

## **TOWN PLANNING BOARD**

### **Minutes of 564<sup>th</sup> Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 14.9.2016**

#### **Present**

Director of Planning  
Mr K.K. Ling

Chairman

Mr H.W. Cheung

Vice-chairman

Professor K.C. Chau

Mr Ivan C.S. Fu

Ms Janice W.M. Lai

Ms Christina M. Lee

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr C.H. Hau

Mr Alex T.H. Lai

Dr Lawrence K.C. Li

Mr Stephen L.H. Liu

Miss Winnie W.M. Ng

Chief Traffic Engineer/New Territories West,  
Transport Department  
Mr Samson S.S. Lam

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**

Mr H.F. Leung

Dr F.C. Chan

Mr David Y.T. Lui

**In Attendance**

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

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

Town Planner/Town Planning Board  
Mr Dennis C.C. Tsang

**Agenda Item 1**

Confirmation of the Draft Minutes of the 563rd RNTPC Meeting held on 26.8.2016

[Open Meeting]

1. The draft minutes of the 563rd RNTPC meeting held on 26.8.2016 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

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

**Tuen Mun and Yuen Long West District**

**Agenda Item 3**

**Section 12A Application**

[Open Meeting]

Y/YL-PN/7

Application for Amendment to the Approved Sheung Pak Nai and Ha Pak Nai Outline Zoning Plan No. S/YL-PN/9, to rezone the application site from “Coastal Protection Area” to “Government, Institution or Community”, Lot No. 118 in D.D. 135 and Adjoining Government Land, Nim Wan Road, Ha Pak Nai  
(RNTPC Paper No. Y/YL-PN/7A)

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3. The Committee noted that the applicant requested on 24.8.2016 for deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the comments of various government departments. It was the second time that the applicant requested for deferment of the application. Since the last deferment, the applicant had submitted responses to comments raised by various government departments.

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

**Sai Kung and Islands District**

**Agenda Item 4**

**Section 16 Application**

[Open Meeting]

A/I-PC/11

Proposed Eating Place in “Other Specified Uses” annotated “Pier” zone, Shop No. PCR, R/F, Peng Chau Ferry Pier, Lo Peng Street , Peng Chau

(RNTPC Paper No. A/I-PC/11)

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5. The Committee noted that the applicant requested on 17.8.2016 for deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the comments of relevant government departments. It was the first time that the applicant requested for deferment of the application.

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

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

**Agenda Item 5**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-CWBN/41      Proposed Minor Relaxation of Building Height Restriction (from 9m to 11.2m) for Permitted House Development in “Residential (Group C) 3” zone, Lot 540 in D.D. 238, 30 Hang Hau Wing Lung Road, Sai Kung, New Territories  
(RNTPC Paper No. A/SK-CWBN/41)

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7.            The Secretary reported that LWK & Partners (HK) Limited (LWK) was one of the consultants of the applicant. The following Members had declared interests in the item:

Mr Ivan C.S. Fu            - being the Director of LWK; and

Mr Stephen L.H. Liu        - having current business dealings with LWK.

8.            As the interest of Mr Ivan C.S. Fu was direct, the Committee agreed that he should be invited to leave the meeting temporarily for the item. The Committee also agreed that Mr Stephen L.H. Liu could stay in the meeting as he had no involvement in the application.

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

**Presentation and Question Sessions**

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

(a) background to the application;

(b) the proposed minor relaxation of building height (BH) restriction (from 9m to 11.2m) for permitted house development;

- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD) commented that the proposed provision of loading/unloading bay did not comply with the Hong Kong Planning Standards and Guidelines and the increased headroom should be well justified;
- (d) during the first three weeks of the statutory publication period, a total of four public comments objecting to the application were received from the Pan Long Wan Village Concern Group, Tung Sum Lung Concern Group and two individuals. The main grounds of the objections were that the approval of the approval of the application would set an undesirable precedent for similar applications in the future; the proposed development might destroy the ‘fung shui’; the proposed development would block the nearby view and have adverse drainage and ecological impacts, affecting the environment and causing noise and air pollution, and would involve tree felling. No local objection/view was received by the District Officer (Sai Kung); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. The proposed increase in BH was minor and technical in nature without further increasing the development intensity of the site or affect visual permeability of the area. The proposal with underground carpark had the design merit in lowering the absolute BH and would allow more greenery provision at the southern part of the site and was considered not incompatible with the surroundings in terms of BH and scale. Regarding CA/CMD2, ArchSD’s concerns, the average headroom of the proposed scheme at about 3.7m was comparable to other similar low-rise developments in the vicinity. Relevant government departments had no objection to or no adverse comment on the application. Regarding the public comments, the assessments above were relevant.

10. In response to the Chairman's question on the height of the proposed building, Mr William W.T. Wong, STP/SKIs, said that the height of the building was 11.2m including the basement carport while the height above ground level was 7.6 m.

11. In response to a Member's enquiry, Mr Wong explained that the height of the existing building was 89.46mPD and that of the proposed building would be 87.9mPD, amounting to a reduction of 1.56m.

12. In response to another Member's enquiry, Mr Wong said that the applicant would demolish the existing building on the site and erect a new building.

### Deliberation Session

13. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 14.9.2020, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

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



**Agenda Item 6**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HH/70                      Proposed Public Utility Installation (Pole Mounted Transformer, Poles, Overhead and Underground Cables) and Excavation of Land in “Conservation Area” zone, Government Land, Nam Wai, Sai Kung, New Territories  
  
(RNTPC Paper No. A/SK-HH/70)

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15.            The Secretary reported that the replacement pages (page 6 of the Paper and page 2 of Appendix III of the Paper) to include the Director of Environmental Protection’s comments were dispatched to Members on 9.9.2016.

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

Mr Alex T.H. Lai	}	having current business dealings with CLP; and
Mr Stephen L.H. Liu		
Ms Christina M. Lee	-	being Secretary-General of the Hong Kong Metropolitan Sports Events Association which had received sponsorship from CLP before.

17.            As the interests of Mr Alex T.H. Lai and Mr Stephen L.H. Liu were direct, the Committee agreed that they should be invited to leave the meeting temporarily for the item. As the interest of Ms Christina M. Lee was indirect, the Committee agreed that she could stay in the meeting.

