

TOWN PLANNING BOARD

Minutes of 566th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 14.10.2016

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 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

Mr Alex T.H. Lai

Dr Lawrence K.C. Li

Mr Stephen L.H. Liu

Miss Winnie W.M. Ng

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

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

Principal Environmental Protection Officer (Metro Assessment),
Environmental Protection Department
Mr Richard W.Y. Wong

Assistant Director/Regional 3,
Lands Department
Mr John K.T. Lai

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

Secretary

Absent with Apologies

Ms Janice W.M. Lai

Dr C.H. Hau

In Attendance

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

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

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

Agenda Item 1

Confirmation of the Draft Minutes of the 565th RNTPC Meeting held on 30.9.2016

[Open Meeting]

1. The draft minutes of the 565th RNTPC meeting held on 30.9.2016 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Sha Tin, Tai Po and North District

Agenda Item 3

Section 12A Application

[Open Meeting]

Y/MOS/4

Application for Amendment to the Approved Ma On Shan Outline Zoning Plan No. S/MOS/22, To Rezone the Application Site from “Other Specified Uses” annotated “Educational and Recreational Development”, “Government, Institution or Community” (“G/IC”), “Green Belt” (“GB”) and an area shown as ‘Road’ to “Residential (Group C)4”, “G/IC” and “GB”, Various Lots in D.D. 167 and Adjoining Government Land, Nai Chung, Ma On Shan, New Territories

(RNTPC Paper No. Y/MOS/4)

3. The Secretary reported that the application was submitted by Prolong Limited, which was a subsidiary of Sun Hung Kai Properties Limited (SHK). Llewelyn-Davies Hong Kong Limited (LD), AECOM Asia Company Limited (AECOM) and Ramboll Environ

Hong Kong Limited (Environ) were three of the consultants of the applicant. The following Members had declared interests in the item:

Mr Ivan C.S. Fu	}	having current business dealings with SHK, AECOM and Environ;
Ms Janice W.M. Lai		
Mr Stephen L.H. Liu	-	having current business dealings with SHK and LD;
Miss Winnie W.M. Ng	-	being a Director of the Kowloon Motor Bus (1933) Company Limited (KMB) and SHK was one of the shareholders of KMB;
Dr C.H. Hau	-	having current business dealings with AECOM; and
Ms Christina M. Lee	-	being the Secretary-General of the Hong Kong Metropolitan Sports Events Association which had obtained sponsorship from SHK before.

4. The Committee noted that the applicant had requested for deferment of the consideration of the application. The Committee also noted that Ms Janice W.M. Lai and Dr C.H. Hau had tendered apologies for being unable to attend the meeting, and Mr Ivan C.S. Fu and Miss Winnie W.M. Ng had not yet arrived to join the meeting. The Committee agreed that as the interest of Ms Christina M. Lee was indirect, she could stay in the meeting. As the interest of Mr Stephen L.H. Liu was direct, he could stay in the meeting but should refrain from participating in the discussion.

5. The Committee noted that the applicant requested on 3.10.2016 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.

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.

[Professor K.C. Chau and Mr Ivan C.S. Fu arrived to join the meeting at this point.]

Fanling, Sheung Shui and Yuen Long East District

Agenda Item 4

Section 12A Application

[Open Meeting]

Y/NE-KTS/7

Application for Amendment to the Approved Kwu Tung South Outline Zoning Plan No. S/NE-KTS/14, To rezone the Application Site from "Agriculture" to "Residential (Group C)6", Lots 1263 RP (Part), 1271, 1273, 1274, 1275, 1276, 1277, 1278, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1299, 1300, 1301, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314 S.A, 1314 RP, 1316, 1317, 1318, 1319 (Part), 1321, 1322, 1330 (Part), 1338 RP (Part), 1339, 1340, 1341, 1342, 1343, 1345 S.A, 1345 S.B, 1345 S.C, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358 RP, 1362 RP (Part), 1363, 1364 RP (Part), 1369 RP, 1370 RP, 1378 RP (Part), 1379 RP (Part), 1730 and 1794 in D.D. 100 and Lots 1 and 2 (Part) in D.D. 108 and Adjoining Government Land, Kwu Tung South, New Territories (RNTPC Paper No. Y/NE-KTS/7C)

7. The Secretary reported that the application was submitted by Rand Development Limited, which was related to Henderson Land Development Company Limited (HLD). Ramboll Environ Hong Kong Limited (Environ), AECOM Asia Company Limited (AECOM)

and MVA Hong Kong Limited (MVA) were three of the consultants of the applicant. The following Members had declared interests in the item:

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|---------------------|--|
| Mr Ivan C.S. Fu | - having current business dealings with HLD, Environ, AECOM and MVA; |
| Ms Janice W.M. Lai | - having current business dealings with HLD, Environ and AECOM; |
| 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; |
| 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 C.H. Hau | - having current business dealings with AECOM. |

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

should refrain from participating in the discussion.

9. The Committee noted that the applicant requested on 30.9.2016 for deferment of the consideration of the application for two months in order to allow time to complete an ecological review report with an ecological survey of at least four months covering the wet season to address the comments of the Agriculture, Fisheries and Conservation Department. The ecological survey had been commenced by the applicant. It was the fourth time that the applicant requested for deferment of the application. Since the last deferment, the applicant had submitted a revised Sewerage Impact Assessment and Environmental Assessment, a plan of the proposed junction improvement and a sensitivity check on the annual traffic growth rate in the Traffic Impact Assessment on 25.7.2016.

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. Since it was the fourth deferment and a total of eight months had been allowed for preparation of the submission of further information, it was the last deferment, and no further deferment would be granted.

[Miss Winnie W.M. Ng arrived to join the meeting at this point.]

Sai Kung and Islands District

[Mr Richard Y.L. Siu, Senior Town Planner/Sai Kung and Islands (STP/SKIs), was invited to the meeting at this point.]

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-PC/10 Eating Place in “Other Specified Uses” annotated “Pier” Zone, Shop
No. PC2, Peng Chau Ferry Pier, Lo Peng Street, Peng Chau, New
Territories
(RNTPC Paper No. A/I-PC/10A)

Presentation and Question Sessions

11. With the aid of a PowerPoint presentation, Mr Richard Y.L. Siu, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;

[Mr H.F. Leung arrived to join the meeting at this point.]

- (b) the eating place;
- (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) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. The eating place under application was small in scale and it was considered not incompatible with the pier use in that it would provide services to ferry passengers and visitors using the ferry pier and the waterfront area. It was separated from the main entrance/exit and the waiting area of the ferry pier, and would unlikely cause disruption to the pier operation and the passenger

circulation in the pier. Relevant government departments had no adverse comment on or no objection to the application and no significant adverse traffic, environmental and infrastructural impacts on the surrounding areas were anticipated. Since the previous application submitted by the same applicant for the same applied use was revoked due to non-compliance with the approval condition on the provision of fire service installations, a shorter compliance period was recommended in order to monitor the progress of compliance with the associated approval condition.

12. Members had no question on the application.

Deliberation Session

13. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission was subject to the following conditions:

- “(a) the provision of fire service installations within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.1.2017; and
- (b) if the above planning condition (a) 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.”

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

[The Chairman thanked Mr Richard Y.L. Siu, STP/SKIs, for his attendance to answer Members' enquiries. He left the meeting at this point.]

[The Vice-chairman arrived to join the meeting at this point.]

Sha Tin, Tai Po and North District

Agenda Items 6 to 17

Section 16 Applications

[Open Meeting]

A/DPA/NE-TT/81 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 86 S.B, 87 RP, 88 RP & 89 S.A in D.D. 292, Tai Tan, Tai Po, New Territories

A/DPA/NE-TT/82 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 78 RP, 79 S.A, 83 RP, 84, 85 & 86 S.A in D.D. 292, Tai Tan, Tai Po, New Territories

A/DPA/NE-TT/83 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lot 52 in D.D. 292, Tai Tan, Tai Po, New Territories

A/DPA/NE-TT/84 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 78 S.A & 79 S.G in D.D. 292, Tai Tan, Tai Po, New Territories

A/DPA/NE-TT/85 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 53 RP & 55 RP in D.D. 292, Tai Tan, Tai Po, New Territories

A/DPA/NE-TT/86 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 57 RP & 60 S.C in D.D. 292, Tai Tan, Tai Po, New Territories

A/DPA/NE-TT/87 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 64 S.B, 65 S.A & 67 S.A in D.D. 292, Tai Tan, Tai Po, New Territories

A/DPA/NE-TT/88	Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 60 S.A & 61 S.A in D.D. 292, Tai Tan, Tai Po, New Territories
A/DPA/NE-TT/89	Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 60 S.D, 61 S.C, 62 S.A & 64 S.C in D.D. 292, Tai Tan, Tai Po, New Territories
A/DPA/NE-TT/90	Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 61 RP, 63 S.A, 64 RP & 65 S.C in D.D. 292, Tai Tan, Tai Po, New Territories
A/DPA/NE-TT/91	Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 81 S.B & 82 S.B in D.D. 292, Tai Tan, Tai Po, New Territories
A/DPA/NE-TT/92	Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 50 S.C & 51 RP in D.D. 292, Tai Tan, Tai Po, New Territories (RNTPC Paper No. A/DPA/NE-TT/81 to 92A)

15. The Committee noted that the twelve applications for proposed house (New Territories Exempted House – Small House) were similar in nature and the sites were located in close proximity to one another and within the same “Unspecified Use” area on the approved Tai Tan, Uk Tau, Ko Tong and Ko Tong Ha Yeung Development Permission Area Plan No. DPA/NE-TT/2 at the time of submission. The Committee agreed that the requests for deferment of the applications could be considered together.

16. The Committee noted that the applicants requested on 23.9.2016 for deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments. It was the second time that the applicants requested for deferment of the applications.

