

TOWN PLANNING BOARD

**Minutes of 578th Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 28.4.2017**

Present

Director of Planning
Mr Raymond K.W. Lee

Chairman

Ms Janice W.M. Lai

Ms Christina M. Lee

Dr F.C. Chan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr C.H. Hau

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 Edwin W.K. Chan

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

Secretary

Absent with Apologies

Mr H.W. Cheung

Professor K.C. Chau

Mr Ivan C.S. Fu

Mr H.F. Leung

Mr Alex T.H. Lai

Dr Lawrence K.C. Li

In Attendance

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

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

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

Agenda Item 1

Confirmation of the Draft Minutes of the 577th RNTPC Meeting held on 7.4.2017

[Open Meeting]

1. The draft minutes of the 577th RNTPC meeting held on 7.4.2017 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Sai Kung and Islands District

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

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-PK/236 Temporary Eating Place (Outside Seating Accommodation of Restaurant Only) for a Period of 3 Years in an area shown as 'Road', Government Land in D.D. 215, Sai Kung, New Territories
(RNTPC Paper No. A/SK-PK/236)

Presentation and Question Sessions

3. 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 temporary eating place (outside seating accommodation of restaurant only) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from an individual who supported the application; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the

application based on the assessments set out in paragraph 10 of the Paper. The applied temporary use for three years up to April 2020 would not frustrate the planning intention of the area shown as 'Road', and the implementation of the road improvement works under the Hiram's Highway Improvement Stage 2 would not be affected. The outdoor seating accommodation had previously been approved by the Committee. There was no change in planning circumstances since the approval of the last previous application in 2014.

4. Members had no question on the application.

Deliberation Session

5. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 28.4.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 24:00 midnight to 12:00 noon, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) the submission of proposals for fire service installations 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 28.10.2017;
- (c) in relation to (b) above, the provision of fire service installations 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 28.1.2018;
- (d) if the above planning condition (a) is not complied with at any time during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (e) if any of the above planning conditions (b) or (c) is not complied with by

the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.”

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

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-SKT/9 Proposed Comprehensive Residential Development in “Comprehensive Development Area (1)” Zone, Various Lots in D.D. 221 and Adjoining Government Land, Sha Ha, Sai Kung, New Territories
(RNTPC Paper No. A/SK-SKT/9D)

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

Agenda Item 5

Section 16 Application

[Open Meeting]

A/SK-SKT/17 Proposed Eating Place (Redevelopment of an Existing Building and a Proposed Building with a Bridge Connecting Two Buildings) in Open Space” and ““Village Type Development” Zones, Lots 86 and 94 in D.D. 215 and Adjoining Government Land, Sai Kung, New Territories
(RNTPC Paper No. A/SK-SKT/17)

8. The Secretary reported that the site was located in Sai Kung Town. Ms Janice W.M. Lai had declared an interest on the item as her spouse owned a shop in Sai Kung Town.

9. The Committee noted that the applicant had requested deferment of consideration of the application. As the shop owned by Ms Janice W.M. Lai’s spouse did not have a

direct view of the site, the Committee agreed that she could stay in the meeting.

10. The Committee noted that the applicant requested on 7.4.2017 deferment of the consideration of the application for two months so as to allow time to resolve comments from relevant government departments. It was the first time that the applicant requested deferment of the application.

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

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

[Dr C.H. Hau arrived to join the meeting at this point.]

Sha Tin, Tai Po and North District

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

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/526 Proposed 6 Houses (New Territories Exempted Houses - Small Houses) in “Agriculture” Zone, Lots 853 S.E ss.1, 853 S.F, 853 S.G, 854 S.C ss.1, 854 S.C ss. 2, 854 S.C RP, 854 S.D, 854 S.G, 854 S.H, 854 S.I ss.1, 854 S.I ss.2, 854 S.I RP, 854 S.J, 855 S.B ss.1, 855 S.B RP, 855 S.D ss.1, 855 S.D RP, 855 S.E, 855 S.F, 855 S.G, 867 S.A, 867 S.B, 867 S.C and 867 RP in D.D. 9, Yuen Leng Village, Tai Po, New Territories
(RNTPC Paper No. A/NE-KLH/526)

Presentation and Question Sessions

12. Mr C.T. Lau, STP/STN, drew Members’ attention that a replacement page (page 11) rectifying the zonings of one of the previous applications had been tabled at the meeting for Members’ reference. Mr Lau then presented the application and covered the following aspects as detailed in the Paper :

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

- (a) background to the application;
- (b) the proposed six houses (New Territories Exempted Houses (NTEH) - Small Houses);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. The Director of Water Supplies and the Director of Environmental Protection did not support the application as the site fell within the Water Gathering Ground (WGG), and the sewage discharge from the proposed Small House developments might cause water pollution to the WGG. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site had

high potential for rehabilitation for agricultural activities and there were active agricultural activities at the western portion of the site. The Commissioner for Transport had reservation on the application but considered that the development of six Small Houses could be tolerated;

- (d) during the first three weeks of the two statutory publication periods, a total of eight public comments from the Mass Transit Railway Corporation, the Hong Kong Bird Watching Society, the Designing Hong Kong Limited and individuals were received. Some public comments objected to while one public comment expressed concern on the application. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed Small House developments were not in line with the planning intention of “Agriculture” zone and DAFC did not support the application. It did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (Interim Criteria) in that they were located within the WGG and would not be able to be connected to the existing or planned sewerage system in the area. Although land within the “Village Type Development” (“V”) zone was insufficient to fully meet the future Small House demand, it was capable to meet the outstanding Small House applications. It was considered more appropriate to concentrate the proposed Small House developments within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services. The site was the subject of four previous applications for Small House developments. One was approved before the incorporation of sewerage connection requirement for sites within WGG in the Interim Criteria in 2002. The other three applications were rejected by the Committee mainly on the grounds for not being able to be connected to existing or planned sewerage system and approval of the applications might have adverse impacts on the water quality in the area. Regarding the public comments, the assessments above were relevant.

13. A Member enquired whether the applicants could submit a new application for the proposed Small Houses to the Board for consideration when the planned sewerage system was in place. In response, the Chairman said that the applicants could submit a fresh application with new information to substantiate their cases.

Deliberation Session

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

- “(a) the proposed developments do not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in New Territories in that the proposed Small Houses located within the water gathering ground (WGG) could not be able to be connected to the existing/planned sewerage system in the area as there is no fixed programme for implementation of such system at this juncture;
- (b) the applicants fail to demonstrate that the proposed developments located within the WGG would not cause adverse impact on the water quality in the area; and
- (c) land is still available within the “Village Type Development” (“V”) zone of Yuen Leng, Kau Lung Hang San Wai and Kau Lung Hang Lo Wai which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House developments within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.”

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/604 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” Zones, Lot 170 S.B in
D.D. 19, Lam Tsuen San Tsuen, Tai Po, New Territories
(RNTPC Paper No. A/NE-LT/604)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site had high potential for rehabilitation of agricultural activities and could be used for plant nursery or greenhouse. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment from an individual was received objecting to the application. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed development was not in line with the planning intention of the “Agriculture” zone and DAFC did not support the application. While

land available within the “Village Type Development” (“V”) zone was insufficient to fully meet the future Small House demand, land was still available within the “V” zone to meet the outstanding Small House applications. It was more appropriate to concentrate the proposed Small House developments within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services. Regarding the adverse public comment, government departments’ comments and the planning assessments above were relevant.