[Mr Alex T.H. Lai and Mr Stephen L.H. Liu left the meeting temporarily at this point.]

**Presentation and Question Sessions**

18.            With the aid of a PowerPoint presentation, Mr William W.T. Wong, STP/SKIs,

presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed public utility installation (pole mounted transformer, poles, overhead and underground cables) and excavation of land;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as the mature trees adjacent to the sites might be affected by the proposed overhead cables;
- (d) during the first three weeks of the two statutory publication periods, a total of two public comments from a District Council member and an individual supporting the application were received; and
- (e) PlanD's views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. The proposed overhead cables and associated structures were essential installations to ensure reliable electricity supply for the current and future residents in the Nam Wai area. No adverse ecological, environmental, geotechnical, drainage and traffic impacts on the surrounding areas were anticipated in view of the scale of the proposed development. To address CTP/UD&L's concerns, a planning condition requiring the applicant to submit and implement a tree preservation proposal was suggested.

19. Members had no question on the application.

#### Deliberation Session

20. 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 14.9.2020, 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 a tree preservation proposal and landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

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

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

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

### **Sha Tin, Tai Po and North District**

#### **Agenda Item 7**

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

[Open Meeting]

A/NE-KLH/521 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 313 S.A ss.1 in D.D. 9, Kau Lung Hang, Tai Po, New Territories  
(RNTPC Paper No. A/NE-KLH/521)

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22. The Committee noted that the applicant requested on 6.9.2016 for deferment of the consideration of the application for two months so as to allow time for preparation of further information concerning the submission of sewerage connection plan and consent letter in response to departmental comments. It was the first time that the applicant requested for deferment of the application.

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

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

### **Agenda Item 8**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/581            Proposed Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years in "Village Type Development" zone and an area shown as 'Road', Government Land adjoining Lot 2443 in D.D. 19, Fong Ma Po, Tai Po, New Territories  
(RNTPC Paper No. A/NE-LT/581A)

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

24. 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 temporary eating place (outside seating accommodation (OSA))

of a restaurant) for a period of three years;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the two statutory publication periods, a total of 11 public comments objecting to the application were received from individuals, mainly on grounds of adverse impacts on traffic and living environment; 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 development under application was temporary in nature and there was no planned road improvement works at the site. The approval of the application would not frustrate the long-term planning intention of the “Village Type Development” zone. Although the site was within the water gathering grounds, public sewers in the vicinity of the site had been completed and the applicant could extend the sewer to the sewerage system via other private/government land. Regarding the adverse public comments, the assessments above were relevant.

25. Members had no question on the application.

#### Deliberation Session

26. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 14.9.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 11:00 pm and 11:00 a.m. from Mondays to Sundays, as proposed by the applicant, is allowed on the site during the planning approval period;

- (b) no permanent structure or support for any structure shall be erected within the site during the planning approval period;
- (c) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.3.2017;
- (d) in relation to (c) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.6.2017;
- (e) the submission of sewerage connection proposal within 6 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the TPB by 14.3.2017;
- (f) in relation to (e) above, the implementation of sewerage connection proposal within 9 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the TPB by 14.6.2017;
- (g) the submission of proposal 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 14.3.2017;
- (h) in relation to (g) above, the implementation of water supplies for fire fighting and fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.6.2017;
- (i) if any of the above planning conditions (a) or (b) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (j) if any of the above planning conditions (c), (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 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.”

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

### **Agenda Items 9 to 11**

#### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

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|-------------|---|
| A/NE-LT/582 | Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 892 S.B ss.1 (Part) in D.D.8, Ma Po Mei Village, Lam Tsuen, Tai Po, New Territories                      |
| A/NE-LT/583 | Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 892 S.B ss.2 in D.D. 8, Ma Po Mei Village, Tai Po, New Territories                                       |
| A/NE-LT/584 | Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 892 S.B RP in D.D. 8, Ma Po Mei Village, Tai Po, New Territories<br>(RNTPC Paper No. A/NE-LT/582 to 584) |
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28. The Committee noted that the three applications for proposed house (New Territories Exempted House (NTEH) – Small House) 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 applications should be considered together.

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

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

- (a) background to the applications;
- (b) the proposed house (NTEH - Small House) on each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications as the sites had high potential for rehabilitation of agricultural activities. Other concerned departments had no objection to or no adverse comment on the applications;
- (d) during the first three weeks of the two statutory publication periods, a total of two public comments from Designing Hong Kong Limited and an individual were received. They objected to the applications mainly on the grounds that the proposed developments were not in line with the “AGR” zone; approving the applications would result in a loss of good quality agricultural land, adverse landscape and environmental impacts, set an undesirable precedent, and would have adverse safety impact; 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 Paper. Although DAFC did not support the applications, the proposed developments generally complied with the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories in that more than 50% of the footprint of the proposed Small Houses fell within the village ‘environs’ of Ma Po Mei; and the proposed developments could be connected to the planned sewerage system in the area. The sites were located next to the existing village houses and were also the subjects of three previously approved planning applications for Small House developments submitted by the same applicants. There had



been no change in planning circumstances since those previous applications were approved by the Committee in 2011. Regarding the adverse public comments, the assessments above were relevant.

30. In response to a Member's enquiry, Mr C.T. Lau, STP/STN, said that the proposed public sewerage system was expected to be completed in end 2016.

#### Deliberation Session

31. After deliberation, the Committee 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 14.9.2020, 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 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;
- (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; and
- (d) 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 the TPB.”

