

## **TOWN PLANNING BOARD**

### **Minutes of 574<sup>th</sup> Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 17.2.2017**

#### **Present**

Director of Planning  
Mr Raymond K.W. Lee

Chairman

Professor K.C. Chau

Dr F.C. Chan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Mr Alex T.H. Lai

Mr Stephen L.H. Liu

Miss Winnie W.M. Ng

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

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

Assistant Director (Environmental Assessment),  
Environmental Protection Department  
Mr K.F. Tang

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

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

Secretary

**Absent with Apologies**

Mr H.W. Cheung

Vice-chairman

Mr Ivan C.S. Fu

Ms Janice W.M. Lai

Ms Christina M. Lee

Mr H.F. Leung

Dr C.H. Hau

Dr Lawrence K.C. Li

**In Attendance**

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

Chief Town Planner/Town Planning Board  
Ms Sally S.Y. Fong

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

**Agenda Item 1**

Confirmation of the Draft Minutes of the 573<sup>rd</sup> RNTPC Meeting held on 3.2.2017

[Open Meeting]

1. The draft minutes of the 573<sup>rd</sup> RNTPC meeting held on 3.2.2017 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

2. The Secretary reported that on 13.1.2017, Members were informed of an email received from a member of the public expressing concern on the minutes of the Rural and New Town Planning Committee (PC) meeting on 9.12.2016, which did not include a gist of public comments on the cases but only made reference to the relevant paragraph in paper. The Committee noted that Town Planning Board (TPB)/PC papers were available for public viewing in the Planning Enquiry Counters of the Planning Department for at least three months. The audio recording of the proceedings of meetings was also available on the TPB's website. Members were fully aware of the public comments received during the publication of the application, which had been included in the respective TPB/PC papers, and the public comments were also available for public viewing. As such, it was not necessary to recapitulate the details of public comments in the minutes of meeting, which was not intended to be verbatim. Members agreed that the Secretariat would reply to that member of the public. A reply was issued by the Secretariat on 24.1.2017 accordingly.

3. The Secretary went on to say that an email from another member of the public had subsequently been received enclosing a letter dated 1.2.2017 addressed to the Chairman of the TPB (which was tabled at the meeting), echoing the concern of not including details of the public views in the minutes of meeting. As the subject matter had been considered by the Committee and no new points were raised, subject to Members' agreement, the Secretariat would reply along the above lines.

4. After deliberation, the Committee agreed that the Secretariat would reply to that member of the public accordingly.

### **Sai Kung and Islands District**

#### **Agenda Item 3**

##### **Section 12A Application**

[Open Meeting (Presentation and Question Sessions only)]

Y/I-DB/2                      Application for Amendment to the Approved Discovery Bay Outline Zoning Plan No. S/I-DB/4, To rezone the application site from “Other Specified Uses” annotated “Staff Quarters (5)” to “Residential (Group C) 12”, Area 6f, Lot 385 RP and Ext. (Part) in D.D. 352, Discovery Bay, Lantau Island, New Territories  
(RNTPC Papers No. Y/I-DB/2B and Y/I-DB/2C)

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[The item was conducted in English and Cantonese.]

5. The Secretary reported that the application site was located in Discovery Bay and the application was submitted by Hong Kong Resort Company Limited (HKRCL), which was a subsidiary of HKR International Limited. Masterplan Limited (Masterplan), Urbis Limited (Urbis) and Ove Arup & Partners Hong Kong Limited (Arup) were three of the consultants of the applicant. The following Members had declared interests on the item:

- |                     |   |   |
|---------------------|---|---|
| Mr Ivan C.S. Fu     | - | having current business dealings with HKRCL, Masterplan, Urbis and Arup;                                |
| Mr Stephen L.H. Liu | - | having current business dealings with HKRCL;  |
| Ms Janice W.M. Lai  | - | having current business dealings with Urbis;  |
| Mr Alex T.H. Lai    | - | his firm handling matters involving HKRCL and having current business dealings with Urbis and Arup; and |
| Dr Lawrence K.C. Li | - | co-owning with spouse a flat in Discovery Bay.  |

6. The Committee noted that Mr Ivan C.S. Fu, Ms Janice W.M. Lai and Dr Lawrence K.C. Li had tendered apologies for being unable to attend the meeting and Mr Stephen L.H. Liu had not yet arrived to join the meeting. As Mr Alex T.H. Lai had no involvement in the application, the Committee agreed that he could stay in the meeting.

7. The Secretary also reported and Members noted that on 15.2.2017, the Secretariat received an email from a member of the public expressing the views that it was inappropriate for any Member owning property in Discovery Bay to remain and participate in the deliberations on any item involving Discovery Bay.

8. The Chairman then drew Members' attention that two Papers were dispatched to Members for the item, one of them was a paper on the request for deferment by the Planning Department (PlanD) and the other one was the substantive paper for the application. PlanD requested deferment of the consideration of the application so that the application could be considered together with another s.12A rezoning application (No. Y/I-DB/3) in Discovery Bay scheduled for consideration on 28.4.2017, which was submitted by the same applicant. On 14.2.2017, the applicant's representative wrote to the Secretariat and objected to the deferral of the application. A copy of the applicant's letter was tabled at meeting for Members' consideration. The Committee had to decide whether or not to accede to PlanD's request to defer consideration of the subject application.

9. The following representatives from PlanD and the representatives of the applicant were invited to the meeting at this point:

Ms. Donna Y.P. Tam - District Planning Officer/Sai Kung and Islands (DPO/SKIs);

Mr Richard Y.L. Siu - Senior Town Planner/Sai Kung and Islands (STP/SKIs); and

HKRCL

Mr Clarence Leung

Mr William Cheung

Mr Simon Chau

} Applicant's representatives

<u>Masterplan</u> Mr Ian Brownlee Ms Cynthia Chan	}	Applicant's representatives
<u>Urbis</u> Mr Tim Osborne		
<u>Arup</u> Mr Franki Chiu Dr Victor Wong Mr Kenneth Kwok Mr Sen Yan		

Presentation and Question Sessions

10. The Chairman extended a welcome and explained that the Committee would first consider PlanD's request for deferment of the application. He then invited PlanD's representatives to brief Members on the background to the application and its request for deferment. With the aid of a PowerPoint presentation, Ms Donna Y.P. Tam, DPO/SKIs, covered the following aspects:

- (a) background to the application;
- (b) proposed rezoning from "Other Specified Uses" annotated "Staff Quarters (5)" to "Residential (Group C) 12" to facilitate a medium-density residential development; and
- (c) request for deferment by PlanD – PlanD was of the view that the rezoning application should be considered together with another rezoning application (No. Y/I-DB/3) which was submitted concurrently by the same applicant for rezoning a site at Area 10b in Discovery Bay from various zones to facilitate a low to medium-density residential development. Since the applicant had submitted further information which had to be published for public comments, that application was rescheduled for consideration by the Committee on 28.4.2017. Given the unique background of comprehensive development concept in Discovery Bay, the possible cumulative impacts on the natural environment and the infrastructure capacities in North Lantau,

the subject rezoning application was recommended to be deferred to allow the Committee to consider the two development proposals holistically. The justifications for deferment request met the criteria for deferment as set out in the Town Planning Board Guidelines No. 33 (TPB PG-No. 33) in that the deferment period was not indefinite and the deferment would not affect the interests of other relevant parties.

11. The Chairman then invited the applicant's representatives to elaborate on their reasons against the request for deferment. Mr Ian Brownlee made the following main points:

- (a) the current application (No. Y/I-DB/2) and application No. Y/I-DB/3 were different in location and scale and each site had its own characteristics. The current application was simple and small in scale whereas application No. Y/I-DB/3 was complicated;
- (b) the proposed development under the current application was self-sufficient, including its sewage treatment and water supply facilities;
- (c) there was no connection between the two applications and the proposed development under the current application would bring about negligible cumulative impact;
- (d) the request for deferment did not meet the criteria in TPB-PG No. 33, in that the three reasons for deferment, namely (a) need to consult other relevant government departments; (b) provision of important supplementary information; and (c) awaiting recommendation of major government planning-related study or infrastructure proposal, were not applicable to the current application;
- (e) the deferment would affect the right of the applicant as the application had been submitted for over a year involving various rounds of responses to departmental comments;

- (f) the applicant was not informed that application No. Y/I-DB/3 was re-scheduled for consideration by the Committee on 28.4.2017 and there was no such information on the TPB website. There was uncertainty if the consideration of application No. Y/I-DB/3 would need to be further deferred to allow time for responses to departmental comments on the latest submitted further information; and
- (g) as an alternative, the Committee could hear the substantive presentation of the current application by the applicant before considering whether to defer making a decision on the application.

12. As the applicant's representatives had no further points to raise and there was no question from Members, the Chairman informed the applicant's representatives that the Committee would deliberate on the request for deferment by PlanD in their absence and both parties would be informed of the Committee's decision in due course. The Chairman thanked the applicant's representatives and PlanD's representatives for attending the meeting. They all left the meeting at this point.