16. Members had no question on the application.

Deliberation Session

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

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/606 Proposed House (New Territories Exempted House - Small House) in
 “Agriculture” Zone, Lot 167 in D.D. 10, Pak Ngau Shek Sheung
 Tsuen, Tai Po, New Territories
 (RNTPC Paper No. A/NE-LT/606)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation did not support the application as the site had high potential for rehabilitation of agricultural activities. The Director of Water Supplies objected to the application as the site fell within the Water Gathering Ground (WGG) and no information was provided to indicate that the proposed Small House could be connected to the planned sewerage system in the area. The Director of Environmental Protection did not support the application as the proposed septic tank / soakaway system for waste water treatment was not in line with the requirement of the Hong Kong Planning Standards and Guidelines for development within WGG. The Head of Geotechnical Engineering Office, Civil Engineering and Development Department advised that a Geotechnical Planning Review Report was required in support of the application. The Commissioner for Transport had reservation on application but considered the development of

one 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 there was no proper access to the site, and it was not known whether site formation and/or future permanent access were required which might affect the existing trees nearby. The approval of the application would set an undesirable precedent;

- (d) during the first three weeks of the statutory publication period, three adverse public comments were received from Designing Hong Kong, the Hong Kong Bird Watching Society and an individual. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed development was not in line with the planning intention of the “Agriculture” zone. The application did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories in that there was no general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone; there was no information in the submission to demonstrate that the proposed development would be able to be connected to the existing/planned public sewerage system, would not cause adverse impact on the water quality in the areas, and would not have adverse geotechnical impact on the surrounding area. It was considered more appropriate to concentrate the proposed Small House development within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services. Except one similar application which was partially approved on sympathetic ground, all other similar applications were rejected between 2008 and 2016. Regarding the adverse public comments, government departments' comments and the planning assessments above were relevant.

19. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone which is primary to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the current submission for a departure from the planning intention;
- (b) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House /Small House in the New Territories (Interim Criteria) in that there is no general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of Sheung Pak Ngau Shek and Ha Pak Ngau Shek;
- (c) the proposed development does not comply with the Interim Criteria in that the applicant fails to demonstrate that the proposed development located within water gathering grounds would be able to be connected to the existing/planned sewerage system and would not cause adverse impact on the water quality in the area and that the proposed development would not have adverse geotechnical impact on the surrounding area; and
- (d) land is still available within the “V” zone of Sheung Pak Ngau Shek and Ha Pak Ngau Shek which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.”

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-SSH/103 Proposed House (New Territories Exempted House - Small House) in “Green Belt” and “Village Type Development” Zones, Government Land in D.D. 165, Ma Kwu Lam Village, Sai Sha Road, Sai Kung North, New Territories
(RNTPC Paper No. A/NE-SSH/103)

Presentation and Question Sessions

21. 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. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments were received from the Sai Kung North Rural Committee supporting the application and an individual objecting to the application. Their views were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments set out in paragraph 12 of the Paper. Although the proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone and there was no general shortage of land in the “Village Type Development” (“V”) zone to meet the

demand for Small House development, in view that the site was vacant, hard-paved, and the majority of the footprint of the proposed development was within the “V” zone, sympathetic consideration might be given to the application. Regarding the public comment, government departments’ comments and the planning assessments above were relevant.

22. A Member raised the following questions/points:

- (a) the background of the orderly layout of the village; and
- (b) whether the site was a piece of government land.

23. Mr C.T. Lau made the following responses:

- (a) the village was developed in the past when the government would form the site and prepare layout plan for village development; and
- (b) the site was a piece of government land.

24. A Member raised the following questions/points:

- (a) the condition of the part of the site which fell within the “GB” zone; and
- (b) noting that there was sufficient land within the “V” zone to meet the demand for Small House development, whether approval of the subject application would set a precedent for similar applications falling within the “GB” zone.

25. Mr C.T. Lau made the following responses:

- (a) with reference to the aerial photo, the part of the site fell within the “GB” zone had already been formed without any vegetation and the site was adjoining some existing village houses; and
- (b) the site was located at the south-eastern fringe of the “V” zone with over

66% of the site area within the “V” zone. Other sites along the fringe would have less than 50% of the site area within the “V” zone, which would not be in line with the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories.

Deliberation Session

26. A Member had reservation on the application as sufficient land was still available within the “V” zone for Small House development. Some Members, however, considered that sympathetic consideration might be given as the site was currently hard-paved without any vegetation, it was adjoining other existing village houses in an orderly pattern, and a similar application for Small House development in the south-west of the site was approved in 2007.

27. A Member was of the view that land availability within the “V” zone was an important consideration for Small House application. Nevertheless, given the condition and circumstances of the site, the Member had no objection to the application. That view was shared by some other Members.

28. 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 28.4.2021, 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.”

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

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/626 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” Zone, Government Land in D.D. 26, Ha Tei Ha Village,
Shuen Wan, Tai Po, New Territories
(RNTPC Paper No. A/TP/626)

Presentation and Question Sessions

30. 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 Chief Town Planner, Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as the construction of the proposed development and the associated site formation works would involve tree felling and clearance of vegetation, in particular, a mature *Aquilaria sinensis* located close to the site would be adversely affected. Approval of the application would encourage similar Small House developments in the “Green Belt” (“GB”) zone, resulting in urban sprawl and degradation of landscape quality in the area. The Director of Agriculture, Fisheries and Conservation (DAFC) also had reservation on the application due to the tree felling concern. The Commissioner for Transport (C for T) had reservation on the application but considered that the development of one Small House could be tolerated;

- (d) during the first three weeks of the statutory publication period, seven public comments were received. The Tai Po Rural Committee, a District Councillor and an individual supported the application while the other four public comments, including the Hong Kong Bird Watching Society, the Designing Hong Kong Limited and two individuals, objected to the application. Their 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 “GB” zone. It did not comply with the Town Planning Board Guidelines No. 10 in that the proposed development would involve felling of trees and affect the existing natural landscape in the surrounding areas, and did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories as land was still available within the “Village Type Development” (“V”) zone to meet the outstanding Small House applications. It was considered more appropriate to concentrate the proposed Small House development within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services. Although there were three approved similar applications in close proximity to the site, the current circumstances were different as the proposed development would have adverse landscape impact. Regarding the public comments, the planning assessments and considerations above were relevant.

31. In response to some Members' enquiries on the reasons for approving application No. A/TP/618 to the south of the site in February 2017 and the differences between that approved application and the subject application, Mr C.T. Lau said that the site of the approved application was flat and not covered by any trees, whereas the site of the subject application and its associated site formation works would involve tree felling and might affect a nearby *Aquilaria sinensis*.

32. Some Members raised the following questions/points:

- (a) the location of the *Aquilaria sinensis*; and
- (b) whether there was any mechanism to protect the existing trees.

33. Mr C.T. Lau made the following responses:

- (a) with reference to Plan A-4a, *Aquilaria sinensis* was located outside the site and behind the vegetation in the foreground; and
- (b) the site was a piece of government land where tree felling was monitored by the Lands Department.

Deliberation Session

34. Noting that the proposed development would require clearance of the vegetation, a Member agreed with PlanD's assessment on the application.