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

**Agenda Item 12**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/588            Proposed Three Houses (New Territories Exempted Houses - Small Houses) in “Agriculture” and “Village Type Development” zones, Lots 76 S.B, 76 S.C and 76 S.D in D.D. 19, San Uk Tsai Tsuen, Tai Po, New Territories  
(RNTPC Paper No. A/NE-LT/588)

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**Presentation and Question Sessions**

33.            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 three houses (New Territories Exempted Houses (NTEHs) – Small Houses);
- (c)    departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site had high potential for rehabilitation of agricultural activities. Other concerned departments had no objection to or no adverse comment on the application;
- (d)    during the first three weeks of the statutory publication period, one public comment from Designing Hong Kong Limited objecting to the application was received. The objection was mainly on the grounds that the proposed developments were not in line with the planning intention of “Agriculture” zone; it would cause the loss of agricultural land and have adverse environmental and fire safety impacts; 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 DAFC did not support the application, the proposed developments generally complied with the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories in that more than 50% of the footprint of the proposed Small Houses fell within the village ‘environs’ of San Uk Tsai, Chung Uk Tsuen, Fong Ma Po and Tong Min Tsuen; and the proposed developments could be connected to the existing sewerage system in the area. The site was bounded by existing village houses which could be considered as an infill development. It was also the subject of a previously approved application for the same use submitted by the same applicants. There had been no change in planning circumstances since the previous application was approved by the Committee in 2012. Regarding the adverse public comment, the assessments above were relevant.

34. Members had no question on the application.

#### Deliberation Session

35. 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 14.9.2020, 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 and tree preservation 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;
- (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; and

- (d) 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 the TPB.”

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

### **Agenda Item 13**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/585            Proposed House (New Territories Exempted House - Small House) in  
“Green Belt” zone, Government land in D.D. 28, Tai Mei Tuk Village,  
Tai Po, New Territories  
(RNTPC Paper No. A/NE-TK/585)

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

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the two statutory publication periods, a total of four public comments objecting to the application from World Wide

Fund for Nature Hong Kong which submitted two objections, Designing Hong Kong Limited and an individual were received. The main grounds of objections were that the proposed development was no in line with the planning intention of the “Green Belt” (“GB”) zone; it would affect the existing landscape; there was still land available within the “Village Type Development” zone; and no impact assessments had been submitted by the applicant; 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 the “GB” zone, the site was partly hard-paved and not covered by dense vegetation. The proposed development generally complied with the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories in that more than 50% of the footprint of the proposed Small House fell within the village ‘environs’. There was a public sewer located near the site and the applicant had submitted a sewerage connection proposal and undertook to connect the proposed Small House to the public sewer. The site was in close proximity to the existing village cluster and village houses/approved Small House sites which had generally been developed into an extension of the existing village. Regarding the adverse public comments, the assessments above were relevant.

38. Members had no question on the application.

#### Deliberation Session

39. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 14.9.2020, 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; and
- (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.”

40. 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]

A/NE-TK/587 Proposed House (New Territories Exempted House - Small House) in “Green Belt” zone, Government land in D.D. 28, Tai Mei Tuk, Tai Po, New Territories  
(RNTPC Paper No. A/NE-TK/587)

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41. The Committee noted that the applicant requested on 8.9.2016 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 of relevant government departments. It was the first time that the applicant requested for deferment of the application.

42. 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 15**

Section 16 Application

[Open Meeting]

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

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

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

Ms Janice W.M. Lai        - having current business dealings with SRLT and Urbis.

44.            As Mr Ivan C.S. Fu and Ms Janice W.M. Lai had no involvement in the application, the Committee agreed that they could stay in the meeting.

45.            The Committee noted that the applicant requested on 25.8.2016 for deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the comments of various government departments. It was the third time that the applicant requested for deferment of the application. Since the last deferment, the applicant has submitted further information including an updated tree assessment report, a revised Sewerage Impact Assessment, and a Noise Impact Assessment Report.

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

consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information. Since it was the third deferment and a total of six 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 16**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/600      Proposed House (New Territories Exempted House - Small House) in  
"Agriculture" zone, Lot 1584 S.E in D.D.76, Kan Tau Tsuen, Fanling,  
New Territories  
(RNTPC Paper No. A/NE-LYT/600)

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

47.            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 IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site could be used for plant nursery or greenhouse. Other concerned departments had no objection to or no adverse comment on the application;



- (d) during the first three weeks of the statutory publication period, six public comments were received. A North District Council member, the Chairman of the Fanling District Rural Committee (RC) and the Sheung Shui District RC indicated that they had no comment on the application while Designing Hong Kong Limited, Green Sense and an individual objected to the application, mainly on the grounds that the proposed development was not in line with the planning intention of “Agriculture” (“AGR”) zone; the site should be retained for agricultural use; no relevant environmental and technical assessments had been submitted to support the application; and approval of the application would set an undesirable precedent for similar applications in the area. The District Officer (North), Home Affairs Department advised that the Indigenous Inhabitant Representative and the Resident Representative of Kan Tau Tsuen supported 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 DAFC did not support the application, the proposed development generally complied with the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories in that more than 50% of the footprint of the proposed Small House fell within the village ‘environs’ of Kam Tau Tsuen. The site was in close proximity to the existing village proper of Kan Tau Tsuen and there were approved Small House applications at different stages of development nearby. Regarding the adverse public comments, the assessments above were relevant.

48. In response to a Member’s enquiry on the progress of the approved Small House developments in the area, Mr Wallace W.K. Tang, STP/STN, said that the applications for land grant for the Small House developments in the vicinity of the site that had obtained planning permissions between 2012 and 2016 were being processed by the Lands Department (LandsD), while those Small Houses obtained planning permissions before the Interim Criteria came into effect had already been completed. As for the developments under

application No. A/NE-LYT/436 which was approved in 2011, the application for land grant for the Small House developments had already been approved by LandsD.

### Deliberation Session

49. 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 14.9.2020, 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.”

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

### **Agenda Item 17**

#### Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKLN/4      Temporary Canteen and Ancillary Office for a Period of 3 Years in  
“Green Belt” zone, Lot 410 S.B RP in D.D. 78, Tsung Yuen Ha, Ta  
Kwu Ling, New Territories  
(RNTPC Paper No. A/NE-TKLN/4)

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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary canteen and ancillary office for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, three public comments were received. The Chairman of Sheung Shui District Rural Committee (RC) expressed that he had no comment on the application while World Wide Fund for Nature Hong Kong and an individual raised concerns on / objected to the application mainly on the grounds that the development under application was not in line with the planning intention of “Green Belt” (“GB”) zone; there had been landscape changes prior to the submission of the subject planning application; and approving the application would set an undesirable precedent for similar applications in the area. The District Officer (North), Home Affairs Department advised that the incumbent North District Council member, the Vice-chairman of Ta Kwu Ling District RC and the Indigenous Inhabitant Representative of Tsung Yuen Ha supported the application, mainly for the reason that the canteen under application could help meet catering needs of the construction workers for the Liantang/Heung Yuen Wai Boundary Control Point (LT/HYW BCP) project; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary canteen and ancillary office could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The approval of the application on a temporary basis would not frustrate the long-term planning intention of the area. The development was not

incompatible with the surrounding environment and significant adverse impact on the landscape resource arising from the development was not anticipated. Regarding the public comments objecting to/raising concerns on the application, the assessments above were relevant.

