

TOWN PLANNING BOARD

Minutes of 586th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 25.8.2017

Present

Director of Planning
Mr Raymond K.W. Lee

Chairman

Mr H.W. Cheung

Vice-chairman

Professor K.C. Chau

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

Dr Lawrence K.C. Li

Mr Stephen L.H. Liu

Miss Winnie W.M. Ng

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

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

Assistant Director (Environmental Assessment),
Environmental Protection Department
Mr C.F. Wong

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

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

Secretary

Absent with Apologies

Mr Ivan C.S. Fu

Mr David Y.T. Lui

Mr Alex T.H. Lai

In Attendance

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

Chief Town Planner/Town Planning Board
Mr Kepler S.Y. Yuen

Town Planner/Town Planning Board
Ms Sincere C.S. Kan

Agenda Item 1

Confirmation of the Draft Minutes of the 585th RNTPC Meeting held on 11.8.2017

[Open Meeting]

1. The draft minutes of the 585th RNTPC meeting held on 11.8.2017 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Tuen Mun and Yuen Long West District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/YL/11 Application for Amendment to the Draft Yuen Long Outline Zoning Plan No. S/YL/22, To rezone the application site from “Open Space” to “Other Specified Uses” annotated “Art Storage and Public Open Space”, Lots No. 2281 S.A, 2282 RP, 2283 RP, 2960 RP and 2964 S.B in D.D. 120 and Adjoining Government Land, Yuen Long
(RNTPC Paper No. Y/YL/11C)

3. The Secretary reported that the application was submitted by Winpo Development Ltd., which was a subsidiary of New World Development Co. Ltd. (NWD). Ove Arup & Partners Hong Kong Ltd. (Arup) and Ramboll Environ Hong Kong Ltd. (Environ) 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 NWD, Arup and Environ; |
| Ms Janice W.M. Lai | | |
| Dr C.H. Hau | - | being a principal lecturer and a programme director of the University of Hong Kong, which had obtained sponsorship from K11 Concept Limited of NWD since 2009; |
| Mr Stephen L.H. Liu | - | having past business dealings with NWD; and |
| Mr Alex T.H. Lai | - | his firm having current business dealings with Arup, and past business dealings with Automall Ltd., which was a subsidiary of NWD. |

4. The Committee noted that Mr Ivan C.S. Fu and Mr Alex T.H. Lai had tendered apologies for being unable to attend the meeting, and Ms Janice W.M. Lai had not yet arrived to join the meeting. The Committee agreed that as the interests of Dr C.H. Hau and Mr Stephen L.H. Liu were not direct, they could stay in the meeting.

5. 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 Alan Y.L. Au - Senior Town Planner/Yuen Long West (STP/YLW)

Ms Connie Yiu

Ms Krystal Hor

Ms Theresa Yeung

Ms Natalie Leung

Mr Ken Lai

Mr Cyrus Chau

} Applicant's representatives

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

Presentation and Question Sessions

6. 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. Mr Alan Y.L. Au, STP/TMYLW, drew Members' attention that, after the issuance of the Paper, the applicant's representative submitted further information (i.e. updated photomontages) for the application on 21.8.2017. The further information received was tabled for Members' reference. A replacement page (page 10 of the Paper) regarding revisions to paragraph 9.1.7(b) was also tabled for Members' reference. With the aid of a PowerPoint presentation, he then presented the application and covered the following aspects

as detailed in the Paper:

- (a) background to the application;
- (b) the proposed rezoning of the site from “Open Space” (“O”) to “Other Specified Uses” annotated “Art Storage and Public Open Space (POS)” (“OU (Art Storage and POS)”) to facilitate the development of an art storage warehouse and an art-themed POS;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) raised concern on the potential noise impact on the residential developments nearby due to loading/unloading activities of Heavy Goods Vehicles (HGVs). The Chief Town Planner/Urban Design and Landscape, PlanD (CTP/UD&L, PlanD) considered that should the site be rezoned to the specified use and given that the proposal submitted by the applicant was an indicative scheme, there was no guarantee on the implementation of mitigation measures to minimise visual impacts. In addition, the proposed rezoning would segregate the “O” zone which would in turn constrain the design of the future POS. The compensation of an open space at the site was not comparable to attaining a continuous open space along Yuen Long Highway. The proposal might also create some localised adverse air ventilation impact on Park Signature, Lam Hi Road and the proposed open space at the northeastern corner 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 periods, a total of 90 public comments, including eight supporting, 57 objecting to and 25 expressing concerns on the application, were received from the Chairman of the Owners Committee (OC) of Park Signature, the Chairman of the OC of La Grove, the village representative of Lung Tin Tsuen, local villagers and members of the public. Major supporting views and objection grounds were set out in paragraph 10 of the Paper; and

- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The site formed an integral part of a wider open space network in the area and served as a buffer to screen off the adverse environmental effects from Yuen Long Highway. It also allowed a continuous and direct pedestrian link to the proposed landscape walkway as shown on the Layout Plan (LP). Moreover, cycle park and associated facilities could be incorporated into the “O” zone as an attraction of Yuen Long Town. Approval of the proposed piecemeal rezoning would affect the overall integrity of the “O” zone. The proposed rezoning was considered not compatible with the planned open space and the existing residential developments nearby. In addition to the adverse comments from DEP and CTP/UD&L, PlanD, the applicant failed to demonstrate the proposed rezoning would not create environmental nuisance to and adverse visual impact on the surrounding area. Should the site be rezoned as proposed, there would be no planning control on the building form. The approval of the application would set an undesirable precedent for other similar applications and the cumulative effect of which would result in adverse implications on the POS provision and jeopardise the planning concept of the open space network in the area. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

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

7. The Chairman then invited the applicant's representatives to elaborate on the application. With the aid of a PowerPoint presentation, Ms Theresa Yeung, the applicant's representative, made the following main points:

The Need for Art Storage in Hong Kong

- (a) art storage facility was a common development in large cities around the world and was well supported by their Government. Geneva Freeport and Singapore Freeport provided high quality art storage facilities which made Geneva and Singapore to be two of the leading art cities in the world. In

view of the success of Geneva and Singapore, Luxembourg Freeport and Beijing Freeport of Culture were established one after another. Apart from the Freeport, art storage facilities could also be found in New York, London and Paris;

- (b) international art market continued to expand in recent years as art investment funds had grown in popularity and the number of art galleries was increasing at a rapid rate, which led to an increase in demand for high quality art storage facilities;
- (c) although Hong Kong was one of the most important art auction centres in the world given its geographical location and advantageous tax regime, there was a lack of art storage facilities in Hong Kong;
- (d) there was a substantial increase in number of art exhibitions in Hong Kong between 2013 and 2017. In 2013, there was only 41 art exhibitions, while the number of art exhibitions in the first half of 2017 reached 275 which had already exceeded the total of 252 in year 2016;
- (e) according to the 2017 Policy Address, one of the Government's visions was to develop Hong Kong into an international cultural city. With the support and encouragement from the Government, it was expected that the art industry in Hong Kong would grow further in the near future hence warranting additional demand for art storage facilities;
- (f) currently, most of the artworks in Hong Kong were stored in industrial buildings, where fire safety, security, humidity and temperature control and internal layout were not up to standard for art storage and not comparable with the internationally renowned cities. Also, the vacancy rate of industrial buildings in Hong Kong was merely about 3.5% which would not be able to accommodate the strong demand for art storage. The lack of high quality art storage facilities had seriously hindered the development of art industry in Hong Kong;

- (g) it was understood that art storage facilities would be built next to M+ Museum Building in the West Kowloon Cultural District to store their exhibits and artworks, which had demonstrated the need and demand for a dedicated place for art storage;