35. 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 “Green Belt” (“GB”) zone which is to define the limits of urban development areas and there is a general presumption against development within “GB” zone. There is no strong justification in the submission for a departure from the planning intention;
- (b) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories in that the proposed development would cause adverse landscape impact on the surrounding areas;
- (c) the proposed development does not comply with the Town Planning Board Guidelines No. 10 for Application for Development within “GB” zone

under section 16 of the Town Planning Ordinance in that the proposed development and the associated site formation works would involve tree felling, clearance of vegetation and affect the existing natural landscape in the surrounding areas; and

- (d) land is still available within the “Village Type Development” (“V”) zone of Ha Tei Ha Village which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.”

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/627 Minor relaxation of Plot Ratio Restriction (from 0.6 to 0.72) for permitted residential development in “Residential (Group C)” Zone, Government Land at Yat Yiu Avenue, Tai Po, New Territories
(RNTPC Paper No. A/TP/627)

36. The Secretary reported that the application was submitted by the Lands Department (LandsD). The following Members had declared interests on the item:

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

Mr Edwin W.K. Chan - being the Assistant Director of LandsD.

37. As the interests of Ms Janice W.M. Lai and Mr Edwin W.K. Chan were direct, the Committee agreed that they should be invited to leave the meeting temporarily.

[Ms Janice W.M. Lai and Mr Edwin W.K. Chan left the meeting temporarily at this point.]

Presentation and Question Sessions

38. 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 minor relaxation of plot ratio (PR) restriction from 0.6 to 0.72;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, five public comments were received. Two public comments were from the Management Office of L'Utopie and the Owners Committee of Savanna Garden objecting to the application. The remaining three public comments were from two local residents and a group of individuals raising concern on the proposed development. Major objection grounds and concerns were set out in paragraph 9 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. The application was in line with the government policy to increase flat production to meet the housing demand. The building bulk of the proposed development was not incompatible with the surrounding development. The proposed increase in PR would not cause any adverse impacts on visual quality, landscape, traffic, environmental, drainage, sewerage, geotechnical, fire safety and air ventilation aspects. The future developer would be required to provide a 5 m wide landscape buffer along the southern boundary of the site and retain or re-provide a free and uninterrupted public pedestrian access along the existing/replacement footpath under lease. Regarding the public comments, the planning

assessments above were relevant.

39. Members had no question on the application.

Deliberation Session

40. 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 28.4.2021, 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 inclusion of the requirement of retaining or providing a free and uninterrupted public pedestrian access along the existing/replacement footpath in the lease of the site to the satisfaction of the Director of Planning or of the TPB;
- (b) the inclusion of the requirement of drainage impact assessment in the lease of the site to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the inclusion of the requirement of sewerage impact assessment in the lease of the site to the satisfaction of the Director of Environmental Protection or of the TPB;
- (d) the inclusion of the requirement of providing a 5m wide landscape buffer along the southern boundary in the lease of the site to the satisfaction of the Director of Planning or of the TPB;
- (e) the inclusion of the requirement of providing fire service installations and water supplies for fire-fighting in the lease of the site to the satisfaction of the Director of Fire Services or of the TPB; and
- (f) the inclusion of Natural Terrain Hazard Study requirements in the lease of

the site to the satisfaction of the Director of Civil Engineering and Development or of the TPB.”

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

[Ms Janice W.M. Lai and Mr Edwin W.K. Chan returned to join the meeting at this point.]

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LK/108 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” Zone, Lot 1352 S.A in D.D. 39, Ma Tseuk Leng Village,
Sha Tau Kok, New Territories
(RNTPC Paper No. A/NE-LK/108)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site was covered with mature trees and other vegetation including a species which was protected under the Forests and Countryside Ordinance (Cap.

96). The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as vegetation clearance including tree felling within the site as well as adverse landscape impact was anticipated. Further vegetation clearance for provision of construction access would be required. Approval of the application would set an undesirable precedent to encourage similar applications. The Commissioner for Transport had reservation on the application but considered that the development of one Small House could be tolerated. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, seven public comments were received. A North District Council member supported the application and the Chairman of Sheung Shui District Rural Committee indicated no comment on the application. The remaining five public comments from Designing Hong Kong Limited, Hong Kong Bird Watching Society, World Wide Fund for Nature Hong Kong, Kadoorie Farm and Botanic Garden Corporation and an individual objected to the application. Their views were set out in paragraph 11 of the Paper;
- (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 “Green Belt” zone. The application did not comply with Town Planning Board Guidelines No. 10 and the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that the proposed development would affect the existing natural landscape on the surrounding area. As land was still available within the “Village Type Development” (“V”) zone of Ma Tsuek Leng to meet outstanding Small House applications, it was considered more appropriate to concentrate the proposed Small House development within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services. Regarding the public comments, government departments' comments and the planning assessments above were relevant.

43. Members had no question on the application.

Deliberation Session

44. 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 “Green Belt” (“GB”) zone in the Luk Keng and Wo Hang area which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories and Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” Zone under Section 16 of the Town Planning Ordinance’ in that the proposed development would involve clearance of vegetation and would affect the existing natural landscape in the surrounding environment;
- (c) land is still available within the “Village Type Development” zone of Ma Tseuk Leng where land is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructures and services; and
- (d) the approval of the application would set an undesirable precedent for similar applications in the area. The cumulative impacts of approving such applications would result in a general degradation of the environment

and landscape quality of the area.”

[Ms Christina M. Lee left the meeting at this point.]

Agenda Item 13

Section 16 Application

[Open Meeting]

A/NE-LYT/625 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” Zone, Lot 589 S.F in D.D. 85, Lau Shui Heung, Fanling,
New Territories
(RNTPC Paper No. A/NE-LYT/625)

45. The Committee noted that the applicant requested on 20.4.2017 deferment of the consideration of the application for two months in order to allow time to prepare further information to address the comments of various government departments. It was the first time that the applicant requested deferment of the application.

46. 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 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-MUP/127 Proposed 2 Houses (New Territories Exempted Houses - Small Houses) in “Agriculture” Zone, Lots 341 S.A and 341 RP in D.D. 37, Man Uk Pin, Sha Tau Kok, New Territories
(RNTPC Paper No. A/NE-MUP/127)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed two houses (New Territories Exempted Houses (NTEHs) - Small Houses);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site had potential for agricultural rehabilitation. The Commissioner for Transport had reservation on the application but considered that construction of two Small Houses could be tolerated. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, six public comments were received. A North District Council member supported the application and the Chairman of the Sheung Shui District Rural Committee had no comment on the application. The other four public comments from the Kadoorie Farm and Botanic Garden Corporation, Designing Hong Kong Limited and two individuals objected to or raised concern on the application. Their views were set out in paragraph 10 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. Although the proposed development was not in line with the planning intention of the “Agriculture” zone and DAFC did not support the application, the proposed development was not incompatible with the surrounding rural environment. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (Interim Criteria), more than 50% of the footprint of the proposed Small Houses fell within the village ‘environs’ (‘VE’) of Man Uk Pin Village and land was still available within the “Village Type Development” (“V”) zone to meet the outstanding Small House applications. Nevertheless, the site was the subject of a previous approved application for two Small Houses but the planning permission lapsed in January 2017. The site was in close proximity to the subject “V” zone and there were approved Small House applications nearby, the implementation of which were forming a new village cluster in the locality. Regarding the public comments, government departments’ comments and the planning assessments above were relevant.

48. Some Members raised the following questions/points:

- (a) reasons for the odd shape of the House 2 site; and
- (b) whether House 2 complied with the Interim Criteria as about half of its site was outside the ‘VE’.