52. In response to a Member's enquiry on the provision of sewage treatment facilities for the proposed development, Mr Wallace W.K. Tang, STP/STN, said that the applicant had proposed to use septic tank and in view of the small scale of the development, the Director of Environmental Protection (DEP) had no objection to the application subject to the imposition of relevant approval conditions on design and provision of septic tank and soakaway system and/or wastewater treatment facilities.

53. A Member noted that there were discrepancies between the existing road alignments as shown on the aerial photo and the zonings on the Outline Zoning Plan (OZP). In response, Mr Tang said that the road alignments were part of the widened Lin Ma Hang Road and the LT/HYW BCP patrol road. The Chairman supplemented that those roads were related to the BCP which were approved under the Roads (Works, Use & Compensation) Ordinance and deemed to be approved under the Town Planning Ordinance. After the completion of the LT/HYW BCP project, the OZP would be amended to reflect the latest road alignments.

54. In response to a Member's enquiries, Mr Tang said that the site was a piece of private land. As the site was only allowed for agricultural use according to the lease, the applicant would have to apply to the Lands Department (LandsD) for a Short Term Waiver (STW) for the applied use. Mr Edwin W.K. Chan, Assistant Director/Regional 3, LandsD, supplemented that given the subject lot was an old scheduled agricultural lot, a STW was required only if there were structures erected on the site and if STW was approved, a fee generally based on the market value would be charged on a periodical basis.

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

#### Deliberation Session

55. A Member noted a public comment was concerned about the adverse impact of

the development and setting of undesirable precedent in the “GB” zone. This Member considered that the new road alignments in association with the LT/HYW BCP project could be considered as a change in planning circumstances of the area. In view that the OZP would be amended to reflect the latest road alignments and the development would not cause major impact on the area, the Member had no objection to the application.

56. Another Member said that the site was in close proximity to Shenzhen River and Mai Po was located further downstream and asked whether there were any measures to ensure that there would be no sewage discharge to the river. In response, the Chairman said that the concerns on sewage discharge would be addressed by the recommended approval conditions on the submission and provision of septic tank and soakaway system and/or other wastewater treatment facilities. He remarked that the site was located more than 30 m from the river and DEP would assess the potential impacts on nearby watercourse, including Shenzhen River, when the applicant was discharging the approval conditions. Mr K.F. Tang, Assistant Director (Environmental Assessment), Environmental Protection Department (EPD), supplemented that the applicant would be advised that the provision of wastewater treatment facilities should meet the requirements of the Water Pollution Control Ordinance (WPCO) and a licence from EPD would be required for discharge of any treated effluent. The Committee noted that an advisory clause reminding the applicant to follow the relevant practice notes had already been included and agreed that the advisory clause be revised to also remind the applicant to meet the requirements of WPCO.

57. A Member noted that the applied use was already in operation and questioned if the recommended approval conditions would have any effects. In response, the Chairman said that concerned departments would take necessary action should any violation against the approval conditions was found.

58. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 14.9.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 3:00 p.m. and 7:00 a.m. on weekdays, as proposed by the applicant, is allowed on the site during the planning approval period;

- (b) no operation on Saturdays, Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) the maintenance of the existing boundary fencing on the site at all times during the planning approval period;
- (d) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.3.2017;
- (e) in relation to (d) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.6.2017;
- (f) the submission of proposals for water supplies for fire-fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.3.2017;
- (g) in relation to (f) above, the implementation of proposals for water supplies for fire-fighting and fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.6.2017;
- (h) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 14.3.2017;
- (i) in relation to (h) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 14.6.2017;
- (j) the submission of design of septic tank and soakaway system and/or other wastewater treatment facilities within 6 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or

of the TPB by 14.3.2017;

- (k) in relation to (j) above, the provision of septic tank and soakaway system and/or other wastewater treatment facilities within 9 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the TPB by 14.6.2017;
- (l) 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;
- (m) if any of the above planning conditions (d), (e), (f), (g), (h), (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (n) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

59. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix III of the Paper incorporating the following amendment:

“(j) ..... follow the requirements of the ProPECC PN 5/93 “Drainage Plans subject to comment by the Environmental Protection Department” and duly certified by an Authorised Person *and meet the requirements of the Water Pollution Control Ordinance.*”

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

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

[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 18**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/KTN/28                      Renewal of Planning Approval for Temporary Warehouse of Industrial and Construction Materials and Ancillary Workshop for a Period of 3 Years in “Open Space” and “Other Specified Uses” annotated “Nature Park” zone and an area shown as ‘Road’, Lots 744 and 749 in D.D. 92, Yin Kong, Sheung Shui, New Territories  
(RNTPC Paper No. A/KTN/28)

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60.            Dr C.H. Hau declared an interest in the item as he owned a house in Kwu Tung North area. As the house owned by Dr Hau did not have a direct view of the site, the Committee agreed that he could stay in the meeting.

**Presentation and Question Sessions**

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

[Miss Winnie W.M. Ng left the meeting at this point.]