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

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

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

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/159 Proposed Temporary Parking of Container Tractors and Trailers for Sale with Ancillary Site Office for a Period of 3 Years in "Agriculture" Zone, Lots 558 RP (Part), 559 RP (Part), 561 RP (Part), 562 S.F (Part), 563 (Part) and 564 S.B (Part) in D.D. 89, Sha Ling, Sheung Shui, New Territories
(RNTPC Paper No. A/NE-FTA/159A)

Presentation and Question Sessions

18. 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 parking of container tractors and trailers for sale with ancillary site 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 possessed potential for agricultural rehabilitation;
 - (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) objected to the application from the landscape planning point of view. According to aerial photo in 1991, the majority of the site was occupied by a fish pond, and land/pond filling, dumping and site formation was later recorded and enforcement action was served by the Planning Authority in 1994. Approval of the application would encourage similar applications to destroy the landscape resource prior to obtaining planning permission, leading to a gradual degradation of the landscape resources and character in the area. Furthermore, the submitted landscape proposal was not acceptable;
 - (iv) the Commissioner of Police raised concerns on the application in that the site was situated at Man Kam To Road with heavy traffic movements, and any vehicle slowdown would likely cause traffic congestions to the road and the adjacent road network. Trucks or heavy goods vehicles entering the site might also affect the traffic flow or cause other vehicles to pass over the opposite lane for overtaking, thus causing danger to the public; 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 139 public comments were received. The Chairman of the Sheung Shui District Rural Committee and a North District Council (NDC) member indicated no comment on the application. Another public comment submitted by Sha Ling Villagers Welfare Association with 138 signatures of villagers raised objection to the application mainly on the grounds that the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone; it would cause adverse traffic impact and flooding problem; and there was a need of obtaining consent from landowners prior to carrying out site formation works and illegal dumping. Two public comments submitted by the descendants of “Tso Tong” (祖堂) objected to or raised concerns on the application as the applicant had not obtained the consent of landowners. The remaining 134 public comments submitted by Designing Hong Kong Limited, World Wide Fund for Nature Hong Kong, Kadoorie Farm and Botanic Garden Corporation and individuals objected to or raised concerns on the application for the reasons that the proposed development was not in line with the planning intention; it would lead to loss of agricultural land and clearance of vegetation, as well as road safety risk to the children and elderly; it would cause adverse environmental, traffic, ecological and landscape impacts and infrastructure capacity problem; incompatibility with the surrounding rural environment; insufficient information or assessment to substantiate the application; and setting of an undesirable precedent for similar applications;

- (e) the District Officer (North) conveyed that the Vice-chairman of Ta Kwu Ling District Rural Committee, the Indigenous Inhabitant Representative and Resident Representative of San Uk Ling raised objection to the application mainly on traffic grounds and road safety risk. The Sha Ling Villagers Welfare Association enclosing 138 signatures from the local villagers, which was the same as one of the public comments received, raised objection to the application. The incumbent NDC member 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 applied use was not in line with the planning intention of the “AGR” zone and there was no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis. The application did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No.13E) in that the proposed development was not compatible with the surrounding land uses predominantly rural in character; there was no previous planning approval granted for the site; and there were adverse departmental comments on and local objections to the application. The applicant failed to demonstrate that the proposed development would not cause adverse environmental and landscape impacts on the surrounding areas. Approval of the application would set an undesirable precedent for similar applications, resulting in a general degradation of the environment and landscape quality of the area. The circumstances of the rejected similar applications in the vicinity of the site were similar to those of the current application.

19. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) zone for the area which is primarily 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 justification in the submission for a departure

from such planning intention, even on a temporary basis;

- (b) the application does not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No.13E) in that the proposed development is not compatible with the surrounding land uses which are predominantly rural in character; there is no previous planning approval granted for the site; and there are adverse departmental comments on the application;
- (c) the applicant fails to demonstrate that the proposed development would not cause adverse environmental and landscape impacts on the surrounding areas; and
- (d) the approval of the application would set an undesirable precedent for similar applications within the same “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.”

Agenda Item 19

Section 16 Application

[Open Meeting]

A/NE-FTA/163 Proposed Government Refuse Collection Point in “Agriculture” Zone,
Government Land near junction of Man Kam To Road and Sha Ling
Road, Sha Ling, Sheung Shui, New Territories
(RNTPC Paper No. A/NE-FTA/163)

21. The Secretary reported that the application was submitted by the Civil Engineering and Development Department (CEDD) and Ove Arup & Partners Hong Kong Limited (Arup) was the consultant of the applicant. The following Members had declared interests in the item:

- Ms Janice W.M. Lai - having current business dealings with CEDD;
- Mr Ivan C.S. Fu - having current business dealings with Arup; and
- Mr Alex T.H. Lai - his firm having current business dealings with Arup.

22. The Committee noted that the applicant had requested for deferment of the consideration of the application. The Committee also noted that Ms Janice W.M. Lai had tendered apology for being unable to attend the meeting and 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.

23. The Committee noted that the applicant requested on 4.10.2016 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.

24. 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 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-HLH/29 Proposed Temporary Open Storage of Construction Materials for a Period of 2 Years in “Agriculture” and “Village Type Development” Zones, Lots 242 S.B, 242 RP (Part), 243 S.C and 243 RP (Part) in D.D. 83, Siu Hang San Tsuen, Fanling, New Territories
(RNTPC Paper No. A/NE-HLH/29)

25. The Committee noted that the replacement page (page 4 of the Paper) incorporating the revised paragraph 10.1.1 (b) of the Paper was tabled at the meeting.

Presentation and Question Sessions

26. 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 for a period of two 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 Environmental Protection did not support the application as there were domestic structures in the vicinity of the site;

 - (ii) the Director of Agriculture, Fisheries and Conservation did not support the application from the agricultural development point of view as agricultural activities in the vicinity of the site were very

active and the site possessed potential for agricultural uses such as plant nursery;

- (iii) the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) had reservation on the application from the landscape planning perspective. Vegetation clearance had already been taken place both within the site and its adjacent area. Approval of the application would set an undesirable precedent for encouraging similar vegetation removal prior to obtaining planning permission, causing adverse impact on the landscape resource within the area. It might create a ripple effect that the rural agricultural landscape character in the area would be gradually modified and degraded; 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 six public comments were received. A North District Council (NDC) member, the Chairmen of the Fanling District Rural Committee (FDRC) and Sheung Shui District Rural Committee indicated no comment on the application. The other three public comments submitted by World Wide Fund for Nature Hong Kong, Kadoorie Farm and Botanic Garden Corporation and an individual raised objection to the application mainly on the grounds that the proposed development was not in line with the planning intentions of the “Agriculture” (“AGR”) and “Village Type Development” (“V”) zones; the site should be retained for agricultural use and development of Small Houses; the site had been involved in ‘destroy first’ activities prior to submission of the planning application; and setting of an undesirable precedent for similar applications;
- (e) the District Officer (North) conveyed that one of the three Indigenous Inhabitant Representatives (IIRs) of Lung Yeuk Tau and the Resident Representative (RR) of Lung Yeuk Tau raised objection to the application

mainly on the grounds of adverse traffic impact, fire safety risk and affecting the tranquility of the rural area. The Chairman of FDRC, the other two IIRs of Lung Yeuk Tau and the RR of Siu Hang San Tsuen indicated 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 intentions of the “AGR” and “V” zones. The applicant failed to demonstrate the need to use the site of 1,340m² for the storage of construction materials for the two proposed Small Houses, and there was no strong planning justification in the submission for a departure from the planning intentions, even on a temporary basis. The site was the subject of an active enforcement case by the Planning Authority for filling of land and approval of the application would set an undesirable precedent for similar applications and encourage similar site clearance and land filling prior to obtaining planning permission. The application did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No.13E) in that the proposed development was not compatible with the surrounding land uses predominantly rural in character; there was no previous approval of similar open storage use granted for the site and there was no exceptional circumstance to justify sympathetic consideration of the application; and there were adverse departmental comments and local objections to the application. The applicant failed to demonstrate that the proposed development would not cause adverse environmental and landscape impacts on the surrounding areas. Approval of the application would set an undesirable precedent for similar applications, resulting in a general degradation of the environment.

27. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intentions of the “Agriculture” (“AGR”) and “Village Type Development” (“V”) zones for the Hung Lung Hang area which are, respectively, primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes; and for designating both existing recognized villages and areas of land considered suitable for village expansion. There is no strong planning justification in the submission for a departure from the planning intentions, even on a temporary basis;
- (b) the application does not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No.13E) in that the proposed development is not compatible with the surrounding land uses which are predominantly rural in character; there is no previous approval of open storage use granted for the site and no exceptional circumstance to justify sympathetic consideration of the application; and there are adverse departmental comments on the application;
- (c) the applicant fails to demonstrate that the proposed development would not cause adverse environmental and landscape impacts on the surrounding areas; and
- (d) the approval of the application would set an undesirable precedent for similar applications within the same “AGR” and “V” zones. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.”

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

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-MUP/124 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 50 S.D ss.1 in D.D. 46, Tai Tong Wu Village,
Sha Tau Kok, New Territories
(RNTPC Paper No. A/NE-MUP/124)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as road access and water supply were available and the site could be used for plant nursery or green house. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, a total of three public comments were received. A public comment from a North District Council (NDC) member supported the application whereas the Chairman of the Sheung Shui District Rural Committee indicated no comment on the application. An individual raised concerns on the application mainly on the grounds that the proposed development was not

in line with the planning intention of “Agriculture” (“AGR”) zone and approval of the application would set an undesirable precedent for similar applications in the area. The District Officer (North) conveyed that the Indigenous Inhabitant Representative (IIR) of Tai Tong Wu supported the application whereas the Chairman of Sha Tau Kok District Rural Committee, the incumbent NDC member and the Resident Representative of Tai Tong Wu had no comment on the application; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed development was not in line with the planning intention of the “AGR” zone and DAFC did not support the application from the agricultural development point of view. However, the site was located at the eastern fringe of Tai Tong Wu Village and the proposed Small House was not incompatible with the rural landscape character of the area dominated by village houses, tree groups and fallow agricultural land. Other concerned departments had no objection to or no adverse comment on the application. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House Development in New Territories, more than 50% of the footprint of the proposed Small House fell within the village ‘environs’ of Tai Tong Wu Village. While land available within the “Village Type Development” (“V”) zone was insufficient to fully meet the future Small House demand, it could meet the outstanding Small House applications. The site was in close proximity to the village cluster and bounded by the existing and new Small Houses at different stages of development. In this regard, it could be considered as an infill development. There were 14 similar applications within the same “AGR” zone in the vicinity of the site approved by the Committee between 2002 and 2016. Regarding the adverse public comment, the assessments above were relevant.

30. Members had no question on the application.

Deliberation Session

31. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 14.10.2020, 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; and
- (b) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB.”

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

Agenda Items 22 to 25

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/543 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 164 S.A ss.3 in D.D. 79, Ping Yeung Village, Ta Kwu Ling, New Territories

A/NE-TKL/544 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 164 S.A ss.4 in D.D. 79, Ping Yeung Village, Ta Kwu Ling, New Territories

A/NE-TKL/545 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 164 S.A ss.5 and Lot 164 S.B ss.3 S.F in D.D. 79, Ping Yeung Village, Ta Kwu Ling, New Territories

A/NE-TKL/546 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 164 S.B ss.1 S.A and Lot 164 S.B ss.3 S.C in D.D. 79, Ping Yeung Village, Ta Kwu Ling, New Territories
(RNTPC Paper No. A/NE-TKL/543 to 546A)

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

34. The Secretary reported that the sites were located at Ping Che. Mr Alex T.H. Lai had declared interest in the four items as his father co-owned two plots of land in Ping Che. The Committee agreed that as the properties of Mr Alex T.H. Lai’s father had no direct view on the sites, he could stay in the meeting.

