

TOWN PLANNING BOARD

Minutes of 573rd Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 3.2.2017

Present

Director of Planning
Mr Raymond K.W. Lee

Chairman

Mr H.W. Cheung

Vice-chairman

Ms Janice W.M. Lai

Ms Christina M. Lee

Mr H.F. Leung

Dr F.C. Chan

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr C.H. Hau

Chief Traffic Engineer/New Territories East,
Transport Department
Mr K.C. Siu

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

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

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

Deputy Director of Planning/District
Miss Fiona S.Y. Lung

Secretary

Absent with Apologies

Professor K.C. Chau

Mr Ivan C.S. Fu

Mr David Y.T. Lui

Mr Alex T.H. Lai

Dr Lawrence K.C. Li

Mr Stephen L.H. Liu

Miss Winnie W.M. Ng

In Attendance

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

Town Planner/Town Planning Board
Mr Eric C.Y. Chiu

Agenda Item 1

Confirmation of the Draft Minutes of the 572nd RNTPC Meeting held on 13.1.2017

[Open Meeting]

1. The Secretary reported that there were proposed amendments to paragraphs 41 and 53 of the draft minutes were received and the relevant extract of the revised draft minutes had been tabled for Members' consideration. No further amendment was proposed and the minutes of the 572nd meeting held on 13.1.2017 were confirmed with the amendment tabled at the meeting.

Agenda Item 2

Matters Arising

[Open Meeting]

Amendment to the Confirmed Minutes of 571st RNTPC Meeting held on 23.12.2016

2. The Secretary reported that a typographical error was spotted on paragraph 23 of the confirmed minutes of RNTPC held on 23.12.2016. A page showing the proposed amendment to the minutes was tabled at the meeting. The Committee agreed to the rectification of the confirmed minutes to reflect that the deferred section 12A application should be submitted for the Committee's consideration within three months, rather than two months, upon receipt of further information from the applicant. The applicant would be notified of the rectification accordingly and the amended minutes would be uploaded to the Town Planning Board website.

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

Tuen Mun and Yuen Long West District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

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

3. The following representatives from the Planning Department (PlanD) and the representatives of the applicant were invited to the meeting at this point :

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|-------------------------|---|
| Mr David C.M. Lam | - District Planning Officer/Tuen Mun and Yuen Long West (DPO/TM&YLW); |
| Miss Lucille L.S. Leung | - Senior Town Planner/Tuen Mun and Yuen Long West (STP/TM&YLW); and |
| Mr F.S. Tang |] |
| Mr W.K. Cheng |] |
| Mr H.C. Tang |] Applicant’s representatives. |
| Mr Derek C.F. Ho |] |
| Mr K.O. Chan |] |
| Ms S.M. Leung |] |

Presentation and Question Sessions

4. The Chairman extended a welcome and explained the procedure of the hearing. The Chairman invited PlanD’s representative to brief Members on the background of the application.

5. The Committee noted that a set of further information (FI) submitted by the applicant dated 24.1.2017, which was received after issuance of the Paper, and the latest departmental comments on the FI were tabled for Members' consideration. Miss Lucille L.S. Leung, STP/TMYLW, also reported that in view of latest comments received from Lands Department (LandsD), the following sections of the Paper should read as follows:

- (i) paragraph 9.1.1 (b) – “No permission has been given for the proposed rezoning and columbarium and ancillary uses on Lot 118 in D.D. 135...”;
and
- (ii) paragraph 9.1.1 (c) – “If the Town Planning Board is minded to approve the planning application to permit columbarium and ancillary uses, the applicant(s) or the lot owner has to either exclude the GL portion from the site...”

6. With the aid of a PowerPoint presentation, Miss Lucille L.S. Leung briefed Members on the application and covered the following aspects as detailed in the Paper:

- (a) background of the application;
- (b) proposal to rezone the site from “Coastal Protection Area” (“CPA”) to “Government, Institution or Community” (“G/IC”) on the approved Sheung Pak Nai & Ha Pak Nai Outline Zoning Plan No. S/YL-PN/9 to facilitate a private columbarium development in an existing New Territories Exempted House (NTEH) at the site. According to the indicative scheme submitted by the applicant, a total of 1,000 niches, among which 300 would be reserved for the local community of Sheung Pak Nai and Ha Pak Nai. Parking spaces and shuttle bus lay-by would also be provided in the site which was mostly on government land (GL). Measures including limited opening hours, provision of shuttle bus service and prohibition of burning of joss papers etc. were proposed by the applicant to mitigate the traffic and environmental impacts;
- (c) departmental comments – departmental comments were set out in

paragraph 9 of the Paper which were summarised as follows:

Land Administration

- (i) the District Lands Officer/Yuen Long (DLO/YL), LandsD advised that Lot 118 in D.D. 135 in the site was covered by New Grant No. 2757. Pursuant to the relevant New Grant conditions, no grave should be made on the lot nor should any human remains whether in earthenware jars or otherwise be interred therein or deposited thereon. No permission had been given for the proposed rezoning and columbarium and ancillary uses on the subject lot and/or occupation of the GL included into the site;

Nature Conservation

- (ii) the Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application from nature conservation point of view. Active egretty, ponds, mudflat, seagrass bed etc. were mainly found along the coast of Deep Bay, about 70m to 150m from the site. Those areas were considered as important habitats according to the Technical Memorandum on Environmental Impact Assessment Process;

Traffic and Road Safety

- (iii) the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) did not support the application as the traffic assessment had not satisfactorily addressed his comments. Assumptions in the assessment had not been well justified. The proposed car park was on GL, the availability of which was not guaranteed. The traffic flow of Nim Wan Road had been underestimated and the link capacity of Deep Bay Road should also be assessed. Regarding the proposed shuttle bus service, it seemed that there was no suitable location along Tin Ho road for

pick-up/drop-off and queuing of shuttle bus. The proposed temporary alteration of road marking was not acceptable;

- (iv) the Commissioner of Police (C of P) objected to the application after taken into consideration a number of factors including traffic impact, overall parking facilities, pedestrian flow during specific festive seasons and public nuisance. He also advised that some 'house-rules' set by the applicant, which aimed to minimise/regulate the number of visitors driving to the Site, were difficult to enforce. While the Traffic Impact Assessment (TIA) submitted by the applicant stated that there were some 1,400 parking spaces at Tin Shing Shopping Centre, there were in fact less than 50 hourly car parking spaces in the said carpark;
- (v) the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) advised that the applicant should consider the traffic impact when Nim Wan Road was not accessible due to flooding in Ap Tsai Hang Area; and

Landscape

- (vi) the Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD objected to the rezoning application. It was noted that the southern portion of the site was originally vegetated with trees, which were observed missing from 2009 onwards and thus adverse landscape impact had taken place. According to the 'Landscape Value Mapping of Hong Kong (Final Report)', the overall landscape value of the area was high. The proposed columbarium and associated carpark were incompatible with the "CPA" zone. Apart from a proposed 2m wide planter strip along the southern boundary, the rest of the site was extensively hard paved and there was inadequate compensation for the loss of vegetation;
- (d) during the first three weeks of the statutory publication periods, a total of

13 public comments, including one comment from an individual expressing views, and 12 objecting comments submitted by a member of the Yuen Long District Council, Kadoorie Farm & Botanic Garden Corporation, World Wide Fund for Nature Hong Kong, Designing Hong Kong, a representative from the Labour Party and five individuals, were received. The major objection grounds/views provided were set out in paragraph 10 of the Paper; and

- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The site fell within the coastal areas to the west of Nim Wan Road, which was predominated by undisturbed coastline, farm/vegetated land and fish ponds. There were also active egretty, ponds, mudflat and seagrass bed found along the coast of Deep Bay, about 70m to 150m from the site. The overall landscape value of the area was high and the existing “CPA” zoning was considered appropriate to protect the natural coastlines and the coastal areas of high landscape and scenic value. While the columbarium use would be located within the existing NTEH, a major part of the site comprising GL was proposed for car parking and lay-by purpose. Tree removal had taken place since 2008 leading to adverse landscape impact. Approval of the application would set an undesirable precedent encouraging similar site clearance and formation activities. In addition, the additional vehicular burden on Nim Wan Road and Deep Bay Road might cause serious traffic congestion and aggravate the traffic congestion problem of Lau Fau Shan Road during weekends and holidays. There were also doubts on the feasibility of enforcing the proposed “house rule” to regulate the number of visitors, the claimed number of available parking spaces at Tin Shing Shopping Centre and the usefulness of the proposed traffic arrangements proposed by the applicant. There was no strong planning justification to support piecemeal rezoning of the Site for columbarium use. The applicant failed to demonstrate that the columbarium development under the proposed rezoning would not create adverse landscape, ecological and traffic impacts. Approval of the application would also set an undesirable precedent, the cumulative effect of which will undermine the integrity of

the “CPA” zone and lead to a general degradation of the environment quality and landscape value in the area. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

7. The Chairman then invited the applicant’s representatives to elaborate on the application. Mr K.O. Chan, Mr. H C. Tang and Mr W.K. Cheng, who was the village representative of Ha Pak Nai Village, made the following points with the aid of a PowerPoint presentation:

- (a) the columbarium development under application was considered a ‘passive’ community facility. Only 1,000 niches would be provided, among which 300 would be reserved for the local communities in Sheung Pak Nai and Ha Pak Nai. The current proposal did not involve any major construction works;
- (b) the site was located about 150m away from the coastal area and the nearest fishpond was about 100m from the site. There were some orchards to south and west, and many other structures within the 150 radius. The area was only of moderate landscape value. Having lived in the area for some 20 years, the applicant had not observed any egret, mudflats or seagrass bed in the area. The development would not cause any adverse impact on the coastal environment. The villagers had indeed actively maintained and protected the coastal area by clearing rubbish in the mangrove;
- (c) the vegetation in the open area within the site was removed and the NTEH was converted to the existing columbarium in 2009. The applicant was willing to provide greening on the site if the application was approved. Detailed development proposal would be submitted to the Committee for consideration at the section 16 application stage whereby allowing the Committee to maintain proper planning control over the site with a view to balancing the community need and environmental protection;
- (d) more than 1.63 million niches would be required between 1995 to 2034 and

columbarium, which was an important community facility, could be developed in the form of a public-private partnership;

- (e) the Ha Pak Nai area generally lacked public/community facilities. Majority of villagers in Ha Pak Nai Village were above 65 years old and as most of them were not indigenous villagers, deceased villagers were not allowed to be buried in burial grounds which were reserved for indigenous villagers only. While niches in columbarium in Tsueng Kwai O would be allocated to the deceased villagers, travelling such a long travel distance from Ha Pak Nai to Tseung Kwai O presented great inconvenience to the villagers. The proposed rezoning for columbarium development was for the benefit of the local villagers. There was a strong aspiration from the local community for a columbarium in the village;
- (f) as the area was a popular destination for visitors to see the sunset, the opening hours for the columbarium development were from 6:30 a.m. to 3:00 p.m. in order to avoid conflict with the dusk peak traffic. The proposed shuttle bus would only pick-up/drop-off passengers within the site and upon approval of the application, the applicant would apply to LandsD to use the GL within the site for car parking purpose. For the proposed shuttle bus pick-up point at Tin Shui Wai, temporary traffic arrangements including temporary realignment of the double white centerlines were proposed during the festive seasons;
- (g) the development would only generate about 112 visitors and 17 passenger car units (PCU) per hour during Ching Ming and Chung Yeung Festivals. According to the junction capacity analysis, Lau Fau Shan Roundabout and Nim Wam Road would still operate within capacities in 2021. Traffic data on Nim Wan Road had been collected and the TIA conducted was based on the worst case scenario. As the traffic for Deep Bay Road was already saturated, the columbarium development would not significantly worsen the existing situation. The columbarium would not operate when there was flooding in the Ap Tsai Hang area. Regarding the concern on traffic impact on the cyclist, the Government should be responsible for

carrying out the necessary road improvement works;

- (h) there were burial grounds along Deep Bay Road and the proposed columbarium development was of relatively small scale and would not create any significant additional traffic impact; and
- (i) he cast doubts on the reliability of the traffic data gathered by the Transport Department. At present, there were police officers in the area on weekends to monitor the traffic conditions and there had been no traffic congestion. Based on the applicant's observation, there were some 3,000 visitors to the area on weekends and there were sufficient shuttle bus and mini-bus services to meet the transport needs.