- (a) background to the application;
- (b) the renewal of planning approval for temporary warehouses of industrial and construction materials and ancillary workshop for a period of three years;



- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Project Manager/New Territories East, Civil Engineering and Development Department commented that the site fell within the First Stage Works of Kwu Tung North and Fanling North New Development Areas (NDAs). In view that the site formation and engineering infrastructure works for the NDAs development were tentatively scheduled to commence in 2018 subject to further review, it was suggested that the permission for the captioned application should only be granted for one year. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance to nearby residents was anticipated;
  
- (d) during the first three weeks of statutory publication period, five public comments were received. Two North District Council (NDC) members expressed that they had no comment on the application while another NDC member, a Resident Representative (RR) of Yin Kong Village and an individual objected to the application mainly on the grounds that the applied use was not in line with the planning intention of the area, the use caused air pollution and generated noise, affecting the residents nearby and causing environmental hygiene problems in the area. The District Officer (North), Home Affairs Department advised that the RR and the Indigenous Inhabitant Representative of Yin Kong objected to the application as the development would cause pollutions which would affect the residents nearby and the applied use would also affect the planned road widening works; and
  
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of one year based on the assessments set out in paragraph 12 of the Paper. The site was within the boundaries of the first and advance package of the Kwu Tung NDA. The approval of the application on a temporary basis for a period of one year was recommended so as not to frustrate the long-term planning intention of the concerned zonings. The application generally complied with the

Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34B) in that there were five previously approved applications for the same use and the applicant had complied with all the approval conditions of the latest two previous planning applications. There had also been no material change in the planning circumstances of the site nor any major change in the land uses of the surrounding areas since the previous temporary planning approval was granted. The concerns of DEP could be addressed by relevant approval conditions as recommended. Regarding the adverse public comments, the assessments above were relevant.

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

62. Members had no question on the application.

#### Deliberation Session

63. Noting that the commencement of the NDAs development was not yet certain, the Chairman suggested and the Committee agreed that a temporary approval period of three years, instead of one year as recommended in the Paper, could be considered. Mr Edwin W.K. Chan, Assistant Director/Regional 3, Lands Department, confirmed that the programme of resumption of land would not be disturbed even if the planning permission was granted for three years. The Committee also agreed that an advisory clause should be included to remind the applicant that the site might be subject to land resumption for the First Stage Works of Kwu Tung North and Fanling North NDAs which might take place at any time before the expiry of the temporary planning permission.

64. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 19.11.2016 to 18.11.2019, 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. on Monday to Saturday, 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) to maintain the existing drainage facilities, whether within or outside the lot boundary, properly and rectify those facilities if they are found inadequate/ineffective by the applicant at all times during the planning approval period;
- (d) to maintain all existing trees in healthy condition at all times during the approval period;
- (e) the submission of fire service installations and water supplies for fire fighting proposal within 3 months from the date of the commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.2.2017;
- (f) in relation to (e) above, the implementation of fire service installations and water supplies for fire fighting proposal within 6 months from the date of the commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or the Director of Planning or of the TPB by 18.5.2017;
- (g) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (h) if any of the above planning conditions (e) or (f) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

set out at Appendix V of the Paper in addition to the following clause:

“(k) the site might be subject to land resumption for the First Stage Works of Kwu Tung North and Fanling North New Development Areas which might take place at any time before the expiry of the temporary planning permission.”

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

### **Agenda Item 19**

#### **Section 16 Application**

[Open Meeting]

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

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

Mr Ivan C.S. Fu	}	having current business dealings with SHK, AECOM, Ramboll and Urbis;
Ms Janice W.M. Lai		
Mr Stephen L.H. Liu	-	having current business dealings with SHK and LD;
Miss Winnie W.M. Ng	-	being a Director of the Kowloon Motor Bus Company (1933) Limited (KMB) and SHK was one of the

shareholders of KMB;

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

Dr Billy C.H. Hau - having current business dealings with AECOM.

67. The Committee noted that the applicant had requested for deferral of consideration of the application. The Committee also noted that Miss Winnie W.M. Ng had already left the meeting. As the interests of Mr Ivan C.S. Fu, Ms Janice W.M. Lai and Mr Stephen L.H. Liu were direct, the Committee agreed that they could stay in the meeting but should refrain from participating in the discussion. As the interest of Ms Christina M. Lee was indirect and Dr Billy C.H. Hau had no involvement in the application, the Committee agreed that they could stay in the meeting.

68. The Committee noted that the applicant requested on 26.8.2016 for deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the comments of relevant government departments. It was the third time that the applicant requested for deferment of the application. Since the last deferment, the applicant had submitted further information to address departmental comments.

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

**Agenda Item 20**

Section 16 Application

[Open Meeting]

A/YL-KTS/705      Proposed Residential Development (Houses) in “Comprehensive Development Area” zone, Lots 547 RP (Part) and 2160 RP in D.D.106 and Adjoining Government Land, Tung Wui Road, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-KTS/705A)

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70.            The Secretary reported that the site was located in Kam Tin South area and the application was submitted by Super Asset Development Limited, which was a subsidiary of Henderson Land Development Company Limited (HLD). MVA Hong Kong Limited (MVA) was one of the consultants of the applicant. The following Members had declared interests in the item:

- Mr Ivan C.S. Fu                    - having current business dealings with HLD and MVA;
  
- Ms Janice W.M. Lai                - having current business dealings with HLD and her family member owning a house at Cheung Po Tsuen, Kam Tin South;
  
- Mr Stephen L.H. Liu                - having current business dealings with HLD;
  
- Mr H.F. Leung                      - being an employee of the University of Hong Kong which had received a donation from a family member of the Chairman of HLD before;
  
- Professor K.C. Chau                - being an employee of the Chinese University of Hong Kong which had received a donation from a family member of the Chairman of HLD before;

- Dr Lawrence K.C. Li - being the Treasurer of the Hong Kong Polytechnic University which had received sponsorship from HLD before;
- Ms Christina M. Lee - being Secretary-General of the Hong Kong Metropolitan Sports Events Association which had received sponsorship from HLD before; and
- Mr Peter K.T. Yuen - being a member of the Board of Governors of the Hong Kong Arts Centre which had received a donation from the Executive Director of HLD before.

71. The Committee noted that Mr H.F. Leung had tendered apology for being unable to attend the meeting. The Committee also noted that the applicant had requested for deferral of consideration of the application. As the interests of Mr Ivan C.S. Fu, Ms Janice W.M. Lai and Mr Stephen L.H. Liu were direct, the Committee agreed that they could stay in the meeting but should refrain from participating in the discussion. As the interests of Professor K.C. Chau, Dr Lawrence K.C. Li, Ms Christina M. Lee and Mr Peter K.T. Yuen were indirect, the Committee agreed that they could stay in the meeting.