#### Deliberation Session

13. Some Members supported deferment of the application and had the following major views:

- (a) given the unique development background of Discovery Bay, including that it was governed by a single Master Plan under the Lease, the whole development was implemented by a single developer, the self-contained nature of the development, and the infrastructure constraints in the area, it would be preferable to consider the two applications together holistically;
- (b) the proposed developments under the two applications would have cumulative impacts on the overall planning as well as cumulative environmental impacts on Discovery Bay and the whole Lantau Island. It would be in the interest of the community to consider the two applications holistically; and



- (c) as the proposed developments might impact on the overall handling capacities of the infrastructure facilities in the area, the government had the right to request deferment so that the two applications could be considered together from a comprehensive planning perspective.

14. A Member, however, considered that despite the two applications were submitted by the same applicant concurrently, it was not necessary to consider them together given that the development proposals were submitted under two different applications. In any event, the Board could not consider all applications in Discovery Bay in one go as there might be other applications upcoming.

15. Mr K.F. Tang, Assistant Director (Environmental Assessment), Environmental Protection Department (EPD) pointed out that EPD had raised concerns on the cumulative impact on the water sensitive receivers due to the discharge of treated effluent from the two proposed developments as well as their pollution loading on Total Inorganic Nitrogen level to the surrounding receiving water body. As there were two development proposals submitted by the applicant at the same time, he considered it prudent to examine their impacts on the environment and the infrastructure capacities holistically.

16. Noting from the presentation of the applicant's representative that the three deferment reasons as stated in TPB PG-No. 33 were not applicable to the application, a Member cautioned that should PlanD's request for deferment be acceded to, the grounds of deferment should be clearly set out with reference to the relevant Guidelines.

17. In response, the Secretary referred Members to the deferment reason in paragraph 3.1(b) of TPB PG-No. 33 regarding the provision of important supplementary information which might be relevant. If Members considered that information related to the other application No. Y/I-DB/3 including departmental comments was required for consideration of the current application taking into account the cumulative impacts arisen from the development proposals of the two applications, the Committee might consider acceding to PlanD's request for deferment in accordance with that deferment reason in paragraph 3.1(b) of TPB PG-No. 33. The Chairman supplemented that PlanD's justifications for request for deferment were also stated in paragraph 2.1 of the deferment paper.

18. Some Members considered that the above-mentioned deferment reason was appropriate on the consideration that the two applications were inter-related and submitted concurrently, it was not unreasonable for the Committee to assess the two applications holistically taking into account the unique background of Discovery Bay and the cumulative impacts on the overall planning and environment in the area. Besides, the deferment was not indefinite as the other application (No. Y/I-DB/3) was scheduled for consideration in April 2017. The deferment would encourage the applicant to expedite works on both applications. While the applicant's representative had mentioned the possibility of further deferment of application No. Y/I-DB/3 to address further departmental comments, the applicant had the option of withdrawing that application if there were issues unresolved and proceeding with the current application.

19. Some Members raised the following questions:

- (a) whether approval of the current application would affect government departments' stance on application No. Y/I-DB/3;
- (b) whether there was any similar case for PlanD to request deferment of consideration of application; and
- (c) whether there was any previous legal challenge or claim for loss due to delay in consideration of planning applications.

20. The Chairman made the following responses:

- (a) relevant government departments consulted should take into account both development proposals in assessing the respective applications. Should application No. Y/I-DB/2 be considered by the Committee at this meeting, the Committee's decision on the application would serve as background information when assessing application No. Y/I-DB/3;
- (b) there were previous cases for PlanD to request deferment of consideration of application; and

- (c) there was no legal challenge or claim for loss due to delay in consideration of planning applications in the past.

21. Members in general supported deferment of the application as requested by PlanD. As regard the applicant's proposed alternative for hearing the substantive presentation of the application by the applicant before making a decision on the request for deferment, Members in general did not favour the arrangement.

22. After deliberation, the Committee decided to defer a decision on the application as requested by PlanD on the grounds as set out in paragraph 2.1 of the Paper. The Committee agreed that the application should be submitted for its consideration on 28.4.2017 together with application No. Y/I-DB/3.

#### **Agenda Items 4 and 5**

##### **Section 16 Applications**

[Open Meeting]

A/SK-HC/267 Proposed House (New Territories Exempted House - Small House) in "Agriculture" Zone, Government Land in D.D. 244, Ho Chung, Sai Kung, New Territories

A/SK-HC/268 Proposed House (New Territories Exempted House - Small House) in "Agriculture" Zone, Government Land in D.D. 244, Ho Chung, Sai Kung, New Territories

(RNTPC Paper No. A/SK-HC/267 and 268)

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23. The Committee noted that the two applications for proposed house (New Territories Exempted House – Small House) were similar in nature and the sites were located in close proximity to one another and within the same "Agriculture" zone. The Committee agreed that the requests for deferment of the applications could be considered together.

24. The Committee noted that the applicants' representative requested on 26.1.2017 deferment of the consideration of the applications for one month in order to allow time to

prepare further information to address the comments of the Water Supplies Department. It was the first time that the applicants requested deferment of the applications.

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

[Mr Stephen L.H. Liu arrived to join the meeting at this point.]

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

### **Agenda Item 6**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HC/269            Proposed Government Use (Site Office) for a Period of 5 Years in  
"Green Belt" Zone and an area shown as 'Road', Government Land at  
the Junction of Wo Mei Hung Min Road and Hiram's Highway in D.D.  
214 and 244, Ho Chung, Sai Kung, New Territories  
(RNTPC Paper No. A/SK-HC/269)

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26. The Secretary reported that the application was submitted by the Highways Department (HyD) with Asia Landscaping Limited (ALL) as one of the consultants. Mr Alex T.H. Lai had declared interest on the item as his company was handling matters involving HyD and ALL. The Committee agreed that Mr Alex T.H. Lai could stay in the meeting as he had no involvement in the application.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed government use (site office) for a period of five years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments were received from individuals. One indicated no comment on the application whereas the other one objected to the application. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed government use (site office) could be tolerated for a period of five years based on the assessments set out in paragraph 11 of the Paper. The application was considered to be generally in line with the Town Planning Board Guidelines No. 10 in that the proposed site office was an essential facility to facilitate the implementation of the Hiram's Highway improvement project and would not affect the existing natural vegetation/natural landscape. The proposed use was small in scale and was not incompatible with the surrounding rural environment, and would unlikely result in any adverse impact on or overstrain the infrastructure. The proposed use on a temporary basis of five years would not jeopardize the long-term planning intention of the "Green Belt" zone and the area designated as 'Road'. There was no change in the planning circumstances of the area since the approval of the previous application. The previous application was revoked due to non-compliance with the approval conditions related to landscape proposal and fire service installations. The

applicant explained that it was due to delay in construction programme. Should the application be approved, a shorter compliance period was recommended in order to monitor the progress of compliance with the relevant approval conditions. Regarding the adverse public comment, the comments of government departments and planning assessments above were relevant.

28. Members had no question on the application.

### Deliberation Session

29. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 17.2.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) the submission of a landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.5.2017;
- (b) in relation to (a) above, implementation of the landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.8.2017;
- (c) the submission of proposal for fire services installations (FSIs) and water supplies for firefighting within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.5.2017;
- (d) in relation to (c) above, the provision of FSIs and water supplies for firefighting within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.8.2017;
- (e) if any of the above planning conditions (a), (b), (c) or (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; and

- (f) 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.”

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

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

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

#### **Agenda Item 7**

#### **Section 16 Application**

[Open Meeting]

A/NE-FTA/165 Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years in “Agriculture” Zone and an area shown as ‘Road’, Lot 554 S.A RP (Part) in D.D. 89, Man Kam To Road, Sha Ling, New Territories  
(RNTPC Paper No. A/NE-FTA/165A)

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31. The Committee noted that the applicant requested on 6.2.2017 deferment of the consideration of the application for two months in order to allow time to prepare further information to address further departmental comments, in particular, those from the Drainage Services Department. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant was in the process of liaising with various government departments on their comments and had employed a professional drainage engineer to coordinate the drainage works.

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

### **Agenda Item 8**

#### **Section 16 Application**

[Open Meeting]

A/NE-FTA/166      Proposed Temporary Open Storage of Recycling Materials for a Period of 3 Years in "Other Specified Uses" annotated "Port Back-up Uses" Zone, an area shown as 'Road' and "Government, Institution or Community", Lot 147 in D.D. 52, Fu Tei Au, Sheung Shui, New Territories  
(RNTPC Paper No. A/NE-FTA/166)

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33.            The Committee noted that the applicant requested on 26.1.2017 deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

34.            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 further information, and no further deferment would be granted unless under very special circumstances.