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) the proposed house (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 road access and water source were available 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, a total of four public comments on each of the application 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 indicated no comment on the applications. Another two public comments submitted by Designing Hong Kong Limited and an individual raised objection to all the applications mainly on the grounds that the proposed developments were not in line with the planning intention of the “AGR” zone; no technical assessments had been submitted; and the proposed Small Houses were not for meeting the applicants’ housing needs;

- (e) the District Officer (North) conveyed that the one of the four Indigenous Inhabitant Representatives (IIRs) had no objection to the applications provided that the applicants were indigenous villagers of Ping Yeung Village, whereas another IIR and the Resident Representative of the same village supported the applications. The Vice-chairman of Ta Kwu Ling District Rural Committee, the incumbent NDC member and another IIR had no comment on the applications; and
- (f) the Planning Department (PlanD)’s views – PlanD did not support the applications based on the assessments set out in paragraph 11 of the Paper. The proposed developments were not in line with the planning intention of the “AGR” zone and DAFC did not support the applications from the agricultural development point of view. The sites were mainly covered by wild grasses and shrubs and located some 80m away from the “Village Type Development” (“V”) zone of Ping Yeung Village to the north-east with some village houses in between. The proposed Small Houses were not incompatible with the surrounding rural setting dominated by village houses and fallow agricultural land, whilst open storage yard and warehouse were located in the west and further south. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House Development in New Territories (the Interim Criteria), more than 50% of the footprints of all the proposed Small Houses fell within the village ‘environs’ (‘VE’) of Ping Yeung Village. While land available within the “V” zone was insufficient to fully meet the future Small House demand, it

could meet the outstanding Small House applications. It was considered more appropriate to concentrate the proposed Small House development within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services. There were 10 similar applications in the vicinity of the site approved between 2001 and 2013 and some of them were located to the north and east of the sites closer to the villager proper. Regarding the adverse public comments, the assessments above were relevant.

36. In response to a Member’s query, Mr Wallace W.K. Tang, STP/STN, made reference to Plan A-2a of the Paper and said that a similar application (No. A/NE-TKL/438), which was approved on 2.8.2013, was located to the east of the current four sites. The concerned site was about 60m away from the “V” zone of Ping Yeung Village and the current four sites were about 80m away.

37. In response to the Chairman’s query, Mr Wallace W.K. Tang said that the two structures to the west of the subject site of the application No. A/NE-TKL/438 were temporary domestic structures, and the site of another similar approved application (No. A/NE-TKL/440) was located to its east.

Deliberation Session

38. A Member noted that the planning assessments of the current four applications were in line with the prudent approach adopted by the Committee when considering such applications in recent years in that Small House developments should be more appropriately confined to the “V” zone if land was still available in the zone. However, sympathetic consideration might be given to the current applications having regard that six similar applications located in close proximity of the four application sites had already been approved by the Committee before 2014. Even though the four application sites were located slightly further away (about 80m) from the “V” zone as compared with the approved application sites (about 60m or less), the Interim Criteria only required the application sites to be located wholly or largely within the ‘VE’, rather than to the distance away from the “V” zone.

39. Another Member supported PlanD's recommendation of rejecting the four applications as approval of the current applications might have an effect of spreading Small House developments outside the "V" zone, while land was still available within the "V" zone to meet the outstanding Small House applications.

40. The Chairman said that when considering the current applications, the Committee might take into account the effect of spreading village development outside the "V" zone, the accessibility of the sites from Ping Yuen Road, and the proposed rejection reasons as stated in the Paper. The Secretary supplemented that some of the approved application sites had been built while some Small House land grant applications were being processed by the Lands Department.

41. A Member considered that the current four applications could be approved, and future Small House applications should be considered on their own merits.

42. Members noted that the four application sites were overgrown with shrubs and grasses, and the site of open storage use to the west of the current sites as shown on Plan A-2a of the Paper was left vacant.

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

43. A Member asked for the rationale for approval of the two similar applications No. A/NE-TKL/438 and 440 to the east of the application sites. In response, the Secretary said that Committee approved the two applications in 2013 on the grounds that both applications generally complied with the Interim Criteria in that the footprints of the proposed Small Houses fell wholly within the 'VE' of Ping Yeung Village and there was a general shortage of land in meeting the demand for Small House development in the "V" zone; the proposed developments were not incompatible with the surrounding land uses; and no adverse traffic, environmental and drainage impacts were anticipated.

44. Noting that small portions of some application sites fell outside the 'VE', a Member asked about their implications on the assessments of the current applications. In response, the Chairman said that according to the Interim Criteria, sympathetic consideration might be given, among others, if not less than 50% of the proposed Small House footprint fell

within the 'VE' of a recognized village.

45. The Committee concluded that sympathetic consideration could be given to the four applications on the grounds that similar applications in close proximity to the current four sites were approved, and the applications generally complied with the Interim Criteria in that more than 50% of the footprints of the proposed Small Houses fell within the 'VE' of the concerned recognized village; land available within the "V" zone was insufficient to fully meet the future Small House demand; the proposed developments were not incompatible with the surrounding land uses; and no adverse impacts were anticipated.

46. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the permissions should be valid until 14.10.2020, 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 connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Drainage Services 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.”

47. 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 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/553 Temporary Open Storage of Construction Equipment and Materials for a Period of 3 Years in “Agriculture” Zone, Lots 1344 (Part) and 1345 (Part) in D.D. 82, Ping Che, North District, New Territories
(RNTPC Paper No. A/NE-TKL/553)

48. The Secretary reported that the site was located at Ping Che. Mr Alex T.H. Lai had declared interest in the item as his father co-owned two plots of land in Ping Che. The Committee agreed that as the properties of Mr Alex T.H. Lai’s father had no direct view on the site, he could stay in the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of construction equipment and materials for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Agriculture, Fisheries and Conservation did not support the application from the agricultural development point of view as the site had potential for agricultural rehabilitation and active agricultural activities were found in the vicinity. The Director of Environmental Protection (DEP) did not support the application as there were domestic structures in the vicinity of the site. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, a total of four public comments were received. A North District Council (NDC) member and the Chairman of Sheung Shui District Rural Committee indicated no comment on the application. The other two comments from another NDC member and an individual objected to the application mainly on the grounds that the development was not in line with the planning intention of the “Agriculture” (“AGR”) zone; the applied use should be accommodated in custom-built high-rise industrial parks; the proposed development would generate adverse traffic impacts on Sha Tau Kok Road; and setting of an undesirable precedent for similar applications. The District Officer (North) conveyed that the Vice-chairman of Ta Kwu Ling District Rural Committee and the Resident Representative of Lei Uk objected to the application without giving any reason, whereas the incumbent NDC member and the Indigenous Inhabitant Representative of Lei Uk had no comment on the application; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary open storage of construction equipment and materials could be tolerated for a period of 3 years based on the assessments set out in paragraph 12 of the Paper. The development was not in line with the planning intention of the “AGR” zone. However, the site had been hard paved and approved for similar open storage use on a temporary basis before. Approval of the application on a temporary basis of three years would not frustrate the long-term planning intention of the “AGR” zone. The development was not incompatible with the surrounding areas comprising open storage yards/workshops, fallow agricultural land and vacant land. The application generally complied with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No.13E) in that the site fell within Category 2 areas, there were previous approvals for similar use on site and no major adverse departmental comments had been received. Technical concerns of relevant government departments could be addressed through implementation of relevant approval conditions. Though DEP did not support the application, there was no record of

environmental complaint for the site in the past three years. Relevant approval conditions restricting the operation hours had been recommended. Also, there was no material change in the planning circumstances since the approval of the last application and the circumstances of the current application were similar to those similar approved applications in the vicinity of the site. Regarding the adverse public comments, the assessments above were relevant.

50. Members had no question on the application.

Deliberation Session

51. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 14.10.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) the stacking height of the materials stored within five meters of the periphery of the site shall not exceed the height of the boundary fence at any time during the planning approval period;
- (d) the peripheral fencing and paving of the site shall be maintained at all times during the planning approval period;
- (e) the setting back of the site boundary to avoid encroachment on the project limit of “PWP Item 119CD – Drainage Improvement in Northern New Territories – Package C (Remaining Works)” as and when required by the Director of Drainage Services;

- (f) the existing drainage facilities implemented under Application No. A/NE-TKL/443 on-site should be maintained properly at all times during the planning approval period;
- (g) the submission of condition records of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.1.2017;
- (h) the provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.11.2016;
- (i) the submission of proposals for water supplies for fire-fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.4.2017;
- (j) in relation to (i) above, the provision of water supplies for fire-fighting and fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.7.2017;
- (k) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 14.4.2017;
- (l) in relation to (k) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 14.7.2017;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;

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

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

Agenda Items 27 and 28

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/590 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lots 1212 S.A ss. 1 and 1214 S.A in D.D. 19, Lam Tsuen San Tsuen, Tai Po, New Territories

A/NE-LT/591 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” Zones, Lots 1212 S.A ss. 2 and 1214 S.B in D.D. 19, Lam Tsuen San Tsuen, Tai Po, New Territories
(RNTPC Paper No. A/NE-LT/590 and 591)

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

Presentation and Question Sessions

54. Mr P.Y. Yung, STP/STN, presented the applications and covered the following aspects as detailed in the Paper:

- (a) background to the applications;
- (b) the proposed house (NTEH - Small House) 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 there were active agricultural activities in the vicinity and the sites had high potential for rehabilitation of agricultural activities. The Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) had reservation on the applications as the trees at the sites had been removed and the sites were formed in recent years. Approval of the applications might set an undesirable precedent for site modification prior to application and degradation of landscape resources in the “AGR” zone. 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, one public comment on each of the application was received from an individual, who objected to the applications mainly on the grounds that the proposed development was not in line with the planning intention of the “AGR” zone; loss of good quality agricultural land; and setting of an undesirable precedent; and
- (e) PlanD’s views – PlanD did not support the applications based on the assessments set out in paragraph 11 of the Paper. The proposed developments were not in line with the planning intention of the “AGR” zone and DAFC did not support the applications from the agricultural development point of view. The sites located to the south-west of the village proper of Lam Tsuen San Tsuen were not incompatible with the surrounding areas predominated by village houses, temporary structures, agricultural land and tree groups. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House Development in New

Territories (Interim Criteria), more than 50% of the footprints of all of the proposed Small Houses fell within the village ‘environs’ of Lam Tsuen San Tsuen. While land available within the “Village Type Development” (“V”) zone was insufficient to fully meet the future Small House demand, it was capable of meeting the outstanding Small House applications. It was considered more appropriate to concentrate the proposed Small House developments within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services.

55. Noting from Plan A-2a of the Paper that application No. A/NE-LT/459 was partially approved in 2012, a Member asked about the details of the application. In response, Mr P.Y. Yung, STP/STN, said that the concerned application was for two proposed Small Houses. One of the proposed Small Houses, of which the majority of its footprint fell within the “V” zone, was approved. However, the other one, with less than 50% of the footprint falling within the “V” zone, was rejected. The concerned proposed Small House was subsequently approved under a fresh planning application (No. A/NE-LT/475) after revising its disposition.

