

TOWN PLANNING BOARD

Minutes of 569th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 25.11.2016

Present

Director of Planning
Mr Raymond K.W. Lee

Chairman

Professor K.C. Chau

Ms Janice W.M. Lai

Ms Christina M. Lee

Mr H.F. Leung

Dr F.C. Chan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr C.H. Hau

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 Edwin W.K. Chan

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

Secretary

Absent with Apologies

Mr H.W. Cheung

Mr Ivan C.S. Fu

Mr Alex T.H. Lai

In Attendance

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

Chief Town Planner/Town Planning Board
Mr Kevin C.P. Ng

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

Agenda Item 1

Confirmation of the Draft Minutes of the 568th RNTPC Meeting held on 11.11.2016

[Open Meeting]

1. The draft minutes of the 568th RNTPC meeting held on 11.11.2016 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Tuen Mun and Yuen Long West District

Agenda Item 3

Section 12A Application

[Open Meeting]

Y/YL/11 Application for Amendment to the Draft Yuen Long Outline Zoning Plan No. S/YL/21, to rezone the application site from “Open Space” to “Other Specified Uses” annotated “Art Storage and Public Open Space”, Lots 2281 S.A, 2282 RP, 2283 RP, 2960 RP and 2964 S.B in D.D. 120 and Adjoining Government Land, Yuen Long, New Territories
(RNTPC Paper No. Y/YL/11B)

3. The Secretary reported that the application was submitted by Winpo Development Limited, which was a subsidiary of New World Development Limited (NWD). Ove Arup & Partners Hong Kong Limited (Arup) and Ramboll Environ Hong Kong Limited (Ramboll) were 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 NWD, Arup and Ramboll; |
| Ms Janice W.M. Lai | - | having current business dealings with NWD and Ramboll; |
| Mr Stephen L.H. Liu | - | having current business dealings with NWD; |
| Mr Alex T.H. Lai | - | his firm having current business dealings with Arup; and |
| Dr C.H. Hau | - | being a principal lecturer and programme |

director of the University of Hong Kong where K11 Concept Limited of NWD had sponsored a project of his students.

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

5. The Committee noted that the applicant requested on 26.10.2016 for deferment of the consideration of the application for two months in order to allow time for the applicant to prepare revised technical assessments, including an Air Ventilation Assessment (expert evaluation), Drainage Impact Assessment and Traffic Impact Assessment to address further comments from various government departments. It was the third time that the applicant requested for deferment of the application. Since the last deferment, the applicant had submitted new and revised technical assessments to address departmental comments.

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

Fanling, Sheung Shui and Yuen Long East District

Additional item 3A

Section 12A Application

[Open Meeting]

Y/YL-NSW/4 Application for Amendment to the Approved Nam Sang Wai Outline Zoning Plan No. S/YL-NSW/8, to Rezone the Application Site from “Residential (Group D)” to “Residential (Group D)1”, Lots 594, 595 (Part), 600 (Part), 1288 S.B RP (Part), 1289 S.B RP (Part) and 1292 S.B RP (Part) in D.D. 115, Nam Sang Wai, Yuen Long, New Territories
(RNTPC Paper No. Y/YL-NSW/4B)

7. The Secretary reported that the application was submitted by Topwood Limited and Success King Limited. The former was a subsidiary of Sun Hung Kai Properties Limited (SHK). Llewelyn-Davies Hong Kong Limited (LD), AECOM Asia Company Limited (AECOM), Ramboll Environ Hong Kong Limited (Ramboll) and Urbis Limited (Urbis) were four of the consultants of the applicants. The following Members have declared interests in the item:

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| Mr Ivan C.S. Fu | } | having current business dealings with SHK, AECOM, Ramboll and Urbis; |
| Ms Janice W.M. Lai | | |
| Mr Stephen L.H. Liu | - | having current business dealings with SHK and LD; |
| Ms Christina M. Lee | - | being the Secretary-General of the Hong Kong Metropolitan Sports Events Association which has obtained sponsorship from SHK before; |

Miss Winnie W.M. Ng - being a Director of the Kowloon Motor Bus Company (1933) Limited (KMB) and SHK is one of the shareholders of KMB.

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

8. The Committee noted that Mr Ivan C.S. Fu had tendered apology for being unable to attend the meeting, and Ms Janice W.M. Lai and Miss Winnie W.M. Ng had not yet arrived at the meeting. The Committee also noted that the applicants had requested for deferral of consideration of the application. As the interest of Mr Stephen L.H. Liu was direct, the Committee agreed that he could stay in the meeting but should refrain from participating in the discussion. The Committee also agreed that as Ms Christina M. Lee and Dr Billy C.H. Hau had no involvement in the application, they could stay in the meeting.

9. The Committee also noted that the applicants requested on 22.11.2016 for deferment of the consideration of the application for two months for the applicants to respond and address further comments from the Drainage Services Department. It was the third time that the applicants requested for deferment of the application. Since the last deferment, the applicants had submitted revised technical assessments to address departmental comments.

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 applicants that two months were allowed for preparation of the submission of the further information. Since it was the third deferment and a total of six months had been allowed for preparation of the submission of the further information, no further deferment would be granted unless under special circumstances.

Sha Tin, Tai Po and North District

[Mr C.T. Lau, Senior Town Planner/Shu Tin, Tai Po and North (STP/STN), was invited to the meeting at this point.]