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

### **Agenda Items 9 to 21**

#### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

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|--------------|---|
| A/NE-LYT/604 | Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lots 1597 S.B and 1600 S.J in D.D. 76, Kan Tau Tsuen, Sha Tau Kok Road, Fanling, New Territories           |
| A/NE-LYT/605 | Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lots 1597 S.C and 1600 S.K in D.D. 76, Kan Tau Tsuen, Sha Tau Kok Road, Fanling, New Territories           |
| A/NE-LYT/606 | Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lots 1597 S.D, 1599 S.A and 1600 S.L in D.D. 76, Kan Tau Tsuen, Sha Tau Kok Road, Fanling, New Territories |
| A/NE-LYT/607 | Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lots 1597 S.E, 1599 S.B and 1600 S.M in D.D. 76, Kan Tau Tsuen, Sha Tau Kok Road, Fanling, New Territories |
| A/NE-LYT/608 | Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lots 1597 S.F, 1599 S.C and 1600 S.N in D.D. 76, Kan Tau Tsuen, Sha Tau Kok Road, Fanling, New Territories |
| A/NE-LYT/609 | Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 1600 S.A in D.D. 76, Kan Tau Tsuen, Sha Tau Kok Road, Fanling, New Territories                         |

A/NE-LYT/610	Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 1600 S.B in D.D. 76, Kan Tau Tsuen, Sha Tau Kok Road, Fanling, New Territories
A/NE-LYT/611	Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 1600 S.C in D.D. 76, Kan Tau Tsuen, Sha Tau Kok Road, Fanling, New Territories
A/NE-LYT/612	Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 1600 S.D in D.D. 76, Kan Tau Tsuen, Sha Tau Kok Road, Fanling, New Territories
A/NE-LYT/613	Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 1600 S.E in D.D. 76, Kan Tau Tsuen, Sha Tau Kok Road, Fanling, New Territories
A/NE-LYT/614	Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lots 1591 S.C, 1592 S.C and 1600 S.G in D.D. 76, Kan Tau Tsuen, Sha Tau Kok Road, Fanling, New Territories
A/NE-LYT/615	Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lots 1592 S.D and 1600 S.H in D.D. 76, Kan Tau Tsuen, Sha Tau Kok Road, Fanling, New Territories
A/NE-LYT/616	Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lots 1592 S.E, 1597 S.A and 1600 S.I in D.D. 76, Kan Tau Tsuen, Sha Tau Kok Road, Fanling, New Territories (RNTPC Paper No. A/NE-LYT/604 to A/NE-LYT/616)

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35. The Committee noted that the 13 applications for proposed house (New Territories Exempted House (NTEH) – Small House) were similar in nature and the sites were located in close proximity to one another and within the same “Agriculture” (“AGR”) zone. The Committee agreed that they could be considered together.

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) the proposed house (NTEH - Small House) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications as the sites and their vicinity had potential for agricultural rehabilitation. The Commissioner for Transport 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 involving 13 Small Houses could be tolerated. Other concerned government departments had no objection to or no adverse comment on the applications;
- (d) during the first three weeks of the statutory publication period, five public comments on applications No. A/NE-LYT/604 to 613 and 615, four public comments on application No. A/NE-LYT/614, and six public comments on application No. A/NE-LYT/616 were received. Amongst which, a North District Council member supported applications No. A/NE-LYT/615 and 616, whereas the Chairman of Fanling District Rural Committee indicated no comment on all applications, and the Chairman of Sheung Shui District Rural Committee had no comment on applications No. A/NE-LYT/604 to 613 and 616. The other three public comments submitted by Designing Hong Kong Limited, the Conservancy Association and an individual objected to the applications. Major supporting and objecting views 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. Although the proposed Small Houses were not in line with the planning intention of the “AGR” zone, they were not incompatible with the surrounding rural setting dominated by village houses, vacant land and active/fallow agricultural land. The sites were the subject of previous approved applications each for a Small House but the permission was lapsed. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, more than 50% of the footprints of the proposed Small Houses fell within the village ‘environs’ of Kan Tau Tsuen and land available within the “V” zone of Kan Tau Tsuen was insufficient to fully meet the future Small House demand. Concerned government departments, except DAFC, had no objection to or no adverse comment on the applications. Similar applications in the vicinity of the sites were approved by the Committee. There had not been major change in planning circumstances since the approval of those applications. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

37. Members had no question on the applications.

#### Deliberation Session

38. Noting that the applications involved the construction of 13 Small Houses located in close proximity to each other and the applicants had proposed to provide septic tanks at the sites, Mr K.F. Tang, Assistant Director (Environmental Assessment), Environmental Protection Department pointed out that the applicants should be advised to follow the requirements of the Practice Note for Professional Person (ProPECC PN) 5/93 “Drainage Plans subject to Comment by the Environmental Protection Department” regarding the provision of septic tank and soakaway system. In response, the Chairman said that the relevant advisory clause had been recommended in the Paper.

39. 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 17.2.2021, 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.”

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

## **Agenda Item 22**

### **Section 16 Application**

[Open Meeting]

A/NE-MKT/3                      Temporary Open Storage of Construction Materials, Equipment and Machineries for a Period of 3 Years in “Agriculture” Zone, Lots 474, 475 RP, 476 S.A RP, 477 S.A RP (Part) and 518 (Part) in D.D. 90 and Adjoining Government Land, Lin Ma Hang Road, Man Kam To, Sheung Shui, New Territories  
(RNTPC Paper No. A/NE-MKT/3)

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41. The Committee noted that the applicant requested on 24.1.2017 deferment of the consideration of the application for two months in order to allow time to prepare further information to address the comments of the Transport Department. It was the first time that the applicant requested deferment of the application.

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

### **Agenda Items 23 and 24**

#### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-PK/111 Proposed House (New Territories Exempted House - Small House) in "Agriculture" Zone, Lots 1511 S.P and 1595 S.A in D.D. 91, Kai Leng Village, Sheung Shui, New Territories

A/NE-PK/112 Proposed House (New Territories Exempted House - Small House) in "Agriculture" Zone, Lot 1511 S.K in D.D. 91, Kai Leng Village, Sheung Shui, New Territories  
(RNTPC Paper No. A/NE-PK/111 and 112)

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

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

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

- (a) background to the applications;
- (b) the proposed house (NTEH - Small House) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications as active agricultural activities were found in the vicinity and the sites possessed potential for agricultural rehabilitation. The Commissioner for Transport 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 involving two Small Houses could be tolerated. Other concerned government departments had no objection to or no adverse comment on the applications;
- (d) during the first three weeks of the statutory publication period, five public comments on application No. A/NE-PK/111 and four public comments on application No. A/NE-PK/112 were received. A North District Council member supported application No. A/NE-PK/111 and had no comment on application No. A/NE-PK/112. The Indigenous Inhabitant Representative of Kai Leng indicated no comment on application No. A/NE-PK/111 and the Chairman of Sheung Shui District Rural Committee indicated no comment on both applications. The public comments from Designing Hong Kong Limited and an individual objected to the applications. 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. Although the proposed Small Houses were not in line with the planning intention of the “AGR” zone, they were not incompatible with the surrounding rural setting dominated by village houses, temporary structures and vacant/fallow agricultural land. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, more than 50% of the footprints of the proposed Small Houses fell within

the village 'environs' ('VE') of Kai Leng Village and land available within the "V" zone of Kai Leng Village was insufficient to meet the outstanding Small House applications and the future Small House demand. Concerned government departments, except DAFC, had no objection to or no adverse comment on the applications. Similar applications in the vicinity of the sites were approved by the Committee. There had not been any major change in planning circumstances of the area since the approval of those applications. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

45. Some Members raised the following questions:
- (a) whether the lots in the vicinity of the sites with Small House grant applications being processed had obtained planning permissions for Small House developments; and
  - (b) the respective percentages of application sites and the proposed Small House footprints for the subject applications falling within the 'VE' of Kai Leng Village.
46. Mr Wallace W.K. Tang, STP/STN, made the following responses:
- (a) with reference to Plan A-2a of the Paper, most of the concerned lots had obtained planning permission for Small House development; and
  - (b) the application site and the proposed Small House footprint for application No. A/NE-PK/111 fell wholly within the 'VE' of Kai Leng Village, whereas for application No. A/NE-PK/112, about 16% and 55% of the application site and the proposed Small House footprint respectively fell within the 'VE' of Kai Leng Village.



Deliberation Session

47. 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 17.2.2021, 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.”

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

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

**Agenda Item 25**

Section 16 Application

[Open Meeting]

A/NE-TKL/560      Proposed Temporary Open Storage of Construction Materials, Metal Machineries and Materials with Ancillary Office for a Period of 3 Years in “Agriculture” Zone, Lots 20 (Part) and 33 S.A (Part) in D.D. 84, Tai Po Tin, Ping Che, Ta Kwu Ling, New Territories  
(RNTPC Paper No. A/NE-TKL/560)

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49. The Secretary reported that the site was located at Ping Che. Mr Alex T.H. Lai had declared interest on the item as his father co-owned two pieces of land in Ping Che.

The Committee noted that the applicant had requested deferment of the consideration of the application and Mr Alex T.H. Lai had left the meeting.