56. In response to the Chairman’s query, Mr P.Y. Yung said that the concerned departments such as the Environmental Protection Department and the Water Supplies Department had no adverse comment on the drainage and sewerage arrangements for the proposed development.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone, which is primary to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the current submission for a departure from the

planning intention; and

- (b) land is still available within the “Village Type Development” zone of Lam Tsuen San Tsuen and San Tsuen Lo Wai which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for more orderly development pattern, efficient use of land and provision of infrastructure and services.”

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

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/904 Shop and Services (Real Estate Agency) in “Industrial” Zone, Unit 2A,
G/F, Hopeful Factory Centre, 10-16 Wo Shing Street, Fo Tan, Sha Tin,
New Territories
(RNTPC Paper No. A/ST/904)

58. The Secretary reported that the site was located at Fo Tan. Hong Yip Properties Agency Limited, which was a subsidiary of Sun Hung Kai Properties Limited (SHK), was the consultant of the applicant. The following Members had declared interests in the item:

- | | | |
|---------------------|---|--|
| Professor K.C. Chau | - | co-owning a flat in Fo Tan; |
| Mr Ivan C.S. Fu | } | having current business dealings with SHK; |
| Ms Janice W.M. Lai | | |
| Mr Stephen L.H. Liu | | |
| Miss Winnie W.M. Ng | - | being a Director of the Kowloon Motor Bus (1933) Company Limited (KMB) and SHK was one of the shareholders of KMB; |

- Ms Christina M. Lee - being the Secretary-General of the Hong Kong Metropolitan Sports Events Association which had obtained sponsorship from SHK before; and
- Mr Samson S.S. Lam - owning a flat and two car parking spaces in Fo Tan.

59. The Committee noted that Ms Janice W.M. Lai had tendered apology for being unable to attend the meeting, Mr Ivan C.S. Fu had temporarily left the meeting and Miss Winnie W.M. Ng had already left the meeting. The Committee agree that as the interest of Ms Christina M. Lee was indirect, she could stay in the meeting. The Committee also agreed that as Mr Stephen L.H. Liu had no involvement in the application and the properties of Professor K.C. Chau and Mr Samson S.S. Lam had no direct view on the site, they could stay in the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the shop and services (real estate agency);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Fire Services (D of FS) had no in-principle objection to the application and advised that the building was protected with a sprinkler system so that the maximum permissible aggregate commercial floor area on G/F was 460m² in accordance with the Town Planning Board Guidelines for Use/Development within “Industrial” Zone (TPB PG-No. 25D). The applied use should be counted up to the aggregate commercial floor area. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) no public comment was received during the first three weeks of the statutory publication period; 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 use was small in scale and considered not incompatible with the industrial and industrial-related uses in the subject industrial building and the surrounding developments. Similar applications had been approved on the ground floor of the subject industrial building. The subject industrial building was subject to a maximum permissible limit of 460m² for aggregate commercial floor area on the ground floor. There was no valid approved application for commercial uses on the ground floor of the subject building and the aggregate commercial floor area would be 25.93m² if the floor area of the application premises was included, which was within the maximum permissible limit of 460m². The use generally complied with TPB PG-No. 25D including the fire safety and traffic aspects. There was no change in planning circumstances since the approval of the previous application. However, a temporary approval of three years was recommended in order not to jeopardise the long-term planning intention of industrial use for the subject premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area.

61. Members had no question on the application.

Deliberation Session

62. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 14.10.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) the submission of the fire service installations proposal within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 14.4.2017;

- (b) in relation to (a), the implementation of the fire service installations within 9 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 14.7.2017; and
- (c) if any of the above planning conditions (a) or (b) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

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

[Mr Ivan C.S. Fu returned to join the meeting and Mr Alex T.H. Lai temporarily left the meeting at this point.]

Fanling, Sheung Shui and Yuen Long East District

Agenda Item 30

Section 16 Application

[Open Meeting]

A/FLN/11 Proposed Temporary Barbecue Site and Ancillary Car Park for a Period of 3 Years in “Government, Institution or Community” and “Open Space” Zones, Lots 540, 541 (Part) and 544 in D.D. 51, Sheung Shui, New Territories
(RNTPC Paper No. A/FLN/11)

64. The Secretary reported that the site was located at Sheung Shui. Mr Samson S.S. Lam, Chief Traffic Engineer/New Territories West, Transport Department, had declared interest in the item as his spouse owned a flat in Sheung Shui.

65. The Committee noted that the applicant had requested for deferment of the consideration of the application and agreed that as the property of Mr Samson S.S. Lam's spouse had no direct view on the site, he could stay in the meeting.

66. The Committee noted that the applicant requested on 27.9.2016 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.

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

Agenda Item 31

Section 16 Application

[Open Meeting]

A/FSS/252 Proposed Concrete Batching Factory in "Industrial" Zone, No. 11 On
Chuen Street, Fanling, New Territories
(RNTPC Paper No. A/FSS/252)

68. The Secretary reported that Masterplan Limited (Masterplan) was the consultant of the applicant. Mr Ivan C.S. Fu had declared interest in the item as he had current business dealings with Masterplan.

69. The Committee noted that the applicant had requested for deferment of the consideration of the application and agreed that as Mr Ivan C.S. Fu had no involvement in the application, he could stay in the meeting.

70. The Committee noted that the applicant requested on 6.10.2016 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 departmental comments. It was the first time that the applicant requested for deferment of the application.

71. 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.

[Mr Kepler S.Y. Yuen and Ms Emily P.W. Tong, Senior Town Planners/Fanling, Sheung Shui and Yuen Long East (STPs/FSYLE), were invited to the meeting at this point.]

Agenda Item 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/537 Temporary Shop and Services (Real Estate Agency, Pet Salon, Bicycle Sales Store and Convenience Store) for a Period of 3 Years in "Village Type Development" Zone, Lots 216 S.E, 216 S.S ss.2 RP (Part), 216 S.S RP (Part), 237 S.B ss.3 RP (Part) and 237 S.B ss.4 S.B (Part) in D.D. 103 and Adjoining Government Land, Ko Po Tsuen, Kam Tin, Yuen Long, New Territories
(RNTPC Paper No. A/YL-KTN/537)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary shop and services (real estate agency, pet salon, bicycle sales store and convenience store) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from a member of the general public, who raised concerns that the applied use was relatively sizeable and not in line with the planning intention of the “Village Type Development” (“V”) zone and no information was provided regarding the demand of Small Houses and commercial uses in the village. The commercial use should be applied for permanent use and approvals for temporary land uses should be reduced. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary shop and services (real estate agency, pet salon, bicycle sales store and convenience store) could be tolerated for a period of 3 years based on the assessments set out in paragraph 11 of the Paper. The applied use could serve the needs of the residents in the area and approval of the application on a temporary basis for three years would not jeopardize the planning intention of the “V” zone. The use was not incompatible with the surrounding land uses predominated by village-type residential dwellings/development and in view of its small scale and proximity to Kam

Tin Road, it was unlikely that the use would generate significant environmental nuisance. The site was involved in two previously approved applications for similar shop and services use and there was no material change in planning circumstances that warranted a departure from the Committee's previous decisions. Regarding the adverse public comment, selected commercial uses serving the needs of the local villagers were permitted on the ground floor of New Territories Exempted House within the "V" zone and the District Lands Officer/Yuen Long advised that the site was not involved in any application for Small House development.

73. Members had no question on the application.

Deliberation Session

74. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 14.10.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 9:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation between 8:00 p.m. and 9:00 p.m. on Mondays to Fridays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no medium to heavy goods vehicles exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to enter/exit the site at any time during the planning approval period;
- (d) no reversing of vehicles into or out of the site is allowed at any time during the planning approval period;

- (e) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.4.2017;
- (f) in relation to (e) above, the implementation of a drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.7.2017;
- (g) the existing drainage facilities and the implemented drainage proposal, in relation to (f) above, on the site shall be maintained at all times during the planning approval period;
- (h) the submission of condition records of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.1.2017;
- (i) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.4.2017;
- (j) in relation to (i) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.7.2017;
- (k) if any of the above planning conditions (a), (b), (c), (d) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (l) if any of the above planning conditions (e), (f), (h), (i) or (j) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and

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

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

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/716 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 1812 S.G ss.3 in D.D. 106, Yuen Kong San Tsuen, Kam Sheung Road, Yuen Long, New Territories
(RNTPC Paper No. A/YL-KTS/716)

76. The Secretary reported that the site was at Kam Tin South. Ms Janice W.M. Lai had declared interest in the item as her family member owned a house at Cheung Po Tsuen, Kam Tin South. The Committee noted that Ms Janice W.M. Lai had tendered apology for being unable to attend the meeting.

Presentation and Question Sessions

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

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

comments were summarised as below:

- (i) the District Lands Officer/Yuen Long advised that if the proposed Small House site was outside or more than 50% of it was outside the Village Environs ('VE') Boundary of a recognized village and the "Village Type Development" ("V") zone which encircled the recognized village, the concerned Small House application would be rejected under the New Territories Small House Policy even though the applicant was an indigenous villager who had successfully sought planning permission;
 - (ii) 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 and the site had potential for agricultural rehabilitation. Also, active agricultural activities could be found in the vicinity; and
 - (iii) 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 an individual, who objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of the "Agriculture" ("AGR") zone and there was no strong justification for a departure from the concerned planning intention; and approval of the application would set an undesirable precedent for similar applications in the area. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the "AGR" zone. The application did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House

Development in New Territories in that the site and the footprint of the proposed Small House fell entirely outside the draft 'VE' and the "V" zone of Yuen Kong San Tsuen. While the land available within the "V" zone of Yuen Kong San Tsuen was sufficient to meet the outstanding Small House applications, it could not fully meet the 10-year Small House demand forecast in the long run. It was considered more appropriate to concentrate the proposed Small House close to the existing village cluster within the "V" zone for a more orderly development pattern, efficient use of land and provision of infrastructure and services. There was no exceptional circumstance to justify approval of the application.

78. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed Small House development is not in line with the planning intention of the “Agriculture” zone which is to retain and safeguard good quality agricultural land for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention; and
- (b) the application does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House Development in New Territories in that the proposed Small House footprint falls entirely outside the village ‘environs’ and the “Village Type Development” (“V”) zone of Yuen Kong San Tsuen. Land is still available within the “V” zone for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development

pattern, efficient use of land and provision of infrastructure and services. There is no exceptional circumstance to justify approval of the application.”