72. The Committee noted that the applicant requested on 26.8.2016 for deferment of the consideration of the application for two months to allow time for preparation of further information to address departmental comments. It was the second time that the applicant requested for deferment of the application. Since the last deferment, the applicant had submitted further information to address departmental comments.

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

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

**Agenda Item 21**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/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, New Territories  
(RNTPC Paper No. A/YL-SK/216A)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary shop and services (real estate agency) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site had high potential for rehabilitation as greenhouse or plant nursery. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one objecting comment from an individual was received. The objection was mainly on the grounds that the development was not in line with the



planning intention of the “Agriculture” (“AGR”) zone; the approval of the application was not in line with the government’s new agricultural policy and would set an undesirable precedent for similar applications; 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 development was not in line with the planning intention of the “AGR” zone and DAFC did not support the application, the development under application could serve some of the needs of the villages and neighbouring residential developments. The approval of the application on a temporary basis of three years would not frustrate the long-term planning intention of the “AGR” zone. To minimise any possible environmental nuisance, approval conditions restricting the operation hours and types of vehicles were recommended. The site was the subject of a previous application for the same applied use which was approved with conditions by the Committee in 2014. The current application was largely the same as the previous application. There had been no major change in planning circumstances since the Committee’s previous decision. Regarding the adverse public comment, the assessments above were relevant.

75. Members had no question on the application.

#### Deliberation Session

76. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 14.9.2019, 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 between 6:00 p.m. and 7:00 p.m. from Mondays to Saturdays, as proposed by the applicant, is allowed on the site during the planning

approval period;

- (c) no operation between 9:00 a.m. and 10:00 a.m. on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (d) no medium or heavy goods vehicles exceeding 5.5 tonnes including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) no reversing of vehicles into or out from the site is allowed at any time during the planning approval period;
- (f) the implementation of the accepted 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 14.12.2016;
- (g) the implementation of the acceptable 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 14.12.2016;
- (h) in relation to (g) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (i) the submission of landscape proposal within 3 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 14.12.2016;
- (j) in relation to (i) above, the implementation of landscape proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 14.3.2017;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e) or (h) is not

complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked without further notice;

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

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

## **Agenda Item 22**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/339 Temporary Public Vehicle Park (Private Cars and Container Vehicles) and Ancillary Offices for a Period of 3 Years in “Open Storage” zone, Lots 826 RP (Part), 827, 828 and 829 in D.D. 102, Lots 296, 297 RP, 298 RP, 299 RP, 396 RP (Part) and 397 (Part) in D.D. 105 and Adjoining Government Land, Ngau Tam Mei, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-NTM/339)

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78. The Secretary reported that the replacement page (page 13) of the Paper to revise the wording of some of the suggested approval conditions was dispatched to Members on 12.9.2016.

### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary public vehicle park (private cars and container vehicles) and ancillary offices for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the site and environmental nuisance was expected. Other concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The applied use was generally in line with the planning intention of the “Open Storage” zone. The development was in line with the Town Planning Board Guidelines No. 13E on Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13E) in that there was generally no adverse comment from most of the concerned government departments. Although DEP did not support the application, no environmental complaint concerning the site in the past three years was received and relevant approval conditions were recommended to address DEP's concerns.

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

80. Members had no question on the application.

Deliberation Session

81. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 14.9.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 11:00 p.m. and 8:00 a.m. on Mondays and Saturdays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation between 6:00 p.m. and 8:00 a.m. on Sundays or public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no cutting, dismantling, cleansing, repairing and workshop activity, including container repair and vehicle repair, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (d) no vehicle without valid license issued under the Road Traffic Ordinance is allowed to be parked/stored on the site at any time during the planning approval period;
- (e) the existing drainage facilities within the site shall be maintained at all times during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities on site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.12.2016;
- (g) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 14.3.2017;
- (h) in relation to (g) above, the implementation of landscape proposal within

9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 14.6.2017;

- (i) 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 14.3.2017;
- (j) in relation to (i) above, the provision of fire service installations proposed within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.6.2017;
- (k) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (l) if any of the above planning conditions (f), (g), (h), (i) or (j) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

[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.]

**Tuen Mun and Yuen Long West District**

**Agenda Item 23**

**Section 16 Application**

[Open Meeting]

A/TM-LTY Y/311 Proposed Flat and Minor Relaxation of Plot Ratio and Building Height Restrictions in “Residential (Group E)” zone, Lots 464 S.A ss.1, 464 S.B, 465, 472 S.A RP and 472 S.B RP in D.D. 130, San Hing Road, Lam Tei, Tuen Mun, New Territories  
(RNTPC Paper No. A/TM-LTY Y/311A)

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83. The Secretary reported that C K Lau Surveyors Limited (CKL) and Landes Limited (Landes) were two of the consultants of the applicant. The following Members had declared interests in the item:

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

Mr Stephen L.H. Liu - having current business dealings with CKL.

84. The Committee noted that the applicant had requested for deferral of consideration of the application. As Mr Ivan C.S. Fu, Ms Janice W.M. Lai and Mr Stephen L.H. Liu had no involvement in the application, the Committee agreed that they could stay in the meeting.

85. The Committee noted that the applicant requested on 24.8.2016 for deferment of the consideration of the application for one month so as to allow time for preparation of further information to address the comments of the concerned government departments. It was the second time that the applicant requested for a deferment of the application. Since the last deferment, the applicant had submitted responses to comments of the government departments and revised technical assessments.

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

#### **Agenda Item 24**

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

[Open Meeting]

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

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87. The Committee noted that the applicant requested on 26.8.2016 for deferment of the consideration of the application for two months so as to allow time for preparation of further information to address departmental comments. It was the second time that the applicant requested for deferment of the application. Since the last deferment, the applicant had submitted further information to address departmental comments. However, it was also noted that the application premises had been renovated for columbarium purpose without valid planning permission and the niches inside the application premises were currently put up for sale.