8. In response to the Chairman and a Member's enquiry, Mr K.O. Chan clarified that Sheung Pak Ni and Ha Pak Nai Villages were not recognised villages. A total of 300 niches among the 1,000 niches proposed would be reserved for the local villagers, rather than for indigenous villagers as stated in the submitted planning statement. The NTEH was converted into a columbarium, known as Koon Yam Tong, in 2009 without obtaining approval and the current application was for regularisation of the columbarium. With reference to an aerial photo showing the area, Mr W.K. Cheng pointed out the general location of the egret which was to the southwest of the application site near the coastline.

9. As requested by the Chairman, Mr David C.M. Lam, DPO/TMYLW, made reference an aerial photo in his PowerPoint presentation and said that to avoid possible human disturbance to the habitats, the exact location of the egret was not provided. However, as observed from the aerial photo, there were fish ponds and seagrass bed located to the northwest of the site.

10. In response to a Member's enquiry, Mr K.O. Chan, Mr. W.L. Cheng and Mr T.H. Chung clarified that the 300 niches could serve the need of the non-indigenous villagers in other 15 villages in Ha Tsuen Heung, while the remaining 700 niches would be sold. As the scale of the proposed development was small, no appointment system for visiting the columbarium was proposed. Mr W.L. Cheng also pointed out the general location of Ha Tsuen Heung on a plan shown on the visualiser, mainly covering areas to the west of Ping Ha

Road and along Deep Bay Road and Nim Wan Road.

11. In response to the same Member's enquiry, Mr David C.M. Lam said that he had no information in hand about the location of the existing burial grounds along Deep Bay Road. However, he pointed out that the nature of burial grounds was different from that of a columbarium in that burial grounds were designated by the Government for burial of indigenous villagers, and might have different pattern of traffic generation. He then made reference to a plan shown on the visualiser and explained that the traffic to the site would need to utilise Lau Fau Shan Road, Deep Bay Road and Nim Wan Road and most sections of these roads were single-lane road serving two-way traffic. Both the assessments from TD and the applicant reflected that there would be traffic issue in some sections of Deep Bay Road where the road was relatively narrow. The traffic situation would be further aggravated in future with the additional visitors to the columbarium. AC for T/NT, TD considered that there was insufficient information to demonstrate that the assumptions in the TIA including those on traffic generation, modal split and number of passenger per vehicle were reasonable. C of P also expressed concerns and considered that the applicant failed to demonstrate that there would be no adverse impact on traffic and road safety, in particular on festive days.

12. In response to the Chairman and a Member's enquiry, Mr K.O. Chan said that the NTEH at the site was converted into a columbarium in 2009. All 3,162 existing niches in the building were vacant and unsold, and the applicant only proposed to retain 1,000 niches in the current application.

13. As the applicant and his representatives had no further points to raise and there were no further questions from the Members, the Chairman informed them that the hearing procedure for the application had been completed and the Committee would deliberate on the applications in their absence and inform them of the Committee's decision in due course. The Chairman thanked the representatives from PlanD and the applicant and his representatives for attending the meeting. They left the meeting at this point.

Deliberation Session

14. Mr Phillip S.L. Kan declared an interest in this item as he was a member of the Board of Management of the Chinese Permanent Cemeteries. The Committee noted Mr Kan had no involvement in the application and agreed that he could stay in the meeting.

15. The Chairman remarked that the application was a section 12A application and the main consideration of the Committee would be on suitable land use zoning to reflect the planning intention rather than specific details of the proposed scheme which were indicative in nature.

16. A Member considered that the site was located in an ecologically sensitive area and did not support the application. Another Member concurred with this view and said that there was no strong justification to support the rezoning of the site from “CPA” to “G/IC”.

17. A Member was sympathetic and said that the current average queuing time for niches in public columbarium was about two to three years. There might be a genuine need to provide columbarium facilities for local villagers and it would also help reduce the need for inter-district travel during the festive seasons. However, the current application was not supported.

18. Another Member did not support the application and had doubt on how to ensure the 300 niches proposed to be reserved for local villagers would not be sold to the general public like the remaining 700 niches.

19. After deliberation, the Committee decided not to agree to the application for the following reasons :

“(a) the application site is located in a natural coastal area with high landscape value and rural in character. The “Coastal Protection Area” (“CPA”) zoning is considered appropriate to protect the landscape and scenic value of the area. There is no strong planning justification for piecemeal rezoning to facilitate the proposed columbarium development;

- (b) the applicant fails to demonstrate that the proposed rezoning to facilitate the columbarium development would not result in adverse landscape, ecological and traffic impacts on the surrounding areas; and
- (c) approval of the application would set an undesirable precedent for other similar applications in the area. The cumulative effect of approving such applications would undermine the integrity of the “CPA” zone and result in a general degradation of the environmental quality and landscape value of the area.”

Sai Kung and Islands District

Agenda Item 4

Section 16 Application

[Open Meeting]

A/SK-TMT/57 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” Zone, Lot 33 RP in D.D. 256, Tai Po Tsai Village, Tai
Mong Tsai, Sai Kung, New Territories
(RNTPC Paper No. A/SK-TMT/57)

20. The Committee noted that the applicant requested on 24.1.2017 for deferment of the consideration of the application for two months so as to allow time to resolve comments from relevant government departments. It was the first time that the applicant requested deferment of the application.

21. 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.

Sha Tin, Tai Po and North District

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

Agenda Items 5 to 16

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- 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 and 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 and 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 and 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 and 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 and 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 and 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 and 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 and 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 and 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 and 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 and 51 RP in D.D. 292, Tai Tan, Tai Po, New Territories

(RNTPC Paper No. A/DPA/NE-TT/81 to 92B)

22. The Committee noted that the twelve applications were similar in nature (New Territories Exempted Houses (NTEH) – Small Houses) and the application sites were located close to each other under the same zoning and with the same authorised agent. The Committee agreed that the twelve applications would be considered together.

Presentation and Question Sessions

23. With the aid of a PowerPoint presentation, Ms Channy C. Yang, STP/STN, presented the applications and covered the following aspects as detailed in the Paper :

- (a) background to the applications;
- (b) the proposed house (NTEH – Small House) on each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 11 and Appendix V of the Paper. The District Lands Officer/Tai Po, Lands Department did not support application No. A/DPA/NE-TT/85 as more than 50% of the proposed Small House footprint fell outside the village ‘environs’ (‘VE’) of Tai Tan. The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on applications No. A/DPA/NE-TT/84 and 91 from the nature conservation point of view as the proposed Small Houses might necessitate extensive tree felling in the woodland, and for applications No. A/DPA/NE-TT/81 to 83, 85 to 87, 89 and 90 trees in the vicinity and the adjacent woodland might also be affected by the proposed Small House developments. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the applications because of the potential adverse landscape impact within the sites and their surroundings and approval of the applications would set an undesirable precedent for similar unauthorised woodland clearance and land disturbance, resulting in a general degradation of natural environment and landscape character in the area. The Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) had reservation on the applications as the Geological Planning Review Report submitted by the applicants could not fully address his concerns. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) did not support applications No. A/DPA/NE-TT/83 and 92 as the sites were located in close proximity to an existing stream course and the applicants failed to demonstrate that there would be adequate measures provided to avoid adverse drainage impacts on the Sites and the adjoining areas;

- (d) during the first three weeks of the statutory publication periods, a total of 27 public comments objecting/providing views were received from Designing Hong Kong Limited, Hong Kong Bird Watching Society, World Wide Fund for Nature Hong Kong, Kadoorie Farm and Botanic Garden Corporation and individuals. The major objection grounds/views provided were set out in paragraph 12 of the Paper; and

- (e) the PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 13 of the Paper. The Sites fell within an area designated as “Unspecified Use” on the then approved Development Permission Area Plan at the time of submission and within the “Green Belt” (GB”) zone on the draft Tai Tan, Uk Tau, Ko Tong and Ko Tong Ha Yeung Outline Zoning Plan No. S/NE-TT/1 currently in force. There was general presumption against development within the “GB” zone. The sites were located on a slope in a hillside woodland to the northwest of the existing village clusters of Tai Tan without proper access, except for the sites of applications No. A/DPA/NE-TT/81 and 82. Concerned departments had concern/reservation on or objection to the applications from drainage, geotechnical safety and landscape planning perspectives. Despite more than 50% of the proposed Small House footprints (except application No. A/DPA/NE-TT/85) fell within the ‘VE’ of Tai Tan Village and there was a general shortage of land in meeting the demand for Small House development in the “V” zone of the concerned village, the applications did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that they would cause adverse landscape and geotechnical impacts (for all applications), and adverse drainage impacts (for applications No. A/DPA/NE-TT/83 and 92 only) on the surrounding area. The sites of Applications No. A/DPA/NE-TT/85 to 87 and 89 were also subject to an active enforcement case for unauthorised development involving filling of land. These four applications were “Destroy First, Build Later” cases and approval of such applications could give an impression to the public that the Board condoned that approach. Regarding

the public comments, the comments of government departments and planning assessments above were relevant.

24. Members had no question on the application.

Deliberation Session

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

Applications No. A/DPA/NE-TT/81, 82, 84, 86 to 91

- “(a) 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 development would cause adverse landscape and geotechnical impacts on the surrounding area; and
- (b) the approval of the application would set an undesirable precedent for similar applications in the area. The cumulative effect of approving such applications would result in adverse impacts on the natural environment and landscape character of the area.”

Applications No. A/DPA/NE-TT/83 and 92

- “(a) 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 development would cause adverse landscape, geotechnical and drainage impacts on the surrounding area; and
- (b) the approval of the application would set an undesirable precedent for similar applications in the area. The cumulative effect of approving such applications would result in adverse impacts on the natural environment and landscape character of the area.”

Application No. A/DPA/NE-TT/85

- “(a) 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 footprint of the proposed Small House falls outside both village ‘environs’ and “Village Type Development” zone of Tai Tan Village and the proposed development would cause adverse landscape and geotechnical impacts on the surrounding area; and
- (b) the approval of the application would set an undesirable precedent for similar applications in the area. The cumulative effect of approving such applications would result in adverse impacts on the natural environment and landscape character of the area.”

