation to (k) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.4.2017;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (j) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (h), (i), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and

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

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

### **Agenda Item 57**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/797      Temporary Warehouse for Storage of Construction Materials for a Period of 3 Years in “Undetermined” zone, Lots 1258 (Part) and 1267 (Part) in D.D. 119, Pak Sha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/797)

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#### **Presentation and Question Sessions**

160. Mr Alan Y.L. Au, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary warehouse for storage of construction materials for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. residential structures, located to the northwest of the site and environmental nuisance was expected. Other relevant 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 a District Councilor raising objection to the application with no reason provided. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. The applied use was not in conflict with the planning intention of the “Undetermined” (“U”) zone. Although the use of the area was now being reviewed under the Planning and Engineering Study for Housing Sites in Yuen Long South, the Study had yet to be completed and approval of the application on a temporary basis would not frustrate the long-term development of the area. The subject “U” zone was mainly occupied by open storage/storage yards, warehouses and workshops and the development was not incompatible with the surrounding uses in the subject “U” zone. Although DEP did not support the application, there was no environmental complaint for the site in the past three years. To address DEP's concern, approval conditions were recommended to minimise the possible environmental nuisances generated by the temporary use. The Committee had approved 59 similar applications in the vicinity of the site, approval of the subject application was in line with the Committee's previous decisions. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

161. Members had no question on the application.

#### Deliberation Session

162. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.7.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :



- “(a) no operation between 7:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (d) no repairing, dismantling, spraying or any other workshop activities, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (e) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance 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;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) all existing trees and landscape plantings on the site shall be maintained at all times during the planning approval period;
- (h) 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 15.1.2017;
- (i) the implementation of the accepted drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.1.2017;

- (j) in relation to (i) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (k) the implementation of the accepted fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.1.2017;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (j) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (m) if any of the above planning conditions (h), (i) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (n) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

### **Agenda Item 58**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL/222                      Proposed Eating Place in “Residential (Group B)” zone, Lots 4542 S.A ss.1 S.A (Part) and 4542 S.A ss.2 (Part) in D.D. 116, G/F, 660 Tai Kei Leng, Yuen Long  
(RNTPC Paper No. A/YL/222)

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Presentation and Question Sessions

164. Mr Alan Y.L. Au, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed eating place;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Relevant 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 Owners Committee of Sereno Verde objecting to the application and enquiring detailed information on the nature and environmental impact assessment of the proposed eating place. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. Although the proposed eating place was not entirely in line with the planning intention of the “Residential (Group B)” (“R(B)”) zone, it could provide some eating facilities to serve the needs in the local neighborhood. Approval of the proposed eating place would not affect the long-term planning intention of the “R(B)” zone. The proposed eating place was considered small in scale and not incompatible with the surrounding uses, which were residential in nature intermixed with some commercial use. Relevant government departments had no objection to or no adverse comment on the application. Regarding the public comments, the above assessments were relevant.

165. Members had no question on the application.

166. 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 15.7.2020, 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 condition :

“the submission and implementation of fire service installations and water supplies for fire-fighting before commencement of the development to the satisfaction of the Director of Fire Services or of the Town Planning Board.”

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

[The Chairman thanked Mr Vincent T.K. Lai and Mr Alan Y.L. Au, STPs/TMYLW, for their attendance to answer Members' enquiries. They left the meeting at this point.]

## **Agenda Item 59**

### **Any Other Business**

#### (i) **Section 16A Application**

[Open Meeting]

A/YL-TYST/774-2 Application for Extension of Time (EOT) For Compliance with Planning Conditions, Lots 1294 (Part), 1295 (Part), 1298 (Part), 1301 (Part), 1302, 1303, 1304 (Part), 1305 (Part), 1306 (Part) and 1307 in D.D. 119, Pak Sha Tsuen, Yuen Long, New Territories

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168. The Secretary reported that the application was approved with conditions by the Rural and New Town Planning Committee on 8.1.2016. The deadline for compliance with the approval condition (f) on the submission of landscape and tree preservation proposal and condition (h) on the submission of fire service installations (FSI) proposal was 8.7.2016.

169. The Committee noted that an application for EOT for compliance with approval conditions (f) and (h) by three months was received by the Town Planning Board on 24.6.2016, which was nine working days before the expiry of the specified time limit for the approval conditions (f) and (h). On the same date, the applicant also submitted a landscape proposal for compliance with condition (f). On 11.7.2016, after the issuance of the proforma to Members, the District Planning Officer/Tuen Mun and Yuen Long West, Planning Department advised that the applicant's landscape proposal had been accepted and hence condition (f) had been complied with.

170. Notwithstanding the above, it was recommended not to consider the application as the deadline for compliance with condition (h) had already expired on 8.7.2016, and the planning approval for the subject application had ceased to have effect and had on the same date been revoked. The paper was table at the meeting for Members' information.

171. Members agreed that the Committee could not consider the section 16A application as the planning permission no longer existed at the time of consideration.

[Closed Meeting]

172. This part was recorded under confidential cover.

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