The Suitability of the Site for the Proposed Art Storage with POS

- (h) the Leisure and Cultural Services Department (LCSD) indicated that there was no plan to develop the site into a POS at present. There was sufficient open space provision in the Yuen Long Outline Zoning Plan (OZP) to meet the requirements as stipulated in the Hong Kong Planning Standards and Guidelines. Moreover, after taking into account the latest planned development up to 2017, there was still a surplus of more than 21 hectares of planned open space provision in the Yuen Long Town;
- (i) the “O” zoning for the site and its surrounding area had been in place for 26 years since the exhibition of the draft Yuen Long OZP No. S/YL/1 in 1991. About 50% of the land within the “O” zone was under private ownership and most of them were currently occupied by open storage use, warehouses and temporary structures;
- (j) the site had never been covered by any Development Permission Area (DPA) Plan or Interim DPA Plan. Hence, the site was not subject to enforcement by the Planning Authority under the Town Planning Ordinance;
- (k) given the “O” zone was located within the Yuen Long New Town, situated adjacent to Yuen Long Highway and largely under private ownership, it had become one of the brownfield sites in Yuen Long for open storage and vehicle repair workshop uses. Keeping the “O” zone without any planned implementation programme would not be able to improve the livelihood of the nearby residents and the surrounding environment;
- (l) with the private sector initiatives, the proposed rezoning would be a pilot

scheme on turning the brownfield site into open space and art/cultural uses, which could support art and cultural development in Hong Kong, remove open storage and vehicle repair workshops, remove industrial/residential interface problem, enhance local amenity and bring about 590m² POS. Approval of the application would set a desirable precedent for other similar applications in the future;

Responses to Departmental Comments

Land Use Compatibility

- (m) as compared with the existing open storage and vehicle repair workshop uses on the site, the proposed art storage with POS was considered more compatible with the surrounding residential developments;

Environmental

- (n) regarding the concern of DEP, the implementation of environmental mitigation measures could be ensured through the imposition of relevant clauses in the lease conditions;

Air Ventilation

- (o) CTP/UD&L, PlanD considered that the proposed low-rise development would not generate significant adverse impact on the overall pedestrian wind environment in the surroundings;

Urban Design, Visual and Landscape

- (p) CTP/UD&L, PlanD supported the allowance of adequate landscape strip with canopy trees and shrubs planting along the site boundary abutting Lam Hi Road and Kung Um Road, and considered that the architectural articulation and greenery would help visually break up and soften the elongated blank façade of the proposed building block;
- (q) the Architectural Services Department had no further comment on the proposed building bulk; and

Other Technical Aspects

- (r) other relevant government departments had no adverse comment on the traffic, geotechnical, water supplies and fire safety aspects.

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

9. Some Members asked the following questions:

- (a) given the site was not located near the airport or other major transport hubs, the reasons behind the site selection;
- (b) whether there were any information on the existing art storage facilities and their operators in Hong Kong;
- (c) whether the proposed art storage was merely a warehouse or would serve as an exhibition hall that would be open to the public; and
- (d) whether there was a limit on the price of the artworks to be stored in the proposed art storage, and if there were any security requirements in terms of transportation and storage.

10. Ms Connie Yiu, the applicant's representative, made the following main points:

- (a) it was acknowledged that the site was not an ideal location for the proposed art storage facility, she considered that the Government should identify a piece of land near the airport for art storage use. However, in view of the strong demand for art storage in Hong Kong, the site, which was owned by the applicant, was proposed to be rezoned for such use;
- (b) there were three major operators for art storage facilities in Hong Kong. The operators normally rented two to three storeys of an industrial building to store the artworks. Since the industrial building was not a

purpose-designed building for art storage use, fire safety would be one of the major concerns. Due to insufficient provision of art storage facilities in Hong Kong, some art collectors would have to store their artworks at home or overseas. Shenzhen Government was also looking for an opportunity to set up its first art storage facility;

- (c) given the limited site area and the existing traffic condition, the proposed site would simply be used as a warehouse, not for an exhibition venue; and
- (d) there was no information on hand on the price of the artworks to be stored in the proposed art storage. Mobil Transport would be employed as the contractor for transportation and storage of the artworks, which would provide a set of high standard requirements for the proposed art storage in terms of security, fire hazards, humidity, temperature, etc.

11. Some Members asked the following questions:

- (a) according to 2017 Policy Address, whether the Government had taken any initiatives or provided any incentives to encourage the private sector to promote art development in Hong Kong;
- (b) how the proposed rezoning would affect the continuity of the “O” zone given that the “O” zoning for the site had been in place for 26 years and there was no plan to develop the site into a POS;
- (c) whether a warehouse with landscape feature and cultural element could be considered as a type of open space development;
- (d) the major differences in Column 1 and Column 2 uses between the subject “O” zone and the proposed “OU” zone, and the zoning of the industrial buildings where the art storage facilities were currently located;
- (e) whether there was a specific Definition of Term (DoT) for the proposed art storage instead of ‘warehouse (excluding Dangerous Goods Godown)’; and

- (f) whether Lam Hi Road was a standard road with a width of 7.3m.