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

Presentation and Question Sessions

26. 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 - Small House);
- (c) departmental comments – departmental comments were set out in

paragraph 9 and Appendix IV of the Paper. The Commissioner for Transport (C for T) had reservation on the applications as Small House developments should be confined within the “Village Type Development” (“V”) zone as far as possible but considered that the application involving development of a Small House only could be tolerated. The Director of Agriculture, Fisheries and Conservation did not support the application as the site had high potential for rehabilitation of agricultural activities. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication periods, a total of two objecting public comments were received from Designing Hong Kong Limited and an individual. The major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, more than 50% of the proposed Small House footprint fell within the village ‘environs’ of Yuen Leng, Kau Lung Hang San Wai and Kau Lung Hang Lo Wai and the proposed development within the Water Gathering Grounds would be able to be connected to the public sewerage system. However, while land available within the “V” zones was insufficient to fully meet the future Small House demand, land was still available within the “V” zone for Small House development. It was considered more appropriate to concentrate the proposed Small Houses within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

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 intention of the “Agriculture” (“AGR”) zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. The “AGR” zone is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong justification in the current submission for a departure from the planning intention; and
- (b) land is still available within the “Village Type Development” (“V”) zone of Yuen Leng and Kau Lung Hang which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.”

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/598 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” Zones, Lots 986 S.A ss.1 and 986 S.K ss.1 in D.D. 8, Ping Long, Lam Tsuen, Tai Po, New Territories
(RNTPC Paper No. A/NE-LT/598)

Presentation and Question Sessions

29. 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 - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. The Director of Agriculture, Fisheries and Conservation did not support the application as the site had high potential for rehabilitation of agricultural activities. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (e) departmental comments – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, more than 50% of the footprint of the proposed Small House fell within the “Village Type Development” zone and village ‘environs’ of Ping Long and the proposed Small House would be able to be connected to the public sewerage system in the area, but there was no general shortage of land in the “V” zone to meet the demand for Small House development. Notwithstanding that, the site was surrounded by existing village houses to the east and south and adjacent to the village cluster of Ping Long and could be considered as an in-fill development. Sympathetic consideration might be given to the application in this regard.

30. In response to a Member’s enquiry, Mr C.T. Lau, STP/STN, made reference to the site plan and site photos at Plans A-2 and A-4 of the Paper respectively and said that the proposed Small House would be located in the southern portion of the site with more than 50% of its footprint within the “V” zone. As such, the tree to the north of the site would not be affected by the proposed development and the Chief Town Planner/Urban Design and Landscape, Planning Department had no adverse comment on the application in this regard.

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 3.2.2021, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/603 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” Zones, Lot 639 S.C in
D.D. 83, Kwan Tei Village, Fanling, New Territories
(RNTPC Paper No. A/NE-LYT/603)

33. The Committee noted that one replacement page (page 1 of the Paper), rectifying a typographical error in the footnote regarding the indigenous villager status of the applicant,

was tabled at the meeting for Members' reference.

Presentation and Question Sessions

34. 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 - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Commissioner for Transport (C for T) had reservation on the application as Small House development should be confined within the “Village Type Development” (“V”) zone as far as possible but considered that the application only involved construction of one Small House could be tolerated. The Director of Agriculture, Fisheries and Conservation did not support the application as the site was a piece of active agricultural land and there were active agricultural activities in its vicinity. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, a total of two public comments were received. The Chairman of the Fanling District Rural Committee indicated no comment on the application and a North District Council Member supported the application on grounds as set out in paragraph 10 of the Paper; 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. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, more than 50% of the footprint of the proposed Small House fell within the “Village Type Development” (“V”) zone of Kwai Tei Village and land available within the “V” zone of

Kwan Tei was insufficient to fully meet the future Small House demand. The site was in close proximity to the existing village proper of Kwan Tei Village and a large portion of the site (about 79.2%) fell within the “V” zone. Besides, there were approved Small House applications nearby at different stages of development. In this regard, the proposed Small House under application could be regarded as an in-fill development.

35. Members had no question on the application.

Deliberation Session

36. 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 3.2.2021, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

Agenda Items 20 to 25

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-PK/105 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 1585 S.B in D.D. 91, Kai Leng, Sheung Shui, New Territories

A/NE-PK/106 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 1585 S.A in D.D. 91, Kai Leng, Sheung Shui, New Territories
(RNTPC Paper No. A/NE-PK/105 to 106)

A/NE-PK/107 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lots 1511 S.O and 1595 S.B in D.D. 91, Kai Leng, Sheung Shui, New Territories

A/NE-PK/108 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 1594 S.E in D.D. 91, Kai Leng, Sheung Shui, New Territories

A/NE-PK/109 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 1595 S.C in D.D. 91, Kai Leng, Sheung Shui, New Territories

A/NE-PK/110 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 1511 S.G in D.D. 91, Kai Leng, Sheung Shui, New Territories
(RNTPC Papers No. A/NE-PK/105 and 106 and A/NE-PK/107 to 110)

38. The Committee noted that the six applications were similar in nature (New Territories Exempted Houses (NTEH) – Small Houses) and the application sites were located in the vicinity of each other under the same zoning. The Committee agreed that the six applications would be considered together.

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) the proposed house (NTEH – Small House) on each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the respective Papers. The Commissioner for Transport (C for T) had reservation on the applications as Small House development should be confined within the “Village Type Development” (“V”) zone as far as possible but considered that the application each only involved construction of one Small House could be tolerated. The Director of Agriculture, Fisheries and Conservation did not support the applications No. A/NE-PK/107 to 110 as the sites had potential for agricultural rehabilitation. Other concerned departments had no objection to or no adverse comment on the applications;
- (d) for applications No. A/NE-PK/105 and 106, during the first three weeks of the statutory publication period, three public comments were received on each application. The Chairman of the Sheung Shui District Rural Committee (SSDRC) indicated no comment on the applications. A North District Council (NDA) Member supported and an individual objected to the applications. The major supporting/objecting grounds were set out in paragraph 10 of the relevant Paper;
- (e) for applications No. A/NE-PK/107 to 110, during the first three weeks of the statutory publication periods, three public comments were received on applications No. A/NE-PK/107, 108 and 109 and four public comments were received on application No. A/NE-PK/110. The Chairman of SSDRC indicated no comment on the four applications. A NDC member supported all applications, whereas an individual objected to all

applications and Designing Hong Kong Limited also objected to application No. A/NE-PK/110. The major supporting/objecting grounds were set out in paragraph 10 of the relevant Paper; and

- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessments set out in paragraph 11 of the respective Papers. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House Development in New Territories, more than 50% of the footprints of the proposed Small Houses fell within the village 'environs' of Kai Leng Village and land available within the "Village Type development" zone was insufficient to meet the outstanding Small House applications and the future Small House demand forecast. The sites were also in close proximity to the existing village proper of Kai Leng and there were approved Small House applications at different stages of development nearby. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

40. In response to a Member's enquiry, Mr Wallace W.K. Tang, STP/STN, made reference to the Papers and said that except for application No. A/NE-PK/107, the applications were cross-village Small House applications and the applicants claimed to be indigenous villagers of Liu Pok Village and Sheung Shui Village.

Deliberation Session

41. A Member noted that the Committee had recently approved a number of similar cross-village Small House applications in Kai Leng. Suspicion was raised by the public that these applications might involve transaction of Small House rights between property developer and indigenous villagers. The Member also considered that the current Small House Policy which allowed cross-village Small House applications had made it difficult for the Committee to assess the planning applications against the Interim Criteria as the figure on land availability in the "V" zone might be affected by Small House demand generated by these cross-village Small House developments. The Chairman remarked that the issues related to Small House policy was outside the purview of the Committee. In considering the subject applications, while the Committee generally considered it was more appropriate to

concentrate Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructure and services, it should also take into account the Committee's previous decisions on similar Small House applications in the vicinity of the sites.

42. After deliberation, the TPB decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the permissions should be valid until 3.2.2021, 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 :

For Applications No. A/NE-PK/105, 106, 107 and 110

- “(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 drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB.”

For Applications No. A/NE-PK/108 and 109

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

43. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix VI of the respective Papers.

Agenda Item 26

Section 16 Application

[Open Meeting]

A/ST/912 Proposed Single House in “Government, Institution or Community”
and “Green Belt” Zones, Lots 379 and 380 RP (Part) in D.D. 186, Tung
Lo Wan Hill Road, Sha Tin, New Territories
(RNTPC Paper No. A/ST/912)

44. The Committee noted that the applicant requested on 18.1.2017 for deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the comments of relevant government departments. It was the first time that the applicant requested deferment of the application.

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

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

Fanling, Sheung Shui and Yuen Long East District

[Ms Maggie M.Y. Chin, District Planning Officer/Fanling, Sheung Shui and Yuen Long East (DPO/FSYLE), Mr Otto K.C. Chan, Mr Jeff K.C. Ho, Ms Ivy C.W. Wong 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 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/FSS/254 Proposed Mixed Housing Development including ‘Flat’ (Public Rental and Subsidised Sale Flats), ‘Residential Institution’ (Elderly Flats under the Senior Citizen Residences Scheme), ‘Shop and Services’, ‘Eating Place’, ‘Social Welfare Facility’ (Residential Care Home for Elderly) and ‘Public Vehicle Park’ in “Government, Institution or Community” Zone, Government Land in D.D. 51, Pak Wo Road, Fanling, New Territories
(RNTPC Paper No. A/FSS/254)

46. The Secretary reported that the application was submitted by the Hong Kong Housing Society (HKHS), and ADI Ltd. (ADI) and Ramboll Environ Hong Kong Ltd. (Environ) were two of the consultants of the applicant. The following Members had declared interests in this item:

- | | |
|--|--|
| Mr Raymond K.W. Lee
(the Chairman)
as the Director of Planning | - being an ex-officio member of the Supervisory Board of the HKHS; |
| Ms Janice W.M. Lai | - having current business dealings with HKHS, ADI and Environ; and |
| Mr Ivan C.S. Fu | - having current business dealings with ADI and Environ. |

47. The Committee noted that Mr Ivan C.S. Fu had tendered apologies for being unable to attend the meeting. As the interest of the Chairman and Ms Janice W.M. Lai were direct, the Committee agreed that they should be invited to leave the meeting temporarily for the item. The Vice-chairman took over the chairmanship of the meeting at this point.

[The Chairman and Ms Janice W.M. Lai left the meeting temporarily at this point.]