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

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/717 Renewal of Planning Approval for Temporary Open Storage of Machinery (Including Excavators) and Vehicles for Sale for a Period of 3 Years in “Agriculture” Zone, Lots 454 RP (Part), 456 RP (Part) and 461 RP (Part) in D.D. 103 and Adjoining Government Land, Ko Po Tsuen, Kam Tin, Yuen Long, New Territories
(RNTPC Paper No. A/YL-KTS/717)

80. The Secretary reported that the site was at Kam Tin South. Ms Janice W.M. Lai had declared interest in the item as her family member owned a house at Cheung Po Tsuen, Kam Tin South. The Committee noted that Ms Janice W.M. Lai had tendered apology for being unable to attend the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary open storage of machinery (including excavators) and vehicles for sale for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection

(DEP) did not support the application as there were domestic structures in the vicinity of the site. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, one public comment was received from an individual, who objected to the application on the grounds that the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone and approval of the application would result in encroachment of farmland. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary open storage of machinery (including excavators) and vehicles for sale could be tolerated for a period of 3 years based on the assessments set out in paragraph 12 of the Paper. The development was not in line with the planning intention of the “AGR” zone. However, the Director of Agriculture, Fisheries and Conservation had no strong view on the application from the agricultural perspective as the potential for agricultural rehabilitation of the site was low. It was considered that the continuation of the subject open storage use on a temporary basis would not frustrate the long-term planning intention of the “AGR” zone. The development was not incompatible with the surrounding areas comprising open storage/storage yards, workshops and vacant/unused land. The application generally complied with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No.13E) and the Town Planning Board Guidelines for Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34B) in that previous approvals for open storage use at the site had been granted and all the approval conditions under the previous application had been complied with, and there was no adverse departmental comment except from DEP. While DEP did not support the application, there was no environmental complaint for the site in the past three years. Relevant approval conditions restricting the

operation hours and activities had been recommended. There was no major change in planning circumstances since the last planning approval, sympathetic consideration could be given to the current application and approval of the current application was in line with the Committee's previous decisions. Regarding the adverse public comment, the assessments above were relevant.

82. Members had no question on the application.

Deliberation Session

83. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 26.10.2016 until 25.10.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 7:00 p.m. and 10:00 a.m., as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (b) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the site at any time during the planning approval period;
- (c) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) the existing trees and landscape plantings on the site shall be maintained at all times during the planning approval period;
- (e) no reversing of vehicles into or out from the site is allowed at any time during the planning approval period;

- (f) the submission of condition records of the existing drainage facilities on the site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 26.1.2017;
- (g) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (h) if the above planning condition (f) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (i) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

[Dr F.C. Chan temporarily left the meeting at this point.]

Agenda Item 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/735 Temporary Dog Training Ground and Dog Swimming and Recreational Centre for a Period of 3 Years in “Residential (Group D)” Zone, Lots 117 (Part), 119 (Part), 121 (Part), 122, 123 (Part), 124 (Part), 125 (Part), 127 (Part) and 128 (Part) in D.D. 108 and Adjoining Government Land, Ta Shek Wu, Pat Heung, Yuen Long, New Territories
(RNTPC Paper No. A/YL-PH/735)

85. The Secretary reported that the site was at Pat Heung. Ms Janice W.M. Lai had declared interest in the item as her family member owned a property at Leung Uk Tsuen, Pat Heung. The Committee noted that Ms Janice W.M. Lai had tendered apology for being unable to attend the meeting.

86. The Committee noted that one replacement page (page 11 of the Paper) incorporating the revised paragraph 12.2 (g) of the Paper was dispatched to Members and two replacement pages (page 5 and page 1 of Appendix V of the Paper) incorporating the revised paragraph 9.1.1 (b) and advisory clause (b) were tabled at the meeting.

Presentation and Question Sessions

87. 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 dog training ground and dog swimming and recreational centre for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from an individual, who objected to the application on the grounds that the subject site zoned “Residential (Group D)” (“R(D)”) had been used for other purposes for decades and such temporary approval should be rejected so that the land zoned for residential purpose would be developed for the planned use. No local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary dog training ground and dog swimming and recreational centre could be tolerated for a period of 3 years based on the assessments set out in paragraph 11 of the Paper. Though the applied use was not in line with the planning intention of the “R(D)” zone, there was no known proposal for permanent development at the site and the applied use could provide a dog training facility serving locals and the general public. Approval of the application on a temporary basis for a period of three years would not jeopardize the long-term planning intention of the “R(D)” zone. The use was not incompatible with the surrounding areas comprising vacant/unused land, deserted farms and ruins, a plant nursery and a few residential dwellings. The site was the subject of three previous approvals for the same applied use since 2007 and there had been no major change in planning circumstances since the last approval. In this regard, approval of the application was in line with the Committee's previous decisions. Relevant approval condition restricting the operation hours had been recommended in order to minimise the potential environmental nuisance generated by the development. Regarding the adverse public comment, no proposal for residential development at the site had been received and a temporary approval for the applied use could serve the residents in the area in the short run.

88. Members had no question on the application.

Deliberation Session

89. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 14.10.2019, 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 vehicle shall reverse into or out of the site at any time during the planning approval period;
- (c) the existing trees and landscape plantings on the site shall be maintained at all times 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 condition records of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.1.2017;
- (f) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.4.2017;
- (g) in relation to (f) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.7.2017;
- (h) 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;
- (i) if any of the above planning conditions (e), (f) or (g) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (j) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 36

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/737 Renewal of Planning Approval for Temporary Car Park for Villagers (Excluding Container Vehicle) for a Period of 2 Years in “Village Type Development” Zone, Lots 83 (Part), 85 RP (Part), 86 (Part), 87 S.B (Part), 87 RP (Part) and 92 RP (Part) in D.D. 111 and Adjoining Government Land, Pat Heung, Yuen Long, New Territories
(RNTPC Paper No. A/YL-PH/737)

91. The Secretary reported that the site was at Pat Heung. Ms Janice W.M. Lai had declared interest in the item as her family member owned a property at Leung Uk Tsuen, Pat Heung. The Committee noted that Ms Janice W.M. Lai had tendered apology for being unable to attend the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary car park for villagers (excluding container vehicle) for a period of 2 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, one public comment was received from an individual, who objected to the application on the grounds that the applied use had taken up most of the open space in the village and the site should be used for open space and community purpose. Car parking bays should be provided in large village houses instead. No local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary car park for villagers (excluding container vehicle) could be tolerated for a period of 2 years based on the assessments set out in paragraph 12 of the Paper. Though the development was not in line with the planning intention of the “Village Type Development” (“V”) zone, it could satisfy some of the local parking demand. There was also no Small House application at the site at the moment. Temporary approval of the application would not jeopardise the long-term planning intention of the “V” zone. The development was not incompatible with the surrounding land uses predominated by residential dwellings/development and agricultural land, with a few parking lots and a number of open storage yards. The application was in line with the Town Planning Board Guidelines for Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34B) in that previous approvals for the same applied use had been granted and all the approval conditions under the previous application had been complied with. There was no major change in planning circumstances since the last planning approval. Relevant approval conditions restricting the type of vehicles parked on-site, the implementation of the car park layout, and rules for operation of the car park, etc. had been recommended in order to minimise the potential nuisance. Regarding the adverse public comment, no proposal for open space or community use at the site had been received and temporary approval for the applied car parking use could serve the need of residents in the area in the short run.

93. Members had no question on the application.

Deliberation Session

94. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years, and be renewed from 1.11.2016 until 31.10.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no vehicles without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations are allowed to be parked/stored on the site at any time during the planning approval period;
- (b) the implementation of the car park layout plan for the use of the local villagers only, as proposed by the applicant, at all times during the planning approval period;
- (c) no more than 15 car parking spaces shall be provided on the site, as proposed by the applicant, at any time during the planning approval period;
- (d) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the site at all times during the planning approval period;
- (f) a notice should be posted at a prominent location of the site to indicate the set of rules for using the development, as proposed by the applicant, at all times during the planning approval period;

- (g) a vehicular access of 4.5m in width within the site, as proposed by the applicant, shall be maintained at all times during the planning approval period;
- (h) no reversing of vehicles into or out from the site is allowed at any time during the planning approval period;
- (i) the mitigation measures (including the dimming of lights after 11:30 p.m. within the site and posting of notice and rules at prominent location of the site forbidding honking and engine noise when parking at the site) implemented under the previous approval to minimize any possible nuisance of noise and artificial lighting on the site to the residents nearby, as proposed by the applicant, shall be maintained at all times during the planning approval period;
- (j) all landscape plantings within the site shall be maintained at all times during the planning approval period;
- (k) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (l) the submission of condition records of the existing drainage facilities on the site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.2.2017;
- (m) the implementation of the accepted fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.5.2017;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h), (i), (j) or (k) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked

immediately without further notice;

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

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

Agenda Item 37

Section 16 Application

[Open Meeting]

A/YL-NTM/337 Temporary Warehouse for Storage of Building Materials with Ancillary Site Office for a Period of 3 Years in “Residential (Group D)” Zone, Lots 1451 (Part), 1452, 1454 (Part), 1455 (Part), 1456, 1458, 1459, 1460, 1462, 1463 (Part), 1464 (Part), 1465 (Part), 1467, 1469, 1470 (Part), 1471, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1483, 1484, 1485, 1486, 1487 (Part), 1489 (Part), 1492 (Part) 1501 (Part), 1502 (Part), 1504 (Part), 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1515 (Part), 1516 RP (Part), 1520, 1521 (Part), 1522 (Part), 1633 (Part), 1634 S.A, 1634 S.B RP (Part), 1635 (Part), 1636 (Part) and 1637 (Part) in D.D. 104 and Adjoining Government Land, Ngau Tam Mei, Yuen Long, New Territories
(RNTPC Paper No. A/YL-NTM/337A)

96. The Committee noted that the applicant requested on 6.10.2016 for deferment of the consideration of the application for two months in order to allow time to prepare further information to address comments of the Environmental Protection Department. It was the second time that the applicant requested for deferment of the application.

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

Agenda Item 38

Section 16 Application

[Open Meeting]

A/YL-ST/494 Proposed Temporary Warehouse for Storage of Construction Materials for a Period of 3 Years in "Residential (Group D)" Zone, Lots 151, 152 RP, 153 RP, 154, 155 (Part), 156 S.B RP and 375 RP in D.D. 105, San Tin, Yuen Long, New Territories
(RNTPC Paper No. A/YL-ST/494)

98. The Committee noted that the applicant requested on 26.9.2016 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.

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

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

[Dr F.C. Chan returned to the meeting at this point.]

