

TOWN PLANNING BOARD

Minutes of 565th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 30.9.2016

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 H.F. Leung

Dr F.C. Chan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr C.H. Hau

Mr Alex T.H. Lai

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

Principal Environmental Protection Officer (Strategic Assessment),
Environmental Protection Department
Mr C.F. Wong

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

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

Secretary

Absent with Apologies

Dr Lawrence K.C. Li

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
Ms Sincere C.S. Kan

Agenda Item 1

Confirmation of the Draft Minutes of the 564th RNTPC Meeting held on 14.9.2016

[Open Meeting]

1. The draft minutes of the 564th RNTPC meeting held on 14.9.2016 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Fanling, Sheung Shui & Yuen Long East District

Agenda Item 3

Section 12A Application

[Open Meeting]

Y/FSS/12 Application for Amendment to the Draft Fanling/Sheung Shui Outline Zoning Plan No. S/FSS/21, To rezone the application site from “Comprehensive Development Area” to “Comprehensive Development Area (1)”, Sheung Shui Lot No. 2 RP and Adjoining Government Land (RNTPC Paper No. Y/FSS/12)

3. The Secretary reported that the application was submitted by Mr Hui Sai Fun who was the Chairman of Central Development Ltd. (CDL). Ove Arup & Partners Hong Kong Ltd. (Arup), Ramboll Environ Hong Kong Ltd. (Environ), Dennis Lau & Ng Chun Man Architects & Engineers (HK) Ltd. (DLNCM) and ADI Ltd. (ADI) 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 Arup, Environ and ADI;

Mr Alex T.H. Lai - his firm having current business dealings with Arup;

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

Mr Stephen L.H. Liu - having current business dealings with CDL and DLNCM.

4. The Committee noted that the applicant had requested for deferral of consideration of the application, and Ms Janice W.M. Lai had not yet arrived at the meeting. The Committee agreed that as the interest of Stephen L.H. Liu was direct, he could stay in the meeting but should refrain from participating in the discussion. The Committee also agreed that as Mr Ivan C.S. Fu and Mr Alex T.H. Lai had no involvement in the application, they

could stay in the meeting.

5. The Committee also noted that the applicant requested on 30.8.2016 for deferment of the consideration of the application for two months in order to allow time for the applicant to address comments from various 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 three months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Tuen Mun & Yuen Long West District

Agenda Item 4

Section 12A Application

[Open Meeting]

Y/YL/12 To rezone the application site from "Government, Institution or Community (1)" to "Residential (Group B) 2", Lots No. 1715 S.C RP (Part), 1715 S.C ss.2, 1716 S.A, 1717 S.D (Part) and 1722 in D.D 120, Tai Tong Road, Yuen Long
(RNTPC Paper No. Y/YL/12)

7. The Secretary reported that MVA Hong Kong Ltd. (MVA) and Landes Ltd. (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 MVA and Landes;
and

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

8. The Committee noted that the applicant had requested for deferral of consideration of the application, and Ms Janice W.M. Lai had not yet arrived at the meeting. The Committee agreed that as Mr Ivan C.S. Fu had no involvement in the application, he could stay in the meeting.

9. The Committee also noted that the applicant requested on 8.9.2016 for deferment of the consideration of the application for two months in order to allow time for the applicant to address departmental comments. It was the first time that the applicant requested for deferment of the application.

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

Sai Kung and Islands District

Agenda Item 5

Section 16 Application

[Open Meeting]

A/I-LWKS/2 Proposed Temporary Warehouse (for Construction Materials, Manufactured Goods and Tools), Workshop and Domestic Use for a Period of 3 Years as well as Filling and Excavation of Land in “Green Belt” zone, Lot No. 288 in D.D. 311, Lower Keung Shan, Lantau Island
(RNTPC Paper No. A/I-LWKS/2)

11. The Committee noted that the applicant requested on 14.9.2016 for deferment of the consideration of the application for two months in order to allow time for the applicant to liaise and understand the comments of relevant government departments. It was the first time that the applicant requested for deferment of the application.

12. 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 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HC/263 Proposed House (New Territories Exempted House - Small House) in
 “Agriculture” zone, Lot No. 676 S.A in D.D. 244, Ho Chung, Sai Kung
 (RNTPC Paper No. A/SK-HC/263)

Presentation and Question Sessions

13. 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 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 from agricultural development point of view as the site was considered to possess potential for agricultural rehabilitation. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one comment was received from an individual objecting to the application on the grounds that the proposed Small House was not in line with the planning intention of the “Agriculture” zone and approval of the application would set an undesirable precedent for similar applications in future; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the

application based on the assessments set out in paragraph 11 of the Paper. The application generally complied with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that the site and the footprint of the proposed Small House fell entirely within the village ‘environs’ of Ho Chung and there was a general shortage of land in meeting Small House development in the “Village Type Development” zone. Although DAFC did not support the application, there was no active farming activity on and in the vicinity of the site. Regarding the adverse public comment, the assessments above were relevant.

14. Members had no question on the application.

Deliberation Session

15. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 30.9.2020, 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 provision of a septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the TPB.”

16. 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 William W.T. Wong, STP/SKIs, for his attendance to answer Members’ enquiries. He left the meeting at this point.]

Agenda Item 7

Section 16 Application

[Open Meeting]

A/SK-TLW/6 Proposed 5 Houses (New Territories Exempted Houses - Small Houses) in “Village Type Development” zone, Government Land in D.D. 275, Ham Tin, Tai Long Wan, Sai Kung
(RNTPC Paper No. A/SK-TLW/6A)

17. The Committee noted that the applicant requested on 22.9.2016 for deferment of the consideration of the application for two months in order to allow time for the applicant to resolve comments of the relevant government departments. 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 comments from the relevant government departments.

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

[Ms Janice W.M. Lai and Mr David Y.T. Lui arrived to join the meeting at this point.]

Sha Tin, Tai Po and North District

[Mr Wallace W.K. Tang and Mr Kenny C.H. Lau, Senior Town Planners/Shu Tin, Tai Po and North (STPs/STN), and Mr Edwin P.Y. Young, Town Planner/Shu Tin, Tai Po and North (TP/STN), were invited to the meeting at this point.]

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/161 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” zones, Lot No. 293
S.B ss.1 RP in D.D. 52, Sheung Shui Wa Shan, Sheung Shui
(RNTPC Paper No. A/NE-FTA/161)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural development point of view as active agricultural activities could be found in its vicinity, and the site possessed potential for agricultural rehabilitation. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public

comments were received. The Chairman of the Sheung Shui District Rural Committee indicated no comment on the application whereas an individual objected to the application mainly on the grounds that the proposed Small House was not in line with the planning intention of the “Agriculture” zone; and approval of the application would set an undesirable precedent for similar applications in the area; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The site was located in close proximity to the “Village Type Development” zone and the village proper of Wa Shan Village, and there were approved Small House applications at different stages of development nearby. The site was also the subject of a previous application No. A/NE-FTA/105 for a Small House development approved by the Committee and its Small House grant application had been at an advanced stage. There were nineteen similar applications for Small House development within/partly within the subject “AGR” zone in the vicinity of the site, and all of them were approved by the Committee between 2008 and 2014. Regarding the adverse public comments, the assessments above were relevant.

20. Noting that there were previously approved applications for Small House development in proximity to the site, a Member had no objection to the application, but considered that given sufficient land of about 3.8 hectares was available for Small House development in Wa Shan Village, the Committee might need to critically consider similar applications in future in order to ensure that there would be no proliferation of Small House developments in the area.

21. Noting that the proposed Small House under application might involve filling of land similar to the adjacent Small House development as shown on Plan A-4 of the Paper, a Member asked whether it would have any cumulative impact on the drainage of the area. In response, the Chairman said that land filling for Small House development on agricultural land was not uncommon, and the Member’s concern could be addressed by the relevant approval condition (b) on drainage aspect.

Deliberation Session

22. 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 30.9.2020, 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 a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

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

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

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/162 Proposed Temporary Open Storage of Construction Materials and Storage for Construction Materials and Tools with Ancillary Office for a Period of 3 Years in “Agriculture” zone, Lots No. 517 RP (Part), 518 RP (Part), 521 RP (Part) and 523 RP in D.D. 51, Tin Ping Shan, Sheung Shui

(RNTPC Paper No. A/NE-FTA/162)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary open storage of construction materials and storage for construction materials and tools with ancillary office for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Major departmental comments were summarised as below:
 - (i) the Director of Agriculture, Fisheries and Conservation did not support the application from the agricultural development point of view as road access and water supply were available for the site, and the site could be used for green house cultivation or plant nursery;
 - (ii) the Director of Environmental Protection did not support the application as there were domestic structures in the vicinity of the site;
 - (iii) the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) had reservation on the application from the landscape planning point of view. According to aerial photo of 2013, it was observed that vegetation clearance had already taken place at both the site and its surrounding areas prior to the application. Approval of the application would set an undesirable precedent for similar applications and encourage similar site clearance prior to obtaining planning permission, thus causing adverse impact on the landscape resource and character within the area; and

- (iv) other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, a total of 23 public comments were received. The Chairman of the Sheung Shui District Rural Committee (SSDRC) indicated no comment on the application. The remaining comments from Kadoorie Farm and Botanic Garden Corporation, a concern group and 20 individuals objected to or raised concern on the application mainly on the grounds that the development was not in line with the planning intention of the “Agriculture” (“AGR”) zone; it would have adverse traffic, drainage and environmental impacts; it would cause road safety problem to the villagers nearby; there would be a loss of agricultural land; and approval of the application would set an undesirable precedent for similar applications in the area;
- (e) according to the District Officer (North), Home Affairs Department, the Resident Representative of Wa Shan Village objected to the application on traffic grounds, whereas the Chairman of SSDRC, the three Indigenous Inhabitant Representatives and the Resident Representative of Sheung Shui Heung had no comment on the application; and
- (f) PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “AGR” zone. The applicants had not provided any strong planning justifications in the submission to merit a departure from the planning intention of the “AGR” zone, even on a temporary basis. The application did not comply with the Town Planning Board Guidelines No. 13E on Application for Open Storage and Port Back-up Uses in that the site was not subject to any previous planning approval for similar open storage use, the applicants had failed to demonstrate that the proposed development would not have adverse environmental and landscape impacts on the surrounding areas, and there

were adverse departmental and local comments on the application. Approval of the application would set an undesirable precedent for similar applications in the “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

25. Members had no question on the application.

Deliberation Session

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

- “(a) the application is not in line with the planning intention of the “Agriculture” (“AGR”) zone for the area which is primarily intended to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justifications in the submission for a departure from such planning intention, even on a temporary basis; and
- (b) the application does not comply with the Town Planning Board Guidelines No. 13E on Application for Open Storage and Port Back-up Uses in that there is no previous planning approval granted at the site; there are adverse departmental comments on the application; and the applicants fail to demonstrate that the development would have no adverse environmental and landscape impacts on the surrounding areas; and
- (c) approval of the application would set an undesirable precedent for similar applications within the same “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.”