50. The Committee noted that the applicant requested on 6.2.2017 deferment of the consideration of the application for two months in order to allow time to prepare further information to address the comments of the Transport Department. It was the first time that the applicant requested deferment of the application.

51. 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 further information, and no further deferment would be granted unless under very special circumstances.

## **Agenda Item 26**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/603      Temporary Shop and Services (Real Estate Agency and Property Management) for a Period of 3 Years in "Village Type Development" Zone, Lot 1092 S.B RP (Part) in D.D. 23, San Tau Kok, Tai Po, New Territories  
(RNTPC Paper No. A/NE-TK/603)

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### **Presentation and Question Sessions**

52. 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 temporary shop and services (real estate agency and property management) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, 12 public comments were received from the Resident Representative and local villagers of San Tau Kok, raising objection to the application. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary shop and services (real estate agency and property management) could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Although the applied use was not in line with the planning intention of the “Village Type Development” (“V”) zone, there was at present no Small House application at the site and the applied use on a temporary basis for three years would not frustrate the long-term planning intention of the “V” zone. The use was small in scale and was not incompatible with the surrounding environment predominantly occupied by abandoned agricultural land and village houses. Concerned government departments had no objection to or no adverse comment on the application. There was no change in the planning circumstances since the approval of the previous application for the same use submitted by the same applicant. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant. As regard a public commenter's concerns on the notification procedure, site notices had been posted at appropriate and conspicuous locations near the site and the concerned villages.

53. In response to a Member's question, Mr C.T. Lau, STP/STN, said that according to the applicant, the real estate agency and property management use had continued operation at the site after the previous planning permission lapsed in October 2015 till present. In this regard, Members noted that, as one of the advisory clauses, the applicant would be reminded to obtain prior planning permission before commencing the applied use at the site.

#### Deliberation Session

54. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.2.2020, 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 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) the maintenance of the drainage facilities at all times during the planning approval period;
- (c) the submission of proposal for fire services installations (FSIs) and water supplies for fire fighting within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.8.2017;
- (d) in relation to (c) above, the provision of FSIs and water supplies for fire fighting within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.11.2017;
- (e) if any of the above planning conditions (a) or (b) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (f) if any of the above planning conditions (c) or (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; and

- (g) 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.”

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

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

### **Agenda Item 27**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/618                      Proposed House (New Territories Exempted House - Small House) in  
“Green Belt” Zone, Government Land adjacent to Lot 179 S.A in D.D.  
26, Ha Tei Ha Village, Shuen Wan, Tai Po, New Territories  
(RNTPC Paper No. A/TP/618)

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

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

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

a Small House could be tolerated. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservations on the application as approval of the application would undermine the function and continuity of the “Green Belt” (“GB”) zone in acting as a landscape buffer, and setting an undesirable precedent. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, four public comments were received from a District Council (DC) member, Designing Hong Kong Limited and individuals. While an individual and the DC member supported the application, the remaining two public comments objected to the application. Major supporting and objecting views were set out in paragraph 11 of the Paper; and
- (e) PlanD’s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. Although the proposed Small House was not in line with the planning intention of the “GB” zone, the site was currently vacant without significant vegetation and the proposed development would not involve extensive clearance of vegetation and affect the existing natural landscape. The site was not incompatible with the surrounding areas which were predominantly rural in character. Concerned government departments had no objection to or no adverse comment on the application. The application was generally in line with the Town Planning Board Guidelines No. 10. 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 ‘environs’ of Ha Tei Ha and land available within the “V” zone of Ha Tei Ha was insufficient to fully meet the future Small House demand. The planning circumstances of an approved application (No. A/TP/487) to the immediate south of the site were similar to the current application. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

57. In response to a Member's enquiry on the rejection reasons for the similar applications located to the further south-west of the site, Mr C.T. Lau, STP/STN, said that the concerned applications were rejected as the proposed development would cause adverse landscape, drainage and geotechnical impacts on the surrounding areas.

### Deliberation Session

58. 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 17.2.2021, 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; and
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB.”

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

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

### Agenda Item 28

#### Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/619                      Proposed Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years in “Village Type Development” Zone, Government Land adjoining Lot 2060 in D.D. 6, No. 105 Kam Shek New Village, Tai Po, New Territories  
(RNTPC Paper No. A/TP/619)

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60. The Secretary reported that the site was located in Kam Shek New Village, Tai Po. The Vice-chairman, Mr H.W. Cheung, had declared interest on the item as he owned a flat in Tai Po Market, Tai Po. The Committee noted that the Vice-chairman had tendered apology for being unable to attend the meeting.

#### Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary eating place (outside seating accommodation of a restaurant) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, eight public comments were received. The Tai Po NT Kam Shek New Village Women’s Union supported the application, whereas the remaining seven commenters, mainly from local residents, objected to the application. Major supporting and objecting views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the proposed temporary eating place (outside seating accommodation of a restaurant) could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Although the applied use was not in line with the planning intention of the “Village Type Development” (“V”) zone, there was at present no Small House application at the site and the applied use on a temporary basis of three years would



neither frustrate the long-term planning intention of the “V” zone nor adversely affect the land availability for village type development. The use was not incompatible with its immediate surrounding uses and it was small in scale and would not block pedestrian flow. The applied use was generally in line with the Town Planning Board Guidelines No. 15A. There were existing mechanisms to regulate the operation of the applied use. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

62. Members had no question on the application.

### Deliberation Session

63. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.2.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 6:30 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the application site during the planning approval period;
- (b) the submission of proposal for fire services installations (FSIs) and water supplies for fire fighting within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.8.2017;
- (c) in relation to condition (b) above, the provision of FSIs and water supplies for fire fighting within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.11.2017;
- (d) if the above planning condition (a) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;

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

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

### **Agenda Item 29**

#### **Section 16 Application**

[Open Meeting]

A/TP/620                      Proposed Utility Installation for Private Project (Drainage System) in “Green Belt” Zone, Lots 17 (Part), 20 (Part) and 73 (Part) in D.D. 33 and Adjoining Government Land, Tsung Tsai Yuen, Tai Po, New Territories  
  
(RNTPC Paper No. A/TP/620)

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65. The Committee noted that the applicant’s representative requested on 7.2.2017 deferment of the consideration of the application for two months in order to allow time to prepare further information to address the comments of the Urban Design and Landscape Section of the Planning Department. It was the first time that the applicant requested deferment of the application.

66. 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 further information, and no further deferment would be granted unless under very special circumstances.

**Agenda Item 30**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/913                      Temporary Shop and Services (Fast Food Shop) for a Period of 5 Years  
in "Industrial" Zone, Workshop I1, G/F, Century Industrial Centre,  
33-35 Au Pui Wan Street, Fo Tan, Sha Tin, New Territories  
(RNTPC Paper No. A/ST/913)

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67.            The Secretary reported that the site was located in Fo Tan. Professor K.C. Chau had declared interest on the item as he co-owned a flat in Fo Tan. The Committee agreed that Professor K.C. Chau could stay in the meeting as his property did not have a direct view of the site.

**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary shop and services (fast food shop) for a period of five years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;

- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for temporary shop and services (fast food shop) on a temporary basis based on the assessments set out in paragraph 11 of the Paper. The use was small in scale and considered not incompatible with the industrial and industrial-related uses in the subject industrial building and the surrounding developments. Similar applications had been approved for the other units on the ground floor of the subject industrial building. The subject industrial building was subject to a maximum permissible limit of 460m<sup>2</sup> for aggregate commercial floor area on the ground floor but the limit did not apply to fast food counter at street level without seating accommodation and licensed as food factory. The use generally complied with the Town Planning Board Guidelines No. 25D including the fire safety and traffic aspects. A temporary approval of three years, instead of five years as applied, was recommended in order not to jeopardise the long-term planning intention of industrial use for the subject premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area.

69. Members had no question on the application.

#### Deliberation Session

70. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.2.2020 instead of 5 years as proposed by the applicant, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) the submission of proposal for fire services installations (FSIs) and water supplies for fire fighting within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.8.2017;

- (b) in relation to (a), the provision of FSIs and water supplies for fire fighting within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.11.2017; and
- (c) if any of the above planning conditions (a) or (b) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

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

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

[Messrs Otto K.C. Chan and Jeff K.C. Ho and Ms Ivy C.W. Wong, Senior Town Planners/Fanling, Sheung Shui and Yuen Long East (STPs/FSYLE), were invited to the meeting at this point.]