Agenda Item 39

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/495 Proposed Houses in "Village Type Development" Zone, Government
Land, Wing Ping Tsuen, San Tin, Yuen Long, New Territories
(RNTPC Paper No. A/YL-ST/495)

Presentation and Question Sessions

100. Ms Emily P.W. Tong, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed houses;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Major departmental comments were summarised as below:
 - (i) the District Lands Officer/Yuen Long (DLO/YL, LandsD) advised that as there was a breach of the Building Covenant under Special Condition (SC) 12 of the New Grant (on completion of building works), Lot 3405 in D.D. 92 (the site) had been re-entered by the Government on 14.9.2016. The site was now government land. Under Section 8 of the Government Rights (Re-entry and Vesting

Remedies) Ordinance, Cap. 126, the former owner of a re-entered/vested property might apply for relief by petition to the Chief Executive or by application to the High Court within six months of the re-entry or vesting. At the moment, the former owner had not yet submitted any petition or application to the High Court for relief. The ex-Lot 3405 in D.D. 102 (the Lot) was held under New Grant No. 2474 (the New Grant) which restricted the Lot to be used for private residential purposes; and

- (ii) 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 an individual, who objected to the application as approval of the application would set an undesirable precedent and would aggravate an already volatile situation with regard to the Small House Policy; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “Village Type Development” (“V”) zone and there was no strong planning justification in the submission for a departure from such planning intention. Though land available within the “V” zone could cater for the outstanding Small House applications, it was not sufficient to meet the 10-year forecasted demand. Given that there was no strong justification for the proposed development, the site should be reserved for development of Small Houses by indigenous villagers. The proposed two 2-storey semi-detached houses would have a footprint of 192.285m² per house which was significantly larger than the existing village houses in the surrounding area. As the applicant had no building entitlement due to re-entry by the Government, the proposed houses were not New Territories Exempted Houses (NTEHs) to be developed within “V” zone, and no previous planning approval for house development had been granted for the

site, the application did not warrant sympathetic consideration. There was also no previous planning approval for house development within the concerned “V” zone, and approval of the application would set an undesirable precedent for similar applications within the zone. The cumulative effect of approving such applications would reduce the land available for Small House development within the “V” zone.

101. The Chairman asked Mr John K.T. Lai, Assistant Director/Regional 3 (AD/R3), LandsD, to elaborate on the land ownership issue. In response, Mr John K.T. Lai said that LandsD granted Lot 3405 in D.D. 92 to the applicant in 1977 for private residential use. However, the concerned lot was re-entered by the Government in September 2016 under the Government Rights (Re-entry and Vesting Remedies) Ordinance as the grantee had not pursued any development at the concerned lot for 40 years. The ex-lot owner might apply for relief by petition to the Chief Executive or by application to the High Court within six months of the re-entry or vesting. If sufficient evidence for the relief had been provided by the ex-lot owner, the lot might be re-granted to the applicant subject to possible imposition of additional SCs in the original lease and penalties.

102. Noting that the applicant was the lot owner at the time of submission of the application and the site was currently government land, two Members asked whether the current application should be assessed taking into account that the applicant was the lot owner at the time of submission or the current status of the site as government land. In response, the Chairman said that any person could submit planning applications under section 16 of the Town Planning Ordinance (TPO). The Secretary supplemented that under the section 16 application mechanism, the applicant might not be a lot owner, but should satisfy the ‘owners’ consent/notification’ requirement.

Deliberation Session

103. The Secretary said that in considering the application, Members might take into account the user restriction and the development parameters of the private residential use as stated in the original lease; the planning intention of the “V” zone; and if the subject site was still a building lot or if the lot owner still had building right.

104. Given that the proposed development was not incompatible with the surrounding land uses, three Members were of the view that land ownership was essential to the consideration of the application. Sympathetic consideration would only be given if the applicant was the current land owner and had building entitlement. However, as the applicant was no longer the current land owner and the site was government land at the moment, the application should be rejected.

105. In response to a Member's query, Mr John K.T. Lai, AD/R3, LandsD, said that the status of the subject site was currently an unleased and unallocated government land.

106. A Member considered that the applicant might apply for relief in relation to the entry of the lot by LandsD. Approval could be considered if the relief was granted by the relevant authority.

107. Given that the subject site was government land at the moment, the Vice-chairman considered that the planning intention of the site under the current Outline Zoning Plan should be the major consideration of the application, instead of the building entitlement. The San Tin area was not covered by statutory plan and the subject site was not zoned "V" in the 1970s when the lease was granted. There had been a material change in the planning circumstances for the subject site in that the private residential development permitted under lease had not been materialized over a long period of time and the site was currently zoned "V" which was intended for Small House developments.

108. In response to a Member's query, Mr John K.T. Lai said that if the site was re-granted to the applicant by LandsD, the original set of SCs under the lease in 1977 would likely be applicable to the site, subject to premium review and penalties for lease modification.

109. Noting that the applicant was the lot owner at the time of submission of the application, but the site was currently government land at the moment, Members generally considered that the application should be rejected as the proposed development was not in line with the planning intention of the "V" zone currently for the site which was primarily for Small House developments. If the site was subsequently re-granted to the applicant with similar SCs as that in the original lease in 1977, the applicant could submit a fresh planning

application for the proposed development, and the Committee could re-consider the proposed development in the context of the applicant's building entitlement.

110. 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 “Village Type Development” (“V”) zone which is to reflect existing recognized villages, and to provide land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. There is no strong planning justification in the submission for a departure from such planning intention; and
- (b) the approval of the application would set an undesirable precedent for similar applications within the “V” zone. The cumulative effect of approving such applications would reduce the land available for Small House development.”

[The Chairman thanked Mr Kepler S.Y. Yuen and Ms Emily P.W. Tong, STPs/FSYLE, for their attendance to answer Members' enquiries. They left the meeting at this point.]

Tuen Mun and Yuen Long West District

Agenda Item 40

Section 16 Application

[Open Meeting]

A/TM-LTYYY/314 Temporary Warehouse for Storage of Recycling Materials (Plastic and Scrap Metal) with Ancillary Parking Spaces for Heavy Goods Vehicles and Container Vehicles for a Period of 3 Years in “Green Belt” Zone, Lots 10 (Part), 12 (Part), 13 (Part), 14 (Part), 16 (Part), 17 (Part), 18 and 19 (Part) in D.D. 132 and Adjoining Government Land, Tsz Tin Tsuen, Tuen Mun, New Territories
(RNTPC Paper No. A/TM-LTYYY/314)

111. The Committee noted that the applicant requested on 4.10.2016 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.

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

[Ms Stella Y. Ng, Mr Vincent T.K. Lai and Mr Alan Y.L. Au, Senior Town Planners/Tuen Mun and Yuen Long West (STPs/TMYLW) and Mr Kelvin K.C. Chan, Assistant Town Planner/Tuen Mun and Yuen Long West (ATP/TMYLW), were invited to the meeting at this point.]

Agenda Item 41

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/523 Temporary Public Vehicle Park (Private Cars, Light Goods Vehicles and Coaches) for a Period of 3 Years in “Recreation” Zone, Lots 56 RP, 57 RP, 58 RP (Part), 62 S.A (Part), 63 (Part) and 65 (Part) in D.D. 126 and Adjoining Government Land, Ping Shan, Yuen Long, New Territories
(RNTPC Paper No. A/YL-PS/523)

Presentation and Question Sessions

113. 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 temporary public vehicle park (private cars, light goods vehicles and coaches) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) had reservation on the application. The use was not compatible with the surrounding environment with residential buildings, fish ponds and wooded area. Approval of the application would set an undesirable precedent attracting other incompatible uses in the vicinity. The cumulative impact would lead to the general degradation of the landscape character of the area and the integrity of the adjoining “Green Belt” and “Conservation Area” zones. 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 objecting to the application were received. A Yuen Long District Council member indicated that there was unauthorized pond filling at the site and the site was involved in ‘destroy first, build later’ activities and reinstatement to a pond was required. An individual objected mainly on the grounds of suspicion on the free parking provision for recreational facilities, inefficient land use, and no evidence to indicate material changes in circumstances since the previous rejected application. No local objection/view was received by the District Officer (Yuen Long); and
- (e) PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The site fell within the Wetland Buffer Area and temporary use was exempted from the requirement of Ecological Impact Assessment. The development was not incompatible with the surrounding land uses predominantly comprising recreational use, vehicle park use, unused land and vacant land. However, the site was subject to repeated planning enforcement action, and the public vehicle park under application was subject to active planning enforcement action and had not been discontinued. Approval of the application, which could be misread by the public as condoning unauthorized developments on site subject to repeated planning enforcement action, would encourage similar applications and would set an undesirable precedent. The cumulative effect of approving similar applications, even on a temporary basis, would result in a general degradation of the environment of the area.

114. Members had no question on the application.

Deliberation Session

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

- “ approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the subject

“Recreation” 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/TM/493 Proposed Minor Relaxation of Non-building Area Restriction for Proposed Footbridge to connect 2/F of Podium of Permitted Residential Development in “Residential (Group A)22” Zone, Tuen Mun Town Lot 539 (Part), Area 16, Tuen Mun, New Territories
(RNTPC Paper No. A/TM/493)

116. The Secretary reported that the application was submitted by Kong Smart Development Limited, which was a subsidiary of Sun Hung Kai Properties Limited (SHK). Llewelyn-Davies Hong Kong Limited (LD), Sun Hung Kai Architects and Engineers Limited (which was also a subsidiary of SHK) and Ramboll Environ Hong Kong Limited (Environ) were three of the consultants of the applicant. The following Members had declared interests in the item:

Mr Ivan C.S. Fu	}	having current business dealings with SHK and Environ;
Ms Janice W.M. Lai		
Mr Stephen L.H. Liu	-	having current business dealings with SHK and LD;
Miss Winnie W.M. Ng	-	being a Director of the Kowloon Motor Bus (1933) Company Limited (KMB) and SHK was one of the shareholders of KMB; and
Ms Christina M. Lee	-	being the Secretary-General of the Hong Kong Metropolitan Sports Events Association which had obtained sponsorship from SHK before.

117. The Committee noted that Ms Janice W.M. Lai had tendered apology for being unable to attend the meeting and Miss Winnie W.M. Ng had already left the meeting. As

the interests of Mr Ivan C.S. Fu and Mr Stephen L.H. Liu were direct, the Committee agreed that they should be invited to leave the meeting temporarily for the item. The Committee also agreed that as the interest of Ms Christina M. Lee was indirect, she could stay in the meeting.

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

Presentation and Question Sessions

118. 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 minor relaxation of non-building area (NBA) restriction for proposed footbridge to connect 2/F of podium of permitted residential development;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) advised that the proposed footbridge would unlikely generate significant adverse visual impact according to the submitted visual illustration. Considering the Air Ventilation Assessment (Expert Evaluation) (AVA (EE)) report submitted by the applicant, it was not anticipated that the proposed development would generate significant adverse impact on the effectiveness of the NBA for wind penetration. 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 six public comments were received. A Tuen Mun District Council (TMDC) member supported the application as the proposed footbridge connecting the podium of the residential development would be convenient and safe for the future residents. The other two TMDC members, three local

residents and a member of the general public objected to the application mainly on the grounds that there was no justification for the application; the proposed footbridge would induce adverse air ventilation impact at ground level; the existing public footpath at the site would be obstructed during the construction period of the proposed footbridge; and approval of the application would encourage similar applications and lead to cumulative impacts on the surrounding environment; and

- (e) PlanD's views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. The proposed footbridge was to facilitate access between the separated podiums of two residential towers and would enhance the residents' enjoyment of the separated landscaped areas and recreational facilities on two sides of the 2/F podium. It was small in scale with no supporting structures from the ground and a clear headroom of not less than 9m would be provided underneath the proposed footbridge. The building separation distance between the residential towers would be over 50m, much wider than the NBA. CTP/UD&L, PlanD did not anticipate that the proposal would generate significant adverse impact on the effectiveness of the NBA for wind penetration and had no further comment on the AVA(EE) Report. The proposed footbridge was not anticipated to cause significant adverse visual impact on the surrounding areas and both the Chief Architect/Central Management Division 2 of Architectural Services Department and CTP/UD&L, PlanD had no adverse comment from architectural, visual and urban design points of view respectively. Regarding the adverse public comments, the assessments above were relevant. According to the applicant, all members of the public would be given free and uninterrupted access to the existing footpath according to the lease.