Agenda Items 10 to 12

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

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

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

A/NE-PK/87 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot No. 1642 S.F in D.D. 91, Kai Leng Tsuen,
Sheung Shui
(RNTPC Paper No. A/NE-PK/85 to 87A)

27. 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 within the same “Agriculture” (“AGR”) zone and in close proximity to one another, and agreed that they could be considered together.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (NTEH – Small House) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications as agricultural activities could be found in the vicinity of the sites, and the

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

- (d) during the first three weeks of the statutory publication period, six public comments on each of the applications No. A/NE-PK/85 and 86, and eight on application No. A/NE-PK/87 were received. A North District Council (NDC) member supported all the applications as they could provide convenience to the villagers, whereas the Chairman of the Sheung Shui District Rural Committee (SSDRC) indicated no comment on the applications. The comments from three individuals (one was for all applications and two on application No. A/NE-PK/87 only) objected to the applications as village land should be reserved for indigenous villagers of their own clan and the site of application No. A/NE-PK/87 was outside the village 'environs' ('VE') of Kai Leng. The other three comments submitted by Designing Hong Kong Limited and two individuals raised objection to the applications mainly on the grounds that the proposed Small Houses were not in line with the planning intention of the "AGR" zone; the sites should be used for agriculture; no technical assessments had been submitted; the proposed Small Houses were not for meeting the applicants' housing need; and approval of the applications would set undesirable precedents for similar applications in the area;
- (e) according to the District Officer (North), Home Affairs Department, a NDC member objected to all the applications as the proposed Small Houses would worsen the flooding of the surrounding agricultural land. Another NDC member and the Indigenous Inhabitant Representative of Kai Leng supported the applications while the Chairman of SSDRC and the Resident Representative of Kai Leng had no comment on the applications; and
- (f) 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. The applications complied with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that more than

50% of the footprints of all the proposed Small Houses fell within the 'VE' of Kai Leng, and land available within the "Village Type Development" zone was insufficient to meet the outstanding Small House applications and the future Small House demand forecast. A total of 58 similar applications within the same "AGR" zone in the vicinity of the sites were approved by the Committee between 2001 and 2006. There had not been any major change in planning circumstance of the area since the approval of those similar applications. Regarding the adverse public comments, the assessments above were relevant.

29. Noting that a buffer distance of 15m to 30m from the existing river channel was annotated on Plan A-2a of the Paper and the site under application No. A/NE-PK/87 was situated within the 15m buffer distance, a Member asked what the requirements of the said buffer distance were. In response, Mr Wallace W.K. Tang, STP/STN, said that according to the Environmental Protection Department (EPD)'s Professional Persons Environmental Consultative Committee Practice Note (ProPECC PN) 5/93, a buffer distance was required to avoid any adverse impacts on the river channel arising from Small House developments. Since the existing river channel had an embankment, any septic tank of Small House development should be located at least 30m away from the river channel. In view of that, the applicants had proposed to relocate their septic tanks to comply with the requirements of EPD's ProPECC PN 5/93. EPD had no objection to the applicants' proposal.

30. The Member further asked whether the applicant of application No. A/NE-PK/85 had obtained consent from the concerned land owner for the construction of the septic tank. In response, Mr Tang said that the site under application No. A/NE-PK/85 was able to accommodate the septic tank without encroaching onto the 30m buffer distance.

31. In response to a Member's question on the pavement shown on Plan A-4a of the Paper, Mr Tang said that the pavement was constructed by the local villagers to provide a footpath leading to a temporary structure near the sites.

32. A Member asked whether the domestic wastewater would be discharged to the public sewer or to the river channel directly, and if any approval condition would be necessary to require the applicants to connect their drains to the future public sewer when

available. In response, Mr C.F. Wong, Principal Environmental Protection Officer (Strategic Assessment), EPD, said that all domestic wastewater generated by the Small Houses under application should be discharged to the proposed septic tanks.

33. The Member further said that since a Certificate of Exemption of drainage works would be issued to the owners of the Small Houses, they were not required to commit themselves for the construction of connections to the public sewer in future. The Member suggested that the concerned requirement should be stipulated as a clause in all future Small House grant documents to ensure that such connection would be constructed. In response, Mr Edwin W.K. Chan, Assistant Director (Regional 3), Lands Department (LandsD), said that in the current applications, there was no information indicating that the completed Small Houses would have to be connected to the future public sewer if available. The Chairman said that LandsD should take note of the Member's suggestion in processing the land grant applications.

Deliberation Session

34. A Member considered that a mechanism should be set up among relevant government departments to ensure that all Small Houses should be connected to the public sewer to minimise any adverse impacts on the rural environment.

35. In response, Mr C.F. Wong said that all applications for Small House development approved by the Committee would follow the requirements stipulated in ProPECC PN 5/93, while the management of wastewater discharge from Small Houses approved by LandsD would have to follow the clauses stipulated in the land grant document.

36. A Member considered that the locations of the proposed Small Houses were not satisfactory as they were situated within the 15m to 30m buffer distance from the existing river channel, although the proposed locations of septic tanks and the management of wastewater discharge would meet the requirements stipulated in ProPECC PN 5/93. The Member was concerned about whether there was a mechanism to ensure that the applicants would fulfil the requirements at all time after the applications were approved.

37. In view of some Members' concerns on the wastewater discharge from Small

Houses, the Chairman invited representatives from EPD and LandsD to brief Members on the current management of wastewater discharge and the requirement of septic tank provision for Small Houses at a separate meeting.

38. After deliberation, the TPB decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the permissions should be valid until 30.9.2020, 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 provision of a 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 a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 13

Section 16 Application

[Open Meeting]

A/NE-TKL/552 Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Agriculture” zone, Lots No. 1106 RP (Part) and 1107 (Part) in D.D. 82, Ping Che Road, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/552)

40. The Secretary reported that the site was located at Ping Che, Ta Kwu Ling. Mr Alex T.H. Lai, whose father co-owning two land lots in Ping Che area, had declared an

interest in the item.

41. The Committee noted that the applicant had requested for deferral of consideration of the application, and agreed that Mr Alex T.H. Lai could stay in the meeting.

42. The Committee noted that the applicant requested on 14.9.2016 for deferment of the consideration of the application for two months in order to allow time for the applicant to prepare further information to address departmental comments. It was the first time that the applicant requested for deferment of the application.

43. 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 14

Section 16 Application

[Open Meeting]

A/NE-LT/585 Proposed House (New Territories Exempted House - Small House) in
"Agriculture" and "Village Type Development" zones, Government
Land in D.D. 10, Pak Ngau Shek Sheung Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/585)

44. The Committee noted that the applicant requested on 14.9.2016 for deferment of the consideration of the application for two months in order to allow time for the applicant to prepare further information to address departmental comments. It was the first time that the

applicant requested for deferment of the application.

45. 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-LT/589 Proposed 5 Houses (New Territories Exempted Houses - Small Houses) in "Agriculture" zone, Lots No. 1014 S.C, 1014 S.D, 1014 S.E, 1014 S.F, 1014 RP, 1015 S.C, 1015 S.D, 1015 S.E, 1015 S.F and 1015 RP in D.D. 19, Lam Tsuen San Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/589)

46. The Committee noted that the applicants requested on 27.9.2016 for deferment of the consideration of the application for one month in order to allow time for the applicants to prepare further information to address departmental comments. It was the first time that the applicants requested for deferment of the application.

47. After deliberation, the Committee decided to defer a decision on the application as requested by the applicants pending the submission of further information from the applicants. 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 applicants. If the further information submitted by the applicants 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 applicants that one month was allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/590 Proposed House (New Territories Exempted House - Small House) in
"Agriculture" and "Village Type Development" zones, Lot No. 682
S.A in D.D. 23, Po Sum Pai, Tai Po
(RNTPC Paper No. A/NE-TK/590)

Presentation and Question Sessions

48. Mr Edwin P.Y. Young, TP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural development point of view as the site fell partly within the "Agriculture" ("AGR") zone and had high potential for rehabilitation of agricultural activities. The Chief Town Planner, Urban Design and Landscape, Planning Department (PlanD) considered that approval of application would set an undesirable precedent for similar applications and

objected to the application from landscape planning point of view. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, six public comments were received from an Indigenous Inhabitant Representative of Po Sam Pai Village, Designing Hong Kong Limited and individuals objecting to the application mainly for reasons of being not in line with the planning intention of the “AGR” zone; not complying with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria); having adverse landscape, traffic and geotechnical impacts; not providing any impact assessment; setting of an undesirable precedent and available land within the “Village Type Development” (“V”) zone of Po Sam Pai village; and
- (e) PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed Small House was not in line with the planning intention of the “AGR” zone. The application did not comply with the Interim Criteria in that the proposed Small House would cause adverse landscape and geotechnical impacts on the surrounding areas. As land was still available within the “V” zone for Small House development, it was considered more appropriate to concentrate the proposed Small House within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services. The site was involved in tree felling, vegetation clearance and slope cutting prior to the current planning application. Approval of the application would set an undesirable precedent for similar applications.

49. Members had no question on the application.

Deliberation Session

50. After deliberation, the Committee decided to reject the application. The reasons

were :

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is to retain and safeguard good agricultural land for agricultural purposes and to retain fallow arable land with good potential for rehabilitation and other agricultural purpose. No strong justification has been submitted by the applicant for a departure from such planning intention;
- (b) the proposed development does not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in New Territories in that the proposed Small House will have adverse landscape and geotechnical impacts on the surrounding areas;
- (c) the approval of the application would set an undesirable precedent for other similar applications in the area. The cumulative impacts of approving such applications would result in further encroachment onto the woodland surrounding the area and a general degradation of the environment and landscape quality of the area; and
- (d) land is still available within the “Village Type Development” (“V”) zone of Po Sam Pai which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.”

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/592 Proposed Temporary Shop and Services (Fresh Provision Supplier) for
a Period of 3 Years in “Recreation” zone, G/F, No. 103A, Lung Mei,
Tai Po
(RNTPC Paper No. A/NE-TK/592)

Presentation and Question Sessions

51. Mr Edwin P.Y. Young, TP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary shop and services (fresh provision supplier) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, ten public comments from individuals were received objecting to the application mainly for the reasons of being not in line with the planning intention; and having adverse impacts on traffic, hygiene, drainage, noise and waste disposal; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary shop and services (fresh provision supplier) could be tolerated for a period of three years based on the assessments set out in paragraph 10 of the Paper. The proposed fresh provision supplier was intended mainly to serve the barbecue sites in the vicinity and was on a temporary basis for

three years, thus it was not expected to jeopardise the long-term planning intention of the “Recreation” zone. Concerned government departments had no objection to or no adverse comment on the application. Regarding the adverse public comments, the assessments above were relevant.