12. Mr David C.M. Lam, DPO/TMYLW, made the following main points:

- (a) according to the information provided by the applicant, it was noted that the Government would encourage the community and the private sector to sponsor art and cultural activities;
- (b) the “O” zone, which was about 80m wide, was situated along the southern fringe of Yuen Long New Town and to the north of Yuen Long Highway. It was connected with a proposed landscape walkway as shown on the LP. Cycle park and/or other types of recreational facilities might be provided in the “O” zone in the future to satisfy the community needs. Rezoning the site for art storage use would therefore interrupt the continuity of the “O” zone and constrain its design and future development. Given a large part of the subject “O” zone was under private ownership, approval of the application might set an undesirable precedent which would encourage similar rezoning application in the future. The proposed warehouse use was considered incompatible with the nearby residential developments;
- (c) in general, open space should be open air with the provision of recreational facilities. The proposed art storage was considered as warehouse use which would involve loading/unloading activities from HGVs, and relevant government department was concerned about the potential environmental impact on the nearby residential developments;
- (d) the Notes of the OZP for the subject “O” zone and the proposed “OU” zone were essentially the same, with one major difference which was the incorporation of an additional use (i.e. ‘warehouse (excluding Dangerous Goods Godown)’ under Column 1 of the proposed “OU” zone. Normally, industrial buildings were situated within “Other Specified Uses” annotated “Business” (“OU(B)”) and “Industrial” (“I”) zones, with ‘warehouse (excluding Dangerous Goods Godown)’ as one of the Column 1 uses.

The planning intention of the “OU(B)” and “I” zones was entirely different from the “O” zone;

- (e) there was no restriction on the types of goods to be stored within a warehouse according to the DoT. Also, should the site be rezoned as proposed, the Town Planning Board (TPB) would have no control on the details of the proposed art storage including the types of goods to be stored as ‘warehouse (excluding Dangerous Goods Godown)’ was proposed as a Column 1 use where planning permission from the TPB was not required; and
- (f) Lam Hi Road was currently a local track with lay-bys. The applicant proposed to widen a section of Lam Hi Road to 7.3m for two-way traffic to accommodate HGV.

13. A Member asked if there was any definite programme for the proposed park. In response, Mr David C.M. Lam said that there was no timetable for the development of the subject “O” zone. Yet, in view of the possible increase in population due to the future development in Yuen Long South, it was considered more appropriate to retain the site as “O” zone in the long-term. Noting that the “O” zone was divided by nullah and roads, the Member asked how the continuity of the future open space could be guaranteed. In response, Mr David C.M. Lam said the detailed design of the “O” zone had not yet commenced. As an initial thought, footbridges could be one of the options to enhance the connectivity of the future open space, subject to detailed design and technical feasibility. Ms Theresa Yeung, the applicant’s representative, supplemented that a strip of land located along the southern fringe of the site was government land and was not part of the site. The cycle track, if provided in the future open space, would not be disrupted as it could run along that strip of land.

14. Some Members asked the following questions:

- (a) the details of the landscape master plan (LMP);
- (b) whether the rooftop garden of the proposed art storage facility would be

open to the public;

- (c) noting from the Tree Compensation Plan that there was a small woodland located at the northwestern part of the site where all the trees in such woodland would be felled due to the proposed development and the affected trees would only be compensated individually within the site but would not be compensated in the form of a woodland, whether there was any possibility to enhance the compensatory planting proposal taking into account the concept of urban biodiversity; and
- (d) whether the loading/unloading activities would be taken place within the proposed building block.