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



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

[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 Item 25**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/1029      Proposed Temporary Open Storage of Brand-New Vehicles (Private Cars and Light Goods Vehicles) for a Period of 3 Years in "Agriculture" Zone, Lots No. 520 (Part), 521 (Part), 536, 538, 541, 542, 543, 544 (Part), 545 (Part), 547, 548, 549, 551, 552, 553, 554 and House Lot Block (Part) in D.D. 128, Yuen Long, New Territories (RNTPC Paper No. A/YL-HT/1029A)

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89.            The Secretary reported that the site was located at Ha Tsuen. Ms Janice W.M. Lai had declared an interest in the item as her spouse was a shareholder of a company which owned two pieces of land in Ha Tsuen. The Committee agreed that Ms Lai could stay in the meeting as the two pieces of land owned by her spouse's company did not have a direct view of the site.

### **Presentation and Question Sessions**

90.            Mr Vincent T.K. Lai, STP/TMYLW, presented the application and covered the

following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary open storage of brand-new vehicles (private cars and light goods vehicles) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper, which were summarised as follows:
  - (i) the Director of Agriculture, Fisheries and Conservation did not support the application as the site was considered to have high potential for agricultural rehabilitation. The site and its adjoining area were involved in a previous case of suspected unauthorised landfilling in November 2013. The planning intention of the “Agriculture” (“AGR”) zone and the history of unauthorised development within the site should be taken into account in considering the application;
  - (ii) the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) objected to the application as the proposed development was not compatible with the surrounding environment and significant adverse landscape impact had taken place following the clearance of the large trees and vegetation between 2013 and 2015. The approval of the application would set an undesirable precedent encouraging the applicants to clear the site prior to obtaining planning approval as well as attracting more incompatible uses into the “AGR” zone; and
  - (iii) the Director of Environmental Protection did not support the application as there were sensitive receivers near the site and along the Deep Bay Road, and environmental nuisance was expected;
- (d) during the first three weeks of the two statutory publication periods, a total

of nine public comments were received from the Hong Kong Bird Watching Society, Kadoorie Farm and Botanic Garden, World Wide Fund for Nature Hong Kong, Designing Hong Kong Limited and two individuals. All objected to the application mainly on the grounds that the applied use was not in line with the planning intention of the “AGR” zone; not compatible with the rural neighbourhood; not in line with the Town Planning Board Guidelines on Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13E); the destroy first, build later approach should not be tolerated; it would adversely affect the breeding of egrets; the approval of the application would set an undesirable precedent for similar applications; no traffic impact assessment had been provided; the site was reserved for agricultural use and previous applications for non-agricultural use at the site were rejected; and the application represented an inefficient use of land resources; and

- (e) PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The applied use was not in line with the planning intention of the “AGR” zone and did not meet the TPB Guidelines TPB PG-No. 13E as no previous approvals for open storage use had been granted for the site and there were adverse comments from government departments. The application was a “Destroy First, Build Later” case, approving the application could be misread by the public as acquittal of the ‘destroy first’ actions and would encourage similar unauthorised development and set an undesirable precedent. The applied use was incompatible with the rural environment in which the site was located and might cause environmental nuisance to the nearby residents. Regarding the public comments, the assessments above were relevant.

91. Members had no question on the application.

#### Deliberation Session

92. 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 “Agriculture” (“AGR”) zone which is intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. There is no strong planning justification to merit a departure from such planning intention, even on a temporary basis;
- (b) the development is not in line with the Town Planning Board Guidelines No. 13E on Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that no previous approval has been granted for the site, there are adverse departmental comments on the agricultural, landscape and environmental aspects. The applicant fails to demonstrate that the proposed development would not generate adverse landscape and environmental impacts; and
- (c) the approval of the application, even on a temporary basis, would set an undesirable precedent for applications for other developments within the “AGR” zone, the cumulative effect of which will result in a general degradation of the environment of the “AGR” zone.”

## **Agenda Item 26**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/1043      Temporary Logistics Centre for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 3167 S.A (Part), 3167 S.B (Part), 3168 (Part), 3169 (Part), 3170 (Part), 3171 RP (Part), 3172 RP (Part), 3177 (Part), 3302 (Part), 3305 RP (Part), 3306 (Part), 3313 (Part), 3314 (Part), 3315 S.A, 3315 RP (Part) in D.D. 129 and Adjoining Government Land, Ha Tsuen, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-HT/1043)

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93. The Secretary reported that the site was located at Ha Tsuen. Ms Janice W.M. Lai had declared an interest in the item as her spouse was a shareholder of a company which owned two pieces of land in Ha Tsuen. The Committee agreed that Ms Lai could stay in the meeting as the two pieces of land owned by her spouse's company did not have a direct view of the site.

#### Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary logistics centre for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the site and environmental nuisance was expected. Other concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Although the applied use was not in line with the planning intention of the “Comprehensive Development Area” zone, there was not yet any programme/known intention to implement the zoned use and the approval of the application on a temporary basis of three years would not jeopardise the long-term development of the area. The application was generally in line with the

Town Planning Board Guidelines on Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (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; relevant proposals had been submitted to demonstrate that the applied use would not generate adverse impacts; and the technical concerns of relevant government departments could be addressed through the implementation of approval conditions. Although DEP did not support the application, there was no environmental complaint concerning the site in the past three years and relevant approval conditions were recommended to address DEP's concerns on possible environmental nuisance.

95. Members had no question on the application.

#### Deliberation Session

96. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 14.9.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation from 11:00 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 vehicle is allowed to queue back to or reverse onto/from the public road 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 14.3.2017;
- (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 14.6.2017;

- (f) the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (g) 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 14.3.2017;
- (h) in relation to (g) 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 14.6.2017;
- (i) 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 14.3.2017;
- (j) in relation to (i) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 14.6.2017;
- (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 14.3.2017;
- (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 14.6.2017;
- (m) 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 14.3.2017;

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

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

### **Agenda Item 27**

#### **Section 16 Application**

[Open Meeting]

A/YL-PN/45                      Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years in “Agriculture” zone and an area shown as 'Road', Lot 33 RP in D.D. 135 and adjoining Government Land, Nim Wan Road, Sheung Pak Nai, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-PN/45)

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98. The Committee noted that the applicant requested on 26.8.2016 for deferment of the consideration of the application for one month so as to allow time for preparation of further information to address the comments of relevant government departments. It was the first time that the applicant requested for deferment of the application.

