

TOWN PLANNING BOARD

Minutes of 585th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 11.8.2017

Present

Director of Planning
Mr Raymond K.W. Lee

Chairman

Mr H.W. Cheung

Vice-chairman

Mr Ivan C.S. Fu

Ms Janice W.M. Lai

Ms Christina M. Lee

Mr H.F. Leung

Dr F.C. Chan

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr C.H. Hau

Mr Alex T.H. Lai

Mr Stephen L.H. Liu

Chief Traffic Engineer/New Territories West,
Transport Department
Mr Patrick K.H. Ho

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

Principal Environmental Protection Officer (Strategic Assessment),
Environmental Protection Department
Mr Steve T.S. Li

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

Professor K.C. Chau

Mr David Y.T. Lui

Dr Lawrence K.C. Li

Miss Winnie W.M. Ng

In Attendance

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

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

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

Agenda Item 1

Confirmation of the Draft Minutes of the 584th RNTPC Meeting held on 28.7.2017

[Open Meeting]

1. The draft minutes of the 584th RNTPC meeting held on 28.7.2017 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

Agenda Item 3

Section 12A Application

[Open Meeting]

Y/I-LWKS/1 Application for Amendment to the Approved Luk Wu and Keung Shan Outline Zoning Plan No. S/I-LWKS/2, To rezone the application site from “Government, Institution or Community (1)” to “Government, Institution or Community (2)”, Lot 724 (Part) in D.D. 311 and Adjoining Government Land, Keung Shan, Lantau Island, New Territories
(RNTPC Paper No. Y/I-LWKS/1)

3. The Secretary reported that the site was located in Lantau Island, and Ramboll Environ Hong Kong Limited (Environ) was one of the consultants of the applicant. The following Members had declared interests on the item:

Mr Ivan C.S. Fu	}	having current business dealings with Environ; and
Ms Janice W.M. Lai		
Ms Christina M. Lee	-	being the director of a company owning four lots of land in Lantau Island.

4. The Committee noted that the applicant had requested deferment of consideration of the application, and Ms Janice W.M. Lai and Ms Christina M. Lee had not yet arrived to join the meeting. The Committee agreed that Mr Ivan C.S. Fu could stay in the meeting as he had no involvement in the application.

5. The Committee noted that the applicant's representative requested on 27.7.2017 deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

Sha Tin, Tai Po and North District

Agenda Item 4

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/TP/25 Application for Amendment to the Approved Tai Po Outline Zoning Plan No. S/TP/26, To rezone the application site from “Green Belt” to “Village Type Development”, Lots 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 36 (Part), 37 (Part), 63, 64 S.A, 64 S.B, 64 S.C, 64 S.D (Part), 64 S.E (Part), 65, 67 and 813 (Part) in D.D. 20 and Adjoining Government Land, Yuen Tun Ha, Tai Po, New Territories
(RNTPC Paper No. Y/TP/25A)

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

Mr C.T. Lau - District Planning Officer/Shan Tin, Tai Po and North (DPO/STN);

Mr P.Y. Yung - Town Planner/Shan Tin, Tai Po and North (TP/STN); and

R & U Planning and
Consultants Limited
Mr S.K. Ngai
Mr P.K. Chung
Ms Candy Ng } Applicant’s representatives

Presentation and Question Sessions

8. The Chairman extended a welcome and explained the procedure of the hearing. He then invited PlanD’s representatives to brief Members on the background of the application. With the aid of a PowerPoint presentation, Mr C.T. Lau, DPO/STN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;

- (b) the proposed rezoning from “Green Belt” (“GB”) to “Village Type Development” (“V”);

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

- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The Director of Environmental Protection (DEP) and the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) did not support the application as the sites were within the upper indirect Water Gathering Ground (WGG) and there was no implementation programme of the proposed trunk sewer to serve Yuen Tun Ha. The Commissioner for Transport (C for T) did not support the application as no Traffic Impact Assessment (TIA) was submitted to demonstrate that the subsequent developments would not impose adverse and insurmountable traffic impact on the surrounding road network. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD had strong reservation on the application as site clearance prior to application was observed. Besides, no information regarding the extent and details of the required site formation works and no tree survey were submitted. Approval of the application would set an undesirable precedent encouraging similar site modification prior to application. The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application as there were mature trees and woodland in Sites A and B and the sites would encroach onto the riparian area of a natural stream and mature woodland of ecological importance respectively. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) did not support the application on Site A as it would encroach upon an existing streamcourse. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, eight public comments were received. Amongst them, seven were objecting comments from the Green Power, World Wide Fund for Nature Hong Kong,

Kadoorie Farm and Botanic Garden Corporation, the Hong Kong Bird Watching Society, Designing Hong Kong Limited and two individuals. The remaining supporting comment was received from an individual without providing any ground. Major objecting views were set out in paragraph 9 of the Paper; and

- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 10 of the Paper. Only about 68% of the private lots carried building status, 6% with missing record on user while the remaining 26% were agricultural land without building status including thrashing floor, padi and waste, etc. The site, in particular Site B, formed an integral part of the “GB” zone. The applicant failed to provide strong planning justifications in the submission to support the rezoning of the site from “GB” to “V”. The applicant failed to demonstrate that the proposed rezoning would not have adverse traffic, landscape and water quality impacts on the surrounding areas. Approval of the application would set an undesirable precedent, resulting in piecemeal development destroying the tranquil nature of the rural area, further encroachment of green belt area by building development and a general degradation of the natural environment in the area. According to the Notes for “GB” zone of the Outline Zoning Plan (OZP), house (rebuilding of New Territories Exempted House (NTEH) or replacement of existing domestic building by NTEH only) was always permitted. Besides, there was provision under the OZP for application for NTEH development within “GB” zone. In this regard, rezoning of the site to “V” was considered not necessary. Most areas in “V” zones nearby were undeveloped. It was considered more appropriate to concentrate village type development within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services. There was no strong planning justification for extension of the “V” zone. Similar rezoning applications in the vicinity of the site were rejected by the Committee. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

[Ms Christina M. Lee arrived to join the meeting at this point.]

9. The Chairman then invited the applicant's representatives to elaborate on the application. With the illustration of a site plan, Mr S.K. Ngai, the applicant's representative, made the following main points:

Status of Indigenous Village

- (a) the subject rezoning application was to facilitate in-situ rebuilding of NTEHs at Old Schedule House Lots with building entitlement in Yuen Tun Ha Village, which was a recognized village;
- (b) recognized indigenous villages were different from non-recognized villages. The government would respect indigenous villagers' right to build Small Houses. The Lands Department (LandsD) would designate village 'environs' ('VE') for recognized villages within which applications for Small House grant would be processed. PlanD would designate "V" zones on the OZPs for recognized villages, even on OZPs for country park enclaves, to respect the history of recognized villages and the rights of indigenous villagers;
- (c) the subject application was different from the two rejected rezoning applications in Lo Lau Uk to the further east of Yuen Tun Ha Village since Lo Lau Uk was not a recognized village;
- (d) recognized indigenous villages were planned developments, of which the need for infrastructural support should have been catered for. Improvement or enhancement works for infrastructural provision to support indigenous villages should be provided by concerned departments such as DSD, WSD and Transport Department (TD);
- (e) the application sites, i.e. Sites A and B, were the core or focal point of the village in the past. With reference to Plan Z-2 of the Paper, areas denoted in yellow were Old Schedule House Lots, which had been in existence since 1898. An ancestral hall, school and houses were found at Site B;

Delineation of “V” Zone

- (f) there were currently three “V” zones in Yuen Tun Ha Village, i.e. “V” Zone I abutting the northern boundary of Site A, “V” Zone II abutting the western boundary of Site A and “V” Zone III in an area between Site A and Site B. The boundary of Site A was proposed to include the private lots with some circulation areas on government land and to connect with the existing “V” Zones I and II, while the boundary of Site B was proposed to cover the private lots with circulation areas and to align with the contour to the south-west of the site. The boundaries of Sites A and B could be adjusted to include only the Old Schedule House Lots and circulation area/access, if necessary;
- (g) though no Old Schedule House Lot was found in “V” Zones II and III, the concerned areas had been designated as “V”. With reference to site photos taken a few days before the meeting, dense woodland were found in “V” Zones II and III. As compared with Sites A and B which did not have much vegetation cover, “V” Zones II and III more likely formed an integral part of the “GB” zone;
- (h) while Sites A and B, “V” Zones II and III and the southern portion of “V” Zone I were all located within the upper indirect WGG, the northern portion of “V” Zone I fell within the lower indirect WGG. It was understood that any development including Small House within the lower indirect WGG would not be acceptable to WSD. In this regard, the proposed “V” zone covering Sites A and B should be given favourable consideration;

Responses to Departmental Comments

- (i) regarding TD’s concerns on the cumulative adverse traffic impact and the necessity of a TIA, it should be noted that the subject application was only to facilitate in-situ rebuilding of NTEHs in Yuen Tun Ha Village and there would be no cumulative adverse impact on the surrounding traffic network. Due to the unique circumstances, the subject application would not set an

undesirable precedent for similar applications. Besides, the additional traffic to be generated by recognized villages should have been taken into account in the planning of the surrounding transport network by TD. A TIA was considered not necessary;

- (j) regarding the comments of DSD, WSD and Environmental Protection Department (EPD) on drainage and sewerage aspects, there was an established mechanism of issuance of Certificates of Exemption (CoE) for NTEH by LandsD. CoE would only be issued to the NTEH if drainage and sewerage facilities were provided with approvals of concerned government departments. It was noted that DSD, WSD and EPD had no objection to the two newly built village houses in “V” Zone I of Yuen Tun Ha; and
- (k) for CTP/UD&L, PlanD’s concerns, there was no intention to construct additional NTEHs other than rebuilding at the Old Schedule House Lots due to constraints within the sites, e.g. new NTEHs could not be built at the vacant areas which served as circulation area/access. Though Site B partly encroached onto the feng shui woodland, no NTEH would be built in the woodland and the concerned woodland could be excluded from Site B. In this regard, the landscape impact would be minimal.

10. As the presentations of PlanD’s representative and the applicant’s representative were completed, the Chairman invited questions from Members.

11. The Chairman and a Member raised the following questions:

- (a) whether NTEHs had been built in “V” Zones II and III in the past, noting that both were covered by dense woodland at present;
- (b) whether the applicant was a land owner of the site; and
- (c) whether the applicant had any knowledge on the use(s) of the existing structures, the type(s) of engineering works on site and if any approval had been granted to such works.

12. Mr S.K. Ngai, the applicant's representative, made the following main points:
- (a) no NTEH had been built in "V" Zones II and III. The "V" zones had been designated on the Tai Po OZP since 1982 and there had been no change in the zoning boundary since then;
 - (b) the applicant was the Indigenous Inhabitant Representative of Yuen Tun Ha and was not the land owner of the site; and
 - (c) the applicant had no idea about the use of the existing structures nor the type of engineering works being undertaken on site.
13. Some Members raised the following questions:
- (a) whether rebuilding of NTEH at Old Schedule House Lots was always permitted within "GB" zone;
 - (b) whether there was any similar approved application for rezoning "GB" to "V" submitted by private individuals;
 - (c) whether the extension of "V" zone should be implemented through designation of village expansion area (VEA) or through rezoning application; and
 - (d) if the sites were not rezoned to "V", whether the provision of access or facility on government land to serve the rebuilding of NTEH would be allowed.
14. Mr C.T. Lau, DPO/STN, made the following main points:
- (a) according to the Notes of the Tai Po OZP, 'House (rebuilding of NTEH or replacement of existing domestic building by NTEH only)' was a Column 1 use which was always permitted within the "GB" zone;
 - (b) there was no similar approved application in Tai Po area;

- (c) designation of “V” zones on OZP, whether as a request of designation of VEA by the government or rezoning application submitted by a general public, would need to be agreed by the Committee prior to incorporation into the OZP and gazetting of the proposed amendments in accordance with the Town Planning Ordinance; and
- (d) while rebuilding of NTEHs should be confined to the footprint of the original NTEHs/domestic buildings, supporting facilities to serve the NTEHs coordinated by government would be always permitted.

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

Deliberation Session

16. Members in general did not support the application and were of the view that the right of rebuilding of NTEHs would not be affected within the “GB” zone. Allowing the rezoning as applied for would mean an extension of the “V” zone. As there was land available for NTEH development within the “V” zones of Yuen Tun Ha Village, there was no strong justification for extending the “V” zone.

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

- “(a) the site, in particular the western portion, forms an integral part of the “Green Belt” (“GB”) zone. The proposed rezoning would result in piecemeal and isolated extension of the “Village Type Development” (“V”) zone affecting the integrity of the “GB” zone. The applicant fails to provide strong planning justifications in the submission to support the rezoning of the site from “GB” to “V”;

- (b) the applicant fails to demonstrate that the proposed rezoning would not have adverse traffic, landscape and water quality impacts on the surrounding areas;
- (c) land is still available within the “V” zone of Yuen Tun Ha Village which is primarily intended for New Territories Exempted House/Small House development. It is considered more appropriate to concentrate village type development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services. There is no strong planning justification for extension of the “V” zone; and
- (d) the approval of the proposed rezoning would set an undesirable precedent for other similar proposals within the “GB” zone. The cumulative effect of approving such rezoning would result in further encroachment of green belt area and a general degradation of the natural environment in the area.”

Agenda Item 5

Section 12A Application

[Open Meeting]

Y/ST/34

Application for Amendment to the Draft Sha Tin Outline Zoning Plan No. S/ST/33, To rezone the application site from “Village Type Development” to “Government, Institution or Community (1)”, Lots 63, 296 (Part), 331 RP (Part) and 393 S.B RP (Part) in D.D. 185, Sheung Wo Che, Sha Tin, New Territories
(RNTPC Paper No. Y/ST/34B)

18. The Secretary reported that the application was submitted by Sai Lam Temple Foundation Limited (SLTFL). The following Members had declared interests on the item:

- Mr Martin W.C. Kwan - having relative's ashes interred in Sai Lam
(the Chief Engineer Temple; and
(Works), Home Affairs
Department)
- Mr Alex T.H. Lai - his firm having current business dealings with
SLTFL.

19. The Committee noted that the applicant had requested deferment of consideration of the application. As the interest of Martin W.C. Kwan was direct, the Committee agreed that he could stay in the meeting but should refrain from participating in the discussion. The Committee also agreed that Mr Alex T.H. Lai could stay in the meeting as he had no involvement in the application.

20. The Committee noted that the applicant's representative requested on 24.7.2017 deferment of the consideration of the application for two months in order to allow time to prepare detailed responses and assessments to address departmental and public comments. It was the third time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information including a revised Traffic Impact Assessment report and architectural drawings to address departmental comments.

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

Agenda Item 6

Section 12A Application

[Open Meeting]

Y/TP/26

Application for Amendment to the Approved Tai Po Outline Zoning Plan No. S/TP/26, To rezone the application site from “Green Belt” to “Comprehensive Development Area (2)” and “Comprehensive Development Area (3)”, Various Lots in D.D. 12 and D.D. 14 and Adjoining Government Land, Tung Tsz, Tai Po, New Territories (RNTPC Paper No. Y/TP/26)

22. The Committee noted that a replacement page (page 2) of the Paper regarding revisions to paragraphs 3.2 and 5 was tabled at the meeting for Members’ reference.