Presentation and Question Sessions

48. Ms Maggie M.Y. Chin, DPO/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed mixed housing development including ‘flat’ (public rental flats (PRH) and subsidised sale flats (SSF)), ‘residential institution’ (elderly flats under the senior citizen residences scheme (SEN)), ‘shop and services’, ‘eating place’, ‘social welfare facility’ (residential care home for elderly (RCHE)) and ‘public vehicle park’;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Papers. The Secretary for Development (SDEV) supported the application and advised that the proposed mixed housing development (to be developed and managed by HKHS) would provide PRH and SSF as rehousing units to eligible clearerees of the Kwu Tung North/Fanling North New Development Areas (KTN/FLN NDAs), and might also serve as rehousing flats for eligible clearerees affected by other NDA projects, if necessary. Apart from rehousing units, SEN units and RCHE places were proposed at the mixed housing development to cater for the diverse needs of the elderly persons affected by KTN/FLN NDAs and those living in the North District. The District Officer/North, Home Affairs Department advised that he had consulted the locals and all respondents, including the Chairman of Fanling District Rural Committee,

the Indigenous Inhabitant Representative (IIR) and Resident Representative (RR) of Fanling Wai and Fan Leng Lau, and the Fung Ying Seen Koon, had no comment on the application. 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, 14 public comments were received. The Chairman of Fanling Rural Committee and two individuals indicated no comment on the application, a North District Council (NDC) Member and two individuals supported the application, another NDC Member and two individuals objected to the application and a Legislative Councillor cum NDC Member, St. Francis of Assisi's College, Fanling Kau Yan College, MTRC and a group of Ma Shi Po villagers provided views on the application. The major supporting/objecting grounds/views provided were set out in paragraph 11 of the relevant Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Papers and summarised as follows:

Planning Intention and Land Use Compatibility

- (i) while the site fell within the “Government, Institution or Community” (“G/IC”) zone, there was no long-term designated Government, institution or community (GIC) use for the site. Sites in other parts of Fanling/Sheung Shui, also zoned “G/IC”, had already been reserved for other social welfare and community uses. To facilitate implementation of the KTN/FLN NDAs project, the site which was in proximity to the concerned NDAs had been identified for a mixed housing development with elderly facilities as a local rehousing option for the eligible clearers. The proposed mixed housing development was considered not incompatible with the surrounding areas which were predominantly residential neighbourhoods mixed with various GIC uses and open space;

Development Intensity

- (ii) in terms of development scale, the proposed development with a total plot ratio (PR) of 8.02 (domestic PR of 6 & non-domestic PR of 2.02) would allow the optimum use of land to provide different housing types and facilities to serve the community. In general, the domestic PR 6 was considered compatible with the adjacent high-density residential developments. The non-domestic part of the proposed mixed housing development with PR of 2.02 was relatively higher than that of the adjacent developments. However, a substantial portion of the non-domestic GFA was for providing two RCHEs and a public vehicle park which were to meet the need of local community. Various technical assessments had confirmed the technical feasibility of the proposed scale of development;

Town Planning Board Guidelines No. 16

- (iii) according to Town Planning Board Guidelines No. 16 (TPB PG-No. 16), as a general rule, for sites zoned “G/IC”, a major portion (e.g. more than 50% of the total site area or Gross Floor Area (GFA)) of the proposed development should be dedicated to GIC and other public uses. For the subject application, the two RCHEs and the public vehicle park were uses always permitted in “G/IC” zone. These two uses together with the proposed SEN, which was akin to community use, constituted about 30% of the total GFA of the proposed development. The proposed mixed housing development, which was proposed to address the rehousing needs of the affected households of KTN/FLN NDAs, might to a certain extent be considered as serving a public purpose. Apart from the percentage of total GFA dedicated for GIC and public uses, the proposed development generally comply with other planning criteria set out in TPB PG-No. 16 in terms of land use compatibility, appropriate scale and intensity of the proposed development and no

adverse impacts on visual, traffic, environmental and infrastructure aspects. Concerned departments had no objection to or no adverse comment on the applications and technical concerns regarding traffic, landscape, environment and drainage aspects could be addressed through the imposition of approval conditions;

- (iv) DEVB had given policy support to the application and advised that to meet the implementation timetable of the KTN/FLN NDAs, consultation of land resumption of the advance/first phase development would need to be conducted in 2017 and site clearance be commenced in 2018. In the land resumption and site clearance process, it was necessary for the Government to clearly indicate to the eligible clearerees that the option of local rehousing at the site was available. In this regard, the application might warrant a special sympathetic consideration of the Board; and
- (v) regarding the public comments, the comments of government departments and planning assessments above were relevant.

49. Members had no question on the application.

Deliberation Session

50. In response to a Member's enquiry and at the request of the Vice-Chairman, the Secretary explained that TPB PG-No. 16 stated that as a general rule, a major portion, e.g. more than 50% of the total site area or GFA, of proposed development within "G/IC" zone should be dedicated to GIC and other public uses. If the development was for predominantly non-GIC uses, the Board might consider to rezone the site to an appropriate zoning such that members of the public could submit representations and comments for consideration of the Board under the provision of the Town Planning Ordinance (the Ordinance). Nevertheless, there were precedent cases that planning permission were approved under section 16 of the Ordinance. Such applications included staff quarters, student hostels and elderly housing in Kwai Chung, Tseung Kwan O, Lam Tin and Siu Lek Yuen. The Vice-Chairman remarked while less than 50% of the GFA of the proposed

development would be used for GIC purpose (i.e. the RCHE and public carpark), a significant portion of the GFA was used for SEN, PRH and SSF which would serve a public purpose to meet the imminent rehousing needs of residents to be affected by the NDA developments as well as the need of the local community. The Committee could consider whether there were strong justifications and special circumstances that warranted approval of the section 16 application.

51. 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 3.2.2021, 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 design and provision of the subsidised residential care home for the elderly in the proposed development to the satisfaction of the Director of Social Welfare or of the TPB;
- (b) the design and provision of vehicular access, and pedestrian connections for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the design and provision of parking facilities, loading/unloading spaces and lay-bys for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) the submission of Traffic Impact Assessment for the construction stage and implementation of mitigation measures identified therein to the satisfaction of the Commissioner for Transport or the TPB;
- (e) the submission and implementation of tree and landscape proposals to the satisfaction of the Director of Planning or of the TPB;
- (f) the provision of fire service installation and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the TPB;

- (g) the submission of a revised Environmental Assessment and implementation of the mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or the TPB; and
- (h) the submission of a revised Drainage Impact Assessment and the implementation of the drainage works identified therein to the satisfaction of the Director of Drainage Services or of the TPB.”

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

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

[The Chairman and Ms Janice W.M. Lai returned to join the meeting at this point. Ms Maggie M.Y. Chin, DPO/FSYLE and Mr Otto K.C. Chan, STP/FSYLE, left the meeting at this point.]

Agenda Items 28 and 29

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/444 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 509 S.A in D.D. 94, Hang Tau Tsuen, Sheung Shui, New Territories

A/NE-KTS/445 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 509 S.B in D.D. 94, Hang Tau Tsuen, Sheung Shui, New Territories

(RNTPC Paper No. A/NE-KTS/444 and 445)

53. The Committee noted that the two applications were similar in nature (New Territories Exempted Houses (NTEH) – Small Houses) and the application sites were located close to each other and under the same zoning. The Committee agreed that the two

applications would be considered together.

Presentation and Question Sessions

54. Mr Jeff K.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 (NTEH – Small House) on each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. The Commissioner for Transport (C for T) had reservation on the applications as Small House developments should be confined within the “Village Type Development” (“V”) zone as far as possible but considered that the applications each only involved construction of one Small House could be tolerated. 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, three public comments were received on each application. The Chairman of Sheung Shui District Rural Committee indicated no comment on the application. A member of incumbent North District Council supported whereas an individual objected to the applications. The major supporting/objection grounds were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments set out in paragraph 12 of the Paper. 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 the proposed Small Houses fell within the village ‘environs’ of Hang Tau Village, and land available within the “Village Type Development” zone was insufficient to meet the future

Small House demand. The sites were about 20m to the west of Hang Tau Village and a cluster of 13 Small Houses with approved applications were found to the northwest of the sites. The sites were also previously approved for Small House developments under applications No. A/NE/KTS/329 and 330 but the planning permissions had lapsed on 9.11.2016. As compared with the previous applications, there had been no material change in planning circumstances and no change in the land uses of the surrounding areas since the previous planning approvals were granted. The applicants had been applying the Small House grant for the proposed Small House Development under the previous planning applications since 2009. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

55. Members had no question on the application.

Deliberation Session

56. After deliberation, the TPB decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the permissions should be valid until 3.2.2021, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. Each of the permissions was subject to the following conditions :

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

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

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/446 Social Welfare Facility (Residential Care Home for Persons with Disabilities) in “Village Type Development” Zone, Flat B and Flat C of Block 3, Flat B and Flat C of Block 4, Block 5 and Block 6, Regent Garden and Adjoining Garden, Lots 456 S.D (Part), 456 RP (Part), 457 S.C (Part), 457 S.D (Part), 457 S.E (Part), 457 S.F (Part) and 457 RP (Part), in D.D. 94, Hang Tau Village, Sheung Shui, New Territories (RNTPC Paper No. A/NE-KTS/446)

Presentation and Question Sessions

58. Mr Jeff K.C. Ho, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the social welfare facility (residential care home for persons with disabilities (RCHD));
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The District Officer (North), Home Affairs Department (DO(N), HAD) advised that the Chairman of Sheung Shui District Rural Committee (SSDRC) and the Resident Representative (RR) of Hang Tau have no comment on the application whereas the incumbent North District Council (NDC) member and two Indigenous Inhabitant Representatives of Hang Tau objected to the application on the grounds that the location of the site was too close to the residential developments and the daily life of the residents would be affected. 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, three public comments were received. The incumbent NDC member and Chairman of Sheung Shui District Rural Committee indicated no comment on the application whereas another incumbent NDC member objected to the application. The major objection grounds were set out in paragraph 10 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessments set out in paragraph 11 of the Paper. While the development was not entirely in line with the planning intention of the “Village Type Development” (“V”) zone and there was insufficient land within the “V” zone to meet the Small House demand in Hang Tau Village, the applied development could provide residential care home services to person with disabilities. The residential nature of the RCHD within the subject New Territories Exempted Houses was not incompatible with the surrounding developments which were mainly village houses. Concerned departments had no objection to or no adverse comment on the application. The applicant also clarified that the activities of the residents of RCHD would only be carried out within the enclosed site and the resting time of the residents would be at 10 p.m., therefore nuisance to the nearby residents should be minimal. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

59. Members had no question on the application.

Deliberation Session

60. 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 submission of drainage proposal within 6 months from the date of approval to the satisfaction of the Director of Drainage Services or of the

TPB by 3.8.2017;

- (b) in relation to (a) above, the implementation of drainage proposal within 9 months from the date of approval to the satisfaction of the Director of Drainage Services or of the TPB by 3.11.2017;
- (c) the submission of proposals for fire service installations and water supplies for firefighting within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 3.8.2017;
- (d) in relation to (c) above, the provision of fire service installations and water supplies for firefighting within 9 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 3.11.2017;
and
- (e) if any of the above planning conditions (a), (b), (c) and (d) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

61. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix IV of the Paper upon rectification of the typological errors in the numberings.

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/547 Proposed Temporary Shop and Services (Real Estate Agency) for a Period of Three Years in “Village Type Development” Zone, Lot 283 S.A RP (Part) in D.D. 109, Kam Tin Road, Kam Tin, Yuen Long, New Territories

(RNTPC Paper No. A/YL-KTN/547)

Presentation and Question Sessions

62. Ms Ivy C.W. Wong, STP/FSYLE, 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 three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the applications;
- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. The District Lands Officer/Yuen Long, Lands Department advised that there was currently no Small House application at the site. Approval of the application on a temporary basis for a period of three years would not jeopardise the planning intention of the “Village Type Development” zone. The proposed development was not incompatible with the surrounding land uses and given its relatively small scale it was unlikely to generate any significant environmental nuisance. The last application No. A/YL-KTN/417 for proposed temporary shop and service (pet grooming and retail shop) for a period of three years, submitted by a different applicant, was approved with conditions by the Committee on 11.10.2013 and similar applications for temporary shop and services uses located to the west of the site had also been approved by the Committee. There was no material change in planning circumstances that warranted a departure from the Committee's previous decisions.