15. Ms Theresa Yeung made the following points:

- (a) a number of landscape features were proposed to minimise the visual impact on the nearby residential developments generated by the proposed art storage, including a proposed POS at the northeast corner of the site which would be open to the public; trees were proposed on the rooftop of the proposed building block as it was of similar height with the podium garden of the nearby residential developments; terrace design was incorporated into the architectural design to match with the design of Park Signature; vertical greening would be provided at the external wall of the proposed building block; and a landscape strip with canopy trees and shrubs plantings was proposed along the site fronting onto Lam Hi Road and Kung Um Road;
- (b) the rooftop garden of the proposed art storage facility would not be open to the public;
- (c) the existing uses of the site were open storage and vehicle repair workshop, and no woodland was identified on the site. CTP/UD&L, PlanD had no adverse comment on the application and was satisfied with the proposed compensatory tree proposal in which 142 trees would be planted to

compensate the loss of 76 trees. Relevant landscape clauses could be imposed in the lease conditions to ensure that the proposed landscape treatment and compensatory tree proposal would be to the satisfaction of concerned government departments; and

- (d) vehicles would enter and leave the proposed art storage facility via the ingress and egress at Lam Hi Road. All loading/unloading activities would be taken place inside the proposed building block in order to minimise any impact on the traffic along Lam Hi Road.

16. A Member asked, if the rooftop garden of the proposed art storage facility could be open to the public, whether such enhancement to the proposal could compensate the loss of the open space. In response, Mr David C.M. Lam said that a good public open space should be open air and easily accessible to the public, and reiterated that the proposed rezoning would constrain the design and future development of the “O” zone.

17. 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’s representatives for attending the meeting. They left the meeting at this point.

Deliberation Session

18. A Member said that the proposed purpose-built art storage facility would not be able to solve the problem of insufficient provision of art storage in Hong Kong. The applicant should liaise with the Government to push for a better policy to facilitate the development of more and better art storage facilities.

19. Several Members considered that there was a need for art storage facilities in Hong Kong, but had reservation on the location of the site for such use. A Member further said that, at present, the transportation and storage contractors for the artworks were required to pay a considerable amount of money for the insurance of the artworks, and hence the

business had become quite difficult, and considered that the applicant should have enough financial resources to support the expenses involved in the operation of an art storage facility. The Member also considered that the continuity of the “O” zone could be addressed by various design measures and should not be a major concern.

20. A Member expressed concern on the inclusion of ‘warehouse (excluding Dangerous Goods Godown)’ use under Column 1 of the proposed “OU (Art Storage and POS)” zone, which would allow general warehouse use without control. In response, the Secretary said that although the planning intention of the proposed zoning was for art storage with the provision of a POS, according to the applicant, a general warehouse use was proposed under Column 1 and there would be no planning control on the types of goods to be stored inside the proposed art storage facility after the proposed rezoning. In view of the Member’s concern, a Member considered that restrictions could be imposed on the Notes of the OZP to confine warehouse use to art storage only, and a planning condition could be imposed to ensure that the rooftop garden of the proposed art storage would be open to the public. Another Member considered that ‘warehouse (excluding Dangerous Goods Godown)’ use could be put under Column 2 such that a section 16 application would be required for the Committee to scrutinize the details of the proposed art storage facility.

21. The Vice-chairman said that the Committee should comprehensively consider the application as approval of the proposed rezoning would set a precedent for encouraging similar applications for other warehouse uses, such as storage for construction materials, in the subject “O” zone in the future.

22. A Member supported the application as currently there was no intention to develop the site into open space use and the proposed art storage facility had minimal visual and environmental impacts on the surroundings, and believed that the applicant would use the site as proposed. Noting the Vice-chairman’s concern, the Member further said that although approval of the application might set a precedent, the Committee should consider any future application on an individual basis taking into account the possible environmental and traffic impacts, land use compatibility and technical feasibility.

23. A Member said that the land value and financial return of an art storage facility should be much higher than a warehouse for construction materials, and pointed out that as

Hong Kong was one of the most important art auction centres in the world and accounted for more than 20% of the total art auction sale of Sotheby's, adequate art storage facilities should be provided to support the art industry in Hong Kong.

24. A Member did not support the application as there was no strong justification for the proposed art storage, and considered that approval of the application would set an undesirable precedent for applications for other types of warehouses in the "O" zone in the future. Another Member also did not support the application and said that it was important to make optimal use of land resources and the site should be reserved for better use.