52. Members had no question on the application.

Deliberation Session

53. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 30.9.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 8:00 p.m. and 8:00 a.m., as proposed by the applicants, is allowed on the premises during the planning approval period;
- (b) the submission of fire service installations (FSIs) and water supplies for fire-fighting proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 30.3.2017;
- (c) in relation to (b) above, the provision of FSIs and water supplies for fire-fighting within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 30.6.2017;
- (d) if the above planning condition (a) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (e) if any of the above planning conditions (b) or (c) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.”

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

set out at Appendix V of the Paper.

Agenda Item 18

Section 16 Application

[Open Meeting]

A/TP/611 Proposed Religious Institution and Columarium in “Government,
Institution or Community” zone, Lot No. 1006 R.P. in D.D. 5, No. 2
Mui Shue Hang Village, Tai Po
(RNTPC Paper No. A/TP/611)

55. The Committee noted that the applicant requested on 12.9.2016 for deferment of the consideration of the application for two months in order to allow time for the applicant to prepare further information to address the comments of the Transport Department and respond to the public comments. It was the first time that the applicant requested for deferment of the application.

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

Agenda Items 19 and 20

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/901 Proposed House (New Territories Exempted House) in “Green Belt” zone, Lot No. 365 in D.D. 171, Ma Niu, Sha Tin

A/ST/902 Proposed 2 Houses (New Territories Exempted Houses) in “Green Belt” zone, Lot No. 368 in D.D. 171, Ma Niu, Sha Tin
(RNTPC Paper No. A/ST/901 and 902)

57. The Committee noted that the two applications for proposed house (New Territories Exempted House (NTEH)) were similar in nature and the sites were located within the same “Green Belt” (“GB”) zone and in close proximity to each another, and agreed that they could be considered together.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (NTEH) at the site under application No. A/ST/901 and the proposed two houses (NTEH) at the site under application No. A/ST/902;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication, one public comment was received against the applications mainly on the grounds that the proposed developments were not in line with the planning intention of the “GB” zone; the proposed developments would have adverse landscape

impact on the area; and approval of the applications would set an undesirable precedent; 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. Regarding the adverse public comment, concerned government departments had no objection to or no adverse comment on the application.

59. In response to a Member's question on the number of the total Small House applications in Ma Niu, Mr Kenny C.H. Lau, STP/STN said that relevant information had not been sought from the Lands Department as the applications were not for Small House development. Yet, according to the information obtained in 2014, the outstanding Small House applications and the 10-year Small House demand forecast for Ma Niu were approximately 40 in total.

60. A Member said that according to Plan A-3 of the Paper, most parts of the subject "V" zone had not been developed and there was no reason to approve the NTEH developments outside the "Village Type Development" ("V") zone. In addition, the Member asked about the nature of the existing structures situated within the "GB" zone and the village 'environs' ('VE'). In response, Mr Lau said that the village settlement of Ma Niu was mainly situated at another part of the "V" zone to the further south of the site as shown in Plan A-1 of the Paper. As advised by the Sha Tin District Lands Office, the subject lots of the application sites had building entitlements, and development of NTEH on the sites were generally considered acceptable. Small House demand was not one of the considerations for assessing the applications. As for the existing structures in the "GB" zone and 'VE', they were for domestic use.

Deliberation Session

61. The Secretary supplemented that according to paragraph 9.1.1. of the Paper, the sites were Old Schedule Lots described as "Latrine" and "Waste ground and house" respectively under the Block Government Lease. Development of NTEH on the sites was permitted under the Government Lease. LandsD had no objection to the applications.

62. After deliberation, the TPB decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the permissions should be valid until 30.9.2020, 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 condition :

“ the provision of a septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the TPB.”

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

[The Chairman thanked Mr Wallace W.K. Tang and Mr Kenny C.H. Lau, STPs/STN, and Mr Edwin P.Y. Young, TP/STN, for their attendance to answer Members' enquiries. They left the meeting at this point.]

Fanling, Sheung Shui and Yuen Long East District

[Ms Maggie M.Y. Chin, District Planning Officer/Fanling, Sheung Shui and Yuen Long East (DPO/FSYLE), Mr Kevin C.P. Ng and Mr Kepler S.Y. Yuen, Senior Town Planners/Fanling, Sheung Shui and Yuen Long East (STPs/FSYLE), were invited to the meeting at this point.]

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/422 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot No. 641 S.D RP in D.D. 100, Tsiu Keng,
Sheung Shui
(RNTPC Paper No. A/NE-KTS/422)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, three public comments were received from the Chairman of the Sheung Shui District Rural Committee (SSDRC) and two individuals. The Chairman of SSDRC had no comment to the application, while the two individuals objected to the application mainly on the grounds that the proposed Small House was not in line with the planning intention; approval of the application would set an undesirable precedent; and land was still available within the “Village Type Development” (“V”) zone of Tsiu Keng Village for Small House development; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The application generally met the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that the footprint of the proposed Small House fell entirely within the village ‘environs’ of Tsiu Keng Village and there might not be sufficient land in the “V” zone in Tsiu Keng Village to meet the Small House demand. The site was also located close to Tsiu Keng Road, which was the main vehicular access of the village. Regarding the adverse public comments, the assessments above were relevant.

65. A Member said that the proposed Small House was situated next to a river, and asked whether there were any restrictions on the buffer distance from the river for the septic tank. In response, Mr Kevin C.P. Ng, STP/FSYLE, said that the Drainage Services Department had no objection to the proposed provision of septic tank in the application. The Chairman supplemented that an approval condition on the provision of the septic tank at a location to the satisfaction of the Director of Lands was recommended to be imposed should the application be approved.

Deliberation Session

66. A Member had no objection to the application given the site was located close to the main vehicular access of Tsiu Keng Village and other similar applications were previously approved. However, as there were active agricultural activities in the Tsiu Keng area, the Member considered that it was necessary to preserve the character of the area and land for Small House development was still available in Tsiu Keng Village. The Committee agreed that the above concerns should be taken into account in considering future applications for Small House development in the “Agriculture” zone to avoid any proliferation of Small House developments in the area.

67. 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 30.9.2020, 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 a septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the TPB; and
- (b) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB.”

68. 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]

A/YL-KTN/522 Proposed Residential Development (Flats) in “Comprehensive Development Area (1)” and “Comprehensive Development Area” zones, Lots No. 1763 RP (Part), 1764, 1765, 1766 RP (Part), 1767 RP (Part), 1768, 1769, 1770, 1771 RP, 1776 RP, 1777 RP (Part), 1779, 1780, 1783 (Part), 1795 (Part), 1796 (Part), 1797 (Part), 1798, 1799, 1800, 1801, 1802, 1803, 1804, 1805, 1806, 1807, 1819, 1821, 1834, 1835, 1836 (Part), 1837 (Part), 1838 (Part) and 1839 (Part) in D.D. 107 and Adjoining Government Land near Cheung Chun San Tsuen, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/522A)

69. The Secretary reported that the application was submitted by Bright Strong Ltd. which was a subsidiary of Sun Hung Kai Properties Ltd. (SHK). Llewelyn-Davies Hong Kong Ltd. (LD), AECOM Asia Company Ltd. (AECOM), Ramboll Environ Hong Kong Ltd. (Environ), Ronald Lu & Partners (HK) Ltd. (RLP) and Urbis Ltd. (Urbis) were five 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, Environ and Urbis; |
| Ms Janice W.M. Lai | | |
| Mr Stephen L.H. Liu | - | having current business dealings with SHK, LD and RLP; |
| Miss Winnie W.M. Ng | - | being a Director of the Kowloon Motor Bus Co. Ltd. (KMB) and SHK was one of the shareholders of KMB; |

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

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

70. The Committee noted that the applicant had requested for deferral of consideration of the application, and agreed that as the interests of Mr Ivan C.S. Fu, Ms Janice W.M. Lai, Mr Stephen L.H. Liu and Miss Winnie W.M. Ng were direct, they could stay in the meeting but should refrain from participating in the discussion. The Committee also agreed that as the interest of Ms Christina M. Lee was not direct and Dr Billy C.H. Hau had no involvement in the application, they could stay in the meeting.

71. The Committee also noted that the applicant requested on 15.9.2016 for deferment of the consideration of the application for two months in order to allow time for the applicant 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 on traffic, drainage, environmental and air-ventilation aspects to address departmental comments.

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

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/523 Temporary Open Storage of Brand New Vehicles (Private Cars) for a Period of 3 Years in “Agriculture” and “Village Type Development” zones, Lots No. 1634 RP (Part), 1635 RP, 1636 RP (Part), 1639, 1640 (Part), 1647 (Part), 1674 (Part), 1675 (Part) and 1676 (Part) in D.D.107 and Adjoining Government Land, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/523A)

73. The Committee noted that the replacement pages (pages 7, 13 and 14 of the Paper) had been tabled at the meeting.

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 open storage of brand new vehicles (private cars) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Major departmental comments were summarised as below:
 - (i) the Commissioner for Transport considered that the applicant had not demonstrated there was sufficient space for storing 350 private vehicles and had not marked the parking spaces and the dimension of the manoeuvring circle on the plan;
 - (ii) the Director of Agriculture, Fisheries and Conservation did not

support the application from agricultural development point of view. According to the site inspection, the site could be used for agricultural use such as greenhouse or plant nursery;

- (iii) the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) had reservation on the application from the landscape planning perspective. The site which was previously vacant with existing trees forming a green buffer to Sha Po Tsuen had been paved and fenced off and used as vehicle storage. Approval of the application would set an undesirable precedent encouraging similar site modification prior to application. Furthermore, the subject “Agriculture” (“AGR”) zone currently served as a green buffer between the “Village Type Development” (“V”) zone and the “Industrial (Group D)” zone. Approval of the application would adversely affect the green buffer, resulting in further degradation of landscape quality in the area. The landscape proposal was also considered not acceptable;
 - (iv) the Chief Engineer/Mainland North, Drainage Services Department had some reservations on the application as the submitted drainage proposal did not have sufficient information to demonstrate the drainage of adjacent areas would not be affected by the development; and
 - (v) other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, a total of 25 public comments were received from the Kam Tin Rural Committee, Indigenous Inhabitant Representative of Sha Po Tsuen, Tai Loi Owners’ Committee, local villagers, Kadoorie Farm and Botanic Garden Corporation, World Wide Fund Hong Kong Limited, and the general public. They objected to the application for the reasons that the development was not in line with the planning intention of the “AGR” zone and no strong

justification had been given for a departure from the planning intention, even on a temporary basis; approval of the application would defeat the Government's policy to revitalise farming and would legitimate repeated unauthorised development and set an undesirable precedent for similar planning applications; the development would create adverse drainage, traffic, ecological and environmental impacts on the surrounding areas; the locals were not consulted of the submitted technical assessments; open storage use should be accommodated in multi-storey towers; and the site could be a suspected "destroy first, build later" case; 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 intentions of the "V" and "AGR" zones. No strong planning justification had been given in the submission to justify for a departure from the planning intentions, even on a temporary basis. The development was not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that no previous approval had been granted for the site, and there were adverse departmental comments and local objections against the application. The applicant also failed to demonstrate that the development would not generate adverse traffic, drainage and landscape impacts. Approval of the application would set an undesirable precedent for similar applications. The cumulative effect of approving such application would result in a general degradation of the rural environment of the area.