**Agenda Item 31**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/FSS/255                      Temporary Public Vehicle Park (excluding Container Vehicle) (Surplus Monthly Vehicle Parking Spaces only) for a Period of 5 Years in “Residential (Group A)” Zone, Ching Ho Estate, Sheung Shui, New Territories  
(RNTPC Paper No. A/FSS/255)

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72. The Secretary reported that the application was submitted by the Hong Kong Housing Authority (HKHA) with the Housing Department as its executive arm. The following Members had declared interests on the item:

- |  |   |   |
|--|---|---|
| Mr Raymond K.W. Lee<br>(the Chairman)<br><i>as the Director of<br/>Planning</i>              | - | being a member of the Strategic Planning Committee (SPC) and the Building Committee of HKHA;  |
| Mr Martin W.C. Kwan<br><i>as the Chief Engineer<br/>(Works), Home Affairs<br/>Department</i> | - | being an alternate representative of the Director of Home Affairs who was a member of SPC and the Subsidised Housing Committee of HKHA; |
| Mr H.F. Leung  | - | being a member of the Tender Committee of HKHA;   |
| Ms Janice W.M. Lai   | } | having current business dealings with HKHA;   |
| Mr Stephen L.H. Liu  |   |   |
| Dr C.H. Hau  |   |   |
| Mr Ivan C.S. Fu  | - | having past business dealings with HKHA; and  |
| Mr Alex T.H. Lai   | - | his firm having current business dealings with HKHA.  |

73. The Committee noted that Mr H.F. Leung, Ms Janice W.M. Lai, Dr C.H. Hau and Mr Ivan C.S. Fu had tendered apologies for being unable to attend the meeting and Mr Alex T.H. Lai had left the meeting. As the interests of Messrs Martin W.C. Kwan and Stephen L.H. Liu were direct, the Committee agreed that they should be invited to leave the meeting temporarily for the item.

[Mr Martin W.C. Kwan left the meeting at this point, and Messrs Stephen L.H. Liu and K.F. Tang left the meeting temporarily at this point.]

74. The Committee also noted that the interest of the Chairman, Mr Raymond K.W. Lee, was direct, but the Vice-chairman, Mr H.W. Cheung, had tendered apology for being

unable to attend the meeting. According to the procedure and practice adopted by the Board, if the matter was subject to a statutory time limit, then as a matter of necessity, Mr Raymond K.W. Lee should continue to assume the chairmanship but a conscious effort should be made to contain his scope of involvement in an administrative role to minimise any risk that he might be challenged. The Committee agreed to the arrangement.

### Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary public vehicle park (excluding container vehicle) (surplus monthly vehicle parking spaces only) for a period of five years;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The Commissioner for Transport (C for T) suggested to impose an approval condition requiring the applicant to accord priority to the residents of Ching Ho Estate and the proposed number of vehicle parking spaces to be let to non-residents should be agreed with the Transport Department. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, four public comments were received from three North District Council (NDC) members and an individual. While two NDC members had no comment on the application, the remaining NDC member and the individual provided comments/expressed views on the application. Major comments/views were set out in paragraph 9 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis of five years based on the assessments set out in paragraph 10 of the Paper. There were surplus monthly vehicle

parking spaces in the subject housing estate and the letting of surplus monthly parking spaces to non-residents did not involve any new development or redevelopment of the application site, and it would allow an optimal use of the surplus monthly vehicle parking spaces. According to the applicant, the residents of Ching Ho Estate would be given the priority in the letting of monthly vehicle parking spaces. As only the surplus monthly vehicle parking spaces would be let out to non-residents, the need of residents would not be compromised. The proposed approval period of five years was considered acceptable. The proposal would not generate additional traffic flow nor worsen the environmental conditions in the area. C for T's concerns on the priority use of the parking spaces and the public comments on the letting out of parking spaces to non-residents could be addressed by imposing a relevant approval condition, and an advisory clause was also recommended to advise the applicant to undertake annual reviews of the demand of vehicle parking spaces from the residents. Regarding the suggestion on alternative use of the parking spaces for recreational use, an advisory clause was also recommended for the applicant to review the possibility of converting surplus parking spaces to other community uses.

76. Some Members raised the following questions:
- (a) whether residents of Ching Ho Estate would be accorded priority in the letting of vehicle parking spaces and whether the number of vacant monthly vehicle parking spaces for letting out to non-residents would be flexible;
  - (b) whether the proposal would generate additional traffic flow; and
  - (c) whether there were surplus vehicle parking spaces for letting out to non-residents, noting from paragraph 1.3 of the Paper that all monthly parking spaces for private cars were let out to residents.



77. Mr Otto K.C. Chan, STP/FSYLE, made the following responses:

- (a) according to the applicant, residents of Ching Ho Estate were accorded the highest priority in renting vehicle parking spaces. An approval condition was recommended to accord priority to residents of Ching Ho Estate in the letting of the vacant monthly vehicle parking spaces and the proposed number of vehicle parking spaces to be let to non-residents should be agreed with the C for T;
- (b) the total number of the existing monthly vehicle parking spaces was 319 and the proposal would not involve any addition of parking spaces. Hence, the proposal would not lead to additional traffic flow; and
- (c) according to the applicant, there were vacant monthly vehicle parking spaces for light goods vehicles and motor cycles from August 2015 to July 2016.

#### Deliberation Session

78. A Member asked why the current application for temporary public vehicle park was for five years, instead of three years as in the past applications. Members noted that similar planning applications were approved on a temporary basis of three years in the past. The longer approval period was an outcome of discussion with the applicant based on Members' suggestion to streamline the application process when considering past planning applications of similar nature. While letting out the surplus vehicle parking spaces on permanent basis was considered not suitable, a longer approval period of five years was considered more acceptable. A similar application was approved on a temporary basis of five years by the Metro Planning Committee on 3.2.2017.

79. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 17.2.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following condition:

“priority should be accorded to the residents of Ching Ho Estate in the letting of the vacant vehicle parking spaces and the proposed number of vehicle parking spaces to be let to non-residents should be agreed with the Commissioner for Transport.”

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

[The meeting adjourned for a 5-minute break.]

[Dr F.C. Chan, Mr Stephen L.H. Liu and Mr K.F. Tang returned to join the meeting at this point.]

### **Agenda Item 32**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/447      Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” Zone, Lot 911 S.A ss.6 in D.D. 100, Hang Tau Village,  
Sheung Shui, New Territories  
(RNTPC Paper No. A/NE-KTS/447)

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

81. 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 proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Director of Agriculture,

Fisheries and Conservation (DAFC) did not support the application as the site possessed potential for agricultural use such as greenhouse or plant nursery. The Commissioner for Transport 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 involving development of a Small House could be tolerated. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as the water course along the western site boundary might be affected by the proposed building work and septic tank construction. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, four public comments were received from an incumbent North District Council (NDC) member, the Chairman of Sheung Shui District Rural Committee (SSDRC), Designing Hong Kong Limited and an individual. While the NDC member supported and the Chairman of SSDRC indicated no comment on the application, the remaining two public comments objected to the application. Major supporting and objecting views were set out in paragraph 11 of the Paper; and
- (e) PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone and there was no strong planning justification in the submission for a departure from the planning intention. Land was still available within the “V” zone of Hang Tau Village and it was considered more appropriate to concentrate the proposed Small House development within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructure and services. A similar application (No. A/NE-KTS/443) for Small House development to the immediate east of the site was rejected by the Committee on 13.1.2017 and the rejection of the current application was in line with the previous

consideration and decision of the Committee. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

82. Noting from Plan A-2a of the Paper that there were a number of approved similar applications located to the south and further east of the site, a Member enquired the rejection reasons for a similar application (No. A/NE-KTS/443) which was within the village ‘environs’ of Hang Tau Village and located to the immediate north-east of the site. In response, Mr Jeff K.C. Ho, STP/FSYLE, said that although those similar applications were approved by the Committee between 2001 and 2014, the Board considered it more appropriate to concentrate the Small House development close to the village cluster or “V” zone. Application No. A/NE-KTS/443 was rejected by the Committee mainly on the grounds that the proposed development was not in line with the planning intention of the “AGR” zone and DAFC did not support the application as the concerned site together with the large piece of land to its northwest had potential for agricultural use.

#### Deliberation Session

83. 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” zone in the Hang Tau Village which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention; and
- (b) land is still available within the “Village Type Development” zone of Hang Tau Village which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for more orderly development pattern, efficient use of land and provision of infrastructures

and services.”

**Agenda Item 33**

**Section 16 Application**

[Open Meeting]

A/YL-KTN/541 Proposed Temporary Shop and Services (Plant Showroom) for a Period of 3 Years in “Agriculture” Zone, Lots 1037 S.A (Part), 1037 S.B (Part) and 1037 S.C (Part) in D.D. 109 and Adjoining Government Land, Tai Kong Po, Pat Heung, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-KTN/541A)

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84. The Committee noted that the applicant’s representative requested on 7.2.2017 deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information supporting the claim for agricultural use on-site to address departmental comments.