23. The Secretary reported that the application was submitted by Hobman Company Limited, which was a subsidiary of Wheelock Properties (HK) Limited (Wheelock), and Llewelyn-Davies Hong Kong Limited (LD), Black and Veatch Hong Kong Limited (B&V), Dennis Lau & Ng Chun Man Architects & Engineers (HK) Limited (DLN) and Ramboll Environ Hong Kong Limited (Environ) were four of the consultants of the applicant. The following Members had declared interests on the item:

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| Mr Ivan C.S. Fu | - having current business dealings with Wheelock and Environ; |
| Mr Alex T.H. Lai | - having current business dealings with Wheelock; and his firm having current business dealings with B&V; |
| Ms Janice W.M. Lai | - having current business dealings with Environ; |
| Mr Stephen L.H. Liu | - having past business dealings with Wheelock, LD and DLN; and |
| Dr C.H. Hau | - being the Vice-chairman of The Conservancy Association which had received donation from Wheelock before. |

24. The Committee noted that the applicant had requested deferment of consideration of the application. As the interests of Messrs Ivan C.S. Fu and Alex T.H. Lai were direct, the Committee agreed that they could stay in the meeting but should refrain from participating in the discussion. The Committee also agreed that as the interest of Dr C.H. Hau was indirect, and Ms Janice W.M. Lai and Mr Stephen L.H. Liu had no involvement in the application, they could stay in the meeting.

25. The Committee noted that the applicant's representative requested on 26.7.2017 deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

Fanling, Sheung Shui and Yuen Long East District

Agenda Item 7

Section 12A Application

[Open Meeting]

Y/NE-KTS/11 Application for Amendment to the Draft Kwu Tung South Outline Zoning Plan No. S/NE-KTS/15, To rezone the application site from “Green Belt” to “Commercial”, Lots 3350 S.B ss.1 S.A, 3351 S.B ss.1 (Part) and 3351 S.B ss.2 (Part) in D.D. 91 and Adjoining Government Land, Fan Kam Road, New Territories
(RNTPC Paper No. Y/NE-KTS/11)

27. The Secretary reported that the site was located in Kwu Tung South, and Ramboll Environ Hong Kong Limited (Environ) and Kenneth Ng & Associates Limited (KNA) were two of the consultants of the applicant. The following Members had declared interests on the item:

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|---------------------|---|---|
| Mr Ivan C.S. Fu | - | having current business dealings with Environ; |
| Ms Janice W.M. Lai | - | having current business dealings with Environ and KNA; and |
| Dr Lawrence K.C. Li | - | being a member of the Hong Kong Golf Club which was located to the north of the site. |

28. The Committee noted that the applicant had requested deferment of consideration of the application and Dr Lawrence K.C. Li had tendered apologies for being unable to attend the meeting. The Committee agreed that Mr Ivan C.S. Fu and Ms Janice W.M. Lai could stay in the meeting as they had no involvement in the application.

29. The Committee noted that the applicant’s representative requested on 26.7.2017 deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

Agenda Item 8

Section 12A Application

[Open Meeting]

Y/YL-NTM/2 Application for Amendment to the Approved Ngau Tam Mei Outline Zoning Plan No. S/YL-NTM/12, To rezone the application site from "Comprehensive Development Area" to "Comprehensive Development Area (1)", Various Lots in D.D. 105 and Adjoining Government Land, Shek Wu Wai, Ngau Tam Mei, Yuen Long, New Territories
(RNTPC Paper No. Y/YL-NTM/2B)

31. The Secretary reported that the application was submitted by Bonus Plus Company Limited, which was a subsidiary of Sun Hung Kai Properties Limited (SHK), and Llewelyn-Davies Hong Kong Limited (LD), Ramboll Environ Hong Kong Limited (Environ), AECOM Asia Company Limited (AECOM), MVA Hong Kong Limited (MVA), Ronald Lu & Partners (HK) Limited (RLP) and Ove Arup & Partners Hong Kong Limited (Arup) were six of the consultants of the applicant. The following Members had declared interests on the item:

Mr Ivan C.S. Fu - having current business dealings with SHK, Environ, AECOM, MVA and Arup;

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

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

33. The Committee noted that the applicant's representative requested on 2.8.2017 deferment of the consideration of the application for two months in order to allow time to prepare further information to address further comments of the Agriculture, Fisheries and Conservation Department and the Urban Design and Landscape Section of Planning Department. It was the third time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information including updated assessments on air ventilation and ecology to address departmental comments.

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

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

Tuen Mun and Yuen Long West East District

Agenda Item 9

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/YL/13 Application for Amendment to the Approved Yuen Long Outline Zoning Plan No. S/YL/23, To rezone the "Open Space" portion of the application site to "Village Type Development", Lot 91 in D.D. 115 and Adjoining Government Land, Sai Kai Road, Sai Pin Wai, Yuen Long, New Territories
(RNTPC Paper No. Y/YL/13)

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

Mr David C.M. Lam	-	District Planning Officer/Tuen Mun and Yuen Long West (DPO/TMYLW);
Mr Wong Hau Sing, Colman	-	Applicant; and
Mr Raymond Yip	}	Applicant's representatives
Mr Cheung Yan Chor		

Presentation and Question Sessions

36. The Chairman extended a welcome and explained the procedure of the hearing. He then invited PlanD's representative to brief Members on the background of the application. With the aid of a PowerPoint presentation, Mr David C.M. Lam, DPO/TMYLW, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed rezoning of the "Open Space" ("O") portion of the site to "Village Type Development" ("V") to facilitate the development of a Small House;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Leisure, Cultural and Services (DLCS) had no in-principle objection to the application and advised that the site was one of the four potential sites for the implementation of the ex-Municipal Council project "Local Open Space, Kau Hui, Yuen Long" which was on the priority list for development by the Yuen Long District Council (YLDC). There was no implementation programme for the aforesaid project at present and the exact site to be selected for development had not yet been determined. The Project Manager (New Territories West), Civil Engineering and Development Department (PM(NTW), CEDD) advised that his office had no plan to build the 3m wide 'Foot Path' shown on the Layout Plan No. L/YL-KH/2. The Chief Architect/Central Management Division 2, Architectural Services Department advised that the existing emergency vehicular access (EVA) at Sai Kai Road should not be revised or affected by any proposed development. The District Officer (Yuen Long) advised that Sai Kai Road was an existing vehicular access leading to Sai Pin Wai and there was no road widening project for the concerned access. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication periods, three public comments were received with two from individuals objecting to the application and one from a Legislative Council (LegCo) member supporting the application. Major supportive views and objection grounds were set out in paragraph 10 of the Paper; and

- (e) PlanD's views – PlanD has no objection to the application based on the assessments set out in paragraph 11 of the Paper. The site formed part of a larger “O” zone, of which there was at present no implementation programme by DLCS. The site and the adjoining small plot of government land to its south had been segregated from the proper of the “O” zone by the existing Sai Kai Road which served as a vehicular access to Sai Pin Wai to the north. Given the existing site features, even if the “O” zone was to be implemented, the area to the west of Sai Kai Road, including the site, might not be able to form an integrated part of the larger open space development. Consideration might be given to rationalizing the boundary of the “O” zone with exclusion of the site and the small strip of land to the west of Sai Kai Road from the “O” zone and rezoning the excised “O” portion (about 251m²) to “V” so as to better tie in with the existing site characteristics. The provision of the planned local and district open space were above the requirements as stipulated in the Hong Kong Planning Standards and Guidelines. The only two other “O” zones with interface with “V” zones in the Yuen Long New Town did not have similar circumstances as the subject application in that there was no private land on a segregated portion of the “O” zones. Concerned government departments had no objection to or no adverse comment on the application. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

37. The Chairman then invited the applicant and the applicant's representatives to elaborate on the application. With the aid of a PowerPoint presentation, Mr Wong Hau Sing, Colman, the applicant, made the following main points:

Background

- (a) the subject site was an Old Schedule Agricultural Lot for use as thrashing floor, which was normally located near residential dwellings. It was the only piece of land owned by him, which was originally owned by his brother before 1990;
- (b) his application for Small House development on the subject site was submitted to Lands Department (LandsD) in March 1990 but was rejected as about 4/5 of the lot fell within the “O” zone of the OZP with only about 1/5 within the “V” zone. He could not afford to buy other pieces of private land for the Small house development as they were too expensive;
- (c) he had a genuine need for a Small House for improving his living conditions and his right of construction of Small House was protected by Articles 5 and 40 of the Basic Law;

No Adverse Impacts

- (d) there was neither natural nor man-made slope within the site, and drainage and sewerage facilities were provided by the Drainage Services Department in the vicinity. Should the subject rezoning application and Small House application be approved, u-channels would be provided at the site and the proposed Small House would be connected to the nearest public sewerage system. It was expected that Certificates of Exemption in respect of site formation and drainage works could be issued by LandsD;
- (e) the proposed Small House would not cause any adverse noise, air, water and sewerage impacts nor affect the environmental hygiene and security in the area;
- (f) the site was about 200 feet away from Long Yip Street and hence it would not be subject to noise nuisance of vehicles. As the site was located next to Sai Kai Road, no construction of new road was required;

- (g) a landscape proposal had been submitted in the application and the uncovered area of the subject site would be used for landscaping and planting to improve the environment;
- (h) should the rezoning application be approved, he and his family currently living in Sai Pin Wai would move to the new Small House at the subject site. Hence, the proposed Small House development would not result in additional population;

Compatibility with the Surrounding Areas

- (i) there was insufficient land in the subject “V” zone to cater for Small House development by indigenous villagers of Sai Pin Wai, Nam Pin Wai and Yuen Long Kau Hui. The subject site fell wholly within the village ‘environs’ and enclosed by village type developments and Sai Kai Road. It was about 100m away from Sai Pin Wai, adjoining the Small House clusters to the north-east and north-west and forming an integral part of the village. Approval of the application would neither lead to piecemeal extension of “V” zone nor setting of an undesirable precedent of similar applications;
- (j) sufficient buffer would be reserved between the proposed Small House and the adjoining developments for air ventilation, light penetration and maintenance purposes;
- (k) Sai Kai Road was constructed in the 1960s and was now served as an EVA. The road should be retained to delineate the “V” and “O” zones;

No Impact on the “O” Zone

- (l) there was no implementation programme of the “O” zone. The subject site was located at the fringe of the “O” zone and only occupied about 0.7% of the total area of the “O” zone. The proposed Small House would neither affect the implementation programme nor cause adverse impact on the layout and configuration of the future open space use and its future users; and

No Setting of Undesirable Precedent

(m) the site was segregated from the “O” zone by the existing Sai Kai Road. Approval of the application would not set an undesirable precedent for similar applications. The proposed development would not lead to a reduction in agricultural land and no active agricultural activity was found in the vicinity of the site. The subject application was supported by YLDC, Heung Yee Kuk New Territories, Shap Pak Heung Rural Committee, seven LegCo members and the three village representatives of Sai Pin Wai.

38. As the presentations of PlanD’s representative and the applicant were completed, the Chairman invited questions from Members.

39. At this juncture, Mr Edwin W.K. Chan, Assistant Director/Regional 3, LandsD, noted that the name of the applicant was the same as an ex-colleague of LandsD. Mr Wong Hau Sing, Colman, confirmed that he was an ex-Principal Land Executive of LandsD, and said that the subject application was submitted after his retirement in 2016 to avoid any conflict of interest. The Committee agreed that Mr Edwin W.K. Chan should be invited to leave the meeting temporarily for the item.

[Mr Edwin W.K. Chan left the meeting temporarily at this point.]

40. A Member raised the following questions:

- (a) whether there were other similar applications for rezoning from “O” to “V”;
and
- (b) whether PlanD’s consideration of the current application would apply to similar rezoning applications in other parts of the subject “O” zone in the future, if any.

41. Mr David C.M. Lam, DPO/TMYLW, made the following responses:

- (a) there was no similar application for rezoning from “O” to “V” in the Yuen

Long New Town; and

- (b) it was considered that the circumstance of the subject site was quite unique in that the area to the west of the existing Sai Kai Road (including the site) might not be able to form an integrated part of the larger open space development. As there was no plan to re-align Sai Kai Road and the footpath, the boundary of the “O” zone could be rationalized to exclude the site and the small strip of land to the west of Sai Kai Road.

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

Deliberation Session

43. While having no specific comment on the application, a Member expressed concerns on setting an undesirable precedent for similar applications for rezoning “O” or “Green Belt” to “V” should the subject application be approved. In response, the Chairman said that there was no similar application in the Yuen Long area and the circumstance of the subject rezoning application was quite unique. The layout plan was prepared long time ago and there was no provision for s.16 application for Small House development within “O” zone.

44. Another Member considered that no implementation programme of the “O” zone was not a strong planning justification for the subject rezoning application. However, the same Member considered that the subject application might warrant sympathetic consideration as the OZP and layout plan might not be able to reflect the current site conditions and the alignment of the village road network. That Member supported PlanD’s recommendation for rationalizing the boundary between the “O” and “V” zones according to the existing developments and development history of the village. The view was supported

by another Member.

45. In response to some Members' enquiries, the Chairman said that the review of the boundary of the "O" zone was triggered by the subject application, which was not uncommon in other rezoning applications. The proposed area to be rezoned might be larger than the application site in order to rationalize the boundary of the "O" zone, and the proposed amendments to the OZP would be submitted to the Committee for consideration prior to the gazetting of the OZP.

46. After further deliberation, the Committee decided to agree to the application for rezoning of the "O" portion of the site to "V". Opportunity will also be taken to rationalize the zoning boundary of the "O" zone. The proposed amendments to the Outline Zoning Plan (OZP) would be submitted to the Committee for approval when opportunity arises upon reference back of the OZP by the Chief Executive in Council prior to gazetting under section 5 of the Town Planning Ordinance.

[Mr Edwin W.K. Chan returned to join the meeting at this point.]

Sai Kung and Islands District

Agenda Item 10

Section 16 Application

[Open Meeting]

A/I-CC/22 Proposed Religious Institution (Temple) and Columbarium (within a Religious Institution) in “Green Belt” Zone, Lot 4 (Part) in D.D. Cheung Chau, Cheung Chau, New Territories
(RNTPC Paper No. A/I-CC/22)

47. The Secretary reported that Ove Arup & Partners Hong Kong Limited (Arup) and AGC Design Limited (AGC) were two of the consultants of the applicant. The following Members had declared interests on the item:

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

48. The Committee noted that the applicant had requested deferment of consideration of the application. The Committee agreed that Mr Ivan C.S. Fu, Ms Janice W.M. Lai and Mr Alex T.H. Lai could stay in the meeting as they had no involvement in the application.