75. Members had no question on the application.

Deliberation Session

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

- “(a) the development is not in line with the planning intentions of the “Agriculture” (“AGR”) and “Village Type Development” (“V”) zones.

No strong planning justification has been given in the submission for a departure from the planning intentions, even on a temporary basis;

- (b) the application does not comply with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that the development is not compatible with the surrounding land uses which are rural in character, mixed with residential structures/dwellings, open storage/storage yards, warehouse, parking lots, ponds, cultivated/fallow agricultural land and vacant/unused land. There is also no previous approval granted at the site and there are adverse departmental comments and public objections against the application;
- (c) the applicant fails to demonstrate that the development would not generate adverse traffic, drainage and landscape impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for other similar applications to proliferate into this part of the “AGR” and/or “V” zones. The cumulative effect of approving such application would result in a general degradation of the rural environment of the area.”

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/524 Temporary Open Storage of Brand New Vehicles (Private Cars) for a Period of 3 Years in “Agriculture”, “Comprehensive Development Area” and “Village Type Development” zones, Lots No. 1632 (Part) and 1693 in D.D.107 and Adjoining Government Land, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/524A)

77. The Committee noted that the replacement pages (pages 7, 8, 13, 14 and Plan A-1 of the Paper) had been tabled at the meeting.

Presentation and Question Sessions

78. 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 open storage of brand new vehicles (private cars) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Major departmental comments were summarised as below:
 - (i) the Commissioner for Transport considered that the applicant had not demonstrated there was sufficient space for storing 130 private vehicles and had not marked the parking spaces and the dimension of the manoeuvring circle on the plan;
 - (ii) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from nature conservation point of view. The applied use at the site would likely cause pollution and disturbance to the Sha Po Marsh and its associated wildlife. According to the recent site inspection, the site had been paved and used for the applied use. It seemed to be a “destroy first, build later” case. DAFC also did not support the application from agricultural development point of view as there were active agricultural activities in the vicinity and the site had potential for agricultural rehabilitation;
 - (iii) the Chief Town Planner/Urban Design and Landscape, Planning

Department (PlanD) had reservation on the application from the landscape planning point of view. The site had been previously cleared and paved. According to the recent site photos, the site was currently used as open storage yard. Existing trees were found within and along the site boundary. Although further landscape impact arising from the applied use was not expected, approval of the application would set an undesirable precedent for site modification prior to application. The cumulative impact of such approval would further degrade the existing landscape quality in the surrounding area. It was uncertain whether the adverse landscape impact due to the applied use could be mitigated;

- (iv) the Chief Engineer/Mainland North, Drainage Services Department had some reservations on the application as the submitted drainage proposal did not have sufficient information to demonstrate the drainage of adjacent areas would not be affected by the development; and
 - (v) other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, a total of 47 public comments from the Kam Tin Rural Committee, Indigenous Inhabitant Representative of Sha Po Tsuen, Tai Loi Garden Owners' Committee, Worldwide Fund Limited, a Yuen Long District Council Member, local villagers and the general public were received. They objected to the application for the reasons that the development was not in line with the planning intention of the "Agriculture" ("AGR") zone and no strong justification had been given for a departure from the planning intention, even on a temporary basis; approval of the application would defeat the Government's policy to revitalise farming, and would legitimate repeated unauthorised development and set an undesirable precedent for similar planning applications; the development would create adverse drainage, traffic, environmental and ecological impacts on the surrounding

areas; the locals were not consulted of the submitted technical assessments; open storage use should be accommodated in multi-storey towers; and the site could be a suspected “destroy first, build later” case; 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 intentions of the “Village Type Development”, “Comprehensive Development Area” and “AGR” zones. No strong planning justification had been given in the submission to justify for a departure from the planning intentions, even on a temporary basis. The development was not in line with the Town Planning Board Guidelines No. 13E on Application for Open Storage and Port Back-up Uses in that no previous approval had been granted for the site, and there were adverse departmental comments and local objections against the application. The applicant failed to demonstrate that the development would not generate adverse traffic, ecological, drainage and landscape impacts. Approval of the application would set an undesirable precedent for similar applications. The cumulative effect of approving such application would result in a general degradation of the rural environment of the area.

79. Members had no question on the application.

Deliberation Session

80. 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”), “Comprehensive Development Area” (“CDA”) and “Village Type Development” (“V”) zones. No strong planning justification has been given in the submission for a departure from the planning intentions, even on a temporary basis;
- (b) the application does not comply with the Town Planning Board Guidelines

No. 13E for Application for Open Storage and Port Back-up Uses in that the development is not compatible with the surrounding land uses which are rural in character, mixed with residential structures/dwellings, open storage/storage yards, warehouse, parking lots, ponds, cultivated/fallow agricultural land and vacant/unused land. There is also no previous approval granted at the site and there are adverse departmental comments and public objections against the application;

- (c) the applicant fails to demonstrate that the development would not generate adverse traffic, ecological, drainage and landscape impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for other similar applications to proliferate into this part of the “AGR”, “CDA” and / or “V” zones. The cumulative effect of approving such application would result in a general degradation of the rural environment of the area.”

Agenda Item 25

Section 16 Application

[Open Meeting]

A/YL-KTN/535 Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm and Caravan Holiday Camp) for a Period of 3 Years in “Agriculture” zone, Lots No. 5 RP (Part), 5 S.M-S.Z, 5 S.AA-S.AC, 5 S.AT, 5 S.AV-S.AZ, 5 S.BC, 6, 8 RP (Part), 9 RP, 9 S.B-S.H in D.D. 110 and Adjoining Government Land, Tai Kong Po, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/535)

81. The Committee noted that the applicant requested on 13.9.2016 for deferment of the consideration of the application for two months in order to allow time for the applicant to prepare further information to respond departmental comments. It was the first time that the

applicant requested for deferment of the application.

82. 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 26

Section 16 Application

[Open Meeting]

A/YL-KTN/536 Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm and Caravan Holiday Camp) for a Period of 3 Years in "Agriculture" zone, Lots No. 1786, 1787 S.B and 1787 RP in D.D. 107, Fung Kat Heung, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/536)

83. The Committee noted that the applicant requested on 13.9.2016 for deferment of the consideration of the application for two months in order to allow time for the applicant to prepare further information to respond departmental comments. It was the first time that the applicant requested for deferment of the application.

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

could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 27

Section 16 Application

[Open Meeting]

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

85. The Secretary reported that the site was located at Kam Tin South. Ms Janice W.M. Lai, whose family member owned a house at Cheung Po Tsuen, Kam Tin South, had declared an interest in the item.

86. The Committee noted that the applicant had requested for deferral of consideration of the application, and agreed that as the property of Ms Janice W.M. Lai's family member had no direct view on the site, she could stay in the meeting.

87. The Committee also noted that the applicant requested on 6.9.2016 for deferment of the consideration of the application for two months in order to allow time for the applicant to address outstanding departmental comments on traffic, sewerage, visual, landscaping and environmental aspects. It was the third time that the applicant requested for deferment of the application. Since the last deferment, the applicant had submitted further information including a new tree preservation and landscape proposal, a new traffic impact assessment, a new sewage treatment review and tables on responses to various departmental comments.

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 third deferment and a total of five months had been allowed for preparation of the submission of the further information, no further deferment would be granted unless under special circumstances.

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

89. The Secretary reported that the site was located at Kam Tin South. Ms Janice W.M. Lai, whose family member owned a house at Cheung Po Tsuen, Kam Tin South, had declared an interest in the item. The Committee agreed that as the property of Ms Janice W.M. Lai's family member had no direct view on the site, she could stay in the meeting.

Presentation and Question Sessions

90. 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 open storage of construction machinery for a period of one year;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Major departmental comments were summarised as below:
 - (i) the Director of Environmental Protection did not support the application as there were sensitive receivers located to the east of the site, and environmental nuisance was expected;
 - (ii) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural development point of view as the site was served with road access and could be used for greenhouse and plant nursery;
 - (iii) the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) had reservation on the application from the landscape planning perspective. The landscape in the surrounding area of the site was predominately rural in character. Suspected unauthorised open storage yards and temporary structures were found dominating the area zoned “Agriculture” (“AGR”). Approval of the application might encourage other similar applications, resulting in further cumulative adverse impact on the existing landscape character in the area; and
 - (iv) other concerned government departments had no objection to or no adverse comment on the application.
- (d) during the first three weeks of the statutory publication period, four public comments were received from Kadoorie Farm and Botanic Garden Corporation, World Wide Fund for Nature Hong Kong, Designing Hong Kong Limited and an individual. They objected to the application mainly on the grounds that the development was not in line with the planning

intention of the “AGR” zone and no strong planning justification had been given in the submission for a departure from the planning intention; the application did not comply with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E); approval of the application would contradict the Government’s new agricultural policy and set an undesirable precedent for similar applications; and there was a concern that “destroy first and develop later” might had taken place at the site; 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. No strong planning justification had been given in the submission to justify for a departure from the planning intention, even on a temporary basis. The development was not in line with TPB PG-No. 13E in that the site was not covered by any previous planning approval, and there were adverse departmental comments on and local objections to the application. The applicant failed to demonstrate that the development would not generate any adverse environmental and drainage impacts on the surrounding areas. Approval of the application would set an undesirable precedent for similar applications, resulting in further cumulative adverse impact on the existing landscape character in the area.

91. Noting that the surrounding areas of the site were used as open storage/storage yards as shown in Plan A-3 of the Paper, the Chairman asked why the application for open storage use could not be approved. In response, Mr Kepler S.Y. Yuen, STP/FSYLE, said that the surrounding areas comprised a mixture of cultivated agricultural land, a few residential dwellings, pigsty farm and unused land. All of the nearby open storage/storage yards were suspected unauthorised development subject to enforcement action by the Planning Authority.