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



consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that 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 28**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/805 Proposed Temporary Shop (Grocery Store) for a Period of 3 Years in "Residential (Group C)" zone, 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  
(RNTPC Paper No. A/YL-TYST/805)

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### **Presentation and Question Sessions**

100. 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 shop (grocery store) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one objecting comment from a Yuen Long District Council member was

received. The objection was mainly on the grounds that the proposed development would increase the pedestrian flow in the area and affect the nearby residents; 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. Since there was no known programme for long-term development on the site currently, approval of the application on a temporary basis would not frustrate the long-term planning intention of the “Residential (Group C)” zone. The proposed development would unlikely cause significant adverse environmental, traffic and drainage impacts on the surrounding areas. Relevant approval conditions were recommended to address the concerns on the possible environmental nuisances. As the previous planning permission was revoked due to non-compliance with the approval condition, it was recommended that shorter compliance periods be imposed to closely monitor the progress on compliance with the approval conditions. Regarding the public comment, the assessments above were relevant.

101. In response to the Chairman's enquiry on the use of the site, Mr Alan Y.L. Au, STP/TMYLW, said that the applicant proposed to change the current use as a warehouse to a temporary grocery store should the application be approved.

#### Deliberation Session

102. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 14.9.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 9:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are

allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;

- (c) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (d) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (e) 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 14.12.2016;
- (f) the implementation of the accepted 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 14.12.2016;
- (g) 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 14.12.2016;
- (h) in relation to (g) 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 14.3.2017;
- (i) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (j) if any of the above planning conditions (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 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.”

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

### **Agenda Item 29**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/806 Temporary Warehouse for Storage of Construction Material with Ancillary Site Office for a Period of 3 Years in “Undetermined” zone, Lots 1229 (Part), 1236 (Part), 1237 (Part), 1238 (Part) and 1252 (Part) in D.D. 119, Pak Sha Tsuen, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-TYST/806)

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

104. 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 material with ancillary site 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 located to the north and in the vicinity of the site and environmental nuisance from the proposed development was expected. Other concerned departments had no objection to or no adverse comment on the application;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered the temporary use under application 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” zone and was not incompatible with the surrounding uses. The approval of the application on a temporary basis would not frustrate the long-term development of the area. Although DEP did not support the application, there was no environmental complaint concerning the site in the past three years. To address DEP's concern, relevant approval conditions were recommended.

105. Members had no question on the application.

#### Deliberation Session

106. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 14.9.2019, 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 open storage activities, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (d) no repairing, dismantling, cleansing or any other workshop activities, as

proposed by the applicant, are 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) the existing trees and landscape plantings on the site shall be maintained at all times 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 14.12.2016;
- (j) 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 14.3.2017;
- (k) 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 14.3.2017;
- (l) in relation to (k) 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 14.6.2017;
- (m) 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;

- (n) if any of the above planning conditions (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 the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

### **Agenda Item 30**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/807      Temporary Warehouse for Storage of Construction Machinery and Construction Material with Ancillary Site Office for a Period of 3 Years in “Undetermined” zone, Lots 2813 (Part) and 2814 (Part) in D.D. 120 and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-TYST/807)

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

108. 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 machinery and construction material with ancillary site 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 in the vicinity of the site and environmental nuisance from the proposed development was expected. Other concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered the temporary use under application 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” zone and was not incompatible with the surrounding uses. The approval of the application on a temporary basis would not frustrate the long-term development of the area. Although DEP did not support the application, there was no environmental complaint concerning the site in the past three years. To address DEP's concern, relevant approval conditions were recommended.

109. Members had no question on the application.

#### Deliberation Session

110. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 14.9.2019, 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 activities, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (d) no repairing, dismantling, cleansing or any other workshop activities, as proposed by the applicant, are 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) the 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 14.3.2017;
- (i) 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 14.3.2017;
- (j) in relation to (i) 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 14.6.2017;

- (k) in relation to (j) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (l) 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 14.3.2017;
- (m) in relation to (l) 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 14.6.2017;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (k) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (o) if any of the above planning conditions (h), (i), (j), (l) or (m) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (p) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

111. 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 31**

Any Other Business

(i) Section 16A Application

[Open Meeting]

A/YL-KTS/704-1      Application for Extension of Time (EOT) For Compliance with Planning Conditions, Lot 1638 RP (Part) in D.D. 106 and Adjoining Government Land, Yuen Kong, Kam Tin, New Territories

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112.            The Secretary reported that the application was approved with conditions by the Rural and New Town Planning Committee on 27.5.2016. The deadline for compliance with approval condition (f) on the submission of records of the existing drainage facilities, condition (g) on the implementation of the accepted landscaping and tree preservation proposal, and condition (h) on the implementation of the accepted fire service installations proposal was 27.8.2016.

113.            The Committee noted that an application for EOT for compliance with approval conditions (f), (g) and (h) by three months was received by the Town Planning Board on 26.8.2016, which was the last working day before the expiry of the specified time limit for the approval conditions (f), (g) and (h). It was recommended not to consider the application as the deadline for compliance with conditions (f), (g) and (h) had already expired on 27.8.2016, and the planning approval for the subject application had ceased to have effect and had on the same date been revoked.

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

(ii) Section 16A Application

[Open Meeting]

A/SK-HC/244-3      Application for Extension of Time (EOT) For Compliance with Planning Conditions, Government land in D.D. 214 and D.D. 244 at junction of Wo Mei Hung Min Road and Hiram's Highway, Sai Kung

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115. The Secretary reported that the application was approved with conditions by the Rural and New Town Planning Committee on 3.7.2015. The deadline for compliance with approval condition (a) on the submission of a landscape proposal, condition (b) on the implementation of the landscape proposal, condition (c) on the submission of proposals for fire service installation and water supplies for fire fighting, and condition (d) on the implementation of fire service installations and provision of water supplies for fire fighting was 3.9.2016.

116. The Committee noted that an application for EOT for compliance with approval conditions (a) to (d) by three months was received by Town Planning Board on 31.8.2016, which was three working days before the expiry of the specified time limit for approval conditions (a) to (d). It was recommended not to consider the application as the deadline for compliance with conditions (a) to (d) had already expired on 3.9.2016, and the planning approval for the subject application had ceased to have effect and had on the same date been revoked.

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

118. There being no other business, the meeting closed at 4:00 p.m..