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

Agenda Item 4

Section 16 Application

[Open Meeting]

A/NE-KLH/522 Temporary Open Storage of Construction Materials for a Period of 3
Years in “Green Belt” zone, Lot 556 RP (Part) in D.D. 9, Nam Wa Po,
Tai Po, New Territories
(RNTPC Paper No. A/NE-KLH/522)

11. The Committee noted that the applicant requested on 17.11.2016 for deferment of the consideration of the application for two months in order to allow time for the applicant to prepare further information in support of the application. It was the first time that the applicant requested for deferment of the application.

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

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/595 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” zones, Lot 1454 S.A
ss.2 in D.D. 8, Ping Long, Tai Po, New Territories
(RNTPC Paper No. A/NE-LT/595)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the two statutory publication periods, one public comment from an individual objecting to the application was received, mainly on grounds of adverse impacts on public safety and environment. No local objection/view was received by the District Officer (Tai Po), Home Affairs Department; 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 incompatible with the surrounding area which was predominantly rural in character. Although the site fell within the upper indirect water gathering grounds, public sewers had been laid in

the vicinity of the site and the applicant could extend the sewer to the public sewerage system via other private/government land. Although the proposed development did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories in that there was no general shortage of land in the “Village Type Development” (“V”) zone to meet the demand for Small House development, more than 50% of the footprint of the proposed Small House fell within the “V” zone and village ‘environs’ of Ping Long, and the site was surrounded by existing Small Houses and could be considered as an infill development. Regarding the adverse public comment, the assessments above were relevant.

14. Members had no question on the application.

Deliberation Session

15. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 25.11.2020, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission and implementation of landscape and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (d) the provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.”

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

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

Agenda Item 6

Section 16 Application

[Open Meeting]

A/NE-MKT/2 Temporary Container Trailer Park with Ancillary Storage and Office
for a Period of 3 Years in “Agriculture” zone, Lots 632 S.A RP and
633 S.A RP in D.D. 90, Lin Ma Hang Road, Man Kam To, Sheung
Shui, New Territories
(RNTPC Paper No. A/NE-MKT/2)

17. The Committee noted that the applicant requested on 10.11.2016 for deferment of the consideration of the application for two months in order to allow time for the applicant to prepare further information to address the comments of various government departments. It was the first time that the applicant requested for deferment of the application.

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

Agenda Item 7

Section 16 Application

[Open Meeting]

A/NE-PK/88 Temporary Place of Recreation, Sports or Culture (Hobby Farm and Ancillary Barbecue Site) for a Period of 3 Years in “Agriculture” and “Green Belt” zones, Lots 2120 and 2122 S.A and S.B in D.D. 91 and Adjoining Government Land, Tai Lung Hang Village, Sheung Shui, New Territories

(RNTPC Paper No. A/NE-PK/88A)

19. The Committee noted that the applicant requested on 10.11.2016 for deferment of the consideration of the application for two months in order to allow time for the applicant to prepare further information to address the further comments from various government departments. It was the second time that the applicant requested for deferment of the application. Since the last deferment, the applicant had submitted further information to address departmental comments.

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

Agenda Items 8 and 9

Section 16 Applications

[Open Meeting]

A/NE-STK/8 Proposed Sewage Treatment Plant (Expansion of Sha Tau Kok Sewage Treatment Works) in “Government, Institution or Community” zone, Government Land (GLA-DN 124), Sha Tau Kok, New Territories
(RNTPC Paper No. A/NE-STK/8)

A/NE-STK/9 Proposed Temporary Sewage Treatment Plant for a Period of 7 Years in “Government, Institution or Community” zone, Government Land (GLA-DN 124), Sha Tau Kok, New Territories
(RNTPC Paper No. A/NE-STK/9)

21. The Committee noted that the two applications involved the same application site and for the same use submitted by the same applicant and agreed that they could be considered together.

22. The Secretary reported that the applications were submitted by the Drainage Services Department (DSD). Ms Janice W.M. Lai had declared interest in the two items as she had current business dealings with DSD. Dr C.H. Hau also declared interest in the item as he had current business dealings with DSD.

23. The Committee noted that the applicant had requested for deferral of consideration of the applications and agreed that as the interests of Ms Janice W.M. Lai and Dr C.H. Hau were direct, they could stay in the meeting but should refrain from participating in the discussion.

24. The Committee also noted that the applicant requested on 8.11.2016 for deferment of the consideration of the applications for two months in order to allow time for the applicant to prepare further information address the comments from various government departments. It was the first time that the applicant requested for deferment of the applications.

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

[The Chairman thanked Mr C.T. Lau, STP/STN, for his attendance to answer Members' enquiries. Mr Lau left the meeting at this point.]

Fanling, Sheung Shui and Yuen Long East District

[Mr Otto K.C. Chan, Mr Jeff H.C. Ho, 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 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/FSS/252	Proposed Concrete Batching Factory in "Industrial" zone, No. 11 On Chuen Street, Fanling, New Territories (Fanling Sheung Shui Town Lot No. 2) (RNTPC Paper No. A/FSS/252A)
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26. 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. The Committee noted that Mr Fu had tendered apology

for being unable to attend the meeting.

27. Dr Lawrence K.C. Li had declared interest in the item for being a member of the Hong Kong Golf Club, which was located to the west of the site. As the interest of Dr Li was indirect, the Committee agreed that he could stay in the meeting.