49. The Committee noted that the applicant’s representative requested on 3.8.2017 deferment of the consideration of the application for one month in order to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

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

Agenda Item 11

Section 16 Application

[Open Meeting]

A/I-PC/12 Proposed Comprehensive Residential Development and a Commercial Complex with a Boutique Hotel in "Other Specified Uses" annotated "Comprehensive Residential Development Including a Commercial Complex" Zone, Lot 678 in D.D. Peng Chau, Peng Lei Road, Peng Chau, New Territories
(RNTPC Paper No. A/I-PC/12)

51. The Secretary reported that T K Tsui - Gabriel Yu Limited (TKT), Landes Limited (Landes) and Savills Valuation and Professional Services Limited (Savills) were three of the consultants of the applicant. The following Members had declared interests on the item:

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

52. The Committee noted that the applicant had requested deferment of consideration of the application. The Committee agreed that Mr Ivan C.S. Fu, Ms Janice W.M. Lai and Mr Alex T.H. Lai could stay in the meeting as they had no involvement in the application.

53. The Committee noted that the applicant's representative requested on 28.7.2017 deferment of the consideration of the application for two months in order to allow time to

prepare a Traffic Impact Assessment to address departmental comments. It was the first time that the applicant requested deferment of the application.

54. 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 12

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 “Village Type Development” and “Open Space” Zones, Lots 86 and 94 in D.D. 215 and Adjoining Government Land, Sai Kung, New Territories
(RNTPC Paper No. A/SK-SKT/17A)

55. The Secretary reported that the site was located in Sai Kung, and Arthur Yung and Associates Company Limited (AYA) was one of the consultants of the applicant. The following Members had declared interests on the item:

- | | | |
|--------------------|---|--|
| Ms Janice W.M. Lai | - | her spouse owning a shop in Sai Kung Town;
and |
| Mr Alex T.H. Lai | - | his firm having current business dealings with
AYA. |

56. The Committee noted that the applicant had requested deferment of consideration of the application. The Committee agreed that as the property of Ms Janice W.M. Lai's spouse did not have a direct view on the site and Mr Alex T.H. Lai had no involvement in the application, they could stay in the meeting.

57. The Committee noted that the applicant's representative requested on 25.7.2017 deferment of the consideration of the application for two months in order to allow time to prepare further information and clarifications to address departmental comments. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information including responses to departmental comments, a new Traffic Review Report, revised plans, photomontages, and revised pages of the Environmental Assessment Report and Geotechnical Planning Review Report.

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

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

Sha Tin, Tai Po and North District

[Mr C.T. Lau, District Planning Officer/Shan Tin, Tai Po and North (DPO/STN), Ms Channy C. Yang and Mr Kenny C.H. Lau, Senior Town Planners/Shan Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LCW/2 Proposed Hotel (Holiday House) Use in “Village Type Development”
Zone, Lots 200, 204, 209, 210, 211, 212, 213, 228, 263, 264, 265, 285
and 2177A in D.D. 145 in Lai Chi Wo, Sha Tau Kok, New Territories
(RNTPC Paper No. A/NE-LCW/2)

59. The Secretary reported that the site was in Lai Chi Wo and the application was submitted by the Hong Kong Countryside Foundation Limited (HKCFL). The following Members had declared interests on the item:

- | | | |
|--------------------|---|---|
| Mr Ivan C.S. Fu | - | knowing the volunteers of HKCFL involving in the proposed development; |
| Mr Peter K.T. Yuen | - | previously declined the invitation by HKCFL to work on the subject project, but introduced others to HKCFL for consideration; and |
| Dr C.H. Hau | - | being an employee of the University of Hong Kong (HKU), which was involved in another project with HKCFL in Lai Chi Wo. |

60. The Committee agreed that as the interest of Dr C.H. Hau was indirect and Messrs Ivan C.S. Fu and Peter K.T. Yuen had no involvement in the application, they could stay in the meeting.

61. The Secretary also reported that a letter from the Federation of Hong Kong Hotel Owners was received on 10.8.2017 raising objection to the application. According to the Town Planning Ordinance, as the letter was submitted after the statutory publication period, it

should be treated as not having been made.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed hotel (holiday house) use;
- (c) departmental comments - departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) had no objection to the application and advised that the design, construction and operation of the septic tank and soakaway (STS) system should follow the requirements of the Practice Note for Professional Person (ProPECC) PN 5/93 including clearance distances and percolation tests with certification by Authorized Person (AP). The Office of the Licensing Authority, Home Affairs Department (OLA, HAD) had no objection to the application under the Hotel and Guesthouse Accommodation Ordinance (HAGAO) and the licensing requirements would be formulated after inspections by their Building Safety Unit and Fire Safety Team upon receipt of an application under the HAGAO. The District Officer (North) advised that the Chairman of the Sha Tau Kok District Rural Committee (STKDRC), the Indigenous Inhabitant Representative (IIR) and the Resident Representative of Lai Chi Wo supported the application and the incumbent North District Council member had no comment on the application. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, 102 public comments were received. Amongst them, 56 supporting comments were from the Executive Member of Heung Yee Kuk New Territories/Vice-Chairman of the STKDRC/IIR of Mui Tsz Lam Village, Secretary of the STKDRC, the IIRs of the six villages in 慶春約, the IIRs of

Lai Chi Wo Village, Chairman of 北愛爾蘭華商總會/Chairman of 華人福利會/ Vice-Chairman of 香港新界鄉議局歐洲聯絡處, World Wide Fund for Nature Hong Kong, villagers and individuals. 41 objecting comments were from villagers of Lai Chi Wo Village, Designing Hong Kong Limited and individuals. Two public comments raising concerns on the application were from Kadoorie Farm and Botanic Garden Corporation and the Hong Kong Bird Watching Society. The remaining three public comments were from individuals with one providing comments and two with no specific comment. Major supporting views and objection grounds/concerns 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, being part of the Hakka Life Experience Village@Lai Chi Wo Project (the HLEV@LCW Project), for restoring the existing vacant houses/structures in different states of disrepair for adaptive reuse, would not jeopardize the planning intention of the “Village Type Development” (“V”) zone. There was at present no Small House application in Lai Chi Wo Village. The proposed development for restoring the existing houses/structures, conserving the Hakka styled architectural characteristics and providing accommodation services was not incompatible with the surrounding environment. The HLEV@LCW Project was one of the projects funded under the Chief Executive's Community Project List 2016 and mentioned in the Policy Address 2017 to adopt a flexible approach in supporting and promoting the conservation of rural areas through harnessing community efforts. The proposed development would showcase an innovative approach of village revitalization which would conserve the architectural, cultural, natural and scenic values through collaboration with local villagers and promote sustainable development in Lai Chi Wo Village. The Environment Bureau had provided policy support to the HLEV@LCW Project and the Tourism Commission in general supported the application. Other concerned government bureaux/departments had no objection to or no adverse comment on the application. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

63. Some Members raised the following questions:
- (a) whether there were diverse views from the villagers of Lai Chi Wo on the application;
 - (b) the mode of management and site selection criteria of the proposed 12 holiday houses, noting that the holiday houses were located in four clusters; and
 - (c) the relationship between the proposed development and the active agricultural activities found to the south of the “V” zone of Lai Chi Wo.
64. Ms Channy C. Yang, STP/STN, made the following responses:
- (a) supporting comments on the application were received from the village representatives of Lai Chi Wo Village and some villagers of Lai Chi Wo, whereas objecting comments were also received from some other villagers;
 - (b) the selection of village houses largely depended on the willingness of the owners to participate in the project. The current 12 houses in four clusters under application were considered a feasible arrangement; and
 - (c) the active agricultural activities found to the south of the “V” zone of Lai Chi Wo was under the “Living Water & Community Revitalization” Programme (永續荔枝窩－農業復耕及鄉村社區營造計劃) for revitalization of agricultural activities, which provided various training and education opportunities such as seminars and field visits for promoting sustainable development in Lai Chi Wo. The multi-year programme was initiated and led by HKU in collaboration with the applicant, some green groups and villagers of Lai Chi Wo in 2013.

Deliberation Session

65. The Chairman remarked that should the subject application be approved by the Committee, a licence from relevant authority would still be required for the operation of the proposed holiday house.

66. In response to the Chairman's enquiry, Mr Steve T.S. Li, Principal Environmental Protection Officer (Strategic Assessment) (PEPO(SA), EPD), said that the applicant should follow the requirements in the EPD's ProPECC PN 5/93 for the design and specifications of the STS system for the proposed development, including clearance distances with water bodies and percolation tests with certification by AP.

67. In response to a Member's enquiry regarding the validity of the planning permission, the Secretary explained that a time limit for commencement of development would normally be specified for planning permission for permanent development.

68. 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 11.8.2021, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- “(a) the provision of septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the TPB;
- (b) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the provision of fire services installations and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the TPB;
and
- (d) the provision of the transport service(s) to cater for the passenger demand generated from the operation of the proposed development to the

satisfaction of the Commissioner for Transport or of the TPB.”

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

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

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/627 Social Welfare Facility (Residential Care Home for Persons with Disabilities) in “Residential (Group C)” Zone, Lots 821 S.A, 822 S.B, 823 S.B and 824 RP in D.D. 83 and Adjoining Government Land, Lung Yeuk Tau, Fanling, New Territories
(RNTPC Paper No. A/NE-LYT/627A)

Presentation and Question Sessions

70. 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 social welfare facility (residential care home for persons with disabilities) (RCHD);
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned government departments had no objection to or no adverse comment on the application. The District Officer (North) advised that the North District Council (NDC) member of the subject constituency supported the application, whereas the Chairman of the Fanling District Rural Committee (FDRC) and the Village Representatives of Ma Liu Shui San

Tsuen had no comment on the application;

- (d) during the first three weeks of the statutory publication period, four public comments were received, with two from a NDC member and an individual supporting the application, and two from the Chairmen of the Sheung Shui District Rural Committee and FDRC indicating ‘no comment’ on the application. Major supportive 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. Although the development was not entirely in line with the planning intention of the “Residential (Group C)” zone, it could provide residential care home services to persons with disabilities. The residential nature of the RCHD was not incompatible with the surrounding areas primarily for residential use. In view of the scale and nature of the development, adverse traffic, environmental, drainage, sewerage, fire safety and landscape impacts on the surrounding areas were not anticipated.

71. Members had no question on the application.

Deliberation Session

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

- “(a) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.2.2018;
- (b) in relation to (a) 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 11.5.2018;

- (c) the submission of a sewerage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.2.2018;
- (d) in relation to (c) above, the implementation of the sewerage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.5.2018;
- (e) the submission of a proposal for fire services installations (FSIs) and water supplies for fire fighting within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.2.2018;
- (f) in relation to (e) above, the provision of FSIs and water supplies for fire fighting within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.5.2018;
- (g) the submission of a run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 11.2.2018;
- (h) in relation to (g) above, the provision of run-in/out within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 11.5.2018; and
- (i) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/930 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” and “Village Type Development” Zones, Government
Land in D.D. 171, Kau To Village, Sha Tin, New Territories
(RNTPC Paper No. A/ST/930)

Presentation and Question Sessions

74. 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 proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix III 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/terracing works would involve clearance of vegetation including tree removal within the entire site and adjacent areas. Grave concern was also raised on the potential adverse landscape impact arising from the construction of the proposed septic tank to the west and the associated access road, retaining wall and footpath outside the site boundary. The Director of Agriculture, Fisheries and Conservation expressed concern that the related site formation works and access provision would require felling/trimming of trees and extensive clearance of vegetation within the “Green Belt” (“GB”) zone. The Head of Geotechnical Engineering Office, Civil Engineering and Development Department advised that the site was

located on the crest area of some man-made features, and the proposed development might adversely affect or be affected by the features. The Commissioner for Transport considered that Small House development should be confined within the “Village Type Development” (“V”) zone as far as possible but considered that the application involving development of a Small House could be tolerated. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, three objecting comments were received from the Indigenous Inhabitant Representatives and villagers of Kau To Village 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 proposed development was not in line with the planning intention of the “GB” zone and there was no strong planning justification in the submission for a departure from the planning intention. The application did not comply with the 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 involve felling of trees and affect the existing natural landscape in the surrounding areas. Approval of the application would set an undesirable precedent for similar applications encroaching onto the “GB” zone and degrading the landscape quality of the area. Land was still available within the “V” zone for Small House development and it was 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. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

75. Members had no question on the application.

Deliberation Session

76. After deliberation, the Committee decided to 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 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 “GB” 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 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;
- (d) land is still available within the “Village Type Development” (“V”) zone of Kau To 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; and
- (e) the approval of the application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such applications would result in a general degradation of the

environment of the area.”

Agenda Item 16

Section 16 Application

[Open Meeting]

A/ST/931 Columbarium in “Government, Institution or Community” Zone, No.
169 Sheung Wo Che Village, Sha Tin, New Territories
(RNTPC Paper No. A/ST/931)

77. The Committee noted that the applicant’s representative requested on 1.8.2017 deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

78. 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 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/532 Renewal of Planning Approval for Temporary Open Vehicle Park with Ancillary On-Site Vehicle Checking for a Period of 3 Years in “Open Storage” and “Green Belt” Zones, Lots 617 S.B RP, 618 S.B ss.1, 622 S.B RP and 626 RP in D.D. 9, Nam Wa Po, Kau Lung Hang, Tai Po, New Territories
(RNTPC Paper No. A/NE-KLH/532)

Presentation and Question Sessions

79. Mr C.T. Lau, DPO/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 open vehicle park with ancillary on-site vehicle checking for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there was a sensitive use in the vicinity of the site (the nearest domestic structure was located less than 100m to the immediate south of the site) and the use of the site involved traffic of heavy vehicles and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary open vehicle park with ancillary on-site vehicle checking could be

tolerated for a period of 3 years based on the assessments set out in paragraph 12 of the Paper. While the applied use was not in line with the planning intention of the “Green Belt” zone, the site was formed without significant vegetation and the applied use was not incompatible with the surrounding land uses comprising open storage uses, warehouses and container vehicle parks. The application generally complied with the Town Planning Board Guidelines No. 34B in that there had been no material change in planning circumstances since the previous temporary planning approval and all the approval conditions of the previous application had been complied with. While DEP did not support the application, there was no environmental complaint for the site in the past three years. Relevant approval condition restricting the operation hours had been recommended to address DEP’s concerns.