63. Members had no question on the application.

Deliberation Session

64. After deliberation, the Committee decided to approve the application on a temporary basis for a period of three years until 3.2.2020, 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) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 3.8.2017;
- (c) in relation to (b) above, 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 3.11.2017;
- (d) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 3.8.2017;
- (e) in relation to (d) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 3.11.2017;
- (f) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 3.8.2017;
- (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 Director

of Fire Services or of the TPB by 3.11.2017;

- (h) if the above planning condition (a) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (i) if any of the above planning conditions (b), (c), (d), (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 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.”

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

Agenda Item 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/548 Renewal of Planning Approval for Temporary Private Vehicle Park for Light Goods Vehicles for a Period of Three Years in “Agriculture” Zone, Lots 375 S.C RP (Part) and 376 RP (Part) in D.D. 110, Kam Tin North, Yuen Long, New Territories
(RNTPC Paper No. A/YL-KTN/548)

66. The Committee noted that two replacement pages (pages 2 and 14 of the Paper), rectifying typographical errors in the list of documents submitted by the application were dispatched to Members before the Meeting.

Presentation and Question Sessions

67. Ms Ivy C.W. Wong, 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 private vehicle park for light goods vehicles under application No. A/YL-KTN/429 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 (DAFC) did not support the application from agricultural point of view as the site had high potential for agricultural rehabilitation. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one objecting public comments was received from an individual. The major objection grounds were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a further period of three years based on the assessments set out in paragraph 12 of the Paper. While DAFC did not support the application, the site had been hard-paved and used as temporary vehicle park. The temporary nature of the development would not jeopardise future rehabilitation of the site for agricultural purposes and the long-term planning intention of the “Agriculture” zone. The development was considered not incompatible with the surrounding land uses which were characterised by open storage/storage yards and vacant land. The site had been the subject of previous approvals for the same use since 2010 and the application was in line with Town Planning Board Guidelines No. 34B in that all the approval conditions under the last

application have been complied with. There was generally no adverse comment from the concerned government departments except DAFC, and there had been no major change in planning circumstances since the last planning approval in 2014. To address possible concerns on potential environmental impact generated by the development, suitable approval conditions and advisory clauses were recommended. Regarding the public comment, the comments of government departments and planning assessments above were relevant.

68. In response to a Member's enquiry, Ms Ivy C.W. Wong, STP/FSYLE, said that no environmental complaint related to the site was received by the Environmental Protection Department in the last three years.

Deliberation Session

69. After deliberation, the Committee decided to approve the application on a temporary basis for a period of three years from 8.2.2017 to 7.2.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

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

- (f) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container trailers/tractors, 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;
- (g) 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 trailers/tractors, 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;
- (h) the existing boundary fencing shall be maintained at all times during the planning approval period;
- (i) the submission of tree preservation proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 8.8.2017;
- (j) in relation to (i) above, the implementation of the tree preservation 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 8.11.2017;
- (k) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (l) the submission of a record of the existing drainage facilities on the Site within 3 months from the date of commencement of the renewed planning approval to the satisfaction to the Director of Drainage Services or the TPB by 8.5.2017;

- (m) the provision of the accepted fire service installations within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.8.2017;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) 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 (i), (j), (l) or (m) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (p) upon 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.”

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

[Ms Janice W.M. Lai left the meeting at this point.]

Agenda Item 33

Section 16 Application

[Open Meeting]

A/YL-KTN/549 Proposed Temporary Open Storage of Private Cars with Ancillary Offices for a Period of Three Years in “Agriculture” and “Village Type Development” Zones, Lots 1356 (Part), 1358 RP, 1359, 1360, 1361, 1371, 1373 and 1376 S.C in D.D. 109, Tai Kong Po, Yuen Long, New Territories
(RNTPC Paper No. A/YL-KTN/549)

71. The Committee noted that the applicant requested on 19.1.2017 for deferment of the consideration of the application for one month so as to allow time to address the comments from the Transport Department. It was the first time that the applicant requested deferment of the application.

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 one month was allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/719 Proposed Temporary Open Storage of Construction Machinery, Private Cars and Vehicle Parts for a Period of Three Years in "Other Specified Uses" annotated "Rural Use" Zone, Lots 395 RP and 398 RP in D.D. 106, Kam Sheung Road, Yuen Long, New Territories
(RNTPC Paper No. A/YL-KTS/719A)

73. The Secretary reported that the site was located in Kam Tin South. Ms Janice W.M. Lai had declared interest in the item as her family member owned a property in Kam Tin South area. The Committee noted that Ms Lai had left the meeting.

Presentation and Question Sessions

74. Ms Ivy C.W. Wong, STP/FSYLE, 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 machinery, private cars and vehicle parts for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. residential structures/dwellings, located to the east, west and southeast of the site and environmental nuisance was expected. The Project Manager (New Territories West), Civil Engineering and Development Department (PM/NTW, CEDD) advised that the site fell within one of the potential housing sites identified in the Land Use Review for Kam Tin South and Pat Heung. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one objecting public comments was received from an individual. The major objection grounds were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Although the applied use was not in line with the planning intention of the “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) zone, it was considered that the temporary planning permission would not frustrate the long-term planning intention of the “OU(RU)” zone. The development was considered not incompatible with the surrounding land uses which were mixed with open storage yards, warehouses, vehicle parking, residential structures, and vacant land. As previous approvals had been granted and there was no major change in the planning circumstances since the last planning approval, sympathetic consideration could be given to the current

application. Similar applications had also been approved by the Committee. The application was generally in line with Town Planning Board Guidelines No. 13E in that the site was the subject of previous planning approvals for various open storage uses since 1998 and no adverse comment on the current application from the relevant departments except DEP had been received. While DEP did not support the application, no public complaint had been received in the past three years. The concerns of DEP on the possible environmental nuisance generated by the proposed use could be addressed by incorporating suitable approval conditions and advisory clauses. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

75. Members had no question on the application.

Deliberation Session

76. After deliberation, the Committee decided to approve the application on a temporary basis for a period of three years until 3.2.2020, 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 dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities are allowed on the Site at any time during the planning approval period;
- (d) the maintenance of existing boundary fencing at all times during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from of public road

at any time during the planning approval period;

- (f) the implementation of the accepted drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 3.8.2017;
- (g) the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (h) the implementation of the accepted 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 3.8.2017;
- (i) the provision of fire extinguisher(s) within 6 weeks with a valid fire certificate (FS251) from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.3.2017;
- (j) the provision of accepted 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 3.8.2017;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e) 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 (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 Site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

set out at Appendix VII of the Paper.

Agenda Item 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/721 Proposed Temporary Shop and Services (Real Estate Agency, Pet Salon, Bicycle Retail Store and Convenience Store) for a Period of Three Years in “Residential (Group C)” Zone, Lots 341 (Part), 342 (Part) and 344 (Part) in D.D. 109, Kam Sheung Road, Kam Tin, Yuen Long, New Territories
(RNTPC Paper No. A/YL-KTS/721A)

78. The Secretary reported that the site was located in Kam Tin South. Ms Janice W.M. Lai had declared interest in the item as her family member owned a property in Kam Tin South area. The Committee noted that Ms Lai had left the meeting.

Presentation and Question Sessions

79. Ms Ivy C.W. Wong, STP/FSYLE, 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, pet salon, bicycle retail store and convenience store) 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 reservations on the application. Considering that *Leucaena leucocephala* was an invasive and self-seeded tree, he had no objection to remove all existing *Leucaena leucocephala*. However, the approval of the application would set an

undesirable precedent for temporary uses within the surrounding area, the accumulative effect of which would degrade the rural character of the “Residential (Group C)” (“R(C)”) zone and significant impact on the landscape was therefore anticipated. The Project Manager (New Territories West), Civil Engineering and Development Department (PM/NTW, CEDD) advised that the site fell within one of the potential housing sites identified in the Land Use Review for Kam Tin South and Pat Heung. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, two objecting public comments was received from the Incorporated Owners of Super King Court and an individual. The major objection grounds were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Although the applied use was not entirely in line with the planning intentions of the “R(C)” zone, it provided retail facility to serve some of the local needs of the neighbouring residential developments. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “R(C)” zone. The proposed use was considered not incompatible with the surrounding land uses. In view of its scale, it was unlikely to generate significant environmental nuisance to the nearby residential structures/dwellings. Relevant Government departments consulted had no adverse comment on the application. Approval conditions and advisory clauses were recommended to address the concerns of CTP/UD&L, PlanD and technical concerns of other concerned government departments. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

80. Members had no question on the application.

Deliberation Session

81. After deliberation, the Committee decided to approve the application on a temporary basis for a period of three years until 3.2.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 9:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site, as proposed by the applicant, at any time during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (d) the submission of a modification work proposal of the existing public footpath and associated street furniture at the proposed entrance to the east of the Site within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport and Director of Highways or of the TPB by 3.8.2017;
- (e) in relation to (d) above, the implementation of a modification work proposal of the existing public footpath and associated street furniture at the proposed entrance to the east of the Site within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport and Director of Highways or of the TPB by 3.11.2017;
- (f) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of Director of Drainage Services or of the TPB by 3.8.2017;
- (g) in relation to (f) above, the implementation of drainage proposal within

9 months from the date of planning approval to the satisfaction of Director of Drainage Services or of the TPB by 3.11.2017;

- (h) in relation to (g) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (i) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of Director of Planning or of the TPB by 3.8.2017;
- (j) in relation to (i) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of Director of Planning or of the TPB by 3.11.2017;
- (k) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.8.2017;
- (l) in relation to (k) above, the provision of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.11.2017;
- (m) if any of the above planning conditions (a), (b), (c) 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 (d), (e), (f), (g), (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;
- (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;

and

- (p) upon the expiry of the planning permission, the reinstatement of the existing public footpath and associated street furniture at the proposed entrance to the east of the Site should be at the applicant own cost to the satisfaction of the Commissioner for Transport and the Director of Highways or of the TPB.”

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

Agenda Item 36

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/727 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 1402 RP (Part) in D.D. 112, Shui Tsan Tin, Pat Heung, Yuen Long, New Territories
(RNTPC Paper No. A/YL-KTS/727)

83. The Secretary reported that the site was located in Kam Tin South. Ms Janice W.M. Lai had declared interest in the item as her family member owned a property in Kam Tin South area. The Committee noted that Ms Lai had left the meeting.