Presentation and Question Sessions

28. Mr Otto K.C. Chan, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed concrete batching factory;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application. The Chief Building Surveyor/New Territories West, Buildings Department (BD) and the Chief Architect/Central Management Division 2, Architectural Services Department (ArchSD), commented that there might be opportunity to carry out alteration works to the external wall facing Lok Ming Street to cater for vertical greening;
- (d) during the first three weeks of the statutory publication period, seven public comments were received. A North District Council member and an individual indicated that they had no comment on the application. The Fanling Development Concern Group and another individual opined that the proposed technical revisions should be submitted. The Chairman of Fanling District Rural Committee (FDRC) and two private companies objected to the application mainly on grounds that the proposed development was incompatible with the surrounding land uses; and the proposed development would have adverse traffic, environmental and drainage impacts. The District Officer (North), Home Affairs Department,

advised that the Chairman of FDRC had also raised an objection to the application on similar grounds; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The site was the subject of a previous application which was approved upon review by the Town Planning Board (the Board) in 2015. The current application only involved technical revisions to increase the plot ratio/gross floor area (PR/GFA) to address BD's comments on PR/GFA calculation, and the provision of seven additional private car parking spaces to the workers. There was no change in the building bulk, operation and production of the concrete batching factory. The proposed development was not incompatible with the surrounding uses in On Lok Tsuen and would not have significant adverse environmental, drainage and traffic impacts. Regarding the adverse public comments, the assessments above were relevant.

29. In response to a Member's enquiry, Mr Otto K.C. Chan, STP/FSYLE, said that Lok Ming Street had a high volume of pedestrian flow as most pedestrians in On Lok Tsuen would travel to Luen Wo Hui through Lok Ming Street and the pedestrian subway.

Deliberation Session

30. The Chairman said that the site was the subject of a previous application for the same use which was approved upon review by the Board in 2015. The current application was mainly for minor technical revisions to increase the PR/GFA to address BD's comments on PR/GFA calculation, and the provision of seven additional private car parking spaces to the workers. There was no change to the existing building bulk. Regarding the provision of vertical greening on the building façade fronting Lok Ming Street as required in the previous approval condition, as BD and ArchSD considered it technically feasible and Members agreed that the approval condition on landscaping proposals at the building façade fronting Lok Ming Street, as included in the previous approval condition, should be retained.

31. A Member asked if the Traffic Impact Assessment (TIA) submitted in the

previously approved application had included the proposed seven car parking spaces and if not, whether a revised TIA should be submitted in the current application. In response, Mr Samson S.S. Lam, Chief Traffic Engineer/New Territories West, Transport Department (TD), said that the TIA in the previous application had concluded that the proposed concrete batching factory would not have adverse traffic impact. As the current proposal was not for increasing the production capacity of the subject concrete batching plant which might generate more trips of large concrete trucks, but only involved an addition of seven private car parking spaces for the use of the applicant's staff, TD considered that the proposed minor addition of car parking facilities would not have significant adverse traffic impact notwithstanding that the previous TIA did not cover the proposed additional car parking spaces.

32. A Member asked if there were any statistics on the approval of concrete batching factories within industrial buildings and whether there were any environmental and occupational health requirements for assessing the impacts of a concrete batching factory in an enclosed area. In response, the Chairman said that there were not many such applications. In consideration of planning applications for concrete batching factories, the traffic and environmental impacts would be assessed, while the Environmental Protection Department (EPD) would control the operation of concrete batching factories through the licensing system. Mr Richard W.Y. Wong, Principal Environmental Protection Officer (Metro Assessment), EPD, supplemented that the operation of concrete batching plants was controlled under the Specified Process licence issued under the Air Pollution Control Ordinance. The licence was issued to control the emission and set out the statutory environmental monitoring requirements. The licence holder needs to monitor the implementation of the environmental mitigation measures and notify EPD for any event if ambient standard has been exceeded. As the subject application involved production in an enclosed area, adverse environmental impact on the open area was not anticipated and the issue on occupational health could be addressed by installation of well-designed internal ventilation system..

33. The same Member was concerned about health hazards of the workers and asked whether an appropriate approval condition could be included to protect the workers' health. In response, another Member said that the issue of occupational health was already covered under the Occupational Safety and Health Ordinance (OSHO). To address the Member's

concern on occupational health, the Committee agreed that an advisory clause could be included to remind the applicant to protect the workers' health as required under OSHO.

34. Mr Richard W.Y. Wong, Principal Environmental Protection Officer (Metro Assessment), EPD, said that he had no objection to include the advisory clause but advised that EPD would not be the department to follow up on the applicant's compliance under OSHO.

35. After further 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 25.11.2020, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission and implementation of proposals for water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (b) the submission and implementation of the traffic management measures to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the submission and implementation of proposal on the mitigation/preventive measures to minimise potential environmental impacts/nuisances caused by the incoming/outgoing vehicular movements to the satisfaction of the Director of Environmental Protection or of the TPB;
- (d) the provision and implementation of design and landscaping proposals at the building façade fronting Lok Ming Street to the satisfaction of the Director of Planning or of the TPB; and
- (e) the design and provision of parking spaces and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB.”

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

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

“(f) the applicant should protect the safety and health of the workers in the concrete batching factory under application as required under the Occupational Safety and Health Ordinance.”