119. In response to a Member's question, Mr John K.T. Lai, Assistant Director/Regional 3, Lands Department (LandsD), said that LandsD would only grant a consent for the proposed footbridge if the applicant would pay the additional premium as might be revealed in the future premium assessment.

Deliberation Session

120. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 14.10.2020, 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.

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

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

Agenda Item 43

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/1048 Proposed Temporary Warehouse and Logistics Centre for a Period of 3 Years in “Recreation” Zone, Lots 458 S.B (Part), 485 S.A (Part), 485 S.B ss.2 (Part), 487 (Part), 488 (Part), 489 (Part), 490, 491, 492, 493, 494 (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-HT/1048)

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

123. The Committee noted that two replacement pages (page 6 and page 1 of Appendix VI of the Paper) incorporating the revised paragraph 10.1.1 (c) and advisory clause (c) respectively were tabled at the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary warehouse and logistics centre for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from an individual. The commenter considered that the temporary use had existed for 16 years and queried if the site would be developed for passive and recreation uses. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary warehouse and logistics centre could be tolerated for a period of 3 years 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 “Recreation” zone. However, there was not yet any programme/known intention to implement the zoned use. Approval of the application on a temporary basis of 3 years would not jeopardise the long-term development of the area. The proposed use was not incompatible with the surrounding land uses which were predominantly logistics centres, open storage yards, parking of vehicles and warehouse. The application generally complied with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No.13E) in that there was no adverse departmental comment and the technical concerns

raised by concerned government departments could be addressed by relevant approval conditions. The site was the subject of a previous application for similar use and there had been no material change in the planning circumstances since granting of the previous approval, and approval of the current application was in line with the Committee's previous decision. Regarding the adverse public comments, the assessments above were relevant.

125. Members had no question on the application.

Deliberation Session

126. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 14.10.2019, 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 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 left turn of container vehicles into Ha Tsuen Road eastbound, as proposed by the applicant, upon leaving the site is allowed at any time during the planning approval period;
- (d) the erection of a ‘Turn Right’ traffic sign at the junction of the access road with Ha Tsuen Road, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;

- (f) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (g) the submission of a condition record of existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.1.2017;
- (h) 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 14.4.2017;
- (i) in relation to (h) 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 14.7.2017;
- (j) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.4.2017;
- (k) in relation to (j) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.7.2017;
- (l) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 14.4.2017;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (g), (h), (i), (j), (k) or (l) is not complied with by the above specified date, the approval hereby given shall

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

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

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

Agenda Item 44

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/1049 Temporary Warehouse and Logistics Centre for a Period of 3 Years in “Comprehensive Development Area” Zone, Lots 80 (Part) and 81 (Part) in D.D. 125, Lots 3239 (Part), 3240 (Part), 3241 (Part), 3242, 3243, 3246, 3248, 3251 S.A (Part), 3253 (Part), 3265 RP (Part), 3268, 3269, 3270, 3271 (Part), 3272, 3273, 3274, 3275, 3276, 3277, 3278, 3279, 3280, 3281 (Part), 3282 (Part), 3283 (Part), 3284 (Part), 3285 (Part), 3286 (Part), 3289 S.B RP (Part), 3290, 3291 (Part), 3292 S.B RP (Part) and 3442 (Part) in D.D. 129 and Adjoining Government Land, Ha Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-HT/1049)

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

Presentation and Question Sessions

129. 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 warehouse and logistics centre for a period of 3 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 Environmental Protection (DEP) did not support the application as there were domestic structures in the vicinity of the site;
 - (ii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning point of view. Some large mature trees within the site, which were valuable landscape resources to the site and its vicinity, had been felled. The proposed additional planting of 36 trees was inadequate to compensate the loss. Furthermore, a double row of trees should be planted along the site boundary abutting Ping Ha Road given that the site was larger than 1 hectare in size; and
 - (iii) other concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) PlanD's views – PlanD considered that the temporary warehouse and logistics centre could be tolerated for a period of 3 years based on the assessments set out in paragraph 12 of the Paper. The use was not in line with the planning intention of the "Comprehensive Development Area"

("CDA") zone. However, there was not yet any programme/known intention to implement the zoned use. Approval of the application on a temporary basis of 3 years would not jeopardise the long-term development of the area. The use was not incompatible with the surrounding land uses which were predominantly logistics centre, warehouse, open storage yards and workshops. The application generally complied with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No.13E) in that the site fell within Category 1 areas which were considered suitable for open storage and port back-up uses; relevant proposals had been submitted to demonstrate that the proposed use would not generate adverse impacts; and the technical concerns of relevant government departments could be addressed through the implementation of approval conditions. Though DEP did not support the application, there was no substantiated environmental complaint pertaining to the site in the past three years and relevant approval conditions had been recommended to minimise any potential environmental nuisances. Approval conditions on the submission and implementation of tree preservation and landscape proposal had been recommended to address the concerns of CTP/UD&L, PlanD. The site was the subject of 22 previous approved applications for open storage, logistics and vehicle park use and there were 11 similar approved applications within the same "CDA" zone. Approval of the subject application was in line with the Committee's previous decisions.

130. Members had no question on the application.

Deliberation Session

131. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 14.10.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation from 8:00 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 workshop activity, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;
- (e) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.4.2017;
- (f) in relation to (e) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.7.2017;
- (g) the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (h) the submission of a run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 14.4.2017;
- (i) in relation to (h) above, the implementation of the run-in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 14.7.2017;
- (j) the submission of a tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 14.4.2017;

- (k) in relation to (j) above, the implementation of tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 14.7.2017;
- (l) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.4.2017;
- (m) in relation to (l) above, the implementation of a fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.7.2017;
- (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 14.4.2017;
- (o) if any of the above planning conditions (a), (b), (c), (d) or (g) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (p) if any of the above planning conditions (e), (f), (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 application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 45

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/1050 Temporary Open Storage of Scrap Metal Waste, Electronic Waste, Paper Waste, Construction Machinery, Tyres, and Sales of Vehicle Parts with Ancillary Small Scale Workshop, and Vehicle Repair Workshop (including Coaches/28-seat Buses) with Ancillary Parking Spaces, and 13 Loading/Unloading Spaces for a Period of 3 Years in “Undetermined” Zone, Lots 1905 RP (Part), 1946 (Part), 1947 (Part), 1953 (Part), 1954 (Part), 1955 RP (Part), 1956 RP, 1957, 1958, 1959 S.A RP (Part), 1959 S.B (Part), 1959 S.C (Part), 1960 (Part), 1961 RP (Part) 1963 S.B RP (Part), 1965 (Part) and 1968 (Part) in D.D. 125, Ha Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-HT/1050)

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

134. The Committee noted that two replacement pages (page 14 and page 2 of Appendix VII of the Paper) incorporating the revised paragraph 13.2 (i) and advisory clause (g) respectively were dispatched to Members.

Presentation and Question Sessions

135. 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 scrap metal waste, electronic waste, paper waste, construction machinery, tyres, and sales of vehicle parts with

ancillary small scale workshop, and vehicle repair workshop (including coaches/28-seat buses) with ancillary parking spaces, and 13 loading/unloading spaces for a period of 3 years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were domestic structures in the vicinity of the site. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from a district council member, who suggested that the site and the access road connecting to the site should be paved and tree planting at the site should be provided for environmental and landscape purposes. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary uses could be tolerated for a period of 3 years based on the assessments set out in paragraph 12 of the Paper. Whilst the site fell within the boundary of the Planning and Engineering Study on the Hung Shui Kiu New Development Area, the development programme was being formulated and the approval of the application on a temporary basis of 3 years would not jeopardize the long-term development of the area. The use was not incompatible with the surrounding areas predominantly used for open storage and workshops. The application generally complied with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No.13E) in that the site fell within Category 1 areas which were considered suitable for open storage and port back-up uses; relevant proposals had been submitted to demonstrate that the proposed use would not generate adverse impacts; and the technical concerns of relevant government departments could be addressed through the implementation of approval conditions. Though DEP did not support the application, there

was no substantiated environmental complaint pertaining to the site in the past three years and relevant approval conditions had been recommended to minimise any potential environmental nuisances. The site was the subject of nine previous approved applications for similar open storage uses and there were 35 similar approved applications within the same “Undetermined” zone. Approval of the subject application was in line with the Committee’s previous decisions. Regarding the public comment, the assessments above were relevant.

136. Members had no question on the application.

Deliberation Session

137. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 14.10.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation from 8:00 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 handling (including loading, unloading and storage) of cathode-ray tubes (CRT), CRT computer monitors/television sets and CRT equipment is allowed on the site during the planning approval period;
- (d) no dismantling of electrical/electronic appliances is allowed on the site during the planning approval period;
- (e) handling (including loading, unloading and storage) of electrical/electronic appliances on the site must be carried out within concrete-paved area with covered structures, as proposed by the applicant, during the planning approval period;

- (f) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;
- (g) the existing fencing on the site shall be maintained at all times during the planning approval period;
- (h) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (i) the submission of a condition record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.1.2017;
- (j) the submission of a run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 14.4.2017;
- (k) in relation to (j) above, the implementation of the run-in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 14.7.2017;
- (l) 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 14.4.2017;
- (m) in relation to (l) 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 14.7.2017;
- (n) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.11.2016;

- (o) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.4.2017;
- (p) in relation to (o) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.7.2017;
- (q) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (r) if any of the above planning conditions (i), (j), (k), (l), (m), (n), (o) or (p) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (s) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 46

Section 16 Application

[Open Meeting]

A/YL-HT/1051 Temporary Shop and Services (Convenient Store) for a Period of 3 Years in “Village Type Development” Zone, Lot 1089 (Part) in D.D. 125, Sik Kong Wai, Ha Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-HT/1051)

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

140. The Committee noted that the applicant requested on 28.9.2016 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.

141. 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 47

Section 16 Application

[Open Meeting]

A/YL-LFS/291 Proposed Public Utility Installation (Package Substation) and Excavation of Land (1.8m) in “Village Type Development” Zone, Government Land in D.D. 129, Lau Fau Shan Road, Sha Kong Wai South, Yuen Long, New Territories
(RNTPC Paper No. A/YL-LFS/291)

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

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

143. The Committee noted that the applicant had requested for deferment of the consideration of the application and agreed that the interest of Ms Christina M. Lee was indirect and Mr Alex T.H. Lai had no involvement in the application, and they could stay in the meeting. As the interest of Mr Stephen L.H. Liu was direct, he could stay in the meeting but should refrain from participating in the discussion.