80. Members had no question on the application.

Deliberation Session

81. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 23.8.2017 to 22.8.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) the existing vehicular access, drainage facilities, proposals of protective measures against pollution or contamination to the water gathering grounds implemented on the site and peripheral fencing should be maintained at all times during the planning approval period;
- (c) no excavation works should be carried out unless prior written approval from the Director of Water Supplies is obtained, and no sinking of wells, blasting, drilling or piling works are allowed on the site at any time during the planning approval period;

- (d) the submission of a landscape and 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 23.2.2018;
- (e) in relation to (d) above, the implementation of the landscape and tree preservation proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 23.5.2018;
- (f) the submission of a proposal for fire services installations (FSIs) and water supplies for fire fighting 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 23.2.2018;
- (g) in relation to (f) above, the provision of FSIs and water supplies for fire fighting 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 23.5.2018;
- (h) if any of the above planning conditions (a), (b), or (c) 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;
- (i) if any of the above planning conditions (d), (e), (f) or (g) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall be revoked on the same date without further notice; and
- (j) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/533 Proposed House (New Territories Exempted House - Small House) in
“Village Type Development” and “Agriculture” Zones, Lot 346 S.C in
D.D. 9, Yuen Leng Village, Tai Po, New Territories
(RNTPC Paper No. A/NE-KLH/533)

Presentation and Question Sessions

83. Mr C.T. Lau, DPO/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 potential for rehabilitation of agricultural activities. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one objecting comment was received from three indigenous villagers of Kau Lung Hang Village. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s Views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper.

Although the proposed Small House was not in line with the planning intention of the “Agriculture” zone and DAFC did not support the application, it was not incompatible with the surrounding areas predominantly rural in character with village houses, fallow agricultural land and tree groups. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, more than 50% of the footprint of the proposed Small House fell within the village ‘environs’ of Yuen Leng, Kau Lung Hang San Wai and Kau Lung Hang Lo Wai and more than 91% of the footprint of the proposed Small House fell within “V” zone. Land was still available within the “Village Type Development” zone to meet the outstanding Small House applications but not fully meet the future Small House demand. Concerned government departments, except DAFC, had no objection to or no adverse comment on the application. Similar applications in the vicinity of the site were approved by the Committee and their planning circumstances were similar to those of the current application. Regarding the adverse public comment, the comments of government departments and planning assessments above were relevant.

84. In response to a Member’s enquiry regarding Plan A-2b of the Paper, Mr C.T. Lau, DPO/STN, said that areas denoted in pink were sites with Small House grant applications being processed by the Lands Department (LandsD), whereas areas denoted in orange were sites with approvals of Small House grant by LandsD.

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 11.8.2021, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- “(a) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;

- (b) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (c) the provision of protection measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.”

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

Agenda Item 19

Section 16 Application

[Open Meeting]

A/NE-LT/614 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 194 in D.D. 10, Pak Ngau Shek Sheung
Tsuen, Tai Po, New Territories
(RNTPC Paper No. A/NE-LT/614)

87. The Committee noted that the applicant’s representative requested on 7.8.2017 deferment of the consideration of the application for two months in order to allow time to prepare further information on a sewerage connection proposal. It was the first time that the applicant requested deferment of the application.

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

circumstances.

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/618 Proposed House (New Territories Exempted House - Small House) in
 “Green Belt” Zone, Lot 390 RP in D.D. 28 and Adjoining Government
 Land, Lung Mei, Tai Po, New Territories
 (RNTPC Paper No. A/NE-TK/618)

Presentation and Question Sessions

89. Mr C.T. Lau, DPO/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 V of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as mature woodland and valuable species e.g. *Aquilaria sinensis* (土沉香) were observed in the vicinity of the site and there was a general presumption against development within the “Green Belt” (“GB”) zone. The Commissioner for Transport had reservation on the application as Small House development should be confined within the “Village Type Development” (“V”) zone as far as possible but considered that the application involving development of a Small House could be tolerated. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, four objecting comments were received from World Wide Fund for Nature Hong Kong, Kadoorie Farm and Botanic Garden Corporation, Designing Hong Kong Limited and an individual. Major objection grounds were set out in paragraph 11 of the Paper; and

- (e) PlanD's Views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. Although the proposed Small House was not in line with the planning intention of the “GB” zone, the District Lands Officer/Tai Po had no objection to the application and advised that the Small House application for the site was approved in-principle in 2014 and execution of land grant was pending until the applicant had obtained a valid planning permission for the site and returned the acceptance of the offer. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, more than 50% of the footprint of the proposed Small House fell within the village ‘environs’ of Lung Mei and Tai Mei Tuk/Wong Chuk Tsuen. Land was available within the “V” zone to meet the outstanding Small House applications but not fully meet the future Small House demand. The Site was the subject of a previously approved application for Small House development and there was no significant change in planning circumstances since the approval of the previous application. There were similar applications in the vicinity of the site approved by the Committee, some of which had already completed or construction at advanced stage of land grant/exchange. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

90. Members had no question on the application.

Deliberation Session

91. 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 11.8.2021, 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.”

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

Agenda Item 21

Section 16 Application

[Open Meeting]

A/NE-TK/619 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” Zone, Government Land in D.D. 27, Shuen Wan Sha
Lan, Tai Po, New Territories
(RNTPC Paper No. A/NE-TK/619)

[Withdrawn]

Agenda Item 22

Section 16 Application

[Open Meeting]

A/TP/629 Proposed Utility Installation for Private Project (Drainage) in “Green Belt” Zone, Lots 17 (Part), 20 (Part) and 73 (Part) in D.D. 33 and Adjoining Government Land, Tsung Tsai Yuen, Tai Po, New Territories
(RNTPC Paper No. A/TP/629)

93. The Secretary reported that Team 73 HK Limited (Team 73) was one of the consultants of the applicant. Ms Janice W.M. Lai had declared interest on the item for having current business dealings with Team 73. The Committee noted that the applicant had requested deferment of consideration of the application and agreed that Ms Janice W.M. Lai could stay in the meeting as she had no involvement in the application.

94. The Committee noted that the applicant’s representative requested on 27.7.2017 deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

[The Chairman thanked Mr C.T. Lau, DPO/STN, Ms Channy C. Yang and Mr Kenny C.H. Lau, STPs/STN, for their attendance to answer Members’ enquiries. They left the meeting

at this point.]

Fanling, Sheung Shui and Yuen Long East District

[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 23

Section 16 Application

[Open Meeting]

A/KTN/36 Temporary Public Vehicle Park for Private Cars, Light and Medium Good Vehicles with Ancillary Resting Room and Office for a Period of 1 Year in “Other Specified Uses” annotated “Amenity Area” Zone and an area shown as 'Road', Lots 664 RP (Part), 665 RP, 667 and 672 (Part) in D.D. 96, Kwu Tung, Sheung Shui, New Territories
(RNTPC Paper No. A/KTN/36)

96. The Secretary reported that the site was located in Kwu Tung North and Dr C.H. Hau had declared interest on the item as he owned a property in Kwu Tung North. The Committee noted that the applicant had requested deferment of consideration of the application and agreed that Dr C.H. Hau could stay in the meeting as his property did not have a direct view on the site.

97. The Committee noted that the applicant requested on 1.8.2017 deferment of the consideration of the application for two months in order to allow time to prepare further information to address comments of the Transport Department. It was the first time that the applicant requested deferment of the application.

98. 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 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/562 Proposed Temporary Animal Boarding Establishment for a Period of 3 Years in "Agriculture" Zone, Lots 954 S.A, 954 RP and 955 in D.D. 107, Fung Kat Heung, Kam Tin, Yuen Long, New Territories
(RNTPC Paper No. A/YL-KTN/562A)

Presentation and Question Sessions

99. Ms Ivy C.W. Wong, STP/FSYLE, drew Members' attention that a replacement page (page 14) of the Paper making revisions to approval condition (b) was dispatched to Members before the meeting. She then presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed temporary animal boarding establishment 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 the site possessed potential for agricultural uses such as plant nursery or greenhouse and active agricultural activities were found in the vicinity of the site. Other concerned government

departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, four objecting public comments were received from the Hong Kong Bird Watching Society, Kadoorie Farm and Botanic Garden Corporation and two individuals. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis of three years based on the assessments set out in paragraph 11 of the Paper. Although the applied use was not in line with the planning intention of the “Agriculture” (“AGR”) zone and DAFC did not support the application, approval of the application on a temporary basis would not jeopardize the long-term planning intention of the area. In view of its scale, the proposed use was considered not incompatible with the surrounding areas with residential structures/dwellings, fallow/cultivated agriculture land, hobby farms and vacant/unused land. Although there were sensitive receivers in the vicinity of the site, the structures of the animal boarding establishment were enclosed with soundproofing insulation material and equipped with air conditioning and no public announcement system and whistle blowing would be used. The Director of Environmental Protection had no adverse comment on the application. The concerns on potential environmental nuisance or technical requirements of concerned government departments could be addressed by imposition of appropriate approval conditions and advisory clauses. Similar applications within the same “AGR” zone had been approved by the Committee, and approval of the current application was generally in line with the Committee's previous decisions. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

100. Members had no question on the application.

Deliberation Session

101. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 11.8.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 6:00 p.m. and 9:00 a.m. from Mondays to Saturdays, except for overnight animal boarding, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, except for overnight animal boarding, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) all the dogs shall be kept inside the enclosed kennels, as proposed by the applicant, at any time during the planning approval period;
- (d) no public announcement system and whistle blowing, as proposed by the applicant, is allowed on 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 submission of a landscape and tree preservation proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 11.2.2018;
- (g) in relation to (f) above, the implementation of the landscape and tree preservation proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 11.5.2018;

- (h) the submission of a drainage proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.2.2018;
- (i) in relation to (h) above, the implementation of the drainage proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.5.2018;
- (j) the submission of fire services installations (FSIs) proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.2.2018;
- (k) in relation to (j) above, the provision of FSIs within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.5.2018;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked without further notice;
- (m) if any of the above planning conditions (f), (g), (h), (i), (j) or (k) 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
- (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.”

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

Agenda Item 25

Section 16 Application

[Open Meeting]

A/YL-KTN/567 Proposed Flat in “Residential (Group E)1” Zone, Lots 111 RP, 112 RP, 114 RP, 115 RP, 116 RP, 120 RP, 261 RP (Part), 264 S.(A to D) RP and 264 S.(E to H) RP in D.D. 109, and Adjoining Government Land, Kam Tin North, Yuen Long, New Territories
(RNTPC Paper No. A/YL-KTN/567)

103. The Secretary reported that the application was submitted by Delight World Limited, which was a subsidiary of CK Hutchison Holdings Limited (CKH), and Westwood Hong & Associates Limited (Westwood), Ramboll Environ Hong Kong Limited (Environ), AIM Group Limited (AIM) and ADI Limited (ADI) were four of the consultants of the applicant. The following Members had declared interests on the item:

- | | | |
|---------------------|---|---|
| Mr Ivan C.S. Fu | - | having current business dealings with CKH, Westwood, Environ and ADI; |
| Ms Janice W.M. Lai | - | having current business dealings with Environ and ADI; |
| Mr Stephen L.H. Liu | - | having past business dealings with CKH; and |
| Mr Alex T.H. Lai | - | his firm having current business dealings with AIM. |

104. The Committee noted that the applicant had requested deferment of consideration of the application and Mr Alex T.H. Lai had already left the meeting. As the interest of Mr Ivan C.S. Fu was direct, the Committee agreed that he could stay in the meeting but should refrain from participating in the discussion. The Committee also agreed that Ms Janice W.M. Lai and Mr Stephen L.H. Liu could stay in the meeting as they had no involvement in the application.

105. The Committee noted that the applicant’s representative requested on 4.8.2017 deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments. It was the first time that the

applicant requested deferment of the application.

106. 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.

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

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/734 Proposed Temporary Shop and Services (Motor Vehicles Showroom) for a Period of 3 Years in "Other Specified Uses" annotated "Rural Use" Zone, Lots 564, 565 (Part) and 618 S.C (Part) in D.D. 106, Kam Sheung Road, Yuen Long, New Territories
(RNTPC Paper No. A/YL-KTS/734A)

107. The Secretary reported that the site was located in Kam Tin South and Ms Janice W.M. Lai had declared interest on the item as her family member owned a house at Cheung Po Tsuen, Kam Tin South. The Committee agreed that Ms Janice W.M. Lai could stay in the meeting as the property of her family member did not have a direct view of the site.

Presentation and Question Sessions

108. Ms Ivy C.W. Wong, STP/FSYLE, presented the application and covered the

following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed temporary shop and services (motor vehicles showroom) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two objecting comments were received from two individuals. Major objection grounds were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments set out in paragraph 12 of the Paper. The applied use was not in line with the planning intention of the “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) zone. However, there was no known programme for development at the site and the applied use was not incompatible with the surrounding areas. Approval of the application on a temporary basis would not frustrate the long-term planning intention. Relevant approval conditions had been recommended to minimise any potential environmental nuisance and to address technical requirements of concerned government departments. A similar application within the “OU(RU)” zone in the vicinity of the site had been approved by the Committee, and approval of the current application was generally in line with the Committee's previous decision. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

109. Members had no question on the application.

Deliberation Session

110. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 11.8.2020, 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 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out at the site at any time during the planning approval period;
- (c) no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (d) the existing boundary fencing on the site shall be maintained at all times during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the submission of a drainage proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.2.2018;
- (g) in relation to (f) above, the implementation of the drainage proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.5.2018;
- (h) in relation to (g) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;

- (i) the submission of a tree preservation proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 11.2.2018;
- (j) in relation to (i) above, the implementation of the tree preservation proposal within 9 months from the date of the planning approval to the satisfaction of Director of Planning or of the TPB by 11.5.2018;
- (k) the submission of fire services installations (FSIs) proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.2.2018;
- (l) in relation to (k) above, the provision of FSIs within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.5.2018;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (f), (g), (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (o) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

111. 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-KTS/745 Temporary Shop and Services (Real Estate Agency and Pet Product Retail Shop) for a Period of 3 Years in “Village Type Development” Zone, Lot 390 RP (Part) in D.D. 106, Kam Sheung Road, Pat Heung, Yuen Long, New Territories
(RNTPC Paper No. A/YL-KTS/745)

112. The Secretary reported that the site was located in Kam Tin South and Ms Janice W.M. Lai had declared interest on the item as her family member owned a house at Cheung Po Tsuen, Kam Tin South. The Committee agreed that Ms Janice W.M. Lai could stay in the meeting as the property of her family member did not have a direct view of the site.

Presentation and Question Sessions

113. Ms Ivy C.W. Wong, STP/FSYLE, drew Members’ attention that a replacement page (page 12) of the Paper making revisions to approval conditions (b) and (i) were dispatched to Members before the meeting. She then presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the temporary shop and services (real estate agency and pet product retail shop) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) 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 on a temporary basis for a period of three years based on the assessments set out in paragraph 11 of the Paper. Although the applied use was not entirely in line with the planning intention of the “Village Type Development” (“V”) zone, it could serve the needs of residents in the vicinity. There was at present no Small House application approved or currently under processing at the site and the applied use on a temporary basis for three years would not jeopardize the long-term planning intention. Also, the applied use was not incompatible with the surrounding areas. The applicant had complied with all the approval conditions under the previous application for similar shop and services use and sympathetic consideration could be given to the current application. Similar applications in a nearby “V” zone to the south-east of the site had been approved by the Committee. Relevant approval conditions had been recommended to minimise any potential environmental nuisance and to address technical requirements of concerned government departments.