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

Agenda Items 11 to 17

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

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| A/NE-KTS/424 | Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 1238 S.A in D.D. 100, Chan Uk Po Village, Tsiu Keng, Sheung Shui, New Territories |
| A/NE-KTS/425 | Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 1238 S.F in D.D. 100, Chan Uk Po Village, Tsiu Keng, Sheung Shui, New Territories |
| A/NE-KTS/426 | Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 1238 S.B in D.D. 100, Chan Uk Po Village, Tsiu Keng, Sheung Shui, New Territories |
| A/NE-KTS/427 | Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 1238 S.D in D.D. 100, Chan Uk Po Village, Tsiu Keng, Sheung Shui, New Territories |
| A/NE-KTS/428 | Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 1250 S.A in D.D. 100, Chan Uk Po Village, Tsiu Keng, Sheung Shui, New Territories |

A/NE-KTS/430	Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 1251 S.C ss.1 in D.D. 100, Chan Uk Po Village, Tsiu Keng, Sheung Shui, New Territories
A/NE-KTS/431	Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 1238 S.C in D.D. 100, Chan Uk Po Village, Tsiu Keng, Sheung Shui, New Territories (RNTPC Paper No. A/NE-KTS/424 to 428 and 430 to 431)

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

Presentation and Question Sessions

38. Mr Jeff H.C. Ho, STP/FSYLE, presented the applications and covered the following aspects as detailed in the Paper :

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House) on each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications as the sites had high potential for agricultural rehabilitation. Other concerned departments had no objection to or no adverse comment on the applications;
- (d) during the first three weeks of the statutory publication period, the following comments were received: seven public comments on each applications No. A/NE-KTS/424 to 426, six public comments on application No. A/NE-KTS/427, and eight public comments on each

applications No. A/NE-KTS/428, 430 and 431 were received. Amongst them, a North District Council member supported the seven applications; the Chairman of Sheung Shui District Rural Committee had no comment on the applications except application No. A/NE-KTS/427 while some green groups and individuals objected to the seven applications. Details were set out in paragraph 10 of the Paper. No local objection/view was received by the District Officer (North), Home Affairs Department; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the applications based on the assessments set out in paragraph 12 of the Paper. Application No. A/NE-KTS/431 was not in line with the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories as less than 50% of the proposed Small House footprint fell within the village 'environs' ('VE') of Chan Uk Po. Regarding the remaining six applications, although more than 50% of the footprints of the proposed Small Houses fell within the concerned 'VE', land was still available within the "V" zone of Chan Uk Po to meet the outstanding Small House applications. It was considered that it would be more appropriate to concentrate the proposed Small House developments within the "V" zone. Although 13 similar applications for proposed Small House developments had been approved in the same "AGR" zone, the Town Planning Board (the Board) had adopted a prudent approach in considering Small House applications in recent years and considered more appropriate to concentrate the Small House development close to the village cluster / "V" zone for more orderly development pattern, efficient use of land and provision of infrastructures and services. The sites had high potential for agricultural rehabilitation. The approval of the applications would result in further proliferation of Small House development in the "AGR" zone. Regarding the adverse public comments, the assessments above were relevant.

39. A Member noted that there were some small house applications approved in close proximity to the application sites in 2014 and asked why PlanD did not support the current applications. In response, Mr Jeff H.C. Ho, STP/FSYLE said that since 2014, the Board had

adopted a more prudent approach in considering Small House applications and considered more appropriate to concentrate the Small House development close to the existing village cluster / “V” zone for more orderly development pattern, efficient use of land and provision of infrastructures and services. Land was still available in the “V” zone of Chan Uk Po to meet the outstanding Small House demand. The approval of the current applications would set a precedent for similar applications in the “AGR” zone.

40. A Member asked whether the applicants were indigenous villagers of Chan Uk Po. The Chairman referred Members to footnote 2 of paragraph 1.1 of the Paper which indicated that the applicants claimed themselves to be the indigenous villagers of Sheung Shui Village or Tsiu Keng Village.

41. In response to a Member’s enquiry, the Chairman said that the applications were submitted independently by individual applicants. The applications were considered together as the applied use was similar in nature and the application sites were located in close proximity to one another within the same “AGR” zone.

42. A Member noted that the vegetation of some of the sites had already been removed and asked whether the sites had the same potential for agricultural rehabilitation. In response, Mr Jeff H.C. Ho, STP/FSYLE, said that according to DAFC, the seven application sites had high potential for agricultural rehabilitation without going into details of the potential for agricultural rehabilitation on individual sites. In response to the same Member’s enquiry, Mr Ho said that there was no rejected Small House applications in Chan Uk Po, but in neighbouring Tsiu Keng Lo Wai, Tsiu Keng San Wai and Tsui Keng Pang Uk, a total of 29 Small House applications had been rejected in the past.

Deliberation Session

43. The Chairman said that the Board had adopted a more prudent approach in considering Small House applications in recent years and considered that it was more appropriate to concentrate the Small House development close to the village cluster / “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services. In considering Small House applications, the Committee would generally take into account the outstanding Small House applications, the forecasted 10-year

Small House demand, the availability of land for Small House development within the “V” zone; the Committee’s previous decisions; the local environment; and the precedent effect in approving the application.

44. A Member opined that the applications should not be supported as the sites were good agricultural land with high potential for agricultural rehabilitation in Kwu Tung South. The approval of the applications would contravene the ‘New Agricultural Policy’. Besides, the applicants were not indigenous villagers of Chan Uk Po. There was no strong justification for approving the applications. Another Member shared the same views.

45. Noting that there was a lot of good agricultural land in Kwu Tung South which should be preserved, a Member was concerned that approval of the applications would set an undesirable precedent for similar applications.

46. A Member asked how the Board’s adoption of a prudent approach in considering Small House applications since 2014 could be conveyed to the applicants. In response, the Chairman said that the reasons for not supporting the Small House applications were set out in PlanD’s assessment and the prudent approach adopted by the Board was stated in paragraph 12.6 of the Paper.