Deliberation Session

92. A Member said that if the application was not approved, it would set a precedent

for the Committee to reject other similar applications. That might result in less open storage activities in the area in future. The Member also noted that there was no previous application at the site, and a similar application for temporary open storage use within the subject “AGR” zone was rejected previously by the Committee.

93. The Committee noted that according to TPB PG-No. 13E, the site fell within the Category 3 areas. “Existing” and approved open storage and port back-up uses were to be contained. Applications would normally not be favourably considered unless the applications were on sites with previous planning approvals. All of the open storage/storage yards in the vicinity of the site were suspected unauthorised development subject to enforcement action. The Committee noted that although the site was paved, it could still be used for greenhouse and plant nursery, and the overall planning intention of the area was to retain land for agricultural use.

94. The Committee also noted that those unauthorised developments which took place after the first publication of a Development Permission Area Plan for the area were shown on Plan A-2 of the Paper. As the open storage use on the site was an unauthorised development, it was currently subject to enforcement action.

95. A Member said that approval of the application would set an undesirable precedent, and considered that enforcement action should be first taken to remove those unauthorised developments before consideration of approving any applications for open storage use, if appropriate.

96. The Committee also noted that the Planning Authority would take some time to inspect and collect evidence in order to confirm whether there was an unauthorised development. A warning letter would be first issued to the land owner prior to enforcement action. Should the unauthorised development be continued, statutory notices would be issued to require the unauthorised development to be discontinued by a specified date. Any person who failed to comply with the statutory notices committed an offence under the Town Planning Ordinance and a penalty would be charged. For the subject site, an Enforcement Notice was served to the persons responsible for the unauthorised development on the site in May 2016.

97. In response to a Member's question, the Secretary said that under TPB PG-No. 13E, the site fell within the Category 3 areas where applications would normally not be favourably considered unless the applications were on sites with previous planning approvals. In view of the changing planning circumstances in some of the areas in the New Territories, TPB PG-No. 13E would be subject to review when required.

98. 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 to retain and safeguard good agricultural land for agricultural purposes. This zone is also intended to retain fallow arable land with good potential for rehabilitation. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the application does not comply with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that there is no previous approval granted at the site and there are adverse departmental comments on the application;
- (c) the applicant fails to demonstrate that the development would not generate adverse environmental and drainage impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.”

Agenda Item 29

Section 16 Application

[Open Meeting]

A/YL-SK/218

Proposed Temporary Concrete Batching Plant for a Period of 3 Years
in “Industrial (Group D)” zone, Lot No. 692 (Part) in D.D. 114, Shek
Kong, Yuen Long
(RNTPC Paper No. A/YL-SK/218)

99. The Committee noted that the applicant requested on 22.9.2016 for deferment of the consideration of the application for one month in order to allow time for the applicant to prepare further information to address the Transport Department’s concern on traffic issues. It was the first time that the applicant requested for deferment of the application.

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

[The Chairman thanked Mr Kevin C.P. Ng and Mr Kepler S.Y. Yuen, STPs/FSYLE, for their attendance to answer Members’ enquiries. They left the meeting at this point.]

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/247 Proposed House and Wetland Habitat Development with Excavation and Filling of Land in “Other Specified Uses” annotated “Comprehensive Development and Wetland Protection Area” zone, Lots No. 3054 S.B RP and 3055 in D.D. 104, near Yau Mei San Tsuen, Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/247C)

101. The Secretary reported that the Mr K.W. Cheung, Senior Nature Conservation Officer (North) (SNCO(N)) of the Agriculture, Fisheries and Conservation Department (AFCD), was invited to attend the meeting together with Ms Maggie M.Y. Chin, DPO/FSYLE.

102. The Secretary reported that the site was located at Mai Po, and the application was submitted by Asia King Development Ltd. and Well Glided Ltd., which were subsidiaries of Henderson Land Development Co. Ltd. (HLD). AECOM Asia Co. Ltd. (AECOM), Ramboll Environ Hong Kong Ltd. (Environ) and Urbis Ltd. (Urbis) were three of the consultants of the applicants. The following Members had declared interests in the item:

- | | | |
|---------------------|---|--|
| Mr Ivan C.S. Fu | } | having current business dealings with HLD, AECOM, Environ and Urbis; |
| Ms Janice W.M. Lai | | |
| 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 obtained sponsorship from HLD before; and owning a property at Palm Springs, Mai Po;
- Ms Christina M. Lee - being the Secretary-General of the Hong Kong Metropolitan Sports Events Association which had obtained sponsorship from HLD before;
- 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 a Executive Director of HLD before; and
- Dr Billy C.H. Hau - having current business dealings with AECOM.

103. The Committee noted that Dr Lawrence K.C. Li had tendered apology for being unable to attend the meeting, and agreed that as the interests of Mr Ivan C.S. Fu, Ms Janice W.M. Lai and Mr Stephen L.H. Liu were direct, they should be invited to leave the meeting temporarily. The Committee also agreed that as the interests of Mr H.F. Leung, Professor K.C. Chau, Ms Christina M. Lee and Mr Peter K.T. Yuen were not direct and Dr Billy C.H. Hau had no involvement in the application, they could stay in the meeting.

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

Presentation and Question Sessions

104. With the aid of a PowerPoint presentation, Ms Maggie M.Y. Chin, DPO/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

Background

- (a) The application was to seek planning permission for proposed house and wetland habitats development, as well as filling and excavation of land at the site;
- (b) the northern part of the site was mainly ponds and grassland, while the southern part was mainly vegetated and cultivated land with some on-farm domestic structures and temporary structures;
- (c) the site was zoned “Other Specified Uses” annotated “Comprehensive Development and Wetland Protection Area” (“OU(CDWPA)”) on the approved Mai Po and Fairview Park Outline Zoning Plan No. S/YL-MP/6. Under such zone, planning permission was required for ‘House’, ‘Wetland Habitat’, and filling and excavation of land. The site was not the subject of any previous application;

The Proposal

- (d) the proposed development comprised (a) a 3.8 ha of wetland restoration area (WRA) at the northern and eastern parts of the site; and (b) a 4.3 ha of low-rise and low-density residential development at the southern part of the site (the development site). The development site fell mostly on the Wetland Buffer Area (WBA) (99.86%) with a small portion on the Wetland Conservation Area (0.14%). The applicants would refine the boundary of the development site to fall entirely within the WBA boundary at the detailed design stage;

Major Development Parameters

- (e) the major development parameters of the proposed development were summarised as below:

Gross Site Area	:	8.1 ha
Development Site	:	4.3 ha
WRA	:	3.8 ha
Plot Ratio	:	0.2
Gross Floor Area	:	16,200 m ²
Maximum Building Height	:	3 storeys (including 1-storey carport)
Number of Houses	:	105
Designed Population	:	345 persons
No. of Car Parking Spaces:		
Private Car	:	180
Motorcycles	:	4
Loading/Unloading bay	:	2
Communal Open Space Area	:	2,220 m ²

WRA

- (f) the WRA would provide wetland conservation, enhancement and restoration functions and would increase the wetland habitat by 0.8 ha (from 3.0 ha to 3.8 ha). An ecological corridor with a width of 15m to 20m was proposed to facilitate the movement of small wetland fauna. The WRA would be managed by an appointed conservation agent and with limited public access;

Sewerage Treatment Arrangement

- (g) sewage generated from the proposed residential development would be discharged to the planned Ngau Tam Mei Trunk Sewer. In view of the uncertain development programme of the said trunk sewer, a temporary on-site sewage treatment plant was proposed as an interim measure;

Long-term Funding and Management

- (h) the applicants would provide an undertaking to take sole responsibility for the long-term maintenance, management and monitoring of the WRA and

had proposed to inject a lump sum of money into the Environment and Conservation Fund (ECF) to fund the implementation of the Wetland Restoration Plan (WRP);

Implementation Programme

- (i) the proposed development would be implemented in 3 phases. Phase 1 involved the provision of temporary wetland enhancement area by 2018. Phase 2 involved the establishment of the WRA by 2020 while the proposed houses within the development site would be completed by 2022 under Phase 3;

Technical Assessments

- (j) the applicants had submitted various technical assessments including a WRP, Landscape Design Proposal and Tree Preservation Scheme, Ecological Impact Assessment (EcoIA), Visual Impact Assessment, Traffic Impact Assessment, Drainage Impact Assessment (DIA), Sewerage Impact Assessment and Environmental Assessment, and Master Layout Plan (MLP), Landscape Master Plan, approved Environmental Impact Assessment (EIA) Report and Environmental Permit;

Departmental Comments

- (k) departmental comments were set out in paragraph 10 and Appendix VI of the Paper. Concerned government departments had no objection to or no adverse comment on the application;

Public Comments

- (l) during the first three weeks of the four statutory publication periods, a total of 135 public comments were received;

Objecting Comments

- (m) there were 49 objecting comments received from three members of the Yuen Long District Council, Fairview Park Property Management Limited, seven green groups, the San Tin Rural Committee, the Incorporated Owners of Yuen Long Cheong Wai Mansion, Democratic Alliance, 海華元朗服務中心, Village Representatives of Tsing Lung Tsuen, Chuk Yuen Tsuen and Mai Po Tsuen, and six individuals. They objected to the application mainly on the grounds that the proposed development would have adverse impacts on environment, ecology, wetland, fish ponds, bird's flight line, sewerage and traffic; buffer planning was insufficient to screen out human disturbance to WRA; the proposed ecological corridor was not wide enough; the proposed development would have adverse impact on Black-faced Spoonbill; approval of the application would set an undesirable precedent; and the proposed development would worsen the traffic at Castle Peak Road and the roundabout at Fairview Park;

Supporting Comments

- (n) the remaining 86 comments received from individuals supported the application mainly on the grounds that the proposed development could restore the wetland of high ecological value and conserve the natural environment; the proposed development was compatible with the surrounding environment, in line with the Private-Public Partnership (PPP) approach and could meet the requirements of the "no-net loss in wetland" principle; abandoned agricultural land could be better utilised; and the local environment for neighbouring residents could be improved; and

The Planning Department (PlanD)'s views

- (o) PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The proposed development was generally in line with the planning intention of the "OU(CDWPA)" zone, and was considered not incompatible with the surrounding uses, i.e. low-rise and

low-density residential developments. The proposed development generally met the requirements stipulated in the Town Planning Board Guidelines No. 12C for Application for Developments within Deep Bay Area, in that the proposed development could meet the requirements of the “no-net loss in wetland” principle in terms of area and function of wetland, and the proposed development together with the treated effluent to be discharged to Ngau Tam Mei Drainage Channel would not cause net increase in pollution load to the Deep Bay. The long-term management and maintenance of the WRA in the submitted WRP was generally in line with the funding arrangement to implement PPP projects. Concerned government departments had no objection to or no adverse comment on the application from traffic, drainage, sewerage, environmental, conservation, urban design and landscape, fire safety and building aspects. Regarding the adverse public comments, the assessments above were relevant.