114. Members had no question on the application.

Deliberation Session

115. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 11.8.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 7:30 p.m. and 9:30 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 3.3 tonnes including container tractors/trailers, as proposed by the applicant, are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;

- (c) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (d) the submission of a drainage proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.2.2018;
- (e) in relation to (d) above, the implementation of the drainage proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.5.2018;
- (f) in relation to (e) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (g) the submission of a tree preservation proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 11.2.2018;
- (h) in relation to (g) above, the implementation of the tree preservation proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 11.5.2018;
- (i) the submission of fire services installations (FSIs) proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.2.2018;
- (j) in relation to (i) above, the provision of fire services installations within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.5.2018;
- (k) if any of the above planning conditions (a), (b), (c) 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 (d), (e), (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.”

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

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

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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/743A)

117. The Secretary reported that the site was located in Pat Heung and Ms Janice W.M. Lai had declared interest on the item as her family member owned property at Leung Uk Tsuen, Pat Heung. The Committee agreed that Ms Janice W.M. Lai could stay in the meeting as the property of her family member did not have a direct view on the site.

Presentation and Question Sessions

118. Ms Ivy C.W. Wong, STP/FSYLE, drew Members’ attention that a replacement

page (page 11) of the Paper making revisions to approval condition (b) was dispatched to Members before the meeting. She then presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the temporary public vehicle park for private cars and light goods vehicles for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one objecting comment was received from an individual. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments set out in paragraph 11 of the Paper. Although the applied use was not in line with the planning intention of the “Village Type Development” (“V”) zone, it could meet some of the local parking demand. There was at present no Small House application at the site and the applied use on a temporary basis for three years would not jeopardize the long-term planning intention. The use was not incompatible with the surrounding areas. Similar applications within the same “V” zone had been approved by the Committee. Relevant approval conditions had been recommended to minimise any potential environmental nuisance and to address technical requirements of concerned government departments. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant. The applicant would also be advised that prior planning permission should have been obtained before commencing the development on the site.

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 11.8.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no vehicles without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations are allowed to be parked/stored on the site at any time during the planning approval period;
- (b) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the site at any time during the planning approval period;
- (c) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (d) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the site at all times during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/ from public road at any time during the planning approval period;
- (f) the provision of the boundary fence for the site within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 11.2.2018;

- (g) the submission of a tree preservation and 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 11.2.2018;
- (h) in relation to (g) above, the implementation of the tree preservation and 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 11.5.2018;
- (i) the submission of a revised drainage proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.2.2018;
- (j) in relation to (i) above, the implementation of the revised drainage proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.5.2018;
- (k) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (l) if any of the above planning conditions (f), (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 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 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/751 Proposed Temporary Open Storage of Vehicle Parts for a Period of 3 Years in “Agriculture” Zone, Lot 303 (Part) in D.D. 110, Tsat Sing Kong, Yuen Long, New Territories
(RNTPC Paper No. A/YL-PH/751)

122. The Secretary reported that the site was located in Pat Heung and Ms Janice W.M. Lai had declared interest on the item as her family member owned property at Leung Uk Tsuen, Pat Heung. The Committee agreed that Ms Janice W.M. Lai could stay in the meeting as the property of her family member did not have a direct view on the site.

Presentation and Question Sessions

123. Ms Ivy C.W. Wong, STP/FSYLE, drew Members’ attention that a replacement page (page 1 of Appendix VII) of the Paper making revisions to advisory clause (g) was dispatched to Members before the meeting. She then presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed temporary open storage of vehicle parts for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the site (the nearest residential structure being about 5m away), and one substantiated environmental complaint on noise nuisance was received in 2015. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservations on the application as approval of the application would set an undesirable precedent to similar developments

within the “Agriculture” (“AGR”) zone and the cumulative effect of approving such applications would result in degradation of the environment. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, three objecting comments were received from the Green Sense, 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 use was not in line with the planning intention of the “AGR” zone and there was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis. Besides, DEP and CTP/UD&L, PlanD had adverse comments on the application. The applied use was not in line with the Town Planning Board Guidelines No. 13E in that no previous approval had been granted for the site and there were adverse departmental comments and public objections against the application. The applicant failed to demonstrate that the proposed development would not generate adverse environmental impacts and the current application did not warrant sympathetic consideration. Similar applications within the “AGR” zone were rejected by the Committee and the current application was comparable with the rejected applications. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

124. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is to retain and safeguard good agricultural land for agricultural purposes. This zone is also intended to retain fallow arable land with good potential for rehabilitation. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the application does not comply with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13E) in that there is no previous approval granted at the site and there are adverse departmental comments and public objections against the application;
- (c) the applicant fails to demonstrate that the proposed development would not generate adverse environmental impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for other similar applications to proliferate into this part of the “AGR” zone. The cumulative effect of approving such application would result in a general degradation of the rural environment of the area.”

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/752 Temporary Open Storage of Construction Materials for a Period of 3 Years in “Agriculture” and “Open Storage” Zones, Lot 39 (Part) in D.D.114, Pat Heung, Yuen Long, New Territories
(RNTPC Paper No. A/YL-PH/752)

126. The Secretary reported that the site was located in Pat Heung and Ms Janice W.M. Lai had declared interest on the item as her family member owned property at Leung Uk

Tsuen, Pat Heung. The Committee agreed that Ms Janice W.M. Lai could stay in the meeting as the property of her family member did not have a direct view on the site.

Presentation and Question Sessions

127. 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 temporary open storage of construction materials for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the site (the nearest residential structure being about 70m to the north-east), and environmental nuisance was expected. The Director of Agriculture, Fisheries and Conservation (DAFC) raised some concerns on the application as part of the site fell within the “Agriculture” (“AGR”) zone and the farming activity in the vicinity of the site was still active. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The applied use was not in line with the planning intention of the “AGR” zone and DAFC raised concerns on the application. There was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis. Besides, DEP did not support the application. The applied use was not in line with the Town Planning Board Guidelines No. 13E in that no previous approval had been granted for the site and there were

adverse departmental comments on the application. The approval of the application would set an undesirable precedent for similar applications within this part of the “AGR” zone and the cumulative effect of approving such application would result in a general degradation of the rural environment of the area.

128. Members had no question on the application.

Deliberation Session

129. 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 to retain and safeguard good agricultural land for agricultural purposes. This zone is also intended to retain fallow arable land with good potential for rehabilitation. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the application does not comply with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13E) in that there is no previous approval granted for the majority of the site and there are adverse departmental comments on the application; and
- (c) the approval of the application, even on a temporary basis, would set an undesirable precedent for other similar applications to proliferate into this part of the “AGR” zone. The cumulative effect of approving such application would result in a general degradation of the rural environment of the area.”

Agenda Item 31

Section 16 Application

[Open Meeting]

A/YL-PH/753 Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years in “Residential (Group D)” Zone, Lots 3037 S.A, 3037 RP (Part), 3039 and 3040 (Part) in D.D. 111 and Adjoining Government Land, Pat Heung, Yuen Long, New Territories (RNTPC Paper No. A/YL-PH/753)

130. The Secretary reported that the site was located in Pat Heung and Ms Janice W.M. Lai had declared interest on the item as her family member owned property at Leung Uk Tsuen, Pat Heung. The Committee noted that the applicant had requested deferment of consideration of the application and agreed that Ms Janice W.M. Lai could stay in the meeting as the property of her family member did not have a direct view on the site.

131. The Committee noted that the applicant requested on 26.7.2017 deferment of the consideration of the application for one month in order to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

Agenda Item 32

Section 16 Application

[Open Meeting]

A/YL-PH/754 Proposed Temporary Shop and Services (Motor-vehicle Showroom) for a Period of 3 Years in “Agriculture” Zone, Lot 303 (Part) in D.D. 110, Tsat Sing Kong, Pat Heung, Yuen Long, New Territories
(RNTPC Paper No. A/YL-PH/754)

133. The Secretary reported that the site was located in Pat Heung and Ms Janice W.M. Lai had declared interest on the item as her family member owned property at Leung Uk Tsuen, Pat Heung. The Committee noted that the applicant had requested deferment of consideration of the application and agreed that Ms Janice W.M. Lai could stay in the meeting as the property of her family member did not have a direct view on the site.

134. The Committee noted that the applicant requested on 27.7.2017 deferment of the consideration of the application for one month in order to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

Agenda Item 33

Section 16 Application

[Open Meeting]

A/YL-MP/261 Proposed Temporary Shop and Services (Real Estate Agency and Bicycle Retail Shop) and Ancillary Staff Canteen and Site Office for a Period of 3 Years in “Open Space” Zone, Lot 2905 S.C RP (Part) in D.D. 104 and Adjoining Government Land, Mai Po, Yuen Long, New Territories
(RNTPC Paper No. A/YL-MP/261)

136. The Secretary reported that the site was located in Mai Po and Dr Lawrence K.C. Li had declared interest on the item as he co-owned a house with his spouse in Mai Po. The Committee noted that Dr Lawrence K.C. Li had tendered apology for being unable to attend the meeting.

137. The Committee noted that the applicant’s representative requested on 21.7.2017 deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

138. 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 34

Section 16 Application

[Open Meeting]

A/YL-NSW/259 Proposed Temporary Religious Institution and Community Centre for a Period of 3 Years in “Undetermined” Zone, Former Small Traders New Village Public School in D.D.115, Small Traders New Village, Nam Sang Wai, Yuen Long, New Territories
(RNTPC Paper No. A/YL-NSW/259)

139. The Committee noted that the applicant requested on 25.7.2017 deferment of the consideration of the application for two months in order to allow time to prepare further information to address comments of the Transport Department and the Home Affairs Bureau. It was the first time that the applicant requested deferment of the application.

140. 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 35

Section 16 Application

[Open Meeting]

A/YL-NSW/260 Proposed Social Welfare Facility (Integrated Community Service Centre) in “Undetermined” Zone, Former Small Traders New Village Public School in D.D. 115, Small Traders New Village, Nam Sang Wai, Yuen Long, New Territories
(RNTPC Paper No. A/YL-NSW/260)

141. The Committee noted that the applicant requested on 27.7.2017 deferment of the consideration of the application for two months in order to allow time to prepare further information to address comments of the Transport Department and the Social Welfare Department. It was the first time that the applicant requested deferment of the application.

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

Agenda Item 36

Section 16 Application

[Open Meeting]

A/YL-NTM/346 Proposed Temporary Wholesale Trade (Food) and Storage and Ancillary Office for a Period of 3 Years in “Open Storage” Zone, Lots 2693 RP, 2696, 2699 (Part), 2700 and 2701 in D.D. 102 and Adjoining Government Land, Kwu Tung Road, San Tin, New Territories
(RNTPC Paper No. A/YL-NTM/346)

143. The Committee noted that the applicant’s representative requested on 21.7.2017 deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

Agenda Item 37

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/506 Renewal of Planning Approval for Temporary Vehicle Park (including Container Vehicles), Container Storage Area, Storage of New Unlicensed Container Tractors, Storage of Construction Materials, Tyre Repair, Shop and Services (Sale of Container Vehicles and the Related Parts/Accessories), Vehicle Repair and Services and Ancillary Offices for a Period of 3 Years in “Other Specified Uses” annotated “Service Stations” Zone, Lots 372 S.D RP (Part), 743 RP (Part) and 744 RP (Part) in D.D. 99 and Adjoining Government Land, San Tin, Yuen Long, New Territories
(RNTPC Paper No. A/YL-ST/506)

Presentation and Question Sessions

145. Ms Emily P.W. Tong, STP/FSYLE, drew Members’ attention that two replacement pages (page 18 of the Main Paper and page 3 of Appendix IV) of the Paper making revisions to approval conditions (i) to (m) and addition of advisory clause (j) were dispatched to Members before the meeting. She then presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the renewal of planning approval for temporary vehicle park (including container vehicles), container storage area, storage of new unlicensed container tractors, storage of construction materials, tyre repair, shop and services (sale of container vehicles and the related parts/accessories), vehicle repair and services and ancillary offices for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;

- (d) no public comment was received during the first three weeks of the statutory publication period; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The applied use for providing supporting facilities for the cross-boundary traffic and the container related facilities was in line with the planning intention of the “Other Specified Uses” annotated “Service Stations” (“OU(SS)”) zone. There was no immediate proposal for a development at the site and approval of the application on a temporary basis of three years would not frustrate the long-term planning intention. Also, the applied use was not incompatible with the surrounding land uses. Although the site fell partly within the Wetland Buffer Area of the Town Planning Board Guidelines No. 12C, the Director of Agriculture, Fisheries and Conservation had no comment on the application noting that the site was paved and occupied by similar uses which were approved previously. Besides, it was unlikely that the development at the site would have significant adverse off-site disturbance impacts on fish ponds, which were separated from the site by a nullah, roads and vacant land. The application was in line with the Town Planning Board Guidelines No. 13E and 34B in that the site fell within the Category 2 areas; previous approvals for similar use at the site had been granted and there was no major change in planning circumstances since the last planning approval and all the approval conditions under the previous application had been complied with; and there was no adverse departmental comment. The technical concerns of relevant government departments could be addressed through the implementation of approval conditions. Similar applications within the same “OU(SS)” zone had been approved by the Committee and approval of the application was in line with the Committee's previous decisions.

146. Members had no question on the application.

Deliberation Session

147. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 23.8.2017 to 22.8.2020, 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 8:00 a.m. on Mondays to Saturdays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation between 5:00 p.m. and 10:00 a.m. on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) the containers stacked within 5m of the periphery of the site shall not exceed the height of the boundary fence at any time during the planning approval period;
- (d) the stacking height of containers stored at any other location within the site shall not exceed 8 units at any time during the planning approval period;
- (e) the paving on the site shall be maintained at all times during the planning approval period;
- (f) a vehicular access/run-in between the site and Tun Yu Road shall be maintained at all times during the planning approval period;
- (g) no reversing in or out from the site is allowed at any time during the planning approval period;
- (h) the existing trees and vegetation on-site should be maintained at all times during the planning approval period;

- (i) the submission of a drainage proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.2.2018;
- (j) in relation to (i) above, the implementation of the drainage proposal within 9 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 23.5.2018;
- (k) the submission of fire services installations (FSIs) 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 23.2.2018;
- (l) in relation to (k) above, the provision of FSIs 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 23.5.2018;
- (m) the provision of boundary fencing on the site 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 23.2.2018;
- (n) 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;
- (o) if any of the above planning conditions (i), (j), (k), (l) or (m) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;
and
- (p) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the

TPB.”