144. The Committee noted that the applicant requested on 28.9.2016 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 public comments. It was the first time that the applicant requested for deferment of the application.

145. 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 48

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/389 Temporary Warehouse for Storage of Cosmetics for a Period of 3 Years in "Other Specified Uses" annotated "Rural Use" Zone, Lots 1214 RP and 1215 (Part) in D.D. 119, Pak Sha Shan Road, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TT/389)

Presentation and Question Sessions

146. 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 cosmetics for a period of 3 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 Environmental Protection did not support the application as there were domestic structures in the vicinity of the

site;

- (ii) the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) had reservation on the application from the landscape planning perspective. The use was not compatible with the surrounding environment and approval of the application would set an undesirable precedent attracting other incompatible uses to the vicinity. The cumulative impact of approving such applications would likely result in a general degradation of the environment of the area; and
- (iii) 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. A Yuen Long District Council member objected to the application without any reason. A member of the general public objected to the application on the grounds of previous rejection and insufficient information to justify approval for the current application; and
- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The development was considered not in line with the planning intention of the “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) zone and 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 comprising scattered residential structures, vacant and fallow agricultural land. The development was not in line with the Town Planning Board Guidelines for Designation of “OU(RU)” Zone and Application for Development within “OU(RU)” Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 38) in that there were adverse departmental comments on the application from the environmental and landscape perspectives. The applicant failed to demonstrate that the development would not generate adverse

environmental and landscape impacts on the surrounding areas. Since there was no previous planning approval granted for warehouse use at the site and there had not been any planning approval for similar use within the subject “OU(RU)” zone, the 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.

147. Members had no question on the application.

Deliberation Session

148. 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 (TPB) Guidelines for Designation of “OU(RU)” Zone and Application for Development within “OU(RU)” Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 38). 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 49

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/810 Renewal of Planning Approval for Temporary “Open Storage of Construction Equipment and Materials (Metal Scaffolding) and Container Site Office Units with Ancillary Maintenance Workshop” for a Period of 3 Years in “Undetermined” Zone, Lots 333 (Part), 342 RP (Part), 343, 344, 345, 346 S.A, 346 S.B, 347 RP, 348 RP (Part), 350 RP (Part), 351 (Part), 352 (Part), 354 RP (Part), 355 (Part) and 357 (Part) in D.D. 119, Tong Yan San Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TYST/810)

149. The Committee noted that four replacement pages (pages 11, 12, 13 and 15 of the Paper) incorporating the revised paragraphs 10.1.10, 12.2, 12.3, 12.5 and 13.2 of the Paper respectively were dispatched to Members.

Presentation and Question Sessions

150. 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 renewal of planning approval for temporary open storage of construction equipment and materials (metal scaffolding) and container site office units with ancillary maintenance workshop for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were domestic structures in the vicinity of the site. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments set out in paragraph 12 of the Paper. The use was not in conflict with the planning intention of the “Undetermined” (“U”) zone which was generally intended for open storage use. Approval of the application on a temporary basis would not frustrate the long-term development of the area. The use was not incompatible with the open storage yards within the subject “U” zone and similar uses in the vicinity. The application was generally in line with the Town Planning Board Guidelines for Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34B) in that there had been no material change in planning circumstances since the granting of the previous approval and all approval conditions of the previous approval had been complied with. The application was also generally in line with the TPB Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No.13E) in that the site mainly fell within Category 1 areas and relevant proposals had been submitted to demonstrate that the proposed use would not generate adverse impacts. Though DEP did not support the application, there was no substantiated environmental complaint pertaining to the site in the past three years and relevant approval conditions had been recommended to minimise any potential environmental nuisances. The site was the subject of 8 previously approved applications for similar open storage use and there were 103 similar approved applications in the vicinity of the site. Approval of the subject application was in line with the Committee's previous decisions.

151. Members had no question on the application.

Deliberation Session

152. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 16.10.2016 to 15.10.2019, 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 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no ancillary maintenance work shall be carried out in open area, as proposed by the applicant, at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (f) the submission of condition records of the existing drainage facilities on the site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 16.1.2017;
- (g) the submission of a tree preservation and landscape proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 16.4.2017;

- (h) in relation to (g) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 16.7.2017;
- (i) the provision of fire extinguisher(s) with valid fire certificate (FS 251) within 6 weeks from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.11.2016;
- (j) the submission of a fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.4.2017;
- (k) in relation to (j) above, the implementation of the fire service installations proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.7.2017;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (m) if any of the above planning conditions (f), (g), (h), (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;
and
- (n) upon 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.”

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

Agenda Item 50

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/811 Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Undetermined” Zone, Lot 1410 (Part) in D.D. 119, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TYST/811)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary shop and services (real estate agency) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from a Yuen Long District Council member expressing concern on the layout and number of storeys of the proposed structure, future development of the area and the lack of development in the vicinity to support the proposed real estate agency. No local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary shop and services (real estate agency) could be tolerated for a period of 3 years based on the assessments set out in paragraph 11 of the Paper. Though the proposed development was not entirely in line with the planning intention of the “Undetermined” (“U”) zone which was generally intended for open storage use, it could provide real estate agency services to meet any such demand in the area. The proposed development and its development scale were not incompatible with the surrounding uses comprising residential structures, vehicle parks, warehouses and open storage yards. The proposed development would unlikely cause significant adverse environmental, traffic and drainage impacts on the surrounding areas. There was an approved application for similar shop and services use within the same “U” zone and approval of the subject application was in line with the Committee’s previous decision. Regarding the public comment, the applicant had indicated that most of the site area was for manoeuvring of vehicles and the proposed development could serve the land owners and nearby open storage yards operators. The assessments above were also relevant.

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 14.10.2019, 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 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no light, medium or heavy goods vehicles, including container tractor/trailer, as defined in the Road Traffic Ordinance, is allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;

- (c) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (d) the provision of boundary fence on the site, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 14.4.2017;
- (e) 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 14.4.2017;
- (f) in relation to (e) 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 14.7.2017;
- (g) 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 14.4.2017;
- (h) in relation to (g) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.7.2017;
- (i) in relation to (h) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (j) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.4.2017;
- (k) in relation to (j) above, the implementation of a fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.7.2017;

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

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

Agenda Item 51

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/812 Proposed Temporary Warehouse for Storage of Construction Materials, Private Car and Aquarium Fish for a Period of 3 Years in “Undetermined” Zone, Lots 989 (Part) and 990 (Part) in D.D. 119, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TYST/812)

Presentation and Question Sessions

158. 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 materials, private cars and aquarium fish for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were domestic structures in the vicinity of the site. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary warehouse for storage of construction materials, private cars and aquarium fish could be tolerated for a period of 3 years based on the assessments set out in paragraph 11 of the Paper. The proposed development was not in conflict with the planning intention of the “Undetermined” (“U”) zone which was generally intended for open storage use. Approval of the application on a temporary basis would not frustrate the long-term development of the area. The proposed development was not incompatible with the surrounding uses comprising warehouses, storage yards and workshops within the subject “U” zone. Though DEP did not support the application, there was no substantiated environmental complaint pertaining to the site in the past three years and relevant approval conditions had been recommended to minimise any potential environmental nuisances. Planning permission had been granted for similar warehouse use at the site and given that the Committee had approved 66 similar applications in the vicinity of the site, approval of the subject application was in line with the Committee's previous decisions.

159. In response to the Chairman's query, Mr Alan Y.L. Au, STP/TMYLW, said that fish would be stored at aquariums within the site for subsequent transfer to and sales at other outlets.

160. Noting that there was an orchard to the immediate west of the site, a Member asked if the proposed development would cause adverse impact on the orchard. In response, Mr Alan Y.L. Au said that the construction materials, private cars and aquarium fish would be stored within enclosed structures at the site and no polluting goods would be stored within the site. The Chief Town Planner/Urban Design and Landscape, PlanD also had no adverse comment on the application.

Deliberation Session

161. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 14.10.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 10:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no car beauty, car washing, repairing, dismantling, cleansing or any other workshop activities, except packaging activities, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (d) no used batteries, electrical appliances, televisions, computer monitors, computer/electronic parts or any other types of electronic waste, as proposed by the applicant, are allowed to be stored on the site during the planning approval period;

- (e) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) the existing trees and landscape plantings on the site shall be maintained at all times during the planning approval period;
- (h) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (i) the submission of condition records of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.1.2017;
- (j) the provision of boundary fence on the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 14.4.2017;
- (k) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.4.2017;
- (l) in relation to (k) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.7.2017;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;

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

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

Agenda Item 52

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/813 Temporary Warehouse for Storage of Brand New Electronic Goods for a Period of 3 Years in “Undetermined” Zone, Lots 1492, 1493 S.B (Part) and 1493 RP (Part) in D.D. 119 and Adjoining Government Land, Kung Um Road, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TYST/813)

163. The Committee noted that one replacement page (page 14 of the Paper) incorporating the revised paragraphs 12.2 (n), (o), (q) and (r) of the Paper was dispatched to Members.

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the temporary warehouse for storage of brand new electronic goods for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were domestic structures in the vicinity of the site. 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 Yuen Long District Council member raising objection to the application for the reason that the proposed development would generate adverse environmental impact. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary warehouse for storage of brand new electronic goods could be tolerated for a period of 3 years based on the assessments set out in paragraph 11 of the Paper. The development was not in conflict with the planning intention of the “Undetermined” (“U”) zone which was generally intended for open storage use. Approval of the application on a temporary basis would not frustrate the long-term development of the area. The development was not incompatible with the surrounding uses comprising warehouses, storage yards and workshops within the subject “U” zone and similar uses in the vicinity. Though DEP did not support the application, there was no substantiated environmental complaint pertaining to the site in the past three years and the development was mainly for storage purpose within concrete-paved covered warehouse structures. Also, relevant approval conditions had been recommended to minimise any potential environmental nuisances. Planning permission had been granted for similar warehouse use at the site and given that the Committee had approved 27 similar applications in the vicinity of the site, approval of the subject application was also in line with the Committee's previous decisions. Regarding the adverse public comment, the assessments above

were relevant.

165. Members had no question on the application.

Deliberation Session

166. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 14.10.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 9:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no 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 of electronic goods outside the concrete-paved covered structure, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (f) no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (g) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are

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

- (h) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (i) the provision of boundary fence on the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 14.4.2017;
- (j) the submission of a run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 14.4.2017;
- (k) in relation to (j) above, the implementation of the run-in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 14.7.2017;
- (l) 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 14.4.2017;
- (m) in relation to (l) 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 14.7.2017;
- (n) 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 14.4.2017;
- (o) in relation to (n) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.7.2017;

- (p) in relation to (o) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (q) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.4.2017;
- (r) in relation to (q) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.7.2017;
- (s) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (p) 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;
- (t) if any of the above planning conditions (i), (j), (k), (l), (m), (n), (o), (q) or (r) 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
- (u) 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.”

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

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

Agenda Item 53

Any Other Business

168. There being no other business, the meeting closed at 4:45 p.m..