49. Mr Wallace W.K. Tang made the following responses:

- (a) the configuration of the site followed the boundary of the subject lot; and
- (b) as 51% of the footprint of House 2 fell within the ‘VE’, the proposed Small House development at the House 2 site complied with the Interim Criteria.

Deliberation Session

50. The Meeting noted that the planning permission of the previous application granted in 2013 had lapsed in 2017 while the Lands Department was still processing the Small House grant application, and that the proposed development of the previous approved application, including the site boundary and building footprint were the same as that of the current application.

51. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 28.4.2021, 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 for each of the two proposed Small Houses, as proposed by the applicants, at locations 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.”

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

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/919 Renewal of Planning Approval for Temporary “Shop and Services” for a Period of 5 Years in “Industrial” Zone, Workshop G2, LG/F, Valiant Industrial Centre, 2-12 Au Pui Wan Street, Fo Tan, Sha Tin, New Territories
(RNTPC Paper No. A/ST/919)

53. The Secretary reported that the site was located in Fo Tan area and Professor K.C. Chau had declared an interest on the item as he co-owned with his spouse a flat in Fo Tan.

54. The Committee noted that Professor K.C. Chau had tendered apologies for being unable to attend the meeting.

Presentation and Question Sessions

55. 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 renewal of planning approval for temporary shop and services for a period of five years;
- (c) departmental comments – department 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 based on the assessments set out in paragraph 11 of the Paper. The application complied with the Town Planning Board Guidelines (TPB PG) No. 34B in that the current application was the same as the previous approved application and there was no material change in planning circumstances since the previous approval was granted. The applied use also generally complied with the relevant considerations set out in TPB PG-No. 25D for use/development within the “Industrial” zone, including the fire safety and traffic aspects. The applicant had complied with all the approval conditions under the previously approved application and the concerned government departments had no objection/adverse comment on the subject application. In accordance with TPB PG-No. 34B, the approval period for renewal should not be longer than the original validity period of the temporary approval. A temporary approval of three years, instead of five years as applied, was therefore recommended in order not to jeopardise the long term planning intention for industrial use of the premises.

56. In response to a Member’s question on the duration of the temporary approval, Mr Kenny C.H. Lau, STP/STN, said that the applicant might not be aware of the maximum time period allowed for renewal application as specified in TPB PG-No. 34B, and thus applied for renewal of planning approval for a period of five years.

Deliberation Session

57. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 14.6.2017 to 13.6.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission and implementation of the proposal for provision of fire service installations and equipment within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.12.2017; and

- (b) if the above planning condition (a) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

Fanling, Sheung Shui and Yuen Long East District

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

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/449 Renewal of Planning Approval for Temporary Godown with Ancillary Office and Staff Quarters Use under Application No. A/NE-KTS/362 for a Period of 3 Years in “Recreation” Zone, Lots 1623 S.B, 1624 S.A to S.I, 1624 RP, 1626, 1628, 1629 and 1631 to 1637 in D.D. 100 and Adjoining Government Land, Ying Pun, Kwu Tung South, New Territories

(RNTPC Paper No. A/NE-KTS/449A)

59. The Secretary reported that Ove Arup & Partners Hong Kong Limited (Arup) was one of the consultants of the applicant. The following Members had declared interests on the item :

Mr Ivan C.S. Fu
Ms Janice W.M. Lai

} having current business dealings with Arup

60. The Committee noted that Mr Ivan C.S. Fu had tendered apologies for being unable to attend the meeting. As Ms Janice W.M. Lai had no involvement in the application, the Committee agreed that she could stay in the meeting.

61. The Secretary reported that two letters dated 3.4.2017 and 22.4.2017, one of which enclosed a CD containing mainly video clips showing the road condition in the vicinity of the application site, and four emails dated 18.4.2017 from a member of the public were received providing views on the application. A copy each of the letters and emails were tabled at the meeting and the CD was deposited at the Secretariat. As the submissions were made out of time, the Committee agreed that they should be treated as not having been made under s.16(2H)(a) of the Town Planning Ordinance. The Committee also noted that the same member of the public had already submitted a public comment on the application during the statutory public inspection period which was included in the main paper.

Presentation and Question Sessions

62. Ms S.H. Lam, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the renewal of planning approval for temporary godown with ancillary office and staff quarters use under application No. A/NE-KTS/362 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 of domestic uses in the vicinity of the site and environmental nuisance was expected. However, no environmental complaint was received in the past

three years. The District Officer (North) advised that there was a controversial land dispute case relating to the use of a road section at the junction of the site access road and the public road, which might affect the road safety due to heavy vehicle traffic from the applicant's site. The applicant was advised to formulate measures to ensure road safety. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, 11 public comments were received. Three comments from two North District Council members and the Chairman of the Sheung Shui District Rural Committee supported the application. One comment from an individual indicated no comment. The remaining seven public comments from the general public/locals objected to the application. The major objection grounds were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary godown with ancillary office and staff quarters could be tolerated for a further period of three years based on the assessments set out in paragraph 12 of the Paper. Although the applied use was not in line with the planning intention of the “Recreation” (“REC”) zone, there was no known programme to implement the zoned use. Approval of the application on a temporary basis would not frustrate the planning intention of the “REC” zone. The application generally complied with the Town Planning Board Guidelines No. 34B in that there were no adverse planning implications arising from the renewal of the planning approval; approval of the application on temporary basis would not pre-empt the long-term development of the area; the applicant had complied with all the approval conditions of the latest planning approval; and there had been no material change in planning circumstances nor change in the land uses of the surrounding areas since the previous temporary planning approval was granted. The use under application was considered not incompatible with the surrounding land uses. On the road safety aspect, although there was one case of traffic accident at the junction of the access road leading to the

site and the village road, according to the Commissioner of Police, the location was not a traffic accident blackspot. The Commissioner for Transport had no comment on the vehicular access to the site. Heavy goods vehicle was not allowed to and from the site as stipulated under the approval condition. The applicant also proposed other measures to improve pedestrian safety. Regarding the public comments, government departments' comments and the planning assessments above were relevant.

63. A Member raised the following questions/points:

- (a) noting that one of the suggested approval conditions prohibited heavy goods vehicles to/from the site, how this approval condition would be monitored; and
- (b) with reference to Plan A-3 of the Paper, whether there were heavy vehicles, including container tractors/trailers, parked on site.

64. Ms S.H. Lam made the following responses:

- (a) the recommended approval condition prohibited heavy vehicles exceeding 24 tonnes to/from the site. As observed during site visit by her office, no heavy vehicles exceeding 24 tonnes were parked at the site; and
- (b) in case the parking of heavy vehicles which violated the approval condition was observed, it might result in revocation of the planning permission.

65. Mr K.C. Siu, Chief Traffic Engineer/New Territories East, Transport Department (TD) noted that a public comment had raised concerns on the adverse impact of the vehicular access to the site on pedestrian safety. He said that the applicant should demonstrate that the access and manoeuvring of vehicles would not cause pedestrian safety problem and suggested that an appropriate approval condition should be included to address the pedestrian safety aspect.

Deliberation Session

66. The Committee noted that the applied use had been in operation at the site since 2006 and in the current application, there was public concern on the conversion of an existing footpath to form part of the vehicular access to the site causing pedestrian safety problem.

67. The Secretary said that the applicant had suggested some proposals to address the pedestrian safety problem as set out in paragraph 12.5 and reflected in the suggested advisory clauses in Appendix IV of the Paper. She said that Members could consider including such proposals as an approval condition as appropriate.