47. The same Member said that there might be specific considerations among the seven Small House applications based on the location of each of the proposed Small Houses and opined that the rejection reasons should be reviewed individually. In response, the Chairman said that in paragraph 13 of the Paper, two groups of rejection reasons were suggested based on the assessments of individual applications. Members went through the suggested rejection reasons and considered them to be in order.

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

Applications No. A/NE-KTS/424 to 428 and 430

“(a) the proposed development is not in line with the planning intention of the “Agriculture” zone in the Tsui Keng area which is primarily to retain and

safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention; and

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

Application No. A/NE-KTS/431

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

- (b) the application does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that more than 50% of the footprints of the proposed Small House falls outside both the village ‘environs’ and “Village Type Development” (“V”) zone of Chan Uk Po of Tsiu Keng Village. Land is still available within the “V” zone of Chan Uk Po of Tsiu Keng Village where land is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for more orderly development pattern, efficient use of land and provision of infrastructures and services.”

Agenda Item 18

Section 16 Application

[Open Meeting]

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

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

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

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

51. The Committee noted that the applicant requested on 22.11.2016 for deferment of the consideration of the application for two months so as to allow time for the applicant to respond and address further comments from government departments. It was the fourth time that the applicant requested for deferment of the application. Since the last deferment, the applicant had submitted an Air Ventilation Assessment, a revised Drainage Impact Assessment and responses to departmental comments.

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

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

Agenda Item 19

Section 16 Application

[Open Meeting]

A/YL-KTS/722 Proposed Temporary Public Vehicle Park (Private Cars Only) with Ancillary Office for a Period of 3 Years in “Other Specified Uses” annotated “Rural Use” zone, Lots 509 (Part), 510, 514 and 515 RP (Part) in D.D.106, Kam Po Road, Pat Heung, Yuen Long, New Territories
(RNTPC Paper No. A/YL-KTS/722)

53. The Secretary reported that the site was located 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 the applicant had requested for deferral of consideration of the application and agreed that as the property of Ms Janice W.M. Lai’s family member did not have a direct view on the site, she could stay in the meeting.

54. The Committee also noted that the applicant requested on 10.11.2016 for deferment of the consideration of the application for two months in order to allow time for the applicant to prepare further information to address the comments of the Transport Department. It was the first time that the applicant requested for deferment of the application.

55. 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]

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

56. The Committee noted that the application was withdrawn by the applicant.

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/219 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 110 S.D RP (Part) in D.D. 112, Sheung Tsuen, Kam Sheung Road, Pat Heung, Yuen Long, New Territories
(RNTPC Paper No. A/YL-SK/219)

Presentation and Question Sessions

57. 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 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation did not support the application as the site and

its vicinity area was currently used as a plant nursery. The Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) had reservation on the application as approval of the application would set an undesirable precedent to encourage more village house developments in the “Agriculture” (“AGR”) zone, and irreversibly altering the landscape character of the “AGR” zone. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, seven public comments objecting to the application were received from two Indigenous Inhabitant Representatives of Sheung Tsuen, Rural Association of Pat Heung Sheung Tsuen, a Yuen Long District Council (YLDC) member, World Wide Fund For Nature Hong Kong, Kadoorie Farm and Botanic Garden Corporation and an individual. The main grounds of objection were that the proposed Small House development was not in line with the planning intention of the “AGR” zone; it would adversely affect the active agricultural land in the area; and approval of the application would set an undesirable precedent for similar applications in the area. According to the District Officer (Yuen Long), Home Affairs Department, a YLDC member objected to the application on the grounds that the proposed development would destroy rural village character and adversely affect active agricultural lands in the vicinity; and
- (e) PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed Small House development was not in line with the planning intention of “AGR” zone. Approval of the application would set an undesirable precedent to encourage more village house developments in the “AGR” zone, and irreversibly altering the landscape character of the “AGR” zone. The application did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories in that the site and the footprint of the proposed Small House did not fall within the village ‘environs’ of any recognised village. Regarding the public comments, the assessments above were relevant.

58. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed Small House development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is to retain and safeguard good quality agricultural land for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) the application does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the proposed Small House footprint falls entirely outside the village ‘environs’ of any recognised village and the “Village Type Development” (“V”) zone. Land is still available within the “V” zone of Sheung Tsuen where land is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructure and services. There is no exceptional circumstance to justify approval of the application; and
- (c) the approval of the application would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would lead to degradation of the rural character and environment of the area.”

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/253 Renewal of Planning Approval for Temporary Car Trading Use under Application No. A/YL-MP/227 for a Period of 3 Years in “Commercial/Residential” and “Residential (Group D)” zones, Lots 3250 S.B ss.19 (Part) and 3250 S.B RP (Part) in D.D. 104, Fairview Park Boulevard, Mai Po, Yuen Long, New Territories
(RNTPC Paper No. A/YL-MP/253)

60. The Secretary reported that the site was located in Mai Po area. Dr Lawrence K.C. Li had declared interest in the item as he co-owned with spouse a house at Palm Springs, Mai Po. The Committee noted that the property of Dr Lawrence K.C. Li and his spouse did not have a direct view on the site and agreed that he could stay in the meeting.