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

**Agenda Item 34**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/729      Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Agriculture” and “Residential (Group C) 1” Zones, Lot 1638 RP (Part) in D.D. 106 and Adjoining Government Land, Yuen Kong, Kam Tin, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-KTS/729)

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

**Presentation and Question Sessions**

87.            Ms Ivy C.W. Wong, STP/FSYLE, drew Members’ attention that two replacement pages (pages 1 and 2 of Appendix V) of the Paper regarding the addition of advisory clause (b) and revisions in the numbering of advisory clauses were dispatched to Members before the meeting. She then presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the temporary shop and services (real estate agency) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment providing views on the application was received from an

individual. Major views were set out in paragraph 10 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary shop and services (real estate agency) 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 “Agriculture” and “Residential (Group C)1” zones, it provided real estate agency services to serve some of the local needs and there was no known programme for long-term development on the site. Approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intentions. The applied use was not incompatible with the surrounding land uses. The site was the subject of four previous planning applications for the same applied use submitted by the same applicant and there had been no major change in planning circumstances that warrant a departure from the Committee's previous decisions. The concerns or technical requirements of concerned government departments could be addressed by imposition of appropriate approval conditions and advisory clauses. Since the previous application was revoked due to non-compliance with an approval condition, a shorter compliance period was recommended. Regarding the public comment, the comments of government departments and planning assessments above were relevant.

88. Some Members raised the following questions:

- (a) whether the temporary shop and services (real estate agency) was still in operation at the site after revocation of the previous planning approval;
- (b) whether any enforcement action and/or penalty had been taken and/or imposed when the applied use was still in operation without valid planning permission; and
- (c) when the planning approval would commence should the current planning application be approved.

89. Ms Ivy C.W. Wong, STP/FSYLE, made the following responses:

- (a) the previous planning permission was revoked in August 2016 and the use was still in operation;
- (b) the site was currently not subject to any active enforcement action and appropriate enforcement action would be taken should there be sufficient evidence to prove that the use was an unauthorized development under the Town Planning Ordinance. As advised by the District Lands Office/Yuen Long, the site was covered by a Short Term Waiver (STW) and Short Term Tenancy (STT) for temporary shop and services (real estate agency) use;
- (c) since the previous planning permission was revoked due to non-compliance of approval condition, a shorter compliance period was recommended in order to monitor the progress of compliance with approval conditions; and
- (d) should the application be approved, the planning permission would commence from the date of the current RNTPC meeting (i.e. 17.2.2017).

90. Mr John K.T. Lai, Assistant Director/Regional 3, Lands Department (LandsD), supplemented that, from the land administration point of view, should there be any changes of use on site requiring modification of the STW/STT conditions, the calculation of premium or fee would be traced back to the date when the changes were first found, based on LandsD's record and information available from PlanD regarding the site.

#### Deliberation Session

91. Noting that the applicant had failed to comply with the approval condition under the previous permission, a Member enquired if the compliance period of the recommended approval conditions, i.e. three months and six months for the submission and implementation of relevant proposals respectively, could be further shortened. In response, the Chairman said that comparing with the normal compliance period, i.e. six months for submission and nine months for implementation of relevant proposals, the current compliance period had



already been shortened. The applicant needed to obtain approval from government departments on the relevant proposals within the compliance period.

92. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.2.2020, 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 10:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (d) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (e) the submission of a record of 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 17.5.2017;
- (f) the submission of landscape and tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.5.2017;
- (g) in relation to (f) above, the implementation of the landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.8.2017;

- (h) the implementation of the accepted fire services 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 17.8.2017;
- (i) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (j) if any of the above planning conditions (e), (f), (g) or (h) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (k) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

### **Agenda Item 35**

#### **Section 16 Application**

[Open Meeting]

A/YL-SK/221 Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years in “Village Type Development” Zone, Lot 782 (Part) in D.D. 114 and Adjoining Government Land, Kam Sheung Road, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-SK/221)

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94. The Committee noted that the applicant’s representative requested on 9.2.2017 deferment of the consideration of the application for two months in order to allow time to prepare further information to address the comments of the Urban Design and Landscape

Section of the Planning Department. It was the first time that the applicant requested deferment of the application.

95. 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 further information, and no further deferment would be granted unless under very special circumstances.

### **Agenda Item 36**

#### **Section 16 Application**

[Open Meeting]

A/YL-SK/222                      Proposed Temporary Open Storage (Construction Materials) for a Period of 3 Years in "Agriculture" Zone, Lot 440 in D.D. 112, Sheung Tsuen, Kam Sheung Road, Pat Heung, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-SK/222)

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96. The Committee noted that the applicant's representative requested on 25.1.2017 deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

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

### **Agenda Item 37**

#### **Section 16 Application**

[Open Meeting]

A/YL-NSW/250 Proposed Petrol Filling Station with Sales Office and Ancillary Facilities in "Undetermined" Zone and an area shown as 'Road', Lots 999 S.E (Part), 1001 S.A RP (Part), 1002 S.A RP (Part) and 1327 RP (Part) in D.D. 115 and Adjoining Government Land, Au Tau, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-NSW/250A)

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98. The Committee noted that the applicant's representative requested on 6.2.2017 deferment of the consideration of the application for two months in order to allow time to study and address the latest departmental comments. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information including a revised Traffic Impact Assessment, a revised Tree Survey Report and Landscape Proposal to address departmental comments.

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

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

[The Chairman thanked Messrs Otto K.C. Chan and Jeff K.C. Ho and Ms Ivy C.W. Wong, STPs/FSYLE, for their attendance to answer Members' enquiries. They left the meeting at this point.]

### **Tuen Mun and Yuen Long West District**

[Ms Stella Y. Ng and Messrs Vincent T.K. Lai and 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 38**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/326 Temporary Shops and Services (Showroom for Building Materials and Furniture with an Ancillary Office) for a Period of 3 Years in "Residential (Group B) 1" Zone, Lots 769 RP, 771 RP and 774 RP in D.D. 130 and Adjoining Government Land, Lam Tei, Tuen Mun, New Territories  
(RNTPC Paper No. A/TM-LTY Y/326)

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

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

- (a) background to the application;
- (b) the temporary shops and services (showroom for building materials and furniture with an ancillary office) for a period of three years;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments objecting to the application were received from individuals. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary shops and services (showroom for building materials and furniture with an ancillary office) 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 intention of the “Residential (Group B)” zone, there was no known development proposal to implement the zoned use. The development could provide commercial use to meet demand in the area. Approval of the application on a temporary basis for three years would not jeopardize the long-term planning intention. The applied use was not incompatible with the surrounding land uses. The technical requirements of concerned government departments could be addressed by imposition of appropriate approval conditions. The applicant had submitted drainage and fire services installations proposals and the concerned departments had no objection in principle to the application. Regarding the adverse 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 approve the application on a temporary basis for a period of 3 years until 17.2.2020, 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 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation from 7:00 a.m. to 9:00 a.m. and from 1:30 p.m. to 11:00 p.m. on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no medium or heavy goods vehicles exceeding 5.5 tonnes as defined in the Road Traffic Ordinance are allowed to enter/be parked on the site at all times during the planning approval period;
- (d) the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (e) the submission of a condition record of existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.5.2017;
- (f) the submission of run-in/run-out proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Highways or of the TPB by 17.8.2017;
- (g) in relation to (f) above, the implementation of run-in/run-out proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Highways or of the TPB by 17.11.2017;
- (h) the submission of fire services installations (FSIs) proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.8.2017;
- (i) in relation to (h) above, the provision of FSIs within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.11.2017;

- (j) 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 17.8.2017;
- (k) in relation to (j) above, the implementation of tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.11.2017;
- (l) the provision of boundary fencing within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 17.8.2017;
- (m) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (e), (f), (g), (h), (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (o) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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



### **Agenda Item 39**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

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

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

104.            Ms Stella Y. Ng, STP/TMYLW, drew Members’ attention that a replacement page (page 3 of Appendix IV) of the Paper regarding an addition of advisory clause (j), was tabled at the meeting for Members’ reference. She then presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed temporary eating place (restaurant and outdoor seating accommodation) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Chief Town Planner/Studies and Research, Planning Department (CTP/SR, PlanD) and the Project Manager (New Territories West), Civil Engineering and Development Department (PM(NTW), CEDD) advised that the site fell within the boundary of Advance Works of the Hung Shui Kiu New Development Area (HSK NDA), and the site might fall under the first batch of sites to be developed, requiring site possession prior to construction works tentatively scheduled to commence in 2019. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, three adverse public comments were received from individuals. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) PlanD's views – PlanD considered that the proposed temporary eating place (restaurant and outdoor seating accommodation) 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 intention of the “Comprehensive Development Area” zone, there was no development proposal to implement the zoned use. Whilst the site might fall within the boundary of Advance Works of the HSK NDA, CTP/SR, PlanD and PM(NTW), CEDD had no objection to the application. The proposed development could provide eating place services to meet demand in the area. Approval of the application on a temporary basis of three years would not jeopardize the long-term development of the area. The proposed use was not incompatible with the surrounding uses. The technical concerns of concerned government departments could be addressed by imposition of appropriate approval conditions and advisory clauses. Potential nuisances such as odour and fume emissions generated by the proposed eating place would be subject to control under relevant ordinances. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

105. Members had no question on the application.

#### Deliberation Session

106. In response to the Chairman's observation that the site might fall within the boundary of Advance Works of the HSK NDA where site possession was required prior to construction works tentatively scheduled to commence in 2019 but the recommended temporary three-year planning approval would be till 17.2.2020, Ms Stella Y. Ng, STP/TMYLW, said that an advisory clause had been imposed to remind the applicant that the site might be subject to land resumption for the implementation of the HSK NDA which might take place at any time before the expiry of the temporary planning permission.

107. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.2.2020, 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 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.8.2017;
- (c) in relation to (b) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.11.2017;
- (d) in relation to (c) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (e) the submission of fire services installations (FSIs) proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.8.2017;
- (f) in relation to (e) above, the provision of FSIs within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.11.2017;
- (g) the submission of landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.8.2017;
- (h) in relation to (g) above, the implementation of 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 17.11.2017;

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

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

#### **Agenda Item 40**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/TSW/68                      Temporary Public Vehicle Parks (excluding Container Vehicle) (Letting of Surplus Monthly Private Car Parking Spaces to Non-residents) for a Period of 5 Years in “Residential (Group A)” Zone, Car Parking Spaces No. 30-47 and 51-84 on Level 2 and all Car Parking Spaces on Level 3 to 7 of Commercial/Carpark Block, Grandeur Terrace, as well as Car Parking Spaces at Tin Yan Estate, Tin Shui Wai, New Territories  
(RNTPC Paper No. A/TSW/68)

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109. The Secretary reported that the application was submitted by the Hong Kong Housing Authority (HKHA) with the Housing Department as its executive arm. The following Members had declared interests on the item:

- Mr Raymond K.W. Lee (the Chairman) *as the Director of Planning* - being a member of the Strategic Planning Committee (SPC) and the Building Committee of HKHA;
- Mr Martin W.C. Kwan *as the Chief Engineer (Works), Home Affairs Department* - being an alternate representative of the Director of Home Affairs who was a member of SPC and the Subsidised Housing Committee of HKHA;
- Mr H.F. Leung - being a member of the Tender Committee of HKHA;
- Ms Janice W.M. Lai  
Mr Stephen L.H. Liu  
Dr C.H. Hau } having current business dealings with HKHA;
- Mr Ivan C.S. Fu - having past business dealings with HKHA; and
- Mr Alex T.H. Lai - his firm having current business dealings with HKHA.

110. The Committee noted that Mr H.F. Leung, Ms Janice W.M. Lai, Dr C.H. Hau and Mr Ivan C.S. Fu had tendered apologies for being unable to attend the meeting, and Messrs Martin W.C. Kwan and Alex T.H. Lai had left the meeting. As the interest of Mr Stephen L.H. Liu was direct, the Committee agreed that he should be invited to leave the meeting temporarily for the item.

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

111. The Committee also noted that the interest of the Chairman, Mr Raymond K.W. Lee, was direct, but the Vice-chairman, Mr H.W. Cheung, had tendered apology for being unable to attend the meeting. According to the procedure and practice adopted by the Board, if the matter was subject to a statutory time limit, then as a matter of necessity, Mr Raymond K.W. Lee should continue to assume the chairmanship but a conscious effort should be made to contain his scope of involvement in an administrative role to minimise any risk that he might be challenged. The Committee agreed with the arrangement.

Presentation and Question Sessions

112. 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 public vehicle parks (excluding container vehicle) (letting of surplus monthly private car parking spaces to non-residents) for a period of five years;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The Commissioner for Transport (C for T) had no comment on the application provided that priority usage would be given to residents in respective residential developments and the proposed number of vehicle parking spaces to be let to non-residents should be agreed with the Transport Department. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, four public comments were received from Yuen Long District Council (YLDC) members, Designing Hong Kong Limited and individuals. While one of the individuals supported the application, the YLDC members, Designing Hong Kong Limited and the remaining individual objected to the application. Major supporting and objecting views were set out in paragraph 9 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis of five years based on the assessments set out in paragraph 10 of the Paper. There were surplus monthly vehicle parking spaces in the subject two housing estates and the letting of surplus monthly parking spaces to non-residents would help utilise resources more efficiently. According to the applicant, residents would be accorded the

highest priority in the letting of vehicle parking spaces. As only the surplus monthly vehicle parking spaces would be let out to non-residents, the need of residents would not be compromised. The proposed approval period of five years was considered acceptable. The proposal would not generate additional traffic flow and C for T's concerns on the priority use of the parking spaces could be addressed by imposing a relevant approval condition. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant. For the suggestion on converting the surplus parking spaces to other community uses as raised in one of the public comments, an advisory clause was recommended for the applicant to review the possibility in this regard.

113. In response to a Member's enquiries on how long those surplus monthly vehicle parking spaces shown in paragraph 1.3 of the Paper remained vacant, Mr Vincent T.K. Lai, STP/TMYLW, said that according to the applicant, the overall vacancy rates of monthly parking spaces at Grandeur Terrace and Tin Yan Estate were of 3% and 6% respectively from August 2015 to July 2016. For Tin Yan Estate, the vacancy rates of parking spaces for private cars, light goods vehicles and motorcycles from August 2015 to July 2016 ranged from 2% to 45% and amongst which, the vacancy rate for parking spaces for light goods vehicles was the highest (45%).

#### Deliberation Session

114. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 17.2.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following condition:

“ priority should be accorded to the residents of Grandeur Terrace and Tin Yan Estate in the letting of the surplus monthly vehicle parking spaces and the proposed number of vehicle parking spaces to be let to non-residents should be agreed with the Commissioner for Transport.”

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

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

### **Agenda Item 41**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/1065 Temporary Open Storage of Containers, Container Repair Workshop and Logistics Yard for a Period of 3 Years in “Undetermined” Zone, Lots 133 RP (Part), 134 (Part), 135 S.A, 135 S.B, 136 RP (Part), 219 RP (Part), 220 RP (Part), 221 RP (Part), 222, 223, 224, 225, 226 (Part), 227 (Part), 228 (Part), 229 (Part), 230 (Part), 231 (Part), 259 (Part), 260 (Part), 262 (Part), 263, 264 (Part), 265 (Part) and 266 (Part) in D.D.124, Lots 1607 (Part) and 1611 (Part) in D.D.125 and Adjoining Government Land, Ha Tsuen, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-HT/1065)

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

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

117. 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 containers, container repair workshop and logistics yard for a period of three years;



- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the site (the nearest being about 63m away) and along the access road (Tin Ha Road) and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD 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. Whilst the site fell within an area partly zoned “Regional Open Space” and partly zoned “District Open Space” on the Revised Recommended Outline Development Plan of the Hung Shui Kiu New Development Area promulgated on 5.9.2016, the Chief Town Planner/Studies and Research, PlanD and the Project Manager (New Territories West), Civil Engineering and Development Department had no objection to the application. Approval of the application on a temporary basis of three years would not jeopardize the long-term development of the area. The use was not incompatible with the surrounding uses. The application 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 use would not generate adverse impacts; and the technical concerns of relevant government departments could be addressed through the implementation of approval conditions. Although DEP did not support the application on the concern of environmental nuisance, there had been no environmental complaint concerning the site received in the past three years. Three previous applications for the same uses at the site and five similar applications within the same “Undetermined” zone had been approved by the Committee, and approval of the application was in line

with the Committee's previous decisions.

118. Members had no question on the application.

#### Deliberation Session

119. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.2.2020, 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 or public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no stacking of containers within 5m from the periphery of the site, as proposed by the applicant, during the planning approval period;
- (d) the stacking height of containers stored on the site shall not exceed 8 units, as proposed by the applicant, during the planning approval period;
- (e) no vehicle is allowed to be parked within 1m of any tree, as proposed by the applicant, during the planning approval period;
- (f) the existing boundary fence on the site shall be maintained at all times during the planning approval period;
- (g) the existing drainage facilities on-site shall be maintained at all times during the planning approval period;
- (h) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;

- (i) the submission of a condition record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.5.2017;
- (j) 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 17.8.2017;
- (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 31.3.2017;
- (l) the implementation of the accepted fire services 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 17.8.2017;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (o) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

**Agenda Item 42**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/398            Proposed Temporary Shop and Services (Grocery Store) for a Period of 3 Years in “Other Specified Uses” annotated “Rural Use” Zone, Lots 1214 RP and 1215 (Part) in D.D. 119, Pak Sha Shan Road, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-TT/398)

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121.            The Committee noted that a replacement page (page 13) of the Paper regarding revisions in approval conditions (c) and (d) was dispatched to Members before the meeting.