68. Members generally had no objection to the application. To address the public concern on pedestrian safety, Members agreed to add an approval condition requiring the provision of improvement measures to the vehicular access to the site to enhance pedestrian safety to TD's satisfaction.

69. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 10.5.2017 until 9.5.2020, 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 heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to/from the site at any time during the planning approval period;
- (c) the existing drainage facilities should be properly maintained and rectified if found inadequate/ineffective during operation at all times during the planning approval period;
- (d) the existing trees on the site should be maintained at all times during the planning approval period;

- (e) the submission of a record of the existing drainage facilities on the site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 10.8.2017;
- (f) the submission of fire service installations and water supplies for fire fighting proposals within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.11.2017;
- (g) in relation to (f) above, the implementation of fire service installations and water supplies for fire fighting proposals within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.2.2018;
- (h) the submission of a proposal on traffic improvement measures to enhance pedestrian safety within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 10.11.2017;
- (i) in relation to (h) above, the implementation of the proposal on traffic improvement measures within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 10.2.2018;
- (j) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (k) if any of the above planning conditions (e), (f), (g), (h) or (i) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;

and

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

70. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix IV of the Paper, with (h) revised as follows:

“to note the comments of the Commissioner for Transport that the proposal on traffic improvement measures should include an assessment to demonstrate the safe use of the footpath by pedestrians and any necessary crossing facilities on the access road in front of the application site and propose traffic improvement measures to address the safety concerns identified in the assessment, if any.”

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

71. The Secretary reported that the application was submitted by Ease Gold Development Limited, which was a subsidiary of Sun Hung Kai Properties Limited (SHK), and Llewelyn-Davies Hong Kong Limited (LD), AECOM Asia Company Limited (AECOM), Black & Veatch Hong Kong Limited (B&V), Ramboll Environ Hong Kong Limited (Environ) and Urbis Limited (Urbis) were five of the consultants of the applicant. The following Members have declared interests on this item:

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

72. The Committee noted that Mr Ivan C.S. Fu and Mr Alex T.H. Lai had tendered apologies for being unable to attend the meeting, and Ms Christina M. Lee had already left the meeting. As the interests of Ms Janice W.M. Lai and Miss Winnie W.M. Ng were direct, the Committee agreed that they should be invited to leave the meeting temporarily for the item. As the interest of Mr Stephen L.H. Liu was indirect and Dr C.H. Hau had no involvement in the application, the Committee agreed that they could stay in the meeting.

[Ms Janice W.M. Lai left the meeting and Miss Winnie W.M. Ng left the meeting temporarily at this point.]

Presentation and Question Sessions

73. With the aid of a PowerPoint presentation, Ms Ivy C.W. Wong, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed residential development (flats);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the seven statutory publication periods, a total of 235 public comments from Ha Ko Po Tsuen villagers, residents of the Riva and Ko Po Tsuen and members of the public were received. Amongst them, 110 supporting and 125 objecting to/raising concerns on the application. The District Officer (Yuen Long) also conveyed that 18 objections were received from villagers of Ha Ko Po Tsuen. Major views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed development was in line with the planning intention of the “Residential (Group E)” zone and complied with the stated development restrictions. The applicant had submitted relevant technical assessments to demonstrate the feasibility of the proposed development on traffic, environment, air ventilation, drainage and sewerage aspects. Relevant government departments had no objection to/adverse comments on the application. The applicant had revised the site boundary to exclude the village access in response to comments of Ha Ko Po Tsuen villagers. Regarding the public comments, the planning considerations and assessments above were relevant.

74. Members had no question on the application.

Deliberation Session

75. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 28.4.2021, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission and implementation of a landscape master plan and tree preservation proposals to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission of a revised Traffic Impact Assessment (TIA) and the design and implementation of the road improvement measures as proposed in the revised TIA to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the design and provision of vehicular access and car parking and loading/unloading facilities for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) the submission of an updated Sewerage Impact Assessment for connections to the public sewers and implementation of the sewerage improvement measures identified therein to the satisfaction of the Director of Environmental Protection or of the TPB;
- (e) the submission of an updated Noise Impact Assessment and the implementation of mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the TPB;
- (f) the submission of a revised Hazard Assessment and the implementation of

mitigation measures identified therein to the satisfaction of the Coordinating Committee on Land-use Planning and Control relating to Potentially Hazardous Installations or of the TPB;

- (g) the implementation of the accepted drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (h) the design and provision of water supply for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.”

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

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

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/556 Proposed Temporary Animal Boarding Establishment (Dog Kennel cum Dog Recreation Centre) for a Period of 3 Years in “Agriculture” Zone, Lot 207 (Part) in D.D. 110, Tai Kong Po, Kam Tin, Yuen Long, New Territories
(RNTPC Paper No. A/YL-KTN/556)

Presentation and Question Sessions

77. Ms Ivy C.W. Wong, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed temporary animal boarding establishment (dog kennel cum dog recreation centre) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as there were active agricultural activities in the vicinity of the site and the site possessed potential for agricultural rehabilitation. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as the site had been gradually cleared and paved from 2012 to 2015. Approval of the application would set an undesirable precedent encouraging vegetation clearance and site modification prior to obtaining planning approval;
- (d) during the first three weeks of the statutory publication period, two public comments were received from the Hong Kong Bird Watching Society and an individual. The major objection grounds were set out in paragraph 10 of the Paper ; and
- (e) PlanD's views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. The proposed development was temporary in nature, approval of the application for a period of 3 years would not jeopardise the long-term planning intention of the area. The proposed development was considered not incompatible with the surrounding areas. To minimise the possible environmental nuisance, approval conditions restricting the operation hours, public announcement system and whistle blowing on the site were recommended. Regarding the adverse public comments, relevant government departments' comments and the planning assessments above were relevant.

78. In response to a Member's enquiry, Ms Ivy C.W. Wong, STP/FSYLE, said that based on the aerial photos, there were gradual clearance of existing vegetation and progress

of site formation works at the site between 2012 and 2015.

Deliberation Session

79. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 28.4.2020, 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 public announcement system and whistle blowing at any time, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (d) the submission of landscape proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 28.10.2017;
- (e) in relation to (d) above, the implementation of landscape proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 28.1.2018;
- (f) 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 28.10.2017;
- (g) in relation to (f) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 28.1.2018;

- (h) the submission of fire service installations 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 28.10.2017;
- (i) in relation to (h) above, the implementation of fire service installations proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.1.2018;
- (j) if any of the above planning conditions (a), (b) or (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked without further notice;
- (k) if any of the above planning conditions (d), (e), (f), (g), (h) or (i) is not complied with by the specific date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (l) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/557 Proposed Government Refuse Collection Point in an area shown as ‘Road’, Government Land near Junction of Kam Tin Road and Kam Tai Road, Yuen Long, New Territories
(RNTPC Paper No. A/YL-KTN/557)

81. The Secretary reported that AECOM Asia Company Limited (AECOM) was the consultant of the applicant. Mr Ivan C.S. Fu, Ms Janice W.M. Lai and Dr C.H. Hau had declared interests on the item as they had current business dealings with AECOM.

82. The Committee noted that Mr Ivan C.S. Fu had tendered apologies for being unable to attend the meeting and Ms Janice W.M. Lai had already left the meeting. As Dr C.H. Hau had no involvement in the application, the Committee agreed that he could stay in the meeting.