Presentation and Question Sessions

84. Ms Ivy C.W. Wong, STP/FSYLE, said that there was a typological error on page 1 of the Paper and the address of the application site should read as “Lot 1402 RP” instead of “Lot 1402 PR”. She then 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 - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site had potential for agricultural rehabilitation since it was part of a larger abandoned land and active agricultural activities could be found in the vicinity. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had some reservations on the application as the proposed development was away from the existing footpath and major village clusters, construction of additional access footpath would affect the surrounding land in the “Agriculture” (“AGR”) zone. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, five objecting comments were received from Kadoorie Farm & Botanic Garden Corporation, the Hong Kong Bird Watching Society and three individuals. The major objection grounds were set out in paragraph 11 of the Paper; and
- (e) the 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 and the site still had potential for agricultural rehabilitation. There was no strong planning justification in the submission for a departure from the planning intention of the “AGR” zone. The application did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the site and the footprint of the proposed Small House fell entirely outside the village ‘environs’ of Shui Tsan Tin and the “Village Type Development” (“V”) zone of concerned villages. Besides, there was still sufficient land available within the “V” zone to meet the outstanding Small House applications. 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 and there was no exceptional circumstance to justify approval of the application. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

85. Members had no question on the application.

Deliberation Session

86. 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 assessing planning applications for New Territories Exempted House (NTEH) – Small House development in that the proposed NTEH – Small House footprint falls entirely outside the village ‘environs’ of Shui Tsan Tin and the concerned “Village Type Development” (“V”) zone. Land is still available within the “V” zone of Shui Tsan Tin, Lin Fa Tei, Shui Lau Tin and Ngau Keng 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) approval of the application would set an undesirable precedent for similar application within the “AGR” zone. The cumulative effect of approving such application would lead to degradation of the rural character and environmental of the area.”

Agenda Item 37

Section 16 Application

[Open Meeting]

A/YL-ST/496 Proposed Temporary Shop and Services (Grocery Store) for a Period of Three Years in “Conservation Area” Zone, Lots 2 (Part), 3 (Part) and 4 (Part) in D.D. 99, Ha Wan Tsuen, San Tin, Yuen Long, New Territories
(RNTPC Paper No. A/YL-ST/496A)

87. The Committee noted that the applicant requested on 23.1.2017 for deferment of the consideration of the application for two months so as to allow time to address departmental comments, in particular those from the Director of Environmental Protection. It was the second time that the applicant requested deferment of the application. According to the applicant, he had sought comments from his environmental consultants on the proposed development since the last deferment and additional time was required to address the departmental comments.

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

[Mr Philip S.L. Kan left the meeting at this point.]

Agenda Item 38

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/499 Proposed Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of Three Years in “Village Type Development” Zone, Lots 127(Part) and 214(Part) in D.D. 102, San Tin, Yuen Long, New Territories
(RNTPC Paper No. A/YL-ST/499)

Presentation and Question Sessions

89. 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 temporary eating place (outside seating accommodation of a restaurant) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Although the applied

use was not entirely in line with the planning intention of the “Village Type Development” (“V”) zone, it could meet the local demand for eating place in the vicinity. The applied use was not incompatible with the surrounding uses and the rural character of the area and generally in line with the Town Planning Board Guidelines No. 15A in that the applied use which was temporary in nature would not adversely affect the land availability for village type development within the “V” zone. In view of the scale of the applied use, it was also not expected to create significant adverse traffic, environmental and sewerage impacts and no objection from local residents was received. The site also fell within the Wetland Buffer Area under the Town Planning Board Guidelines No. 12C and the Director of Agriculture, Fisheries and Conservation had no comment on the application as the site was built-up and disturbed. Concerned government departments had no objection to or adverse comment on the application.

90. Members had no question on the application.

Deliberation Session

91. After deliberation, the Committee decided to approve the application on a temporary basis for a period of three years until 3.2.2020, 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 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) 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 3.8.2017;
- (c) in relation to (b) 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 3.11.2017;

- (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 3.8.2017;
- (e) in relation to (d) 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 3.11.2017;
- (f) if the above planning condition (a) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (g) if any of the above planning conditions (b), (c) (d) or (e) 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.”

92. 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 Jeff K.C. Ho, Ms Ivy C.W. Wong and Ms Emily P.W. Tong, STPs/FSYLE, for their attendance to answer Members’ enquiries. Mr Ho, Ms Wong and Ms Tong left the meeting at this point.]

Tuen Mun and Yuen Long West District

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

Agenda Item 39

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/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 Three 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-LTY Y/314A)

Presentation and Question Sessions

93. Miss Lucille L.S. Leung, 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 recycling materials (plastic and scrap metal) with ancillary parking spaces for heavy goods vehicles and container vehicles 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 it was anticipated that the operation of the temporary development including material delivery as well

as loading/unloading involving heavy vehicles would cause environmental nuisance to the residential uses surrounding the site and adjacent to the access road to the site. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as the character of the “Green Belt” (“GB”) and landscape resources had been adversely impacted by the unauthorised developments. Approval of the application might set an undesirable precedent which would likely attract other incompatible uses to the “GB” and encourage others to form the site prior to obtaining planning approval. The Director of Agriculture, Fisheries and Conservation (DAFC) had no comment on the application from the perspective of nature conservation but advised that ‘destroy first, build later’ planning applications should not be encouraged as it might set undesirable precedent for future applications. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, 12 comments were received, including two supporting comments submitted by the same member of the Tuen Mun District Council (TMDC) and 10 objecting comments submitted by Kadoorie Farm and Botanic Garden Corporation, World Wide Fund for Nature Hong Kong, a member of TMDC and individuals. The major supporting/objection grounds were set out in paragraph 11 of the Paper; and
- (e) the PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The current application was a “Destroy First, Build Later” case. Vegetation clearance had taken place since 2010. The temporary warehouse under application involving erection of extensive structures (1,147m² or about 38% of the site) was not in line with the planning intention of the “GB” zone. There was no strong planning justification for a departure from the planning intention, even on a temporary basis. The site was surrounded mainly by orchards, cultivated/fallowed agricultural land, residential dwellings and unused land. The proposed development was considered incompatible with the

predominately rural character of the surrounding areas. Whilst there were open storage yards and vehicle parks in the vicinity, some of them were suspected unauthorised developments subject to enforcement action by the Planning Authority. The applicant failed to demonstrate that the development would not cause environmental nuisances to the surrounding residential uses. According to the Town Planning Board Guidelines No. 10, there was a general presumption against development within the “GB” zone, and new developments would only be considered in exceptional circumstances and must be justified with very strong planning grounds. The Committee/Town Planning Board had not approved any similar applications within the same “GB” zone and approving the application could be misread by the public as acquittal of the ‘destroy first’ actions, would encourage similar unauthorised development involving vegetation clearance and extensive structures and would set an undesirable precedent. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

94. Members had no question on the application.

Deliberation Session

95. 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 “Green Belt” (“GB”) zone, which is to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl, as well as to provide passive recreational outlets. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the development is not in line with the Town Planning Board Guidelines No. 10 for Application for Development within the “GB” zone in that the development is not compatible with the surrounding rural areas mainly

comprising orchards, cultivated/fallowed agricultural land, residential dwellings and unused land and would affect the existing natural landscape;

- (c) the applicant fails to demonstrate that the development would not cause adverse environmental impacts on the surrounding areas; and
- (d) approving the application would set an undesirable precedent for similar applications within the “GB” zone, and the cumulative effect of which would result in a general degradation of the rural environment and landscape quality of the area.”

Agenda Item 40

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/325 Renewal of Planning Approval for Temporary Edible Ice Manufacturing Plant for a Period of Three Years in “Residential (Group E)” Zone, Lot 407 (Part) in D.D.130 and Adjoining Government Land, Lam Tei, Tuen Mun, New Territories
(RNTPC Paper No. A/TM-LTY Y/325)

Presentation and Question Sessions

96. Miss Lucille L.S. Leung, 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 edible ice manufacturing plant under application No. A/TM-LTY Y /275 for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or

no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, one supporting comment was received from a Tuen Mun District Council (TMDC) Member on the condition that there would be no blockage of traffic on Ng Lau Road; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Although the development was not in line with the planning intention of the “Residential (Group E)” (“R(E)”) zone, there was currently no immediate development proposal at the site and approval of the application on a temporary basis for three years would not jeopardise the long-term planning intention of the “R(E)” zone. Whilst there were residential dwellings to the immediate east of the site, the Director of Environmental Protection had no objection to the application and there was no environmental related complaint record related to the site in the past three years. The application was in line with Town Planning Board Guidelines No. 34B in that there had been no change in planning circumstances since the previous temporary approval, there was no adverse planning implication arising from the renewal of the planning approval and the applicant had complied with all approval conditions under the previous approval.

97. Members had no question on the application.

Deliberation Session

98. After deliberation, the Committee decided to approve the application on a temporary basis for a period of three years from 8.3.2017 to 7.3.2020, 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) only light goods vehicles with valid license issued under the Road Traffic Ordinance, as proposed by the applicant, are allowed to access and park at the Site at any time during the planning approval period;
- (c) the existing trees on the Site shall be maintained at all times during the approval period to the satisfaction of the Director of Planning or the TPB;
- (d) the existing drainage facilities on the Site shall be maintained at all times during the approval period;
- (e) the submission of a condition record of existing drainage facilities within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 8.6.2017;
- (f) the submission of proposal for water supplies for firefighting and fire service installations within 6 months from the date of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.9.2017;
- (g) in relation to (f) above, the implementation of proposal on water supplies for firefighting and fire service installations within 9 months from the date of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.12.2017;
- (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 application Site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 41

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

Presentation and Question Sessions

100. Miss Lucille L.S. Leung, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary place of recreation, sports or culture (hobby farm) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper . The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application. He noted that the site was once a large fish pond and it was involved in previous cases of

unauthorised pond filling activities in early/mid 2016. The proposed greenhouse structures would inevitably require further filling of the remaining pond within the site whilst tree felling might also be required for the proposed access road. That pond together with the nearby ponds/wetlands in the area were likely to provide roosting/foraging habitats for waterbirds and/or other wetland-dependent fauna. From ecological perspective, the filled area should be properly reinstated to pond habitat. While the proposed store room was related to agricultural use, its size was substantially larger than general agricultural storeroom in local farm. The Director of Environmental Protection (DEP) did not support the application as there was no information in the applicant's submission to demonstrate that no adverse water quality impact would be resulted. He also advised that there were two substantiated environmental complaints of suspected illegal dumping at the site received in 2016, and two prosecutions under the environmental laws, of which one had already been convicted. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) did not support to the application as the information provided by the applicant had not satisfactorily addressed his comments on number of visitors to the site; the number of parking spaces provided for visitors as well as the estimated time of trips generated from and attracted by the proposed use. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) also objected to the application and advised that the site was a fish pond surrounded by existing trees in 2015 and it was partially filled subsequently, which had caused adverse landscape impact. According to the submitted layout plan, the fish pond would be filled and the existing trees along the site boundary would be affected, yet information on the treatment of the trees, and the number of trees to be affected and compensated had not been provided. Approval of the application might encourage other similar applications and unauthorised site formation activities. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, five objecting comments were received from Kadoorie Farm & Botanic Garden

Corporation, World Wide Fund for Nature Hong Kong, the Hong Kong Bird Watching Society, Designing Hong Kong and an individual. The major objection grounds were set out in paragraph 10 of the Paper; and

- (e) the PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The subject application was mostly within “Agriculture” (“AGR”) zone (about 98.47%) on the OZP. The northern part of the pond at the site had been filled without planning permission and was subject to active planning enforcement action with Reinstatement Notice issued on 24.10.2016. Although the applicant claimed that the no further pond filling would be involved, there was no information to show how the proposed structure would be constructed without any pond filling after the reinstatement of the pond and no assessment was submitted on the potential impact caused by the filling of pond. DAFC did not support the application and considered that the fish ponds should be reserved for fish culture purpose. As such, there was no strong planning justification for a departure from the planning intention, even on a temporary basis. Other departments also did not support or objected to the application from water quality, traffic and the landscape planning perspectives. The application was a “Destroy First, Build Later” case and the application should not be assessed based on the “destroyed” state of the site. The similar application (No. A/YL-PN/35) for hobby farm approved within the same “AGR” zone did not involve pond filling activities and no adverse traffic, landscape, drainage and environmental impacts were envisaged. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

101. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the applicant fails to demonstrate that the proposed development would not generate adverse ecological, landscape, traffic and environmental impacts on the surrounding areas; and
- (c) approving the application would set an undesirable precedent for similar applications involving pond filling within the “AGR” zone, and the cumulative effect of which would result in a general degradation of the rural environment and landscape quality of the area.”