Presentation and Question Sessions

61. 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 renewal of planning approval for temporary car trading use under application No. A/YL-MP/227 for a period of three 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) no public comment was received during the first three weeks of the statutory publication period. No local objection/view was received by the District Officers (Yuen Long), Home Affairs Department; and

- (e) the Planning Department (PlanD)'s views – PlanD considered the temporary car trading use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Although the use under application was not in line with the planning intention of the “Residential (Group D)” and “Commercial/Residential” zones, approval of the application on a temporary basis for a period of three years would not frustrate the long term planning intention of the zones as there was no known development proposal for the concerned part of the zones. The applied use was not incompatible with the surrounding land uses. The renewal application was generally in line with the Town Planning Board Guidelines No. 34B and No. 13E. To mitigate potential environmental impacts on the surrounding area, approval conditions restricting the operation hours, prohibiting parking of medium and heavy goods vehicles, vehicle repairing and washing activities, and requiring maintenance of existing drainage facilities, existing trees, paving and boundary fencing, and provision of fire services installations were recommended.

62. Members had no question on the application.

Deliberation Session

63. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 18.12.2016 to 17.12.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 7:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation from 5:00 p.m. to 10:00 a.m. on Sundays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no operation on public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;

- (d) no medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes) including container trailers/tractors as defined in the Road Traffic Ordinance are allowed to be parked/stored on the site at any time during the planning approval period;
- (e) no car washing, vehicle repair, dismantling, paint spraying or other workshop activities are allowed on the site at any time during the planning approval period;
- (f) the maintenance of paving and boundary fencing on the site at all times during the planning approval period;
- (g) the maintenance of landscape planting on the site at all times during the planning approval period;
- (h) the maintenance of existing drainage facilities on the site at all times during the planning approval period;
- (i) the submission of records of the existing drainage facilities on site within 6 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 17.6.2017;
- (j) the submission of 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 17.6.2017;
- (k) in relation to (j) above, the implementation of 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 17.9.2017;
- (l) 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;

(m) if any of the above planning conditions (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 application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

[Dr F.C. Chan and Dr Lawrence K.C. Li left the meeting at this point.]

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

Presentation and Question Sessions

65. 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 temporary public vehicle park (private cars and light goods vehicles only) for a period of three 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, eight objecting comments were received from the World Wide Fund For Nature Hong Kong and private individuals. They were of the view that the applicant had not properly informed the concerned lot owner about the application; approving the site for parking use would perpetuate inefficient land use; and setting an undesirable precedent. No local objection/view was received by the District Officer (Yuen Long), Home Affairs Department; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary public vehicle park could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Although the applied use was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone, the development could provide vehicle parking spaces to meet local demand and to serve the adjacent residential developments. Approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “R(D)” zone. Regarding the adverse public comments, the assessments above were relevant.

66. Members had no question on the application.

Deliberation Session

67. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 25.11.2019, on the terms of the application as

submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the site at any time during the planning approval period;
- (b) only private cars and light goods vehicles as defined in the Road Traffic Ordinance are allowed to be parked on the site at any time during the planning approval period;
- (c) a notice should be posted at a prominent location of the site to indicate that only private cars and light goods vehicles as defined in the Road Traffic Ordinance are allowed to be parked on the site at any time during the planning approval period;
- (d) no car washing, vehicles repair, dismantling, paint spraying or other workshop activities is allowed on the site 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 25.5.2017;
- (f) in relation to (e) above, the implementation of a drainage proposal within 9 months to the satisfaction of the Director of Drainage Services or of the TPB by 25.8.2017;
- (g) the submission of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.5.2017;
- (h) in relation to (g) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.8.2017;

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

68. 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 Otto K.C. Chan, Mr Jeff K.C. Ho, Mr Kepler S.Y. Yuen and Ms Emily P.W. Tong, STPs/FSYLE, for their attendance to answer Members’ enquiries. Mr Chan, Mr Ho, Mr Yuen and Ms Tong left the meeting at this point.]

Tuen Mun and Yuen Long West District

Agenda Item 24

Section 16 Application

[Open Meeting]

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

69. The Secretary reported that C K Lau Surveyors Limited (CKL), Landes Limited (Landes) and Ramboll Environ Hong Kong Limited (Ramboll) 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 Landes and Ramboll; and
Ms Janice W.M. Lai		

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

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

71. The Committee also noted that the applicant requested on 9.11.2016 for deferment of the consideration of the application for two months in order to allow time for the applicant to prepare further information to address the comments of relevant government departments. It was the third time that the applicant requested for deferment of the application. Since the last deferment, the applicant had submitted responses to comments of concerned government departments and revised technical assessments.

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

granted unless under very special circumstances.

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

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTYYY/320 Proposed Temporary Shop and Services (Real Estate Agency and Local Provisions Store) with Ancillary Storage Area and Office for a Period of 3 Years in “Residential (Group D)” zone, Lots 1211 S.C (Part), 1248 (Part) and 1249 (Part) in D.D. 130 and Adjoining Government Land, Fuk Hang Tsuen, Tuen Mun, New Territories
(RNTPC Paper No. A/TM-LTYYY/320)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary shop and services (real estate agency and local provisions store) with ancillary storage area and office for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as the trees in the vicinity of the site were missing since 2014 and the proposed landscape provision would unlikely compensate the

loss of vegetation within the site. Approval of the application would likely set an undesirable precedent encouraging site modification, and removal of existing trees and vegetation prior to obtaining planning permission. 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 Tuen Mun District Council member supported the application and an individual objected to the application on the ground that the applied use was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone. No local objection/view on the application was received by the District Officer (Tuen Mun), Home Affairs Department; and

- (e) PlanD’s views – PlanD considered that the proposed temporary shop and services (real estate agency and local provision store) could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Although the proposed development was not entirely in line with the planning intention of the “R(D)” zone, it could provide real estate agency and retail services to serve any such demand in the area. As there was no known development proposal to implement the zoned use, approval of the application on a temporary basis for three years would not jeopardise the long-term planning intention of the “R(D)” zone. Regarding CTP/UD&L, PlanD’s concern on landscape impact, it should be noted that the site was zoned “R(D)” intending for developments. To mitigate any potential landscape impact, approval conditions on the submission and implementation of tree preservation and landscape proposal were recommended. Regarding the adverse public comment, the assessments above were relevant.