Presentation and Question Sessions

83. Ms Ivy C.W. Wong, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed government refuse collection point (RCP);
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment from an individual was received providing views on the application. The major 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 based on the assessments set out in paragraph 10 of the Paper. The proposed RCP was considered not incompatible with the surrounding area. The proposed RCP served to re-provision an existing RCP to the immediate east, was small in scale and would unlikely result in adverse traffic, drainage, sewerage, environmental and landscape impacts on the surrounding area. The Director of Environmental Protection had no

objection to the application. The site was the subject of a previous application for RCP which was approved by the Committee in 1999. Approval of the subject application was in line with the previous decision of the Committee. Regarding the public comment, the applicant advised that the refuse collection and cleaning at the proposed RCP would be performed at least once daily.

84. Members had no question on the application.

Deliberation Session

85. 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 28.4.2021, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

“the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB.”

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

Agenda Item 20

Section 16 Application

[Open Meeting]

A/YL-KTS/733 Temporary Place of Recreation, Sports or Culture (Hobby Farm and Ancillary Agriculture Learning Centre) for a Period of 3 Years in “Agriculture” Zone, Lots 1732 (B-C) S.A, 1732 (B-C) S.B and 1732 (B-C) RP (Part) in D.D. 106, Kam Sheung Road, Pat Heung, Yuen Long, New Territories
(RNTPC Paper No. A/YL-KTS/733)

87. The Secretary reported that the site was located in Kam Tin South area. Ms Janice W.M. Lai had declared an interest on the item as her family member owned a property at Cheung Po Tsuen, Kam Tin South.

88. The Committee noted that the applicant had requested deferment of consideration of the application and Ms Janice W.M. Lai had already left the meeting.

89. The Committee noted that the applicant requested on 21.4.2017 deferment of the consideration of the application for two months to allow time for preparation of further information to address the comments of concerned departments. It was the first time that the applicant requested deferment of the application.

90. 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 21

Section 16 Application

[Open Meeting]

A/YL-PH/743 Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years in "Village Type Development" Zone, Lots 900 S.A (Part) and 900 S.B (Part) in D.D. 111, Pat Heung, Yuen Long, New Territories
(RNTPC Paper No. A/YL-PH/743)

91. The Secretary reported that the site was located in Pat Heung area. Ms Janice W.M. Lai had declared an interest on the item as her family member owned a property at Leung Uk Tsuen, Pat Heung.

92. The Committee noted that the applicant had requested deferment of consideration of the application and Ms Janice W.M. Lai had already left the meeting.

93. The Committee noted that the applicant requested on 11.4.2017 deferment of the consideration of the application for two months in order to allow time for the applicant to address comments from the Transport Department. It was the first time that the applicant requested for deferment of the application.

94. 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 22

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)

95. The Committee noted that the applicant requested on 21.4.2017 deferment of the consideration of the application for two months to allow time for the applicant to prepare further information on access arrangement to address the comments from the Transport Department (TD). It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had been preparing responses to address concerned departments' comments, including TD.

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

Agenda Item 23

Section 16 Application

[Open Meeting]

A/YL-SK/223 Proposed Temporary Open Storage of Construction Material for a Period of 3 Years in "Agriculture" Zone, Lot 441 in D.D. 112, Sheung Tsuen, Kam Sheung Road, Pat Heung, Yuen Long, New Territories
(RNTPC Paper No. A/YL-SK/223)

97. The Committee noted that the application was rescheduled.

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NSW/250 Proposed Petrol Filling Station with Sales Office and Ancillary Facilities in “Undetermined” Zone and an area shown as ‘Road’, Lots No. 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/250B)

Presentation and Question Sessions

98. With the aid of a PowerPoint presentation, Ms Emily P.W. Tong, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed petrol filling station with sales office;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection did not support the application as the site was in close proximity to sensitive receivers and there was concern on the potential noise nuisance. The environmental assessment had failed to demonstrate that noise impact generated from the proposed development would not have adverse impact on the nearby sensitive receivers. The Director of Housing objected to the application as it would likely pose constraints on the potential public housing development within the same “Undetermined” (“U”) zone. The Commissioner for Transport did not support the application as the applicant had proposed to convert a section of the existing cycle track to footpath and carriageway for the proposed development without re-provisioning of the affected section of the cycle track. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had

reservation on the proposed development as all the existing trees would be felled and compensated by only three heavy standard trees and bamboo planting;

- (d) during the first three weeks of the three statutory publication periods, a total of four public comments were received. Two were from a Yuen Long District Council member and the remaining two from an individual objecting to the application. The major objection grounds were set out in paragraph 10 of the Paper; and
- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The subject “U” zone (including the site) was identified for public housing purpose. Approval of the application would impose constraints and jeopardise the long-term land use planning for the area. The proposed development would affect a section of the existing cycle track which formed part of the New Territories Cycle Track network from Tuen Mun to Sheung Shui, and would have adverse traffic, environmental and landscape impacts on the surrounding areas. Regarding the adverse public comments, the planning assessments above were relevant.

99. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed petrol filling station is mainly located within an area zoned “Undetermined” which is being comprehensively reviewed. Approval of the application would pose an undue constraint to the future land use in the area; and
- (b) the applicant fails to demonstrate that the proposed development would not

have adverse traffic, environmental and landscape impacts on the surrounding areas.”

[The Chairman thanked Ms S.H. Lam, Ms Ivy C.W. Wong and Ms Emily P.W. Tong, STPs/FSYLE, for their attendance to answer Members’ enquiries. Ms Lam, Ms Wong and Ms Tong left the meeting at this point.]

Tuen Mun and Yuen Long West District

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

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/1064 Proposed Temporary Road Repair Workshop and Storage of Construction Materials with Ancillary Vehicle Repairing and Office for a Period of 3 Years in “Agriculture” Zone, Lots 126 (Part), 127 and 128 in D.D. 128 and Adjoining Government Land, Deep Bay Road, Ha Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-HT/1064A)

101. The Secretary reported that the site was located in Ha Tsuen area. Ms Janice W.M. Lai had declared an interest on the item as her spouse was a shareholder of a company which owned two pieces of land in Ha Tsuen.

102. The Committee noted that Ms Janice W.M. Lai had already left the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary road repair workshop and storage of construction materials with ancillary vehicle repairing and office for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection did not support the application as there were sensitive uses along the access road and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as the proposed development was incompatible with the surrounding environment and gradual adverse landscape impact within the site and its vicinity was observed. Approval of the application even on a temporary basis would set an undesirable precedent. The Director of Agriculture, Fisheries and Conservation did not support the application as agricultural activities in the vicinity were still active and the site had a high potential for agricultural rehabilitation in terms of greenhouse cultivation and nursery. The Commissioner for Transport commented that there was insufficient information to assess the application from traffic engineering point of view. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, three adverse public comments were received from World Wide Fund for Nature Hong Kong, the Kadoorie Farm and Botanic Garden Corporation and an individual. 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 applied temporary use was not in line with the planning intention of the “Agriculture” (“AGR”) zone. There was no strong planning justification in the submission to merit a departure from such planning intention, even on a temporary basis. The applied use was not compatible with the surrounding rural environment. The application did not meet the Town Planning Board Guidelines No. 13E as no previous approvals for similar open storage uses had been granted for the site; there were adverse comments from concerned departments and there was no information in the submission to demonstrate that the applied use would not have adverse landscape, environmental and traffic impacts. Approval of the application would set an undesirable precedent. The cumulative effect of approving such similar applications would result in a general degradation of the rural environment and landscape quality of the area. Regarding the adverse public comments, the planning assessments above were relevant.