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

Tuen Mun and Yuen Long West District

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

Agenda Item 38

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-SKW/98 Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Village Type Development” Zone, Lot 638 RP in D.D. 375, So Kwun Wat, Tuen Mun, New Territories
(RNTPC Paper No. A/TM-SKW/98)

Presentation and Question Sessions

149. Ms Jessica Y.C. Ho, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed temporary shop and services (real estate agency) for a period of three years;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, four public comments were received from the Indigenous Inhabitant Representative (IIR) and Resident Representative (RR) of So Kwun Wat Tsuen supporting the application and two individuals objecting to the application. Major supporting views and objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments set out in paragraph 11 of the Paper. Although the applied use was not entirely in line with the planning intention of the “Village Type Development” (“V”) zone, it could provide real estate services to serve any such demand in the area and there was at present no Small House application at the site. Approval of the application on a temporary basis for three years would not jeopardize the long-term planning intention. The use and its development scale were not incompatible with the surrounding land uses comprising mainly residential structures and vacant land. The use would unlikely generate significant adverse traffic, drainage and landscape impacts and environmental nuisance to the nearby residential structures/dwellings. Relevant approval conditions had been recommended to minimise any possible nuisances or to address technical requirements of concerned government departments. Similar applications within the same “V” zone had been approved by the Committee and approval of the application was in line with the Committee's previous decisions. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant. Regarding the concern on blockage of access, the applicant had undertaken to maintain a 7m clearance for the existing access, and an approval condition was also recommended to address such concern.

150. Members had no question on the application.

Deliberation Session

151. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 11.8.2020, 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 10:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no structures within 7m from the western boundary of the site, as proposed by the applicant, is allowed at any time during the planning approval period;
- (c) the submission of fire services installations (FSIs) proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.2.2018;
- (d) in relation to (c) above, the provision of FSIs within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.5.2018;
- (e) if any of the above planning conditions (a) or (b) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (f) if any of the above planning conditions (c) or (d) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (g) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the

TPB.”

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

Agenda Item 39

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/2 Proposed Temporary Public Vehicle Park (excluding container vehicle) for a Period of 3 Years in “Residential (Group A) 4” Zone, Lots 2427 RP (Part) and 2428 RP (Part) in D.D. 124, Hung Yuen Road, Hung Shui Kiu, New Territories
(RNTPC Paper No. A/HSK/2)

Presentation and Question Sessions

153. Ms Lucille L.S. Leung, STP/TMYLW, drew Members’ attention that three replacement pages (pages 1 to 3 of Appendix V) of the Paper regarding an addition of advisory clause (b) and revisions to the numbering of other advisory clauses were dispatched to Members before the meeting. She then presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed temporary public vehicle park (excluding container vehicle) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Project Manager (New Territories West), Civil Engineering and Development Department (PM(NTW), CEDD) advised that the site fell within Phase 3 of the Advance Works Stage of the Hung Shui Kiu New Development Area (HSK NDA) and it was envisaged that the clearance

of the site would not be arranged before the first population intake of the HSK NDA expected in 2024. The Chief Estate Surveyor/Acquisition, Lands Department (CES/A, LandsD) also advised that the clearance of the site would take place in 2024 the earliest. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, one public comment was received from Designing Hong Kong Limited 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 had no objection to the application on a temporary basis for a period of three years based on the assessments set out in paragraph 11 of the Paper. While the applied use was not entirely in line with the planning intention of the “Residential (Group A) 4” zone, it could provide parking spaces to meet any such demand in the area. As the implementation programme including the land resumption programme of the concerned part of the HSK NDA was still being formulated, approval of the application on a temporary basis for three years would not jeopardize the long-term planning intention. The applied use was not incompatible with the surrounding land uses and it would unlikely cause significant adverse traffic, environmental and landscape impacts on the surrounding areas. Relevant approval conditions had been recommended to minimise any potential nuisance and to address technical requirements of concerned government departments. The site was the subject of five previously approved applications for similar use and approval of the current application was in line with the Committee's previous decisions. Although the last application was revoked in 2017 for non-compliance with approval conditions, it was submitted by a different applicant and sympathetic consideration might be given to the subject application. Regarding the adverse public comment, the comments of government departments and planning assessments above were relevant.

154. Members had no question on the application.

Deliberation Session

155. Noting that an advisory clause had been added in other similar applications to reflect the concerns on temporary developments that might affect the implementation of the HSK NDA, the Committee agreed to add a similar advisory clause stating that the site might be resumed by the government at any time for implementation of government projects.

156. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 11.8.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (b) a notice shall be posted at a prominent location of the site to indicate that no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (c) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the site at any time during the planning approval period;
- (d) no vehicle washing, vehicle repair, dismantling, paint spraying or other workshop activity is allowed on the site, as proposed by the applicant, at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;

- (f) the peripheral fencing on the site shall be maintained at all times during the planning approval period;
- (g) the submission of a drainage proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.2.2018;
- (h) in relation to (g) above, the implementation of the drainage proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.5.2018;
- (i) in relation to (h) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (j) the submission of a run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 11.2.2018;
- (k) in relation to (j) above, the provision of the run-in/out within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 11.5.2018;
- (l) the submission of a tree preservation and 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 11.2.2018;
- (m) in relation to (l) above, the implementation of the tree preservation and 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 11.5.2018;
- (n) the submission of a fire services installations (FSIs) proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.2.2018;

- (o) in relation to (n) above, the provision of FSIs within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.5.2018;
- (p) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (i) 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; and
- (q) if any of the above planning conditions (g), (h), (j), (k), (l), (m) (n) or (o) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

157. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix V of the Paper in addition to the following:

- “(n) the site might be resumed at any time during the planning approval period for implementation of government projects.”

Agenda Items 40 and 41

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/335 Proposed House (New Territories Exempted House - Small House) in “Residential (Group E)” Zone, Lot 215 S.C ss.3 S.A in D.D. 130, San Hing Tsuen, Tuen Mun, New Territories

A/TM-LTY Y/336 Proposed House (New Territories Exempted House - Small House) in “Residential (Group E)” Zone, Lots 215 S.C ss.2 and 215 S.C ss.3 RP in D.D. 130, San Hing Tsuen, Tuen Mun, New Territories
(RNTPC Paper No. A/TM-LTY Y/335A and 336A)

158. The Committee noted that the two applications for proposed house (New

Territories Exempted House (NTEH) – Small House) were similar in nature and the sites were located in close proximity to one another and within the same “Residential (Group E)” (“R(E)”) zone. The Committee agreed that the applications could be considered together.

Presentation and Question Sessions

159. Ms Lucille L.S. Leung, STP/TMYLW, presented the applications and covered the following aspects as detailed in the Paper:

- (a) background to the applications;
- (b) the proposed house (NTEH - Small House) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. Concerned government departments had no objection to or no adverse comment on the applications;
- (d) during the first three weeks of the statutory publication period, two objecting public comments on each application from an indigenous villager of San Hing Tsuen and an individual were received. Major objection grounds were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)’s Views – PlanD had no objection to the applications based on the assessments set out in paragraph 12 of the Paper. The proposed Small Houses were generally in line with the planning intention of the “R(E)” zone. The Director of Environmental Protection had no objection to the applications and the proposed developments would unlikely be susceptible to industrial/residential interface problems. The proposed Small Houses were not incompatible with the surrounding areas comprising mainly village type houses with an approved low-rise residential development. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, more than 50% of the footprints of the proposed Small Houses fell within the village ‘environs’ (‘VE’) of San Hing Tsuen, Tuen Tsz Wai and Tsing Chuen Wai and land available within the

“Village Type Development” (“V”) zone could accommodate the outstanding Small House applications but was insufficient to meet the future Small House demand. Although the sites were the subject of a previously rejected application for three proposed Small Houses, the concerned application was rejected on grounds that over 50% of the footprints of the proposed three Small Houses fell outside both the ‘VE’ and “V” zone. Five similar applications within the same “R(E)” zone had been approved by the Committee and approval of the current applications was in line with the Committee’s previous decisions. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

160. Members had no question on the application.

Deliberation Session

161. After deliberation, the TPB decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the permissions should be valid until 11.8.2021, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. Each of the permissions was subject to the following conditions:

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

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

Agenda Item 42

Section 16 Application

[Open Meeting]

A/TM-LTY Y/338 Proposed Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles only) for a Period of 3 Years in “Residential (Group C)” Zone, Lots 1156 RP (Part), 1157 (Part) and 1158 (Part) in D.D. 130, Wong Kong Wai Road, Lam Tei, Tuen Mun, New Territories (RNTPC Paper No. A/TM-LTY Y/338)

163. The Committee noted that the applicant’s representative requested on 25.7.2017 deferment of the consideration of the application for one month in order to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

Agenda Item 43

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/339 Temporary Shop and Services for a Period of 5 Years in “Village Type Development” and “Comprehensive Development Area” Zones, Lots 804 S.B RP (Part), 804 S.B ss.3 S.B, 804 S.B ss.3 RP (Part) and 804 S.B ss.5 in D.D. 130, 83 Lam Tei Main Street, Lam Tei, Tuen Mun, New Territories
(RNTPC Paper No. A/TM-LTY Y/339)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary shop and services for a period of five years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment from an individual was received expressing views on the application. 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 on a temporary basis for a period of five years based on the assessments set out in paragraph 11 of the Paper. While the applied use was not entirely in line with the planning intention of the “Village Type Development” (“V”) zone, there was at present no Small House application at the site. The applied use could provide commercial use to meet any such

demand in the area and approval of the application on a temporary basis for five years would not jeopardize the long-term planning intention for the site. The applied use was not incompatible with the surrounding land uses and it would unlikely cause any adverse environmental, traffic, drainage or landscape impacts on the surrounding areas. Relevant approval conditions had been recommended to address the technical requirements of concerned government departments. Three similar applications within the same “V” zone had been approved by the Committee and approval of the current application was in line with the Committee’s previous decisions. Regarding the public comment, the comments of government departments and planning assessments above were relevant.

166. In response to a Member’s enquiry, the Secretary explained that ‘Shop and Services’ use was a Column 2 use within “V” and “Comprehensive Development Area” zones and there was provision for applications for permanent shop and services use. However, it would be up to the applicant to apply for such use on a temporary basis for five years.

Deliberation Session

167. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 11.8.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 10:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) the submission of a drainage proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.2.2018;
- (c) in relation to (b) above, the implementation of the drainage proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.5.2018;

- (d) in relation to (c) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (e) the submission of a fire services installations (FSIs) proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.2.2018;
- (f) in relation to (e) above, the provision of FSIs within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.5.2018;
- (g) if any of the above planning conditions (a) or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (h) if any of the above planning conditions (b), (c), (e) or (f) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (i) upon 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.”

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

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

Agenda Item 44

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/1 Temporary Storage of Recyclable Materials (including Metal and Plastic) for a Period of 3 Years in “Residential (Group A) 2” Zone, Lots 106 (Part), 116 (Part), 117 (Part), 132 (Part) and 133 (Part) in D.D. 125, Ha Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/HSK/1)

169. The Secretary reported that the site was located in Ha Tsuen and Ms Janice W.M. Lai had declared interest on the item as her spouse was a shareholder of a company owning two pieces of land in Ha Tsuen. The Committee noted that Ms Janice W.M. Lai had already left the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary storage of recyclable materials (including metal and plastic) 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 (the nearest being about 32m away) and along the access road (Ping Ha Road), and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, one public comment was received from Designing Hong Kong Limited 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 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. Whilst the applied use was not in line with the planning intention of the “Residential (Group A) 2” (“R(A)2”) zone, the implementation programme for this part of the Hung Shui Kiu New Development Area (HSK NDA) was still being formulated and the Project Manager (New Territories West), Civil Engineering and Development Department and the Director of Housing had no objection to the temporary use of the site for three years. The use was not incompatible with the surrounding uses. Although DEP did not support the application on the concern of environmental nuisance, there had been no environmental complaint concerning the site received in the past three years. Relevant approval conditions had been recommended to address the concerns on the potential environmental nuisance or technical requirements of concerned government departments. Three previous applications for open storage and logistics centre uses had been approved by the Committee and approval of the application was in line with the Committee's previous decisions. Regarding the adverse public comment, the comments of government departments and planning assessments above were relevant.

171. Members had no question on the application.

Deliberation Session

172. The meeting noted that in considering a similar application for storage use in the previous meeting, Members raised concerns on the massive scale of structures on the site and agreed to add an advisory clause to indicate that the granting of planning approval should not be construed as an acceptance or condonation by the Committee of any unauthorized building structures on the site. Nonetheless, the concerned advisory clause might not be applicable to

the subject application as the site was the subject of a previous planning permission, and comparing with the previously approved logistics centre use at the site, all development parameters and the site layout remained unchanged except a change in the applied use.

173. Noting that an advisory clause had been added in other similar applications to reflect the concerns on temporary developments that might affect the implementation of the HSK NDA, the Committee agreed to add a similar advisory clause stating that the site might be resumed by the government at any time for implementation of government projects.

174. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 11.8.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 8:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no cutting, dismantling, cleansing, repairing, compaction, vehicle repair and workshop activity, as proposed by the applicant, is allowed on the site during the planning approval period;
- (d) no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste, as proposed by the applicant, is allowed on the site during the planning approval period;
- (e) the existing boundary fencing on the site shall be maintained at all times 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 shall be maintained at all times during the planning approval period;
- (h) the submission of a condition record of the existing drainage facilities within 3 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.11.2017;
- (i) the implementation of the tree preservation and 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 11.2.2018;
- (j) the submission of a fire services installations (FSIs) proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.2.2018;
- (k) in relation to (j) above, the provision of FSIs within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.5.2018;
- (l) 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;
- (m) if any of the above planning conditions (h), (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (n) upon 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.”

175. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix IV of the Paper in addition to the following:

- “(l) the site might be resumed at any time during the planning approval period for implementation of government projects.”

Agenda Item 45

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/3 Renewal of Planning Approval for Temporary “Open Storage and Godown (for Ceramic Tableware)” for a Period of 3 Years in “Residential (Group A) 2” and “Open Space” Zones and an area shown as 'Road', Lots 107 (Part), 110 (Part), 113 (Part), 114 (Part), 115 S.A (Part) and 116 (Part) in D.D. 125, Ha Tsuen, Yuen Long, New Territories

(RNTPC Paper No. A/HSK/3)

176. The Secretary reported that the site was located in Ha Tsuen and Ms Janice W.M. Lai had declared interest on the item as her spouse was a shareholder of a company owning two pieces of land in Ha Tsuen. The Committee noted that Ms Janice W.M. Lai had already left the meeting.

Presentation and Question Sessions

177. 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 open storage and godown (for ceramic tableware) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the

site (the nearest dwelling being about 1m away) and along the access road (Ping Ha Road), and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, one public comment was received from Designing Hong Kong Limited objecting to the application. Major objection grounds were set out in paragraph 11 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Whilst the applied use was not in line with the planning intentions of the “Residential (Group A) 2” and “Open Space” zones, the implementation programme for this part of the Hung Shui Kiu New Development Area (HSK NDA) was still being formulated and the Project Manager (New Territories West), Civil Engineering and Development Department, Director of Housing and Director of Leisure and Cultural Services had no objection to the temporary use of the site for three years. The use was not incompatible with the surrounding uses. The application was in line with the Town Planning Board Guidelines No. 13E and 34B in that the site fell within the Category 1 areas; there was no major change in planning circumstances except the change in the zoning under the new Outline Zoning Plan since the previous planning approval and all the approval conditions under the previous application had been complied with; and relevant proposals had been submitted to demonstrate that the use would not generate adverse impacts. Although DEP did not support the application on the concern of environmental nuisance, there had been no substantiated environmental complaint pertaining to the site in the past three years. Relevant approval conditions had been recommended to minimise any potential environmental nuisance or to address the technical requirements of concerned government departments. Previous applications for temporary open storage use at the site and 12 similar applications had been approved by the Committee and approval of the application was in line with the

Committee's previous decisions. Regarding the adverse public comment, the comments of government departments and planning assessments above were relevant.