74. Members had no question on the application.

Deliberation Session

75. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 25.11.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 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) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 25.5.2017;
- (c) in relation to (b) 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 25.8.2017;
- (d) the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (e) the submission of water supplies for firefighting and 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 25.5.2017;
- (f) in relation to (e) above, the implementation of water supplies for firefighting and fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.8.2017;
- (g) the submission of a tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.5.2017;
- (h) in relation to (g) above, the implementation of a 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 25.8.2017;

- (i) the provision of boundary fencing 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 25.5.2017;
- (j) if any of the above planning conditions (a) 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;
- (k) if any of the above planning conditions (b), (c), (e), (f), (g), (h) or (i) 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
- (l) 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.”

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

Agenda Item 26

Section 16 Application

[Open Meeting]

A/YL-PS/519

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

77. The Secretary reported that Ramboll Environ Hong Kong Limited (Ramboll) was one of the consultants of the applicant. The following Members had declared interests in the item:

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

78. The Committee noted that Mr Ivan C.S. Fu had tendered apology for being unable to attend the meeting. The Committee also noted that the applicant had requested for deferral of consideration of the application. As Ms Janice W.M. Lai had no involvement in the application, the Committee agreed that she could stay in the meeting.

79. The Committee noted that the applicant requested on 4.11.2016 for deferment of the consideration of the application for two months in order to allow time for the applicant to prepare further information in response to the further comments made by relevant government departments. It was the second time that the applicant requested for deferment of the application. Since the last deferment, the applicant had submitted further information including responses to comments of various government departments and a plan showing the

proposed improvement of the access road.

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

Agenda Item 27

Section 16 Application

[Open Meeting]

A/YL-PS/526 Proposed Temporary Eating Place (Restaurant and Outdoor Seating Accommodation) for a Period of 3 Years in "Comprehensive Development Area" zone, Lot 2371 RP in D.D. 124, Hung Shui Kiu, Ping Shan, Yuen Long, New Territories
(RNTPC Paper No. A/YL-PS/526)

81. The Committee noted that the applicant requested on 17.11.2016 for deferment of the consideration of the application for two months in order to allow time for the applicant to prepare supplementary information to address the department comments. It was the first time that the applicant requested for deferment of the application.

82. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the

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

Agenda Item 28

Section 16 Application

[Open Meeting]

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

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

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

84. The Committee noted that Mr Ivan C.S. Fu had tendered apology for being unable to attend the meeting. The Committee also noted that the applicant had requested for deferral of consideration of the application. As Ms Janice W.M. Lai had no involvement in the application, the Committee agreed that she could stay in the meeting.

85. The Committee noted that after the issuance of the Paper, the applicant requested on 23.11.2016 for deferment of the consideration of the application for two months to allow time for preparation of further information to address the comments of the Transport Department, Lands Department and the public. Since the last deferment, the applicant had submitted responses and supplementary information to address the comments of the

concerned government departments. The deferment letter was tabled at the meeting for Members' consideration.

86. The Secretary also reported that a petition letter from 青山村居民權益關注組 objecting to the application was received immediately before the meeting. The petition letter was circulated to Members at the meeting.

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

Agenda Item 29

Section 16 Application

[Open Meeting]

A/TM/495 Proposed Columbarium Use in the Redevelopment of Gig Lok
Monastery in "Government, Institution or Community" zone, Lot 2011
(Part) in D.D. 132, Tuen On Lane, Tuen Fu Road, Fu Tei, Tuen Mun,
New Territories

(RNTPC Paper No. A/TM/495)

88. The Secretary reported that Ramboll Environ Hong Kong Limited (Ramboll) and Landes Limited (Landes) were two of the consultants of the applicant. The following Members had declared interests in the item:

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

89. The Committee noted that Mr Ivan C.S. Fu had tendered apology for being unable to attend the meeting. The Committee also noted that the applicant had requested for deferral of consideration of the application. As Ms Janice W.M. Lai had no involvement in the application, the Committee agreed that she could stay in the meeting.

90. The Committee also noted that the applicant requested on 11.11.2016 for deferment of the consideration of the application for two months in order to allow time for the applicant to address the comments of various government departments. It was the first time that the applicant requested for deferment of the application.

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

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/1056 Proposed Temporary Open Storage of Construction Materials and
Equipment for a Period of 3 Years in "Recreation" zone, Lot 232 (Part)
in D.D. 125, Ha Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-HT/1056)

92. The Committee noted that the replacement page (page 5 of the Paper) incorporating the revised paragraph 10.1.1 (d) was dispatched to Members.