105. Mr K.W. Cheung, SNCO(N)/AFCD, supplemented that the EIA report of the proposed development had been approved under the EIA Ordinance, and a list of detailed implementation requirements had to be followed up by the applicants. The proposed development under application was generally in line with the proposed scheme under the approved EIA. As such, AFCD had no objection to the application.

PPP Approach and ECF

106. In response to two Members’ questions on the details of the long-term management of the proposed WRA including the PPP approach and the ECF, Mr K.W. Cheung said that the ECF was established under the ECF Ordinance and the Secretary for the Environment was the trustee of the ECF. The applicants of the proposed development, which was a PPP project, would construct the proposed WRA and inject a lump sum of money into the ECF. Together with the seed money injected by the Government, the annual investment returns managed by the ECF Committee would be made available for funding of green projects and activities upon application. A management agent as identified by the applicants would apply to ECF for funding to implement the accepted WRP.

107. A Member asked how to decide the amount of money to be injected by the

applicants into the ECF. Another Member also asked whether there were any criteria for the calculation of the amount of money to be injected and if there was any public information available on the project proponents' contribution to each project under the ECF, in particular the applicants' direct contribution to the long-term management of the proposed WRA. In response, Mr Cheung said that the applicants would mutually agree on the amount of money to be injected with the ECF Committee. In general, an annual budget would be worked out in accordance with the accepted WRP prepared by the applicants, the amount of money to be injected by the applicant would be able to keep the accepted WRP running for at least 50 – 70 years. Since the amount of money mutually agreed between the applicant and the ECF Committee might involve confidential information, it would not be disclosed for public inspection.

108. A Member, being a member of the ECF Committee, said that there were a number of sub-committees under the ECF Committee vetting different kinds of projects, including energy conservation, research, waste reduction, and environmental education and community action. If a project would require funding support of over HK\$2 million, it would then be vetted by the ECF Committee. The ECF's website should contain information of all approved projects. Mr Cheung supplemented that information about the vetting procedures and criteria could also be found in the ECF's website.

109. In response to the Chairman's question on the land ownership issue, Mr Cheung said that the applicants would remain as the land owners of the WRA and be responsible for the long-term management of the WRA, while the owners of the residential development did not have to bear such responsibility.

110. A Member asked what if the application for funding submitted by the management agent was not approved by the ECF Committee and was concerned about how the long-term management of the WRA would be enforced. In response, Mr Cheung said that according to the established mechanism, should the application for funding be disapproved by the ECF Committee, AFCD would assist in identifying another management agent on behalf of the applicants to apply for funding from ECF. Should no suitable agent be identified at that moment, AFCD would take up the interim responsibility to manage the WRA until a suitable management agent would be available to prepare and submit the application for funding in order to ensure the continuous implementation of the accepted

WRP.

111. In response to a Member's question on the management of the wetland, Mr Cheung said that the tasks involved would not be intensive in order to minimise human disturbance to the wetland and would cover mainly cutting weeds, desilting works to maintain the water level and releasing fish fry on as need basis.

Interface between the Development Site and WRA

112. A Member noted that the driveway within the development site was one-storey level lower than the private garden and asked if the Environmental Protection Department (EPD) had any objection. In response, Ms Maggie M.Y. Chin, DPO/FSYLE, said that the lowered driveway would reduce the absolute building height of the houses and could minimise adverse environmental and visual impacts. A stormwater pumping station was proposed to lift the stormwater at the driveway for discharge to the drainage channel. EPD had no objection to the design of the proposed driveway.

113. Another Member asked about the interface between the development site and the WRA, and whether surface runoff at the development site would be drained to the fish ponds in the WRA. In response, Ms Chin said that a 5m buffer planting including trees and reedbed would be provided between the development site and the WRA in order to avoid any impacts of the development site on the wetland habitat and animals. A 3m buffer planting would also be provided along the southern and western boundaries of the site in order to separate the site from Yau Pok Road. Mr Cheung supplemented that the driveway and the WRA were separated by the proposed houses with private garden and the 5m buffer planting. As requested by AFCD, the surface runoff at the development site would be intercepted and would not be drained to the WRA.

114. The same Member further asked whether the drains used to intercept the surface runoff at the development site were running between the private garden and the buffer planting along the boundary of the development site. In response, Ms Chin said that both the EP and the recommended approval conditions of the planning application would request the applicant to submit a revised DIA to the relevant government department for approval.

Proposed Ecological Corridor

115. A Member asked whether the proposed ecological corridor at the southeastern corner of the site had been widened since the approval of the EIA under the EIA Ordinance. In response, Ms Chin said the width of proposed ecological corridor in the scheme under the approved EIA report was from 9m to 19m. According to the current scheme under application, the proposed ecological corridor had been widened with a width of 15m to 20m. The major purpose of the proposed ecological corridor was to provide connectivity between Ngau Tam Mei Drainage Channel and the entire Deep Bay wetland system for wildlife. Mr Cheung supplemented that although the EIA report had been approved, the applicants were required to review the development layout and widen the proposed ecological corridor. According to Drawing A-3 of the Paper, the proposed ecological corridor together with a number of fish ponds situated to its east could serve as a wider wildlife corridor for the birds. While in general the ecological corridor would be the wider the better, the revised width of the proposed ecological corridor in the current application was acceptable to AFCD.

116. The same Member asked whether the 15m wide ecological corridor had included the 5m buffer planting, and what the structures located to the north of a pond were. In response, Mr Cheung said that the 5m buffer planting was part of the proposed ecological corridor, and Ms Chin said that the structures were existing village houses in Yau Mei San Tsuen.

117. The Chairman asked about the zonings of the fish ponds situated to the east of the proposed ecological corridor. In response, Ms Chin said that most of the fish ponds were zoned "Conservation Area" and a few fish ponds situated next to the narrowest part of the proposed ecological corridor were zoned "Recreation" where there was no previous planning approval for any development.

Deliberation Session

118. In response to a Member's concern on the surface runoff at the development site, the Chairman suggested to revise the recommended approval condition to require that the drainage proposal must also be to the satisfaction of both the Director of Environmental Protection and the Director of Drainage Services and to add an advisory clause to remind the

applicants that no surface runoff should be drained to the water bodies in the WRA, should the application be approved.

119. A Member considered that the width of the proposed ecological corridor was not sufficient as the narrowest part of it might create a bottleneck affecting the flight path of birds, and suggested that the house located at the southeastern corner of the development site should be removed and the area of the private garden of some houses at the southeastern boundary of the site could be reduced, in order to ensure that the narrowest part of the proposed ecological corridor would be of the same width as its remaining part. A Member, however, considered that the applicants might have difficulty to review the development layout of the cluster of four houses located at the southeastern corner as the houses were all bounded by the WRA. The Chairman opined that there might be some flexibility to slightly shift the cluster of houses southward in order to reduce the “bottleneck” effect of the flight path of birds. The Committee noted that the applicants would have to comply with approval conditions on the submission of a revised MLP, a revised EcoIA and a revised WRA should the application be approved. Such approval conditions would enable the applicants to further review and widen the proposed ecological corridor. The Chairman also suggested that an advisory clause could be added requesting the applicants to further enhance the width of the proposed ecological corridor.

120. After discussion, the Committee agreed that two advisory clauses would be added, one was to request the applicants to review the layout of the development site in order to further enhance the width of the ecological corridor, and the other was to ensure that no surface runoff would be drained to the water bodies in the WRA. The Committee also agreed to revise the approval condition (d) to require that the drainage proposal should be to the satisfaction of both the Director of Environmental Protection and the Director of Drainage Services.

121. 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 30.9.2020, 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 a revised Master Layout Plan to take into account conditions (b) to (g) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a revised Landscape Master Plan including tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission of a revised Ecological Impact Assessment and the implementation of the mitigation measures identified therein to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (d) the submission of a revised Drainage Impact Assessment and the implementation of the drainage proposal and other necessary flood mitigation measures identified therein to the satisfaction of the Director of Environmental Protection and the Director of Drainage Services, or of the TPB;
- (e) the submission and implementation of a revised Wetland Restoration Plan to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (f) the design and provision of vehicle parking, motorcycle parking and loading/unloading facilities for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (g) the design and provision of emergency vehicular access, water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (h) the submission and implementation of a funding arrangement proposal for ensuring the long-term management and maintenance of the Wetland Restoration Area to the satisfaction of the Director of Environmental

Protection and the Director of Agriculture, Fisheries and Conservation, or of the TPB; and

- (i) land exchange and/or lease modification for the proposed development if considered and approved by the Director of Lands, should not be executed prior to the compliance with condition (h) to the satisfaction of the Director of Environmental Protection and the Director of Agriculture, Fisheries and Conservation, or of the TPB.”

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

- “(i) the applicants shall further enhance the width of the proposed ecological corridor; and
- (j) the applicants shall ensure that no surface runoff at the development site would be drained to the water bodies in the Wetland Restoration Area.”

[The Chairman thanked Mr K.W. Cheung, SNCO(N), and Ms Maggie M.Y. Chin, DPO/FSYLE, for their attendance to answer Members’ enquiries. They left the meeting at this point.]

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

[Ms Christina M. Lee, Mr Alex T.H. Lai, Dr Billy C.H. Hau, Mr David Y.T. Lui and Mr H.F. Leung left the meeting at this point.]

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

Agenda Item 31

Section 16 Application

[Open Meeting]

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

123. The Committee noted that the applicant requested on 14.9.2016 for deferment of the consideration of the application for two months in order to allow time for the applicant to provide more information to address departmental comments received. It was the third time that the applicant requested for deferment of the application. Since the last deferment, the applicant submitted further information to address the comments of the Transport Department on the traffic impact of the lard factory/proposed temporary open storage of lard tanks and further justifications in support of the application.

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

Agenda Item 32

Section 16 Application

[Open Meeting]

A/YL-NTM/340 Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles Only) for a Period of 3 Years in “Residential (Group D)” zone, Lots No. 2448 (Part), 2455 (Part) and 2459 (Part) in D.D. 104, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/340)

125. The Committee noted that the applicant requested on 12.9.2016 for deferment of the consideration of the application for two months in order to allow time for the applicant to prepare further information to address comments from the Transport Department. It was the first time that the applicant requested for deferment of the application.