25. The Chairman noted most of the Members' views that the site might not be the ideal location for the proposed art storage facility, but given the "O" zoning for the site had been in place for 26 years and LCSD had no plan to develop the site into a POS at present, some Members were of the view that sympathetic consideration could be given to the application. The Chairman said that according to Plan Z-2, the existing uses adjacent to the site were open storage of construction materials and metal workshop and warehouse, which were not in line with the planning intention of the "O" zone. Members might note that a comprehensive territory-wide survey on brownfield sites was being conducted, and policy on how to tackle brownfield sites in the New Territories in the long-term was being formulated. The Committee might consider to review the future use of the site as well as the "O" zone comprehensively under that context and reject the application at this stage. Alternatively, the Committee might partially agree to the application and consider how restrictions could be imposed in the Notes of the OZP in order to confine the proposed warehouse use to art storage only.

26. A Member supported the second approach and said that there was a strong demand for art storage facilities in Hong Kong and the outcome of the said survey might not recommend art storage as a type of use for the brownfield sites, while another Member supported the first approach and said that a multi-storey art storage facility could be proposed, say in the Hung Shui Kiu New Development Area, in order to fully utilise the valuable land resources.

27. As Members' views were diverse, the Chairman invited Members to take a vote. A vote was then taken. The majority of Members supported the option to partially agree to

the proposed rezoning.

28. Members then discussed the Column 1 use of the “OU (Art Storage with POS)” zone and agreed that it should be restricted to “As specified on the Plan”.

29. After deliberation, the Committee decided to partially agree to the application by rezoning the application site from “O” to “OU (Art Storage with POS)” with ‘As specified on the Plan’ under Column 1 of the Notes of the OZP. The Committee also agreed that the zoning boundary and the proposed Notes for the “OU (Art Storage with POS)” zone would be reviewed by PlanD. The relevant proposed amendments to the Approved Yuen Long OZP No. S/YL/21 together with the revised Notes and Explanatory Statement would be submitted to the Committee for agreement prior to gazetting under section 5 of the Town Planning Ordinance.

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

Sha Tin, Tai Po and North District

Agenda Item 4

Section 12A Application

[Open Meeting]

Y/NE-LK/1 Application for Amendment to the Approved Luk Keng and Wo Hang Outline Zoning Plan No. S/NE-LK/11, To rezone the application site from “Agriculture” and “Recreation” to “Comprehensive Development Area”, Various Lots in D.D. 39 and Adjoining Government Land, Ha Wo Hang, Sha Tau Kok
(RNTPC Paper No. Y/NE-LK/1)

30. The Secretary reported that Landes Ltd. (Landes) was one of the consultants of the applicant. Mr Ivan C.S. Fu and Ms Janice W.M. Lai had declared interests on the item as they had current business dealings with Landes.

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

32. The Committee noted that the applicant requested on 7.8.2017 deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments of relevant government departments. It was the first time that the applicant requested deferment of the application.

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

Sai Kung and Islands District

[Ms Amy M.Y. Wu and Mr William W.T. Wong, Senior Town Planners/Sai Kung and Islands (STPs/SKIs), were invited to the meeting at this point.]

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-TCTC/57 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” and “Village Type Development” Zones, Government
Land in D.D. 3 TC, Ha Ling Pei Village, Tung Chung, Lantau Island
(RNTPC Paper No. A/I-TCTC/57)

Presentation and Question Sessions

34. Ms Amy M.Y. Wu, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix II of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) had some reservation on the application from the landscape planning perspective. As about 75% of the site encroached onto the “Green Belt” (“GB”) zone, approval of the application would set an undesirable precedent that would attract other similar applications for Small House developments extending and encroaching towards the “GB” zone resulting in a general degradation of the landscape character and undermining the intactness of the “GB” zone. Moreover, the proposed Small House was on a sloping ground and would inevitably involve site formation and/or

slope works. The existing topography of the concerned “GB” area would therefore be changed irreversibly. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, four public comments objecting to the application were received from Kadoorie Farm and Botanic Garden Corporation, World Wide Fund for Nature Hong Kong, 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 did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed Small House development was not in line with the planning intention of the “GB” zone. No strong planning justifications had been given in the submission for the proposed Small House development in the “GB” zone. Although there was insufficient land in the “Village Type Development” (“V”) zone of Sheung Ling Pei, Ha Ling Pei, Wong Ka Wai and Lung Tseng Tau to fully meet the total demand of Small Houses in the long run, there was still land available within the subject “V” zone to meet the outstanding Small House demand. It was considered more appropriate to concentrate the proposed Small House within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services. Approval of the application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such similar applications would result in the encroachment on the “GB” zone and a general degradation of the landscape character of the area. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