104. Members had no question on the application.

Deliberation Session

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

- “(a) the development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification to merit a departure from such planning intention, even on a temporary basis;
- (b) the development is not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that no

previous approval has been granted for the site, there are adverse departmental comments on the agricultural, landscape, traffic and environmental aspects. The applicant fails to demonstrate that the proposed development would not generate adverse landscape, traffic and environmental impacts; and

- (c) the approval of the application, even on a temporary basis, would set an undesirable precedent for applications for other developments within the “AGR” zone, the cumulative effect of which will result in a general degradation of the environment of the “AGR” zone.”

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/295 Renewal of Planning Approval for “Temporary Warehouse for Storage of Animal Feed” for a Period of 3 Years in “Recreation” Zone, Lots 2075 (Part), 2076 (Part), 2082 (Part) and 2083 (Part) in D.D. 129, Lau Fau Shan, Yuen Long, New Territories
(RNTPC Paper No. A/YL-LFS/295)

Presentation and Question Sessions

106. 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 renewal of planning approval for temporary warehouse for storage of animal feed for a period of three years;
- (c) departmental comments – department 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 users in the vicinity of the site and environmental nuisance was expected. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, one adverse public comment from an individual was received. The major objection grounds were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of three years based on the assessments set out in paragraph 12 of the Paper. Although the applied use was not in line with the planning intention of “Recreation” (“REC”) zone, there was no known programme to implement the zoned use on the OZP, approval of the application on a temporary basis would not frustrate the planning intention of the “REC” zone. The applied use was not incompatible with the surrounding areas. The application was in line with the Town Planning Board Guidelines No. 34B in that there was no change in planning circumstances since the previous temporary approval; there was no adverse planning implication arising from the renewal of the planning approval; the applicant had complied with all the approval conditions; and the 3-year approval period sought was of the same time frame as the previous approval. Although DEP did not support the application, there had been no substantiated environmental complaint concerning the site received in the past three years. Regarding the adverse public comment, the planning assessments above were relevant.

107. Members had no question on the application.

Deliberation Session

108. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 10.5.2017 to 9.5.2020, 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. to 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no vehicle exceeding 5.5 tonnes, as defined in the Road Traffic Ordinance, including container vehicle/trailer/tractor, as proposed by the applicant, is allowed to enter/exit or to be parked/stored on the site at any time during the planning approval period;
- (d) no workshop activity, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (e) no open storage of materials is allowed on the site during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;
- (g) the existing drainage facilities on the site should be maintained at all times during the approval period;
- (h) the submission of a condition record of the existing drainage facilities within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 10.8.2017;
- (i) the submission of a fire service installations proposal within 6 months from the date of commencement of the renewal planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.11.2017;
- (j) in relation to (i) above, the implementation of the fire service installations

proposal within 9 months from the date of commencement of the renewal planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.2.2018;

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

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

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/536 Temporary Minibus Seating Assembling Workshop, Open Storage of Minibus and Storage of Vehicle Seating and Parts with Ancillary Office for a period of 3 years in “Village Type Development” Zone, Lots 1804 (Part), 1805 (Part), 1808 RP, 1809 RP (Part) and 1817 (Part) in D.D. 124, San Lee Uk Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-PS/536)

Presentation and Question Sessions

110. 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 minibus seating assembling workshop, open storage of minibus and storage of vehicle seating and parts with ancillary office for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection did not support the application as there were sensitive users nearby and environmental nuisance was expected. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two adverse public comments from two individuals were received. The major objection grounds were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The applied development was not in line with the planning intention of the “Village Type Development” (“V”) zone and there was no strong planning justification for a departure from the planning intention, even on a temporary basis. The applied development was not compatible with the uses in the surrounding areas and did not comply with the Town Planning Board Guidelines No. 13E in that the site fell within Category 4 areas and there was no exceptional circumstance that warranted the approval of the application. There had not been any planning approval for similar use in the subject “V” zone, approval of the application would set an undesirable precedent for similar applications. Regarding the adverse public comments, the planning assessments above were relevant.

111. Members had no question on the application.

Deliberation Session

112. Members noted that the two previous applications at the site were for temporary public vehicle park while the subject application was mainly for workshop and open storage use.

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

- “(a) the planning intention of the “Village Type Development” (“V”) zone is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. The applied development is not in line with the planning intention of the “V” zone. No strong planning justification has been given in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the development is not compatible with the surrounding land uses which are predominantly residential in nature intermixed with vehicle parks, cultivated agricultural land, orchard, vacant and unused land;
- (c) the applicant fails to demonstrate that the development would not generate adverse environmental impact on the surrounding areas;
- (d) the development does not comply with the Town Planning Board Guidelines No. 13E in that the site falls within Category 4 areas and the applicant has not provided any strong planning justification to demonstrate that there is exceptional circumstance which warrants approval of the application; and
- (e) the approval of the application, even on a temporary basis, would set an

undesirable precedent for similar uses. The cumulative impact of approving such similar applications would result in a general degradation of the environment of the area.”

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/400 Proposed Temporary Shop and Services (Retail Shop for Pet Food) for a Period of 3 Years in “Other Specified Uses” annotated “Rural Use” Zone, Lots 3586 S.B RP (Part), 3587 (Part) and 3588 (Part) in D.D. 116 and Adjoining Government Land, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TT/400)

Presentation and Question Sessions

114. 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 (retail shop for pet food) 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 existing trees and vegetation within the site had been removed and replaced by hard paving. Approval of the application would likely encourage similar site modification prior to obtaining planning approval, the cumulative impact of which would lead to general degradation of existing landscape resources and landscape character. Other concerned departments had no objection to or no adverse comment

on the application;

- (d) during the first three weeks of the statutory publication period, one adverse public comment from an individual was received. The major objection grounds were set out in paragraph 11 of the Paper; and
- (e) 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 applied use was not incompatible with the surrounding area and could serve the demand in the area. Approval of the application on a temporary basis would not jeopardise the long-term planning intention of the “Other Specified Uses” annotated “Rural Use” zone. The application was generally in line with the Town Planning Board Guidelines No. 38 in that significant adverse environmental, traffic, drainage and infrastructural impacts on the surrounding area were not envisaged. Relevant approval conditions were recommended to address the landscape concern or other technical requirements of concerned government departments. Regarding the adverse public comment, the planning assessments above were relevant.

115. Members had no question on the application.

Deliberation Session

116. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 28.4.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 9:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to 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 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 28.10.2017;
- (e) the submission of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 28.10.2017;
- (f) in relation to (e) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 28.1.2018;
- (g) the submission of a revised drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 28.10.2017;
- (h) in relation to (g) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 28.1.2018;
- (i) in relation to (h) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (j) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.10.2017;
- (k) in relation to (j) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the

satisfaction of the Director of Fire Services or of the TPB by 28.1.2018;

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

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

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/833 Temporary Warehouse and Open Storage of Exhibition Materials for a Period of 3 Years in “Undetermined” Zone, Lot 1263 (Part) in D.D. 119 and Adjoining Government Land, Pak Sha Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TYST/833)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary warehouse and open storage of exhibition materials for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the site and environmental nuisance was expected. Other concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three week of the statutory public inspection 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 11 of the Paper. The applied use was not in conflict with the planning intention of the “Undetermined” (“U”) zone and approval of the application on a temporary basis would not frustrate the long-term development of the area. The application was also generally in line with 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 use and the technical concerns of relevant government departments could be addressed through the implementation of approval conditions. Although DEP did not support the application, no substantiated environmental complaint concerning the site had been received in the past three years. There were two previous applications on the site and 95 similar applications in the vicinity approved by the Committee. Approval of the subject application was in line with those previous decisions.