**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) the proposed temporary shop and services (grocery store) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as the extensive paving of the site and the large temporary structures was incompatible with the rural landscape character of the area. Approval of the application would set an undesirable precedent attracting other incompatible uses to the vicinity. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment raising objection to the application was received from a member

of the public. Major objection grounds were set out in paragraph 11 of the Paper; and

- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “Other Specified Uses” annotated “Rural Use” zone which was primarily for the preservation of the character of the rural area. There was also insufficient information in the submission to justify the scale and size of the proposed development involving four structures with a total floor area of about 755m<sup>2</sup>. There was no strong planning justification given in the submission for a departure from the planning intention, even on a temporary basis. The application was not in line with the Town Planning Board Guidelines No. 38 in that the applicant failed to demonstrate that the proposed development would not adversely affect the rural landscape character of the area. Regarding the adverse public comment, 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 reject the application. The reasons were:

- “(a) the development is not in line with the planning intention of “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) zone which is primarily for preservation of the character of the rural area. Uses or developments compatible with the rural landscape, such as passive recreation uses and a selected range of rural uses, may be allowed on application to the Town Planning Board, with a view to upgrading or improving the area or providing support to the local communities. No strong planning justification has been given in the submission to justify a

departure from the planning intention, even on a temporary basis;

- (b) the applied use is not in line with the Town Planning Board Guidelines for ‘Designation of “OU(RU)” Zone and Application for Development within “OU(RU)” Zone under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 38) in that the applicant fails to demonstrate that the development would not adversely affect the rural landscape of the surrounding areas; and
- (c) approval of the application would set an undesirable precedent for other similar uses to proliferate into the “OU(RU)” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.”

### **Agenda Item 43**

#### **Section 16 Application**

[Open Meeting]

A/YL-TYST/825      Temporary Open Storage of Construction Material with Ancillary Office for a Period of 3 Years in “Undetermined” Zone, Lot 1195 in D.D. 119, Tong Yan San Tsuen, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-TYST/825)

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125.            The Committee noted that the applicant requested on 9.2.2017 deferment of the consideration of the application for two months in order to allow time to prepare further information to address the comments of the Transport Department. It was the first time that the applicant requested deferment of the application.

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

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

#### **Agenda Item 44**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/826      Temporary Open Storage of Vehicle Parts for a Period of 3 Years in "Undetermined" Zone, Lots 1438 S.B RP (Part), 1438 S.C RP (Part), 1438 S.D (Part), 1439 (Part), 1440 S.A (Part), 1440 S.B (Part) and 1441 RP (Part) in D.D. 119 and Adjoining Government Land, Shan Ha Tsuen, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-TYST/826)

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

127.      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 open storage of vehicle parts for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the site, with the nearest residential structures located at about 5m to its south-west, and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The temporary use was not in conflict with the planning intention of the “Undetermined” (“U”) zone which was generally intended for open storage use. Approval of the application on a temporary basis would not frustrate the long-term development of the area. The application was generally in line with the Town Planning Board Guidelines No.13E in that the site fell within Category 1 areas; 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. Though DEP did not support the application, there was no environmental complaint concerning the site in the past three years and relevant approval conditions had been recommended to minimise any potential environmental nuisances. There were similar approved applications of open storage use within the same “U” zone and approval of the application was in line with the Committee’s previous decisions.

128. Members had no question on the application.

#### Deliberation Session

129. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.2.2020, 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) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no repairing, dismantling, spraying, cleaning or other workshop activities, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (d) no medium goods vehicle, heavy goods vehicle and container trailer/tractor, as defined in the Road Traffic Ordinance, is allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (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 boundary fence on the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.8.2017;
- (g) the implementation of the accepted landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.8.2017;
- (h) the submission of revised drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.8.2017;
- (i) in relation to (h) 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 17.11.2017;
- (j) in relation to (i) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;

- (k) the provision of fire extinguisher(s) with valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 31.3.2017;
- (l) the submission of fire services installations (FSIs) proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.8.2017;
- (m) in relation to (l) above, the provision of FSIs within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.11.2017;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e) or (j) 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 (f), (g), (h), (i), (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 site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

**Agenda Item 45**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/827 Temporary Open Storage of Construction Machinery and Materials, Recycling Materials and Used Electrical Appliances with Ancillary Workshop for a Period of 3 Years in “Undetermined” Zone, Lots 366 RP, 369 RP (Part), 370 RP (Part), 371 S.A (Part), 371 S.B (Part), 372 S.A, 372 S.B, 373, 374, 375 RP, 376, 377, 378, 379, 380, 381 RP (Part), 458 (Part), 459 (Part), 460, 461, 462, 463, 464, 465, 466 (Part), 469 (Part), 470 (Part), 471 (Part), 1323 (Part), 1324, 1325 (Part), 1337, 1338, 1339, 1340 (Part), 1341, 1342, 1343, 1344, 1345 (Part), 1346 (Part), 1347 (Part), 1349 (Part), 1350 (Part), 1351, 1353, 1354, 1355, 1356 S.A, 1356 S.B, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365 (Part), 1366 (Part), 1367 RP (Part), 1368, 1369 S.A, 1369 S.B, 1369 S.D, 1523 (Part), 1524, 1525, 1531 S.B, 1532, 1533 S.A, 1533 S.B, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544 (Part), 1592 (Part), 1593, 1613 S.C (Part) and 1614 RP (Part) in D.D. 119 and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-TYST/827)

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131. The Committee noted that five replacement pages (pages 7 and 14 of the Main Paper and pages 1 to 3 of Appendix VI) of the Paper regarding addition/revisions in the District Lands Officer/Yuen Long’s comments, approval condition (d), advisory clause (b) and numbering of advisory clauses were dispatched for Members’ reference before the meeting. A further replacement page (page 1 of Appendix VI of the Paper) was tabled at the meeting for Members’ reference.

**Presentation and Question Sessions**

132. 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 open storage of construction machinery and materials, recycling materials and used electrical appliances with ancillary workshop for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. residential structures adjoining the eastern boundary and in the vicinity of the site, and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The temporary use was not in conflict with the planning intention of the “Undetermined” (“U”) zone which was generally intended for open storage use. Approval of the application on a temporary basis would not frustrate the long-term development of the area. The application was generally in line with the Town Planning Board Guidelines No.13E in that the site fell within Category 1 areas; and technical concerns of relevant government departments could be addressed through the implementation of approval conditions. Though DEP did not support the application, there was no environmental complaint concerning the site in the past three years and relevant approval conditions had been recommended to minimise any potential environmental nuisances. Similar open storage use at the site had been approved by the Committee since 1998 and similar applications had been approved within the same “U” zone. Approval of the application was in line with the Committee's previous decisions.

133. In response to a Member's question, Mr Alan Y.L. Au, STP/TMYLW, said that the existing watermains as shown on Plan A-2 of the Paper were for illustration purpose in relation to comments from the Water Supplies Department. The existing watermains would not be affected by the applied use.

#### Deliberation Session

134. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.2.2020, 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 storage and washing of plastic bottles, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (d) no storage and handling (including loading and unloading) of used electrical appliances outside the concrete-paved covered structures, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (e) no storage and handling (including loading and unloading) of electronic and computer wastes (including cathode-ray tubes), as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (f) no cutting, grinding, polishing or other workshop activities, as proposed by the applicant, are allowed at the open area of the site at any time during the planning approval period;

- (g) the existing fencing on the site shall be maintained at all times during the planning approval period;
- (h) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (i) all existing trees and plantings within the site shall be maintained at all times during the planning approval period;
- (j) the existing drainage facilities and natural streamcourse on the site should be maintained at all times during the planning approval period;
- (k) the submission of a record of existing drainage facilities and natural streamcourse 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 17.5.2017;
- (l) 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 17.8.2017;
- (m) in relation to (l) 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 17.11.2017;
- (n) the provision of fire extinguisher(s) with valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 31.3.2017;
- (o) the submission of fire services installations (FSIs) proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.8.2017;

- (p) in relation to (o) above, the provision of FSIs within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.11.2017;
- (q) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h), (i) or (j) 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;
- (r) if any of the above planning conditions (k), (l), (m), (n), (o) or (p) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (s) upon 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.”

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

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

**Agenda Item 46**

Any Other Business

(i) Section 16A Application

[Open Meeting]

A/KTN/28-1                      Application for Extension of Time (EOT) for Compliance with Planning Conditions, Lots 744 and 749 in D.D. 92, Yin Kong, Sheung Shui, New Territories

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136.            The Secretary reported that the application was approved with conditions by the Rural and New Town Planning Committee (the Committee) on 14.9.2016. The deadline for compliance with approval condition (e) on the submission of fire service installations and water supplies for fire fighting proposal was on 18.2.2017 (i.e. within 3 months from the date of approval). On 8.2.2017, an application for EOT for compliance with approval condition (e) from 3 months to 6 months until 18.5.2017 was received, which was eight working days before the expiry of the specified time limit for approval condition (e). It was recommended not to consider the application as there was insufficient time to consult the concerned government departments on the application before the expiry of the specified time limit.

137.            After deliberation, the Committee agreed not to consider the section 16A application as there was insufficient time to consult the concerned government departments before the expiry of the specified time limit for compliance with condition (e) which was essential for the consideration of the application.

138.            There being no other business, the meeting closed at 5 p.m..