Agenda Item 42

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/532 Proposed Public Utility Installation (Electricity Package Substation) and associated Excavation and Filling of Land in “Village Type Development” Zone, Government Land near Lot 277 in D.D. 122, Ping Shan Nam Pak Road, Hang Tau Tsuen, Ping Shan, Yuen Long, New Territories

(RNTPC Paper No. A/YL-PS/532)

103. The Secretary reported that the application was submitted by CLP Power Hong Kong Limited (CLP), which was a subsidiary of CLP Holdings Limited. The following Members had declared interests in this 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 has
obtained sponsorship from CLP before.

104. The Committee noted that Mr Stephen L.H. Liu and Mr Alex T.H. Lai had tendered apologies for being unable to attend the meeting. The Committee also agreed that as the interests of Ms Christina M. Lee was remote, she could stay in the meeting.

105. The Committee noted that a set of replacement pages (pages 1 and 4 of the Paper and Appendix III), rectifying the land status of the site and reflecting the latest comments from Lands Department were tabled at the meeting.

Presentation and Question Sessions

106. Miss Lucille L.S. Leung, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed public utility installation (electricity package substation) and associated excavation and filling of land;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received; 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 required to provide electricity supply to the nearby villages of Hang Tau Tsuen and Sheung Cheung Wai. According to the District Lands Officer/Yuen Long, Lands Department, there was no Small House application received or under processing within the site. The proposed electricity package substation was small in scale and not incompatible with the surrounding uses. The associated excavation of land also would not cause any significant adverse impact on the surrounding areas. Relevant government departments had no objection to or no adverse comment on the application.

107. Members had no question on the application.

Deliberation Session

108. 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 3.2.2021, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

“ the provision of water supplies for firefighting and fire service installations to the satisfaction the Director of Fire Services or of the TPB.”

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

Agenda Item 43

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/1063 Temporary Open Storage of Scrap Metal and Plastic for a Period of Three Years in “Comprehensive Development Area” Zone, Lots 2938 RP (Part), 2939 RP, 2940 RP (Part), 2946, 2947 (Part), 2950 S.B (Part) and 2950 RP (Part) in D.D. 129, Ha Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-HT/1063)

110. The Secretary reported that Ms Janice W.M. Lai had declared an interest in the item as her spouse was a shareholder of a company which owned two pieces of land in Ha Tsuen. The Committee noted that Ms Lai had already left the meeting.

Presentation and Question Sessions

111. 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 and plastic 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 about 22m away and along the access road (Lau Fau Shan Road) and environmental nuisance was expected. 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, no public comment was received; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. While the proposed use was not in line with the planning intention of the “Comprehensive Development Area” zone, 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 land uses predominantly occupied by open storage yards, vehicle repair workshop and logistics centre. The proposed development was generally in line with the Town Planning Board Guidelines 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 technical concerns of relevant government departments could be addressed through the implementation of approval conditions. While DEP did not support the application, there was no environmental complaint pertaining to the site in the past three years. Relevant approval conditions had been recommended to address the technical concerns of the concerned government departments.

112. Members had no question on the application.

Deliberation Session

113. After deliberation, the Committee decided to approve the application on a temporary basis for a period of three years until 3.2.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

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

- (c) no vehicle is allowed to queue back to or reverse onto/from the public road at any times during the planning approval period;
- (d) the existing boundary fencing on Site shall be maintained at all times during the planning approval period;
- (e) the existing drainage facilities on Site shall be maintained at all times during the planning approval period;
- (f) the submission of a condition record of existing drainage facilities within 3 months to the satisfaction of the Director of Drainage Services or of the TPB by 3.5.2017;
- (g) the submission of run in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 3.8.2017;
- (h) in relation to (g) above, the implementation of the run in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 3.11.2017;
- (i) the submission of the tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 3.8.2017;
- (j) in relation to (i) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 3.11.2017;
- (k) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.3.2017;

- (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 3.8.2017;
- (m) in relation to (l) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.11.2017;
- (n) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (o) if any of the above planning conditions (f), (g), (h), (i), (j), (k), (l) or (m) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (p) upon expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

[Mr H.F. Leung left the meeting at this point.]

Agenda Item 44

Section 16 Application

[Open Meeting]

A/YL-HT/1064

Proposed Temporary Road Repair Workshop and Storage of Construction Materials with Ancillary Vehicle Repairing and Office for a Period of Three Years in “Agriculture” Zone, Lots 126 (Part), 127 and 128 in D.D. 128 and Adjoining Government Land, Deep Bay Road, Ha Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-HT/1064)

115. The Secretary reported that Ms Janice W.M. Lai had declared an interest in the item as her spouse was a shareholder of a company which owned two pieces of land in Ha Tsuen. The Committee noted that the applicant had requested deferral of consideration of the application and Ms Lai had already left the meeting.

116. The Committee noted that the applicant requested on 20.1.2017 for deferment of the consideration of the application for two months so as to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

117. 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 45

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/391 Social Welfare Facility (Residential Care Home for Persons with Disabilities) in “Village Type Development” Zone, Lots 130 S.A, 130 S.B, 130 S.C, 130 S.D, 130 S.E and 130 RP in D.D. 118, Nam Hang Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TT/391)

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 social welfare facility (residential care home for persons with disabilities (RCHD));
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Social Welfare (DSW) advised that under the Residential Care Homes (Persons with Disabilities) Ordinance, the operation of the RCHD must comply with the statutory requirements in respect of management, health care services, building and fire safety so as to ensure the site is suitable for the operation of a RCHD. The Director of Environmental Protection (DEP) had no objection to the application and considered that the public concerns on potential noise nuisance could be addressed by proper management of the operation of the proposed RCHD. For the public concerns on sewerage discharge, discharge from the site should be directed to nearby public sewer and a septic tank and soak-away pit should be provided if public sewer was unavailable. 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, three public comments, including two objecting comments from villagers of Nam Hang Tsuen and local residents as well as one comment from an individual raising concerns, were received. The major objection grounds/concerns raised were set out in paragraph 10 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessments set out in paragraph 11 of the Paper. According to the Director of Social Welfare, the RCHD had been in operation since 1995. Although the RCHD was not entirely in line with the planning intention of the “Village Type Development” zone, it could provide residential care home services to person with disabilities and might warrant sympathetic consideration. The subject RCHD, involving conversion of 5 existing 3-storey New Territories Exempted Houses, was considered not incompatible with the surrounding areas which were mainly village houses. Concerned government departments had no objection to or adverse comment on the application. Significant adverse traffic, environmental, landscape, sewerage and drainage impact on the surrounding areas was not anticipated. Appropriate approval conditions were recommended to address the technical requirements of concerned government departments. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

119. Members had no question on the application.

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 3.2.2021, 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 of records of the existing drainage facilities on the Site within 3 months to the satisfaction of the Director of Drainage Services or of the TPB by 3.5.2017;
- (b) the submission of fire service installations proposal within 6 months to the satisfaction of the Director of Fire Services or of the TPB by 3.8.2017;
- (c) in relation to (b) above, the implementation of fire service installations proposal within 9 months to the satisfaction of the Director of Fire Services or of the TPB by 3.11.2017; and
- (d) if any of the above planning conditions (a), (b) or (c) 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.”

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

[Mr Martin W.C. Kwan, Chief Engineer (Works), Home Affairs Department, left the meeting at this point.]

Agenda Item 46

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/397 Temporary Office and Vehicle Park for Company Cars for a Period of
Three Years in “Open Space” Zone, Lots 2865 RP and 2990 in D.D.
120, Tin Liu Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TT/397)

Presentation and Question Sessions

122. 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) temporary office and vehicle park for company cars 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 some reservations on the application. He noted that the site was originally vegetated with trees and shrubs in the period between 2013 and 2015 but was subsequently formed. Approval of the application would set an undesirable precedent encouraging similar applicants to clear vegetation and form the sites prior to obtaining planning permission. 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, two objecting comments from local villagers and an individual were received. The major objection grounds/concerns raised were set out in paragraph 10 of the Paper; and
- (e) the PlanD's views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. While the proposed development was not in line with the planning intention of the “Open Space” (“O”) zone, the Director of Leisure and Cultural Services advised that there was no plan to develop the site into public open space at the moment. As such, approval of the application on a temporary basis would not jeopardise the long-term planning intention of the “O” zone. The proposed development and its scale were not incompatible with the surrounding uses which were rural fringe in character with major road network (i.e. Yuen Long Highway), residential structures, car park, open storage and vehicular repair workshop.

Regarding CTP/UD&L, PlanD's concern on landscape aspect, approval conditions on the submission and implementation of submission and implementation of a landscape and tree preservation proposal were recommended. Other government departments had no objection to or adverse comment on the application. Significant adverse traffic, environmental, drainage and sewerage impacts on the surrounding areas were not anticipated. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

123. Members had no question on the application.

Deliberation Session

124. After deliberation, the Committee decided to approve the application on a temporary basis for a period of three years until 3.2.2020, 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 11:00 a.m., as proposed by the applicant, is allowed on the Site during the approval period;
- (b) no operation between 5:00 p.m. and 7:00 p.m. on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the approval period;
- (c) no vehicle without valid license issued under the Road Traffic Ordinance is allowed to be parked/stored on the Site during the planning approval period;
- (d) no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes), including container trailers/tractors, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on the site during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at

any time during the planning approval period;

- (f) the provision of 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 3.8.2017;
- (g) to 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 3.8.2017;
- (h) in relation to (g) above, the implementation of the run-in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 3.11.2017;
- (i) the submission of landscaping 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 3.8.2017;
- (j) in relation to (i) above, the implementation of the landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 3.11.2017;
- (k) the submission of drainage proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 3.8.2017;
- (l) in relation to (k) 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 3.11.2017;
- (m) in relation to (l) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (n) the submission of a fire service installations proposal within 6 months from

the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.8.2017;

- (o) in relation to (n), 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 3.11.2017;
- (p) if any of the above planning conditions (a), (b), (c), (d), (e) or (m) 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;
- (q) if any of the above planning conditions (f), (g), (h), (i), (j), (k), (l), (n) or (o) 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
- (r) 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.”