178. Members had no question on the application.

Deliberation Session

179. Noting that an advisory clause had been added in other similar applications to reflect the concerns on temporary developments that might affect the implementation of the HSK NDA, the Committee agreed to add a similar advisory clause stating that the site might be resumed by the government at any time for implementation of government projects.

180. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 29.11.2017 to 28.11.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 8:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the 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 cutting, cleansing, melting, dismantling or any other workshop activity, as proposed by the applicant, is allowed to be carried out on the site at any time during the planning approval period;
- (d) the existing fencing on the site shall be maintained at all times during the planning approval period;
- (e) no vehicle queuing is allowed back to public road or no vehicle reversing onto/from the public road is allowed at any time during the planning approval period;

- (f) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (g) the submission of a condition record of the existing drainage facilities on 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 28.2.2018;
- (h) the implementation of the tree preservation and landscape proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 29.5.2018;
- (i) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) 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 10.1.2018;
- (j) the submission of a fire services installations (FSIs) 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 29.5.2018;
- (k) in relation to (j) above, the provision of FSIs 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 29.8.2018;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;

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

181. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix VIII of the Paper in addition to the following:

- “(k) the site might be resumed at any time during the planning approval period for implementation of government projects.”

Agenda Item 46

Section 16 Application

[Open Meeting]

A/HSK/4

Temporary Open Storage of Containers and Construction Materials with Site Offices for a Period of 3 Years in “Other Specified Uses” annotated “Logistics Facility”, “Other Specified Uses” annotated “Port Back-up, Storage and Workshop Uses”, “Open Space”, “Government, Institution or Community”, “Other Specified Uses” annotated “Sewage Pumping Station” Zones and an area shown as 'Road', Lots 240, 241, 242, 243, 244 (Part), 245, 248, 284, 285 (Part), 313 (Part), 314 (Part), 315 (Part), 317, 318, 319 (Part), 320 (Part), 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), 349 in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long, New Territories

(RNTPC Paper No. A/HSK/4)

182. The Secretary reported that the site was located in Ha Tsuen and AIM Group

Limited (AIM) was one of the consultants of the applicant. The following Members had declared interests on the item:

- Ms Janice W.M. Lai - her spouse was a shareholder of a company owning two pieces of land in Ha Tsuen; and
- Mr Alex T.H. Lai - his firm having current business dealings with AIM.

183. The Committee noted that the applicant had requested deferment of consideration of the application and Ms Janice W.M. Lai and Mr Alex T.H. Lai had already left the meeting.

184. The Committee noted that the applicant's representative requested on 25.7.2017 deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

185. 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 47

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/5 Temporary Logistics Centre for a Period of 3 Years in “Open Space”, “Village Type Development”, “Residential (Group B)2” and “Government, Institution or Community” Zones, Lots 2437 (Part), 2438 S.A RP (Part), 2438 S.B (Part), 2447 (Part), 2455 S.B ss.1 S.A (Part), 2455 S.B ss.1 S.C (Part), 2455 S.B ss.1 RP (Part), 2958 (Part), 2961 S.A ss.1 (Part), 2961 S.A RP (Part) and 2961 RP (Part) in D.D. 129, Ha Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/HSK/5)

186. The Secretary reported that the site was located in Ha Tsuen and Ms Janice W.M. Lai had declared interest on the item as her spouse was a shareholder of a company owning two pieces of land in Ha Tsuen. The Committee noted that Ms Janice W.M. Lai had already left the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary logistics centre for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the site (the nearest dwelling being about 19m away) and along the access road (Lau Fau Shan Road), and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, three public comments were received from local residents objecting to the application. Major objection grounds were set out in paragraph 11 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Whilst the applied use was not in line with the planning intention of the “Open Space” zone, the implementation programme for this part of the Hung Shui Kiu New Development Area (HSK NDA) was still being formulated and the Project Manager (New Territories West), Civil Engineering and Development Department and the Director of Leisure and Cultural Services had no objection to the temporary use of the site for three years. The use was not incompatible with the surrounding uses. The application was generally in line with the Town Planning Board Guidelines No.13E in that the site fell within Category 1 areas; relevant proposals had been submitted to demonstrate that the use would not generate adverse impacts; and technical concerns of relevant government departments could be addressed through the implementation of approval conditions. Although DEP did not support the application, there was no substantiated environmental complaint pertaining to the site in the past three years and relevant approval conditions had been recommended to minimise any potential environmental nuisances. Six previous applications for similar open storage and logistics centre uses at the site and five similar applications in the vicinity of the site had been approved by the Committee and approval of the application was in line with the Committee's previous decisions. The previous application was revoked due to non-compliance with the approval condition related to provision of fire services installations (FSIs). The applicant had proposed a new water tank and pump room as part of the FSIs proposal in the current application. Should the subject application be approved, a shorter compliance period was recommended in order to monitor the progress of compliance with approval conditions. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

188. Members had no question on the application.

Deliberation Session

189. Noting that an advisory clause had been added in other similar applications to reflect the concerns on temporary developments that might affect the implementation of the HSK NDA, the Committee agreed to add a similar advisory clause stating that the site might be resumed by the government at any time for implementation of government projects.

190. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 11.8.2020, 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 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, recycling, cleaning, dismantling works and workshop activity, as proposed by the applicant, is allowed on the site during the planning approval period;
- (d) no vehicle is allowed to queue back to public road or reverse onto/from the public road at all times during the planning approval period;
- (e) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities within 3 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.11.2017;

- (g) the implementation of the accepted tree preservation and 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 11.2.2018;
- (h) the submission of a fire services installations proposal within 3 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.11.2017;
- (i) in relation to (h) above, the provision of FSIs within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.2.2018;
- (j) the provision of boundary fencing of the site within 3 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 11.11.2017;
- (k) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (l) if any of the above planning conditions (f), (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 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.”

191. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix VI of the Paper in addition to the following:

- “(n) the site might be resumed at any time during the planning approval period for implementation of government projects.”

Agenda Item 48

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TSW/69 Proposed School (Tutorial School) in “Residential (Group B)” Zone,
Shop B21, 1/F, Kingswood Richly Plaza, 1 Tin Wu Road, Tin Shui
Wai, Yuen Long, New Territories
(RNTPC Paper No. A/TSW/69)

Presentation and Question Sessions

192. 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 school (tutorial school);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one supporting comment without indicating grounds was received from an individual and one objecting comment without indicating any reason was received from a Yuen Long District Council member; 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 applied use serving the public including the nearby residents was generally in line with the planning intention of the “Residential (Group B)” (“R(B)”) zone. The proposed development was in line with the Town Planning Board Guidelines No. 40 in that it was not incompatible with the

current uses of the surrounding premises and it was located within a commercial complex separated from the residential portion of Locwood Court. In view of the small scale of the proposed tutorial school, it would not cause any significant adverse impact or nuisance on the surrounding areas and residents. A number of similar applications within the same “R(B)” zone had been approved by the Committee and approval of the application was in line with the Committee’s previous decisions. Regarding the adverse public comment, the comments of government departments and planning assessments above were relevant.

193. In response to a Member’s enquiry on the number of people to be accommodated in the subject tutorial school, Mr Vincent T.K. Lai, STP/TMYLW, said that the subject premises was intended to accommodate a maximum of seven students and one teacher at one time.

Deliberation Session

194. 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 11.8.2021, 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 fire services installations before operation of the proposed school to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) if the above planning condition (a) is not complied with before operation of the proposed school, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.”

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

Agenda Item 49

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/403 Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years in “Village Type Development” Zone, Lots 1186 (Part), 1187 S.M, 1298 RP (Part) and 2146 in D.D. 117 and Adjoining Government Land, Tai Tong Shan Road, Tai Tong, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TT/403A)

196. The Committee noted that a replacement page (page 16) of the Paper making revisions to approval conditions (d) and (e) was dispatched to Members before the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary eating place (outside seating accommodation of a restaurant) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservations on the application as the majority of the vegetation with trees and shrubs in the northern portion of the site was missing when compared with the recent site photos and aerial photo in 2015. Approval of the application might set an undesirable precedent encouraging other similar applications to clear the site prior to planning approval. The cumulative impact would result in the degradation of the rural landscape character in general. Other concerned government departments had no objection to or no adverse comment on the

application;

- (d) during the first three weeks of the statutory publication period, 311 public comments were received. Amongst them, 309 supporting comments were from a Yuen Long District Council member, the Chairman of 新界倉庫及物流業經營者聯會 and individuals. The remaining two objecting comments were received from two individuals. Major supporting views and 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 an extension of the restaurant on the ground floor of an existing New Territories Exempted House and could provide restaurant services to serve any such demand in the area. There was at present no Small House application approved or under processing at the site and approval of the application on a temporary basis for three years would not jeopardize the long-term planning intention of the subject “Village Type Development” (“V”) zone. The applied use was not incompatible with the surrounding land uses. The application was generally in line with the Town Planning Board Guidelines No. 15A in that the temporary eating place was located at the fringe of Tai Tong Tsuen abutting Tai Tong Shan Road and it would unlikely cause significant adverse environmental hygiene, traffic, drainage, sewerage and environmental impacts on the surrounding areas. Although CTP/UD&L, PlanD had reservation on the application, the site fell within the “V” zone intended for development purpose. Relevant approval conditions had been recommended to address the technical requirements of concerned government departments. Seven similar applications covering three sites for temporary eating place/canteen/restaurants within the same “V” zone had been approved by the Committee and approval of the current application was in line with the Committee's previous decisions. The previous application submitted by a different applicant was revoked due to non-compliance with approval conditions but the restaurant had continued operation. A shorter compliance period was recommended in order to monitor the progress of compliance with approval conditions should the

application be approved. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

198. Members had no question on the application.

Deliberation Session

199. The meeting noted that the previous application was revoked due to non-compliance with approval conditions on the submission and implementation of drainage and FSIs proposal. As drainage and FSIs proposals had been submitted in the current application, sympathetic consideration might be given to the subject application.

200. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 11.8.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 10:00 p.m. and 6:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (c) the provision of car parking spaces and loading/unloading facilities on the site, as proposed by the applicant, at all times during the planning approval period to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) the submission of a landscape proposal within 3 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 11.11.2017;
- (e) in relation to (d) above, the implementation of the 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 11.2.2018;

- (f) the implementation of the accepted drainage proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.2.2018;
- (g) in relation to (f) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (h) the submission of a fire services installations (FSIs) proposal within 3 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.11.2017;
- (i) in relation to (h) above, the provision of FSIs within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.2.2018;
- (j) if any of the above planning conditions (a), (b), (c) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (k) if any of the above planning conditions (d), (e), (f), (h) or (i) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (l) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 50

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/404 Temporary Forklift Training Centre with Ancillary Facilities for a Period of 3 Years in “Agriculture” Zone, Lots 2270 S.A (Part), 2273 (Part), 2274 (Part), 2275 in D.D. 118 and Adjoining Government Land, Sung Shan New Village, Tai Tong, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TT/404A)

Presentation and Question Sessions

202. Mr Alan Y.L. Au, STP/TMYLW, drew Members’ attention that a replacement page (page 2 of Appendix V) of the Paper making revisions to advisory clause (j) was dispatched to Members before the meeting. He then presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the temporary forklift training centre with ancillary facilities 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 (the nearest dwelling being about 25m to its north-west) and environmental nuisance was expected. The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application as the site possessed potential for agricultural uses such as greenhouse or plant nursery and active agricultural activities were observed in its vicinity. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, two public comments were received from an individual and a Yuen Long District Council member raising objection to or concerns on the application respectively. Major objection grounds and concerns were set out in paragraph 10 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Although the applied use was not in line with the planning intention of the “Agriculture” zone and DAFC had reservation on the application, it was an extension of the temporary forklift training centre approved since 2000 and a small part of the site was the subject of a previous planning approval for such use. In view of the background, sympathetic consideration might be given to the subject application. The applied use was considered not incompatible with the surrounding areas. Although DEP did not support the application, there was no environmental complaint regarding the site in the past three years and relevant approval conditions had been recommended to address the concerns on the potential environmental nuisances, or to address the technical requirements of concerned government departments. Three previous applications covering the site and three similar applications near the site had been approved by the Committee and approval of the application was in line with the Committee's previous decisions. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

203. Members had no question on the application.

Deliberation Session

204. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 11.8.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 6:00 p.m. and 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 forklift truck is allowed to be driven into/out from the site, as proposed by the applicant, at any time during the planning approval period;
- (d) no workshop activities, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (e) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, 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;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) the submission of a drainage proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.2.2018;
- (h) in relation to (g) above, the implementation of the drainage proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.5.2018;
- (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 a tree preservation proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 11.2.2018;

- (k) in relation to (j) above, the implementation of the tree preservation proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 11.5.2018;
- (l) the submission of a fire services installations (FSIs) proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.2.2018;
- (m) in relation to (l) above, the provision of FSIs within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.5.2018;
- (n) if any of the above planning condition (a), (b), (c), (d), (e), (f) 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;
- (o) if any of the above planning conditions (g), (h), (j), (k), (l) or (m) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (p) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 51

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/408 Proposed Temporary Shop and Services (Retail Shop for Pet Food) for a Period of 3 Years in “Other Specified Uses” annotated “Rural Use” Zone, Lot 1005 S.B (Part) in D.D. 118, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TT/408)

Presentation and Question Sessions

206. 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. The site was originally an active farm with large trees along the northern and southern boundaries but was now formed and replaced by a large temporary structure. Approval of the application would set an undesirable precedent encouraging other similar applications to clear and form the site prior to planning approval. The cumulative impact would result in the degradation of the rural landscape character in general. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one objecting public comment was received from an individual. 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 areas and could serve any such demand in the area. Approval of the application on a temporary basis would not jeopardize the long-term planning intention of the “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) zone. The application was generally in line with the Town Planning Board Guidelines No. 38 in that concerned government departments except CTP/UD&L, PlanD had no objection to or no adverse comment on the application and significant adverse environmental, traffic, drainage and infrastructural impacts on the surrounding areas were not envisaged. While CTP/UD&L, PlanD had reservation on the application, the site was zoned “OU(RU)” which was intended for upgrading or improving the area or providing support to the local communities. Relevant approval conditions were recommended to address the landscape concerns or the technical requirements of concerned government departments. Two similar applications within the same “OU(RU)” zone had been approved by the Committee and approval of the application was in line with the Committee's previous decisions. Regarding the adverse public comment, the comments of government departments and planning assessments above were relevant.