119. Members had no question on the application.

Deliberation Session

120. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 28.4.2020, 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, is allowed on the site at any time during the planning approval period;
- (d) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) the stacking height of materials stored within the site should not exceed the height of the boundary fence, as proposed by the applicant, at any time during the planning approval period;
- (f) the existing fencing on the site shall be maintained at all times during the planning approval period;
- (g) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (h) the existing drainage facilities on the site shall be maintained at all times

during the planning approval period;

- (i) the submission of a record of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 28.7.2017;
- (j) the submission of a landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 28.10.2017;
- (k) in relation to (j) above, the implementation of the landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 28.1.2018;
- (l) 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 9.6.2017;
- (m) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.10.2017;
- (n) in relation to (m) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.1.2018;
- (o) 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;
- (p) if any of the above planning conditions (i), (j), (k), (l), (m) or (n) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;

and

- (q) upon 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.”

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

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/834 Renewal of Planning Approval for Temporary “Eating Place (Outside Seating Accommodation of a Licensed Restaurant)” for a Period of 1 Year in “Residential (Group A)” Zone, Government Land in front of Shops No. 4-5, G/F, Blocks 1-9, Treasure Court, 8 Ying Fuk Street, Hung Shui Kiu, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TYST/834)

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 renewal of planning approval for temporary eating place (outside seating accommodation (OSA) of a licensed restaurant) for a period of one year;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or

no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, five adverse public comments from members of the public were received. The major objection grounds were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of one year based on the assessments set out in paragraph 12 of the Paper. The subject OSA, which was ancillary to a licensed restaurant at the ground floor of a residential development, was considered not in conflict with the planning intention of the “Residential (Group A)” zone and was not incompatible with the surrounding land uses. Given its small scale, it was unlikely to cause significant adverse pedestrian traffic, drainage and environmental impacts on the surrounding areas. The application was generally in line with the Town Planning Board Guidelines No. 34B in that there had been no material change in planning circumstances since the granting of the previous approval; all the approval conditions of the previous approved application had been complied with; and the 1-year approval period sought was of the same time frame as the previous approval. Regarding the adverse public comments, the planning assessments above were relevant.

123. Noting that the approval period of one year was recommended for the renewal application, a Member enquired whether a longer approval period could be allowed so as to streamline the administrative work for processing future renewal applications.

124. In response, Mr Alan Y.L. Au said that the subject premises was the subject of five previous planning applications for the same use by the same applicant. The applicant had applied in the first application for a temporary approval for five years but was granted a temporary approval for one year by the Town Planning Board. The applicant had therefore sought planning permission for one year in subsequent renewal applications, including the subject application.

Deliberation Session

125. Noting the Member's concern on the short duration of the planning approval and that no significant adverse impact of the proposed OSA was anticipated, the Chairman asked PlanD to liaise with the applicant to explore the possibility of submitting a fresh planning application for a longer approval period.

126. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year from 12.5.2017 to 11.5.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 10:30 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period; and
- (b) 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.”

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

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/835 Renewal of Planning Approval for Temporary “Open Storage of Containers Keeping Sundries” for a Period of 3 Years in “Undetermined” and “Village Type Development” Zones, Lot 319 in D.D. 119, Shan Ha Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TYST/835)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary open storage of containers keeping sundries 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 and environmental nuisance was expected. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment from an individual raising concern on the application was received. The major views were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of three years based on the assessment set out in paragraph 12 of the Paper. The applied use was not in conflict with the planning intention of the “Undetermined” zone, approval of the application on a temporary basis would not frustrate the long-term development of the area. The development was not incompatible with the surrounding uses. The application was generally in line with the Town Planning Board Guidelines (TPB PG) No. 34B in that there had been no material change in planning circumstances since the granting of the previous approval; the approval conditions had been complied with; and the 3-year approval period sought was of the same timeframe as the previous approval. It was also generally in line with TPB PG-No. 13E in that the majority of the site fell within Category 1 areas which were considered suitable for open storage and port back-up

uses; the concerns of relevant departments were technical in nature which could be addressed through the implementation of approval conditions; the applicant had demonstrated genuine efforts in compliance with approval conditions of the previous planning applications; and relevant technical assessments/proposals had been included to demonstrate no adverse impacts on the surrounding areas. Although DEP did not support the application, no environmental complaint concerning the site had been received in the past three years. Regarding the public concern, the planning assessments above were relevant.

129. Members had no question on the application.

Deliberation Session

130. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 9.5.2017 to 8.5.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 5:30 p.m. and 8:30 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no dismantling, repairing, cleansing or other workshop activities, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (d) no heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to park/store on or enter/exit the site at any time during the planning approval period;

- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (g) the submission of a record of existing drainage facilities on the site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.8.2017;
- (h) the implementation of tree preservation proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 9.11.2017;
- (i) the provision of fire extinguisher(s) with valid fire certificate (FS 251) within 6 weeks from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.6.2017;
- (j) the implementation of the accepted fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.11.2017;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (l) if any of the above planning conditions (g), (h), (i) or (j) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and

- (m) upon 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.”

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

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

Agenda Item 32

Any Other Business

(i) **Section 16A Application**

[Open Meeting]

A/YL-HT/981-5 Application for Extension of Time For Compliance with Planning Conditions, Lots 240, 241, 242, 243, 244 (Part), 245, 248, 284, 285 (Part), 307, 313 (Part), 314 (Part), 315 (Part), 317, 318, 319 (Part), 320, 322, 323, 324, 325, 326, 328, 329, 330, 331, 332, 333 (Part), 334 (Part), 335, 336 (Part), 337, 338, 339, 340, 341, 345 (Part), 346 (Part), 348 RP (Part) and 349 in D.D. 125 and adjoining Government Land, Ha Tsuen, Yuen Long, New Territories

132. The Secretary reported that the site was located in Ha Tsuen area. Ms Janice W.M. Lai had declared an interest on the item as her spouse was a shareholder of a company which owned two pieces of land in Ha Tsuen.

133. The Committee noted that Ms Janice W.M. Lai had already left the meeting.

134. The Secretary reported that the application was approved with conditions by the

Rural and New Town Planning Committee (the Committee) on 22.1.2016. The deadline for compliance with approval conditions (i) on the implementation of the accepted drainage proposal, and (l) on the implementation of the tree preservation and landscape proposal was 22.4.2017.

135. The Committee noted that an application for extension of time for compliance with approval conditions (i) and (l) by three months was received by the Town Planning Board on 6.4.2017, and there was insufficient time to seek departmental comments on the application. It was recommended not to consider the application as the deadline for compliance with conditions (i) and (l) had already expired on 22.4.2017, and the planning approval for the subject application had ceased to have effect and had on the same date been revoked.

136. After deliberation, the Committee agreed not to consider the section 16A application as the planning permission was no longer valid at the time of consideration.

137. There being no other business, the meeting closed at 4:55 p.m..