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

Agenda Item 47

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/789 Temporary Eating Place with Ancillary Parking Spaces for a Period of Three Years in “Residential (Group B) 1” Zone, Lots 1355 RP and 1356 RP (Part) in D.D. 121, Tong Yan San Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TYST/789C)

Presentation and Question Sessions

126. 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 eating place with ancillary parking spaces for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication periods, two objecting public comments was received from a Yuen Long District Council Member and an individual. The major objecting grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. The application was to use the vacant ex-Wai Kwan Primary School for temporary eating place with ancillary parking spaces for a period of three years. Although the proposed development was not entirely in line with the planning intention of the “Residential (Group B)1” (“R(B)1”) zone, it could provide eating facility to serve such demand in the area. Approval of the application on a temporary basis would not jeopardise the long-term development of the site. The proposed eating place was considered not incompatible with the surrounding areas which was rural in character. It only involved internal conversion of the existing free-standing single-storey structures and was not expected to generate significant environmental, traffic, landscape and drainage impacts. Concerned government departments had no objection

to or no adverse comment on the application. The site was the subject of two approved previous applications (No. A/YL-TYST/674 and 740) for the same use which were revoked due to non-compliance with approval conditions on the run-in/out, landscape and tree preservation proposals and fire service installations proposals. The current application was submitted by the same applicant for the same use and the applicant claimed that he was committed to fulfilling all the approval conditions imposed as well as constructing a fire service water tank and installing hose reel and sprinklers inside the eating place. In this regard, sympathetic consideration might be given. Taking into account that the subject eating place was already in operation, shorter compliance periods were recommended in order to closely monitor the progress on compliance with associated approval conditions. Moreover, the applicant should be advised that should he fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration might not be given to any further application. Regarding the public comment, the comments of government departments and planning assessments above were relevant.

127. Members had no question on the application.

Deliberation Session

128. The Committee noted that the eating place at the site was currently in operation. A run-in/out had already been provided at the site but the Highways Department advised that the run-in/out should be constructed in accordance with the latest version of Highways Standard Drawings. The applicant had also submitted a tree preservation and landscape proposal which had been accepted by the Chief Town Planner/Urban Design and Landscape, Planning Department. While the applicant had submitted a fire service installation (FSI) proposal, the Director of Fire Services had yet to accept the proposal.

129. A Member considered that the approval period of three years might be too long given the previous planning permissions were revoked due to non-compliance with approval conditions and there was doubt on whether there would be adequate control to ensure that the approval conditions would be fulfilled by the applicant. Another Member noted that the

restaurant was still in operation after the planning permission had been revoked. In response to a Member's concern, the Chairman remarked that according to the Paper, the site was subject to enforcement action by the Planning Authority (PA) and an Enforcement Notice had been issued. It would be for PA to decide whether to continue the enforcement/prosecution action should the application be approved. The Secretary supplemented that in considering an application with previously revoked planning permission, the Committee would take into account whether the applicant had made an effort in complying with the previous approval conditions such as by submitting relevant technical proposals. Shorter compliance period could be stipulated so as to closely monitor progress on compliance with the approval conditions and the applicant would also be advised that further approval might not be given if the planning permission was revoked again due to non-compliance with the approval conditions. In response to a Member's enquiry on whether the compliance periods as recommended in the Paper could be further shortened, the Secretary replied that there might be practical difficulties for the applicant to comply with the approval conditions if the compliance period was less than 3 months.

130. A Member was concerned that if the planning permission was revoked again there might be no practical way to stop the applicant from continue using the site as an eating place. The Chairman explained that the use without planning permission would be considered as an unauthorised development and subject to enforcement/prosecution actions. Should the Committee decide to approve the application, the applicant would be reminded to strictly comply with the approval conditions and no further approval would be given if the planning permission was revoked again.

131. Some Members noted that the applicant had not implemented the FSI proposals all along, and enquired whether the applicant had made genuinely effort in complying with the approval conditions. The Committee noted that the departmental comments on the submitted run-in/out and FSI proposals were generally minor in nature, and the applicant should be able to address these comments within a short period.

132. After deliberation, the Committee decided to approve the application on a temporary basis for a period of three years until 3.2.2020, 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 12:00 p.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no outdoor seating accommodation, as proposed by the applicant, is allowed at the Site at any time during the planning approval period;
- (c) no sound or audio equipments are allowed to be used in the open areas of the Site, as proposed by the applicant, at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the submission of run-in/out proposal within 3 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 3.5.2017;
- (f) in relation to (e) above, the provision of run-in/out within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 3.8.2017;
- (g) the implementation of the accepted 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 3.8.2017;
- (h) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.5.2017;
- (i) in relation to (h) above, the implementation of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.8.2017;
- (j) 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;

(k) if any of the above planning conditions (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 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.”

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

Agenda Item 48

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/822 Temporary Warehouse for Storage of Machinery and Spare Parts with Ancillary Site Office for a Period of Three Years in “Undetermined” Zone, Lots 805 RP (Part) and 806 RP (Part) in D.D. 117 and Adjoining Government Land, Kung Um Road, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TYST/822)

Presentation and Question Sessions

134. 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 machinery and spare parts with

ancillary site office for a period of three years;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were there were sensitive receivers of residential uses nearby and environmental nuisance was expected. 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, no public comment was received; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. The development was not in conflict with the planning intention of the “Undetermined” zone. Although the use of the area was now being reviewed under the Planning and Engineering Study for Housing Sites in Yuen Long South, 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 mainly consisted of warehouses/storages, open storage yards and vehicle repair workshops. While DEP did not support the application, there was no substantiated environmental complaint concerning the site in the past three years. In this regard, approval conditions and advisory clauses were recommended to address the concerns on the technical requirements of the concerned government departments.

135. Members had no question on the application.

Deliberation Session

136. After deliberation, the Committee decided to approve the application on a temporary basis for a period of three years until 3.2.2020, 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 9:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no open storage, as proposed by the applicant, is allowed on the application site at any time during the planning approval period;
- (d) no packaging, repairing, cleaning, dismantling or other workshop activities, as proposed by the applicant, shall be carried out on the application site at any time during the planning approval period;
- (e) no medium or 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 park/store on or enter/exit the application site 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 drainage facilities on the Site shall be maintained at all times during the planning approval period ;
- (h) the submission of records of the existing drainage facilities on the Site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 3.5.2017;
- (i) the submission of run-in/out proposal at Kung Um Road within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 3.8.2017;
- (j) in relation to (i) above, the provision of run-in/out at Kung Um Road within

9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 3.11.2017;

- (k) the implementation of the accepted tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction the Director of Planning or of the TPB by 3.8.2017;
- (l) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.8.2017;
- (m) in relation to (l) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.11.2017;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (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;
- (o) if any of the above planning conditions (h), (i), (j), (k), (l) or (m) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (p) upon 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.”

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

Agenda Item 49

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/823 Temporary Warehouse for Storage of Furniture with Ancillary Office for a Period of Three Years in “Undetermined” Zone, Lots 961 S.C (Part), 962 (Part) and 970 (Part) in D.D. 119, Pak Sha Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TYST/823)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary warehouse for storage of furniture with ancillary office for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were there were sensitive receivers of residential uses nearby and environmental nuisance was expected. 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, one objecting public comment was received from an individual. The major objecting grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. The development was

not in conflict with the planning intention of the “Undetermined” zone. Although the use of the area was being reviewed under the Planning and Engineering Study for Housing Sites in Yuen Long South, 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 mainly consisted of warehouses/storages, open storage yards and vehicle repair workshops. While DEP did not support the application, there was no environmental complaint concerning the site in the past three years. In this regard, approval conditions and advisory clauses were recommended to address the concerns on the technical requirements of the concerned government departments. The previous application (No. A/YL-TYST/624) for the same applied use on the site was revoked due to non-compliance with approval conditions on submission/implementation of drainage and fire service installations (FSI) proposals. For the current application, the applicant had submitted a FSI plan and drainage plan. Sympathetic consideration might be given to the current application. However, shorter compliance periods were recommended in order to closely monitor the progress on compliance with the approval conditions. Should the application be approved, the applicant should also be advised that should he fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration might not be given to any further application. Regarding the public comment, the comments of government departments and planning assessments above were relevant.

139. Members had no question on the application.

Deliberation Session

140. After deliberation, the Committee decided to approve the application on a temporary basis for a period of three years until 3.2.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

“(a) no operation between 6:00 p.m. and 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 packaging, repairing, maintenance or other workshop activities, as proposed by the applicant, shall be carried out on the application site at any time during the planning approval period;
- (d) no heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to enter/exit the application site at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the submission of a revised drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 3.5.2017;
- (g) in relation to (f) above, the implementation of the drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 3.8.2017;
- (h) in relation to (g) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (i) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.5.2017;
- (j) in relation to (i) above, the implementation of fire service installations proposal within 6 months from the date of planning approval to the

satisfaction of the Director of Fire Services or of the TPB by 3.8.2017;

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

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

Agenda Item 50

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/824 Temporary Shop and Services (Real Estate Agency) and Eating Place
for a Period of Three Years in “Residential (Group B) 1” Zone, Lot 293
RP (Part) in D.D. 127, Hung Shun Road, Hung Shui Kiu, Yuen Long,
New Territories
(RNTPC Paper No. A/YL-TYST/824)

142. The Committee noted that a set of replacement pages (page 5 of the Paper and page 1 of Appendix V), reflecting the latest comments from Lands Department, were tabled at the meeting.

Presentation and Question Sessions

143. 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 shop and services (real estate agency) and eating place for a period of three years;
- (c) departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the applications;
- (d) during the first three weeks of the statutory publication periods, 14 public comments objecting/providing views on the application were received from the Incorporated Owners of the Woodville and individuals. The major objecting grounds/views provided were set out in paragraph 10 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Although the proposed development was not entirely in line with the planning intention of the “Residential (Group B)1” (“R(B)1”) zone, it could provide real estate services and eating facility to serve any such demand in the area. As there was no programme for residential development at the site, approval of the application on a temporary basis would not frustrate the long-term use of the area. The proposed development was considered not incompatible with the surrounding environment. In view of its small scale and temporary nature, the proposed development was not expected to generate significant environmental, traffic, landscape and drainage impacts on the surrounding areas. Relevant departments consulted had no adverse comments on the application. Approval conditions and advisory clauses were also recommended for addressing the technical requirements of the concerned departments. The last two planning permissions under applications No. A/YL-TYST/569 and 755 for the same use were revoked due to non-compliance with approval conditions. For the current application, the applicant had submitted drainage and landscape proposals. In view of the above, sympathetic consideration might be given to the application. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

144. In response to a Member's enquiry, Mr Alan Y.L. Au, STP/TMYLW, said that the site did not form part of the adjacent private residential development. Approval of the planning permission for the temporary shop and services would not result in the breaching of the plot ratio restriction of the subject “R(B)1” zone.

Deliberation Session

145. After deliberation, the Committee decided to approve the application on a temporary basis for a period of three years until 3.2.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 9:30 p.m. and 9:30 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no parking of vehicles, as proposed by the applicant, is allowed on the Site at any time during the planning approval period;
- (c) the submission of tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 3.8.2017;
- (d) in relation to (c) 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 3.11.2017;
- (e) the implementation of the accepted drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 3.8.2017;
- (f) in relation to (e) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (g) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.8.2017;
- (h) in relation to (g) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.11.2017;
- (i) if any of the above planning conditions (a), (b) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;

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

146. 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 Miss Lucille L.S. Leung, Mr Vincent T.K. Lai and Mr Alan Y.L. Au, STPs/TMYLW, for their attendance to answer Members’ enquiries. Miss Leung, Mr Lai and Mr Au left the meeting at this point.]

Agenda Item 51

Any Other Business

147. There being no other business, the meeting closed at 6:15 p.m..