207. Members had no question on the application.

Deliberation Session

208. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 11.8.2020, 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 submission of a tree preservation and 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 11.2.2018;
- (e) in relation to (d) above, the implementation of the tree preservation and 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 11.5.2018;
- (f) the submission of a revised drainage proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.2.2018;
- (g) in relation to (f) above, the implementation of the drainage proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.5.2018;
- (h) in relation to (g) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (i) the submission of a fire services installations (FSIs) proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.2.2018;
- (j) in relation to (i) above, the provision of FSIs within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.5.2018;

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

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

Agenda Item 52

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/845 Temporary Open Storage of Scrap Metal for Recycling, Construction Materials, Equipments and Machinery and Container Site Offices with Ancillary Repair Activities for a Period of 3 Years in “Undetermined” and “Village Type Development” Zones, Lots 329 S.A ss.1 (Part), 329 S.A ss.2 (Part), 329 S.A ss.3 (Part), 329 RP and 330 to 333 in D.D. 119 and Adjoining Government Land, Shan Ha Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TYST/845)

Presentation and Question Sessions

210. Mr Alan Y.L. Au, STP/TMYLW, presented the application and covered the

following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the temporary open storage of scrap metal for recycling, construction materials, equipments and machinery and container site offices with ancillary repair activities for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the site (the nearest dwelling being about 45m to the north-east of the site), and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The temporary use was not in conflict with the planning intention of the “Undetermined” (“U”) zone which was generally intended for open storage use. Whilst the use of the area was being reviewed under the Planning and Engineering Study for Housing Sites in Yuen Long South, the Chief Engineer/Cross-boundary Infrastructure and Development, Planning Department and the Project Manager (New Territories West), Civil Engineering and Development Department had no objection to the application. Regarding the portion of the site falling within the “Village Type Development” zone, there was at present no Small House application at the site. Approval of the application on a temporary basis would not frustrate the long-term development of the area. The application was generally in line with the Town Planning Board Guidelines No.13E in that the majority of the site fell within Category 1 areas; and technical concerns of relevant government departments could be

addressed through the implementation of approval conditions. While a small portion of the site fell within Category 4 areas, the concerned part of the site was the subject of seven previous approvals for similar use. Though DEP did not support the application, there was no substantiated environmental complaint concerning the site in the past three years and relevant approval conditions had been recommended to minimise any potential environmental nuisances. Seven previous applications for open storage uses at the site and a number of similar applications within the same “U” zone had been approved by the Committee. Approval of the application was in line with the Committee’s previous decisions.

211. Members had no question on the application.

Deliberation Session

212. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 11.8.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no dismantling, vehicle repairing or other workshop activities, except ancillary repairing or maintenance activities, as proposed by the applicant, shall be carried out on the site at any time during the planning approval period;
- (d) no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste, as proposed by the applicant, is allowed on the site at any time during the planning approval period;

- (e) the stacking height of containers stored on the site shall not exceed 3 units, as proposed by the applicant, at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) the existing trees and landscape plantings on the site shall be maintained at all times during the planning approval period;
- (h) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (i) the submission of a condition record of the existing drainage facilities on the site within 3 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.11.2017;
- (j) the provision of fire extinguisher(s) with a valid fire certificate (FS 251) within 6 weeks from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.9.2017;
- (k) the submission of a fire services installations (FSIs) proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.2.2018;
- (l) in relation to (k) above, the provision of FSIs within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.5.2018;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without

further notice;

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

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

Agenda Item 53

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/846 Temporary Open Storage of Recycled Goods (Used Electronic Appliances) with Ancillary Workshop and Site Office for a Period of 3 Years in “Undetermined” Zone, Lots 326 (Part), 327 S.A (Part), 327 S.A ss.1 (Part), 327 S.B (Part), 327 S.C (Part), 327 S.D (Part) and 328 (Part) in D.D. 119, Shan Ha Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TYST/846)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of recycled goods (used electronic appliances) with ancillary workshop and site 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 (DEP) did not support the application as there were sensitive receivers in the vicinity of the site (the nearest dwelling being about 40m to the north-west of the site), and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The temporary use was not in conflict with the planning intention of the “Undetermined” (“U”) zone which was generally intended for open storage use. Whilst the use of the area was being reviewed under the Planning and Engineering Study for Housing Sites in Yuen Long South, the Chief Engineer/Cross-boundary Infrastructure and Development, Planning Department and the Project Manager (New Territories West), Civil Engineering and Development Department had no objection to the application. Approval of the application on a temporary basis would not frustrate the long-term development of the area. The application was generally in line with the Town Planning Board Guidelines No.13E in that the site fell within Category 1 areas; relevant proposals had been submitted to demonstrate that the use would not generate adverse impacts; and technical concerns of relevant government departments could be addressed through the implementation of approval conditions. Though DEP did not support the application, there was no environmental complaint concerning the site in the past three years and relevant approval conditions had been recommended to minimise any potential environmental nuisances. Six previous applications for open storage uses at the site and a number of other similar applications within the same “U” zone had been approved by the Committee. Approval of the application was in line with the Committee's previous decisions.

215. Some Members raised the following questions:
- (a) whether there was any requirement for precautionary measure(s) for minimising pollution generated by the recycling of used electronic appliances; and
 - (b) whether there was any active agricultural land in the vicinity of the site.

216. Mr Alan Y.L. Au, STP/TMYLW, made the following responses:

- (a) the applicant was advised to follow the relevant mitigation measures and requirements in the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department (EPD) to minimise any potential environmental impact, for example, provision of hard paving at the site. An advisory clause in this regard had been recommended in Appendix VI of the Paper; and
- (b) with reference to Plans A-2 and A-3 of the Paper, no active agricultural land was found in the vicinity of the site. Instead, warehouse and open storage uses were found in the surrounding areas.

217. Mr Steve T.S. Li, Principal Environmental Protection Officer (Strategic Assessment), EPD, supplemented that as the applied use only involved storage and packaging of used electronic appliances and the storage areas were hard paved, serious environmental pollution was not envisaged. However, EPD did not support the application as there were sensitive receivers of residential use in the vicinity of the site.

Deliberation Session

218. A Member raised concerns on the proliferation of storage of used electronic appliances in the rural areas which should not be encouraged. Besides, there seemed to be no established mechanism to monitor the storage and treatment of such electronic appliances

or to control the possible pollution to the surrounding land and water bodies arising from such storage yards in the rural areas.

219. In response, the Chairman invited EPD to share with Members further information on the control and monitoring mechanism of such storage yards of used electronic appliances when considering similar cases in future.

220. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 11.8.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, 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;
- (d) no storage or handling (including loading and unloading) of electronic parts outside Structures No. 1 and 3, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (e) no repairing, cleaning, dismantling, cutting, grinding or other workshop activities, except for ancillary sorting and packaging activities within Structures No. 4 and 5, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;

- (g) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (h) the submission of a condition record of the existing drainage facilities on the site within 3 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.11.2017;
- (i) the provision of boundary fence on the site within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 11.2.2018;
- (j) the submission of a landscape and tree preservation proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 11.2.2018;
- (k) in relation to (j) above, the implementation of the landscape and tree preservation proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 11.5.2018;
- (l) the provision of fire extinguisher(s) with a valid fire certificate (FS 251) within 6 weeks from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.9.2017;
- (m) the submission of a fire services installations (FSIs) proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.2.2018;
- (n) in relation to (m) above, the provision of FSIs within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.5.2018;

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

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

Agenda Item 54

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/847 Temporary Open Storage of Building Materials, Construction Machinery, Recycling Materials (Metal, Plastic and Paper) and Used Electrical/Electronic Appliances and Parts with Ancillary Workshop Activities for a Period of 3 Years in “Undetermined” Zone, Lots 424 RP (Part), 425 RP (Part), 426 RP (Part), 427, 428, 429, 432 RP (Part), 438 RP, 439 RP (Part), 440 (Part), 441, 442, 443, 475 S.A (Part), 475 S.B (Part), 476, 477, 478, 479, 480, 481, 482, 483, 484 (Part), 492 and 2157 in D.D. 119, Tong Yan San Tsuen, Yuen Long, New Territories (RNTPC Paper No. A/YL-TYST/847)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of building materials, construction machinery, recycling materials (metal, plastic and paper) and used electrical/electronic appliances and parts with ancillary workshop activities for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the site (the nearest dwelling being about 45m to the south of the site), and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The temporary use was not in conflict with the planning intention of the “Undetermined” (“U”) zone which was generally intended for open storage use. While the use of the area was being reviewed under the Planning and Engineering Study for Housing Sites in Yuen Long South, the Chief Engineer/Cross-boundary Infrastructure and Development, Planning Department and the Project Manager (New Territories West), Civil Engineering and Development Department had no objection to the application. Approval of the application on a temporary basis would not frustrate the long-term development of the area. The application was generally in line with the Town Planning Board Guidelines

No.13E in that the site fell within Category 1 areas; relevant proposals had been submitted to demonstrate that the use would not generate adverse impacts; and technical concerns of relevant government departments could be addressed through the implementation of approval conditions. Though DEP did not support the application, there was no environmental complaint concerning the site in the past three years and relevant approval conditions had been recommended to minimise any potential environmental nuisances. Three previous applications for open storage uses at the site and a number of other similar applications within the same “U” zone had been approved by the Committee. Approval of the application was in line with the Committee’s previous decisions. The previous application was revoked due to non-compliance with approval condition on fire services installations (FSIs). The applicant had submitted a FSIs proposal in the current application. A shorter compliance period was recommended in order to monitor with the progress of compliance with approval conditions, should the application be approved.

223. Members had no question on the application.

Deliberation Session

224. A Member remarked that while there was no environmental complaint regarding the subject temporary use probably due to the existence of other similar storage uses in the surrounding areas, the proliferation of storage yards of used electrical/electronic appliances in the rural areas should be controlled. That Member was of the view that there might be a need to set out some guidelines or measures to deal with those storage uses in the rural areas.

225. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 11.8.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 9:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;

- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste outside the concrete-paved covered structures, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (d) no repairing, maintenance or other workshop activities, except ancillary packaging and cutting activities, as proposed by the applicant, is allowed on 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 boundary fence on the site shall be maintained at all times during the planning approval period;
- (g) the existing trees and landscape plantings on the site shall be maintained at all times during the planning approval period;
- (h) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (i) the submission of a condition record of the existing drainage facilities on the site within 3 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.11.2017;
- (j) the provision of fire extinguisher(s) with a valid fire certificate (FS 251) within 6 weeks from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.9.2017;

- (k) the submission of a fire services installations (FSIs) proposal within 3 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.11.2017;
- (l) in relation to (k) above, the provision of FSIs within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.2.2018;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (o) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 55

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/848 Temporary Open Storage of Construction Machinery, Construction Material, Metal Ware and Vehicle Spare Parts and Ancillary Site Office for a Period of 3 Years in “Undetermined” and “Village Type Development” Zones, Lots 2406, 2407, 2408 (Part), 2409 S.B (Part) and 2419 (Part) in D.D. 120, Tong Yan San Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TYST/848)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of construction machinery, construction material, metal ware and vehicle spare parts and ancillary site 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 (DEP) did not support the application as there were sensitive receivers in the vicinity of the site (the nearest Small Houses being less than 5m to its south-east), and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the

assessments set out in paragraph 12 of the Paper. The temporary use was not in conflict with the planning intention of the “Undetermined” (“U”) zone which was generally intended for open storage use. While the use of the area was being reviewed under the Planning and Engineering Study for Housing Sites in Yuen Long South, the Chief Engineer/Cross-boundary Infrastructure and Development, Planning Department and the Project Manager (New Territories West), Civil Engineering and Development Department had no objection to the application. Regarding the minor portion of the site falling within the “Village Type Development” zone, there was at present no Small House application at the site. Approval of the application on a temporary basis would not frustrate the long-term development of the area. The application was generally in line with the Town Planning Board Guidelines No.13E in that the majority of the site fell within Category 1 areas; relevant proposals had been submitted to demonstrate that the use would not generate adverse impacts; and technical concerns of relevant government departments could be addressed through the implementation of approval conditions. While a small portion of the site fell within Category 4 areas, the concerned part of the site was the subject of seven previous approvals for similar use. Though DEP did not support the application, there was no environmental complaint concerning the site in the past three years and relevant approval conditions had been recommended to address the concerns on potential environmental nuisances. Seven previous applications for open storage uses at the site and a number of other similar applications within the same “U” zone had been approved by the Committee. Approval of the application was in line with the Committee’s previous decisions. The previous application was revoked due to non-compliance with the approval condition on landscape aspect. The applicant had submitted a landscape and tree preservation proposal in the current application. Should the application be approved, a shorter compliance period was recommended in order to monitor the progress of compliance with approval conditions.

228. Members had no question on the application.

Deliberation Session

229. A Member was of view that brownfield operations in the rural areas such as storage yards of construction materials would cause nuisances to nearby residents, especially glare reflected by metalware. For the subject application, it was undesirable for operating the applied use next to residential dwellings.

230. The Chairman said that those brownfield operations were at present mainly concentrated in Tai Tong, Tong Yan San Tsuen and Hung Shui Kiu areas. The issue of brownfield operations in the New Territories was being tackled at the policy level.

231. The Vice-chairman opined that brownfield operations such as storage depots or open storage yards for construction materials and machinery, etc. were required by the construction and its related industries. The challenge was to search for suitable sites for relocation of those operations.

232. A Member supported to better utilize areas zoned "U" before implementation of permanent developments, but considered necessary to adopt appropriate mitigation measures such as provision of covered structures so as to minimise the potential environmental nuisances.

233. The Chairman said that at present, operators of brownfield operations was required to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimise the potential environmental nuisances. In the long run, areas for brownfield operations had been reserved in Hung Shui Kiu and Yuen Long South areas and the Government had commenced a consultancy study which, inter alia, would investigate the feasibility of providing multi-storey buildings to relocate the existing brownfield operations with a view to freeing up the brownfield sites for other developments.

234. A Member suggested that mitigation measures such as provision of landscape buffer between brownfield operations and residential structures could be adopted to minimise possible nuisance to residents. In response, the Chairman said that appropriate approval conditions for submission and implementation of a landscape proposal had been

recommended for applications for temporary uses in granting planning permissions.

235. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 11.8.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no open storage within 10m from the south-eastern boundary of the site adjoining the “Village Type Development” zone, as proposed by the applicant, is allowed at any time during the planning approval period;
- (d) no repairing, dismantling, cleansing or other workshop activities, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (e) no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (f) no heavy goods vehicles exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (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 boundary fence on the site shall be maintained at all times during the planning approval period;
- (i) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (j) the submission of a condition record of the existing drainage facilities on the site within 3 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.11.2017;
- (k) the implementation of the tree preservation proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 11.2.2018;
- (l) the provision of fire extinguisher(s) with a valid fire certificate (FS 251) within 6 weeks from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.9.2017;
- (m) the submission of a fire services installations (FSIs) proposal within 3 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.11.2017;
- (n) in relation to (m) above, the provision of FSIs within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.2.2018;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) 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;
- (p) if any of the above planning conditions (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.”

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

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

Agenda Item 56

Any Other Business

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