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

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary open storage of construction materials and equipment for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses along Kai Pak Ling Road and environmental nuisance was anticipated. 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 objecting comment was received from an individual on the grounds that the applied use was not in line with the planning intention of the “Recreation” (“REC”) zone; the site should be reserved for recreational uses and approval of the application would set an undesirable precedent. No local objection/view was received by the District Officer (Yuen Long), Home Affairs Department; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary open storage of construction materials and equipment could be

tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Although the applied use was not in line with the planning intention of the “REC” zone, there was not yet any programme/known intention to implement the zoned use. Approval of the application on a temporary basis of three years would not jeopardise the long-term development of the area. The applied use was not incompatible with the surrounding areas. The development was generally in line with the Town Planning Board Guidelines No. 13E in that there was no adverse departmental comment from concerned government departments except DEP. Although DEP did not support the application, there was no environmental complaint against the site over the past three years. The Committee had approved 28 similar planning applications in the same “REC” zone, approval of the subject application was in line with the Committee’s previous decisions. Regarding the adverse public comment, the assessments above were relevant.

95. Members had no question on the application.

Deliberation Session

96. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 25.11.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 5:00 p.m. to 9:00 a.m., as proposed by the applicant, is allowed on the site, during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no vehicle is allowed to queue back or reverse onto/from the public road at any time during the planning approval period;
- (d) the submission of drainage proposal within 6 months from the date of

planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 25.5.2017;

- (e) in relation to (d) above, the implementation of the accepted 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 25.8.2017;
- (f) the implemented drainage facilities on site shall be maintained at all times during the planning approval period;
- (g) the submission of a tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.5.2017;
- (h) in relation to (g) above, the implementation of tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.8.2017;
- (i) the provision of the fire extinguisher(s) and the submission of a valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.1.2017;
- (j) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 25.5.2017;
- (k) in relation to (j) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 25.8.2017;
- (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 25.5.2017;

- (m) if any of the above planning conditions (a), (b), (c) or (f) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (d), (e), (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 application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 31

Section 16 Application

[Open Meeting]

A/YL/225

Proposed Shop and Services and Eating Place in “Other Specified Uses” annotated “Public Car Park and Petrol Filling Station with Ground Floor Retail Shops” zone, 10/F and 11/F (New Floor) Transport Plaza, Yuen Long Town Lot 348, Yuen Long, New Territories
(RNTPC Paper No. A/YL/225)

98. The Secretary reported that Llewelyn-Davies Hong Kong Limited (LD), MVA Hong Kong Limited (MVA) and Ramboll Environ Hong Kong Limited (Ramboll) 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 MVA and Ramboll;
- Ms Janice W.M. Lai - having current business dealings with Ramboll; and
- Mr Stephen L.H. Liu - having current business dealings with LD.

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

100. The Committee also noted that the applicant requested on 11.11.2016 for deferment of the consideration of the application for two months in order to allow time for the applicant to prepare supplementary information to address departmental comments. It was the first time that the applicant requested for deferment of the application.

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

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

Agenda Item 32

Any Other Business

(i) Section 16A Application

[Open Meeting]

A/SK-HC/252-1 Application for Extension of Time (EOT) For Compliance with Planning Conditions, Lots 865 RP, 868 RP, 871, 872, 873, 874, 875 RP & 876 RP and adjoining Government Land in D.D. 244, Ho Chung, Sai Kung

102. The Secretary reported that the application was approved with conditions by the Rural and New Town Planning Committee (the Committee) on 13.5.2016. The deadline for compliance with approval conditions (b) on the submission of water supplies for firefighting and fire service installations proposals, and (d) on the submission of a landscape and tree preservation proposal was 13.11.2016, while the deadline for compliance with approval conditions (c) on the implementation of the water supplies for firefighting and fire service installations proposals and (e) on the implementation of the landscape and tree preservation proposal was 13.2.2017.

103. The Committee noted that an application for EOT for compliance with approval conditions (b), (c), (d) and (e) by three months was received by the Town Planning Board on 3.11.2016, which was seven working days before the expiry of the specified time limit for the approval conditions (b) and (d).

104. The Committee also noted that on 24.11.2016, the Board received a letter from the applicant explaining the difficulties he encountered when complying with conditions (b) and (d) on the submission of water supplies for fire fighting and fire services installation proposals and a landscape and tree preservation proposal respectively and requested the Committee to give sympathetic consideration to allow an extension of time for three months so as to give him more time to consult the concerned departments. The applicant's letter was tabled at the meeting.

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

(ii) Section 16A Application

[Open Meeting]

A/NE-FTA/158-2 Application for Extension of Time (EOT) For Compliance with Planning Conditions, Lots 121 and 122 in D.D. 52, Fu Tei Au, Sheung Shui, New Territories

106. The Secretary reported that the application was approved with conditions by the Rural and New Town Planning Committee (the Committee) on 4.3.2016. The deadline for compliance with approval conditions (f) on the provision of drainage facilities, (h) on the implementation of proposals for water supplies for firefighting and fire service installations, (i) on the submission of tree preservation and landscape proposals, and (j) on the implementation of the tree preservation and landscape proposals was 4.12.2016.

107. The Committee noted that an application for EOT for compliance with approval conditions (f), (h), (i) and (j) by three months was received by Town Planning Board on 23.11.2016, which was seven working days before the expiry of the specified time limit for approval conditions (f), (h), (i) and (j). It was recommended not to consider the application as there was insufficient time to obtain departmental comments before the expiry of the specified time limit for compliance with the conditions (f), (h), (i) and (j) which were essential for the consideration of the application.

108. Members agreed that the Committee could not consider the section 16A application as there was insufficient time to obtain departmental comments before the expiry of the specified time limits for compliance with the conditions (f), (h), (i) and (j) which were essential for the consideration of the application.

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