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

Tuen Mun and Yuen Long West District

[Ms Stella Y. Ng, Ms Jessica Y.C. Ho, 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 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTYYY/301 Proposed House (New Territories Exempted House - Small House) in
“Residential (Group E)” zone, Lot No. 190 S.D ss.1 in D.D. 130, San
Hing Tsuen, Tuen Mun
(RNTPC Paper No. A/TM-LTYYY/301B)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the two statutory publication periods, a total of two public comments were received from the same individual objecting to the application on the grounds that the proposed Small House appeared to straddle a narrow road or passage which might in turn affect the access to other properties or interfere with emergency access; the application was

not in line with planning intention of the “Residential (Group E)” (“R(E)”) zone; and approval of the application would set an undesirable precedent; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The proposed Small House was generally in line with the planning intention of the “R(E)” zone and would unlikely be subject to potential industrial/residential interface problems. The application also complied with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that the footprint of the proposed Small House fell entirely within the village ‘environs’ of San Hing Tsuen, Tsing Chuen Wai and Tuen Tsz Wai, and there was a general shortage of land in meeting the demand for Small House development in the “Village Type Development” zone of the village. Regarding the adverse public comments, the ‘passage’ referred to by the commenter should be the existing drains and the footprint of the proposed Small House would not sit atop it. The assessments above were also relevant.

128. In response to a Member’s question, Ms Stella Y. Ng, STP/TMYLW, said that there was a carpark located to the north of the site. The Member further asked whether the carpark would generate any adverse noise impacts on the proposed Small House. In response, Ms Ng said that the Director of Environmental Protection (DEP) had no adverse comment on the application, and did not anticipate that the proposed Small House would be subject to adverse environmental impact.

Deliberation Session

129. 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 30.9.2020, 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 a septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the TPB; and
- (b) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB.”

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

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-SKW/95 Proposed House (New Territories Exempted House - Small House) in “Green Belt” and “Village Type Development” zones, Lot No. 1289 in D.D. 375, So Kwun Wat Tsuen, Tuen Mun
(RNTPC Paper No. A/TM-SKW/95)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 11 and Appendix IV of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public

comments were received including a Tuen Mun District Council member indicating that she had no comment and an individual objecting to the application mainly on the grounds of being not in line with the planning intention of the “Green Belt” (“GB”) zone; having adverse impacts on the existing landscape of the area; and setting an undesirable precedent; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 13 of the Paper. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, the footprint of the proposed Small House fell entirely within the village ‘environs’ and most of the site/Small House footprint also fell within the “Village Type Development” (“V”) zone. While land available within the “V” zone was sufficient for Small House development, sympathetic consideration could be given as the site was located in close proximity to the existing village cluster. Moreover, only a minor portion of the footprint of the proposed Small House encroached onto the “GB” zone and no tree felling nor major vegetation clearance would be involved, the proposed Small House should thus have minimal impact on the integrity of the “GB” zone. Concerned government departments also had no objection to or no adverse comment on the application. Regarding the adverse public comments, the assessments above were relevant.

132. Members had no question on the application.

Deliberation Session

133. 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 30.9.2020, 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 a septic tank, as proposed by the applicant, at a location to

the satisfaction of the Director of Lands or of the TPB; and

- (b) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/492 Proposed Shop and Services (Furniture Showroom) in “Other Specified Uses” annotated “Business” zone, Workshop 2, G/F, Good Harvest Industrial Building, 9 Tsun Wen Road, Tuen Mun
(RNTPC Paper No. A/TM/492)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed shop and services (furniture showroom);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Fire Services did not support the application from fire safety point of view as the aggregate commercial floor area at the ground floor of the subject building would exceed 460m² should the application be approved. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed use did not comply with the Town Planning Board Guidelines No. 22D for Development within “Other Specified Uses” annotated “Business” Zone. The subject building was protected by a sprinkler system and therefore the maximum permissible aggregate commercial floor area on the ground floor was 460m². Since an application for shop and services (furniture showroom) use with a total floor area of 300m² was already approved under application No. A/TM/489 within the ground floor of the same building, the 460m² permissible limit would be exceeded, if the subject application premises (270m²) was approved.

136. Members had no question on the application.

Deliberation Session

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

“ the shop and services use at the premises does not comply with the Town Planning Board Guidelines No. 22D for Development within “Other Specified Uses” annotated “Business” Zone in that the total floor area accountable for the aggregate commercial floor area has exceeded the maximum permissible limit of 460m². The shop and services use is unacceptable from fire safety point of view.”

Agenda Item 36

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/1040 Proposed Temporary Training Centre with Ancillary Site Office and Machinery Repair Workshop for a Period of 3 Years in “Agriculture” zone, Lot No. 298 RP (Part) in D.D. 128, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/1040)

138. The Secretary reported that the site was located at Ha Tsuen. Ms Janice W.M. Lai, whose spouse was a shareholder of a company owning two pieces of land in Ha Tsuen, had declared an interest in the item. The Committee noted that Ms Janice W.M. Lai had already left the meeting.

Presentation and Question Sessions

139. 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 training centre with ancillary site office and machinery repair workshop for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Major departmental comments were summarised as below:
 - (i) the Director of Agriculture, Fisheries and Conservation had reservation on the application from the ecological perspective and did not favour the application from agricultural point of view. The site was well served by road access and water supply and possessed potential for agricultural rehabilitation. Although the proposed development would not involve large-scale construction works, there

was ecological concern on potential impacts on the egret due to the removal of and/or damages on the nesting trees/vegetation as well as noise, glare, visual and/or human disturbance arising from the operation of large machineries in close proximity to the egret. Moreover, as the proposed development would involve machinery repair activities, there was also concern on potential off-site impact due to discharge of any untreated surface run-off and/or other sewage/effluent to the nearby stream and its downstream Deep Bay;

- (ii) the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) objected to the application from landscape planning perspective. The proposed development was incompatible with the surrounding environment and its planned use. The site was originally active farmland in the western portion and trees in the eastern portion but the site was now cleared and formed. Landscape impact was observed. Approval of the application would set an undesirable precedent for applications of other developments within the "Agriculture" ("AGR") zone, the cumulative effect of which would result in a general degradation of the landscape character;
 - (iii) the Director of Environmental Protection did not support the application as there were residential dwellings within 100m from the site. The operation of the heavy machinery within the site would likely cause adverse noise impact on the nearby residents; and
 - (iv) other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the two statutory publication periods, nine public comments were received from The Hong Kong Bird Watching Society, Kadoorie Farm and Botanic Garden Corporation, World Wide Fund for Nature Hong Kong, Designing Hong Kong Limited, Green Sense and a member of the public objecting to the application mainly on the

grounds that the proposed development was not in line with the planning intention of the “AGR” zone and was not compatible with the rural neighbourhood; the “destroy first, build later” approach should not be tolerated; the proposed development would create disturbance to nearby residential users; no technical assessments had been submitted; approval of the application would set an undesirable precedent for similar applications and the cumulative effect of which would result in general degradation of the environment of the area; and

- (e) PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed development was not in line with the planning intention of the “AGR” zone. The applicant had not provided any strong planning justification in the submission to merit a departure from such planning intention, even on a temporary basis, and failed to demonstrate that the proposed development would not have adverse ecological, landscape, drainage and environmental impacts. Approval of the application could be misread by the public as acquittal of the “destroy first” actions, would encourage similar unauthorised development and would set an undesirable precedent. The cumulative effect of approving the application, even on a temporary basis, would result in a general degradation of the rural environment and landscape quality of the area.

140. Members had no question on the application.

Deliberation Session

141. 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 applicant fails to demonstrate that the proposed development would not generate adverse ecological, landscape, drainage and environmental impacts; and
- (c) approval of the application, even on a temporary basis, would set an undesirable precedent for applications for other developments within the “AGR” zone, the cumulative effect of which will result in a general degradation of the environment.”

Agenda Item 37

Section 16 Application

[Open Meeting]

A/YL-HT/1044 Proposed Temporary Open Storage of Construction Materials, Construction Machinery and Works Vehicles, Storage of Fire Resisting Materials, Machinery Repairing Workshop, Construction Materials Fabrication Workshop and Site Office for a Period of 3 Years in “Agriculture” and “Green Belt” zones, Lots No. 126, 127 and 128 in D.D. 128 and Adjoining Government Land, Deep Bay Road, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/1044)

142. The Secretary reported that the site was located at Ha Tsuen. Ms Janice W.M. Lai, whose spouse was a shareholder of a company owning two pieces of land in Ha Tsuen, had declared an interest in the item. The Committee noted that the applicant had requested for deferral of consideration of the application and Ms Janice W.M. Lai had already left the meeting.

143. The Committee noted that the applicant requested on 7.9.2016 for deferment of the consideration of the application for two months in order to allow time for the applicant to prepare further information to address departmental comments. It was the first time that the

applicant requested for deferment of the application.

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

Agenda Item 38

Section 16 Application

[Open Meeting]

A/YL-HT/1045 Proposed Temporary Excavator Training Centre with Ancillary Site Office, Machinery Repairing Workshop and Open Storage of Excavators for a Period of 3 Years in "Agriculture" zone, Lot No. 129 S.B (Part) in D.D. 128, Deep Bay Road, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/1045)

145. The Secretary reported that the site was located at Ha Tsuen. Ms Janice W.M. Lai, whose spouse was a shareholder of a company owning two pieces of land in Ha Tsuen, had declared an interest in the item. The Committee noted that the applicants had requested for deferral of consideration of the application and Ms Janice W.M. Lai had already left the meeting.

146. The Committee noted that the applicants requested on 7.9.2016 for deferment of the consideration of the application for two months in order to allow time for the applicants to prepare further information to address departmental comments. It was the first time that the applicants requested for deferment of the application.

147. After deliberation, the Committee decided to defer a decision on the application as requested by the applicants pending the submission of further information from the applicants. 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 applicants. If the further information submitted by the applicants 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 applicants that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 39

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/1046 Temporary Open Storage of Vehicle with Site Office, Storage of Vehicle Parts, Vehicle Inspection and Repairing Workshop for a Period of 3 Years in "Comprehensive Development Area" zone, Lots No. 823 S.B RP (Part), 826 S.B ss.1 RP (Part), 829 S.A (Part), 829 S.B (Part), 830 RP (Part), 831, 832, 833 RP, 834, 837 S.B RP (Part), 838 (Part) and 839 (Part) in D.D. 125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/1046)

148. The Secretary reported that the site was located at Ha Tsuen. Ms Janice W.M. Lai, whose spouse was a shareholder of a company owning two pieces of land in Ha Tsuen, had declared an interest in the item. The Committee noted that Ms Janice W.M. Lai had already left the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of vehicle with site office, storage of vehicle parts, vehicle inspection and repairing workshop for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application because there were sensitive uses along the access road, i.e. Ping Ha Road, and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, no public comments were received; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary open storage of construction material with ancillary site office could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Although DEP did not support the application, there was no substantiated environmental complaint pertaining to the site in the past three years. Relevant approval conditions had also been recommended to minimise any potential environmental nuisances.

150. Noting that the previous planning permission of the site was revoked due to non-compliance with approval condition on the implementation of the fire service installations proposal, a Member asked why it took two years to revoke the previous application approved in 2014, and whether the applicant had addressed the relevant concerns on fire safety in the current application. In response, Mr Vincent T.K. Lai, STP/TMYLW, said that the applicant had complied with all approval conditions under the previous application except the one on the implementation of fire service installations proposal. In the current application, the applicant had strengthened the fire service installations by providing an additional structure for water tank and fire service pump room to address the fire safety concern.

Deliberation Session

151. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 30.9.2019, 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. to 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) 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 existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (e) the submission of a condition record of existing drainage facilities within 3 months to the satisfaction of the Director of Drainage Services or of the TPB by 30.12.2016;
- (f) the submission of a run-in/out proposal within 3 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 30.12.2016;
- (g) in relation to (f) above, the implementation of the 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 30.3.2017
- (h) the submission of a tree preservation and landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 30.12.2016;

- (i) in relation to (h) above, the implementation of the 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 30.3.2017;
- (j) the provision of the fire extinguisher(s) and the submission of a valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.11.2016;
- (k) the submission of a fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 30.12.2016;
- (l) in relation to (k) above, the implementation of the fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 30.3.2017;
- (m) the provision of fencing of the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 30.12.2016;
- (n) 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;
- (o) if any of the above planning conditions (e), (f), (g) (h), (i), (j), (k), (l) or (m) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (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.”

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

Agenda Item 40

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/1047 Proposed Temporary Open Storage of Construction Material with Ancillary Site Office for a Period of 3 Years in “Undetermined” zone, Lots No. 1808 RP, 1809, 1816, 1817, 1818, 1819, 1820, 1821, 1822, 1823 and 1825 in D.D. 125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/1047)

153. The Secretary reported that the site was located at Ha Tsuen. Ms Janice W.M. Lai, whose spouse was a shareholder of a company owning two pieces of land in Ha Tsuen, had declared an interest in the item. The Committee noted that Ms Janice W.M. Lai had already left the meeting.

Presentation and Question Sessions

154. 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 construction material with ancillary site office for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application because there were sensitive uses along the access road, i.e. Ping Ha Road, and environmental nuisance was expected. Other concerned government departments had no objection to

or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, no public comments were received; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary open storage of construction material with ancillary site office could be tolerated for a period of three years. Although DEP did not support the application, there was no substantiated environmental complaint pertaining to the site in the past three years. Relevant approval conditions had been recommended to minimise any potential environmental nuisances.

155. Members had no question on the application.

Deliberation Session

156. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 30.9.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation from 7:00 p.m. to 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no 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 30.3.2017;

- (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 30.6.2017;
- (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 30.3.2017;
- (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 30.6.2017;
- (i) the submission of a tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 30.3.2017;
- (j) in relation to (i) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 30.6.2017;
- (k) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.11.2016;
- (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 30.3.2017;
- (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 30.6.2017;

- (n) 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 30.3.2017;
- (o) if any of the above planning conditions (a), (b), (c) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (p) if any of the above planning conditions (d), (e), (g), (h), (i), (j), (k), (l), (m) or (n) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (q) upon 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.”

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

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

158. The Chairman said that since the Town Planning Board Guidelines were public documents, there was no need to attach the relevant guidelines to the Paper of each application, and requested the Secretariat to liaise with the relevant parties regarding the arrangement.

Agenda Item 41

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/387 Temporary Warehouse for Storage of Vehicle Parts for a Period of 3 Years in “Other Specified Uses” annotated “Rural Use” zone, Lots No. 3586 S.A (Part), 3586 S.B RP, 3587 (Part) and 3588 (Part) in D.D. 116 and Adjoining Government Land, Yuen Long
(RNTPC Paper No. A/YL-TT/387)

Presentation and Question Sessions

159. 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 vehicle parts 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 did not support the application as there were sensitive receivers of residential use in the vicinity, and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) had reservation on the application from the landscape planning point of view. It was noted that the existing tree group and vegetation within the site had been removed and replaced by hard paving. Significant impact on the existing landscape resources and character had taken place. Approval of the application would likely encourage similar site modification prior to planning application, the cumulative impact of which would lead to general degradation of existing landscape resources and landscape character. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, one public comment was received from a member of the public who raised objection to the application for reasons that the applied use was not in line with the planning intention and Town Planning Board Guidelines No. 38 for Designation of “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) Zone and Application for Development within “OU(RU)” Zone (TPB PG-No. 38); and approval of the application would set an undesirable precedent; 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 “OU(RU)” zone. There was no strong planning justification given in the submission for a departure from the planning intention, even on a temporary basis. The development was not compatible with the surrounding land uses which were mainly rural in character. The scattered warehouse, open storage yards, workshop and vehicle parks in the vicinity of the site were mostly suspected unauthorised developments subject to enforcement action by the Planning Authority. The applied use was not in line with TPB PG-No. 38 in that there were adverse departmental comments on the application from environmental and landscape perspectives. The applicant failed to demonstrate that the development would not generate adverse environmental and landscape impacts on the surrounding areas. Approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications to proliferate into the “OU(RU)” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

160. A Member asked whether any action would be taken against the applicant if the site was continued to be used for the applied use without a valid planning permission. In response, Mr Alan Y.L. Au, STP/TMYLW, said that enforcement action for the unauthorised development would be taken by the Planning Authority. In response to the Chairman’s question, Mr Au said that the site was subject to enforcement action and enforcement notice had not been issued yet.

Deliberation Session

161. 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 “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) zone which is intended primarily for the preservation of the character of the rural area. No strong planning justifications have been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the applied use is not in line with the Town Planning Board Guidelines No. 38 for Designation of “OU(RU)” Zone and Application for Development within “OU(RU)” Zone. The applicant fails to demonstrate that the development would not generate adverse environmental and landscape impacts on the surrounding areas; and
- (c) approval of the application would set an undesirable precedent for other similar uses to proliferate into the “OU(RU)” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.”

Agenda Item 42

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/808 Proposed Temporary Warehouse for Storage of Construction Machinery and Construction Material for a Period of 3 Years in “Undetermined” zone, Lots No. 2387 RP (Part) and 2388 RP (Part) in D.D. 120, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/808)

Presentation and Question Sessions

162. 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 warehouse for storage of construction machinery and construction material for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. residential structures located to the northeast and in the vicinity of the site, and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, no public comments were received; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary warehouse for storage of construction machinery and construction material could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Although DEP did not support the application, there had been no environmental complaint concerning the site received in the past three years. Relevant approval conditions were also recommended to minimise any potential environmental nuisances.

163. Members had no question on the application.

Deliberation Session

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

temporary basis for a period of 3 years until 30.9.2019, 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 storage or handling (including loading and unloading) of electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (f) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (g) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (h) the 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 30.3.2017;
- (i) the submission of a landscape and tree preservation proposal within

6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 30.3.2017;

- (j) in relation to (i) above, the implementation of the landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 30.6.2017;
- (k) the submission of a revised 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 30.3.2017;
- (l) in relation to (k) above, the implementation of the revised 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 30.6.2017;
- (m) in relation to (l) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (n) 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 30.3.2017;
- (o) in relation to (n) 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 30.6.2017;
- (p) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (m) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (q) if any of the above planning conditions (h), (i), (j), (k), (l), (n) or (o) is not complied with by the specified date, the approval hereby given shall cease

to have effect and shall on the same date be revoked without further notice;
and

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

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

Agenda Item 43

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/809 Proposed Religious Institution in “Residential (Group B) 1” zone,
Government Land near Lot No. 2059 in D.D. 121, Tong Yan San
Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/809)

Presentation and Question Sessions

166. 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 religious institution;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservations on the application from the landscape planning point of view. As there was no tree preservation and landscape proposal included in the

submission, it could not ascertain the impact on the existing landscape and whether such impact could be reasonably mitigated. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, two public comments were received from the owner corporation of a residential group in the vicinity and an individual. The former expressed concern on the minibus service, the excessive waste and improper waste management near the ingress of Chuk Lam Ming Tong, while the latter objected to the application on the grounds that there was insufficient background information provided in the application and the site should be developed for housing instead; and

- (e) PlanD's views – PlanD had no objection to the application on a temporary basis for a period of three years, instead of permanent permission sought. Although CTP/UD&L, PlanD had some reservation on the application, the site was zoned “Residential (Group B)1” which was intended primarily for sub-urban medium-density residential developments, and the concerns on the landscape aspect could be addressed by imposing relevant approval conditions. However, the future use of the site was being reviewed under the “Planning and Engineering Study for Housing Sites in Yuen Long South – Investigation” (the YLS Study). Approval of the proposed religious institution at the site on a permanent basis as applied might pre-empt the recommendations of the YLS Study. Instead, a temporary planning approval for a period of three years could be considered, noting that only prefabricated house structures without piling works would be involved. Regarding the adverse public comments, concerned government departments had no objection to or no adverse comment on the application, and adverse impacts were not anticipated. The assessments above were also relevant.

167. Members had no question on the application.

Deliberation Session

168. Noting that that there was no definite implementation programme for the YLS Study, and the site which was on unallocated government land could be taken back once there was an approved development plan, and the Chairman suggested that a permanent planning permission instead of a temporary planning approval for a period of three years could be considered and corresponding amendment should be made to the relevant approval conditions. The Chairman also suggested that an advisory clause could be added to remind the applicant that given the long-term use of the site was being reviewed under the YLS Study, the site might be taken back for the implementation of the approved development plan in future.

169. 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 30.9.2020, 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 a tree preservation and landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the submission and implementation of a water supplies for firefighting and fire service installations proposal to the satisfaction of the Director of Fire Services or of the TPB.”

170. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix IV of the Paper and the following additional clauses:

- “(j) as the long-term use of the site is being reviewed under the “Planning and Engineering Study for Housing Sites in Yuen Long South – Investigation”, the applicant shall note that the site might be taken back for the implementation of the approved development plan in future;
- (k) the applicant shall note that public announcement system should not be

used in the open area of the site; and

- (l) the applicant shall note that burning activity should not be allowed on the site.”

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

Agenda Item 44

Any Other Business

171. There being no other business, the meeting closed at 5:35 p.m..