35. Members had no question on the application.

Deliberation Session

36. 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 preserve the existing topography and natural vegetation at the fringe of the new town as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) land is still available within the “Village Type Development” (“V”) zone of Sheung Ling Pei, Ha Ling Pei, Wong Ka Wai and Lung Tseng Tau for Small House development. It is considered more appropriate to concentrate the proposed Small House within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services; and
- (c) the approval of the application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such similar applications would result in the encroachment on the “GB” zone and a general degradation of the landscape character of the area.”

Agenda Item 6

Section 16 Application

[Open Meeting]

A/SK-CWBN/42 Proposed Comprehensive Development for Residential, Commercial (Hotel, Kindergarten, Eating Place and Shop and Services) and Residential Institution Uses with Minor Relaxation of Plot Ratio, Gross Floor Area and Building Height Restrictions in “Comprehensive Development Area (2)” Zone, Lots No. 214 RP, 219, 220 S.A, 220 S.B, 220 RP, 224 and 226 in D.D. 229 and Adjoining Government Land, Clear Water Bay, Sai Kung
(RNTPC Paper No. A/SK-CWBN/42)

37. The Secretary reported that ADI Ltd. (ADI), Ronald Lu & Partners (Hong Kong) Ltd. (RLP), AECOM Asia Co. Ltd. (AECOM), LWK Conservation Ltd. (LWK) and MVA Hong Kong Ltd. (MVA) were five of the consultants of the applicants. The following Members had declared interests on the item:

Mr Ivan C.S. Fu - being the director and a shareholder of LWK; and having current business dealings with ADI, AECOM and MVA;

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

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

Mr Stephen L.H. Liu - having past business dealings with RLP; and

Mr Alex T.H. Lai - his firm having current business dealings with AECOM.

38. The Committee noted that the applicant had requested deferral of consideration of the application, and Mr Ivan C.S. Fu and Mr Alex T.H. Lai had tendered apologies for being

unable to attend the meeting. The Committee also agreed that as the interest of Mr Stephen L.H Liu was not direct and Ms Janice W.M. Lai and Dr C.H. Hau had no involvement in the application, they could stay in the meeting.

39. The Committee noted that the applicant's representative requested on 15.8.2017 deferment of the consideration of the application for two months in order to resolve comments from relevant government departments. It was the first time that the applicant requested deferment of the application.

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

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HC/270 Proposed House (New Territories Exempted House - Small House) in
"Agriculture" Zone, Lots No. 627 S.A s.s. 4 and 627 S.D in D.D. 244,
Ho Chung, Sai Kung
(RNTPC Paper No. A/SK-HC/270)

Presentation and Question Sessions

41. Mr William W.T. Wong, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix II of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural point of view. The site was considered to have high potential for agricultural rehabilitation. 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, five public comments were received from Sai Kung Planning Concern Front, Designing Hong Kong Limited and three individuals with four objecting to and one providing view on the application. Major 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 based on the assessments set out in paragraph 11 of the Paper. While the proposed Small House development was not in line with the planning intention of the “Agriculture” zone and DAFC did not support the application, there was no farming activity at the site and its vicinity. The application generally complied with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that the footprint of the proposed Small House fell entirely within the village ‘environ’ of Ho Chung and there was a general shortage of land in meeting Small House development in the “V” zone. The site was the subject of a previous application for the same use approved by the Committee on 7.3.2008 and there was no change in planning circumstances since the approval of the previous application. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

42. Members had no question on the application.

Deliberation Session

43. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 25.8.2021, 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 a landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

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

[The Chairman thanked Ms Amy M.Y. Wu and Mr William W.T. Wong, STPs/SKIs, for their attendance to answer Members’ enquiries. Ms Wu and Mr Wong left the meeting at this point.]

Agenda Item 8

Section 16 Application

[Open Meeting]

A/SK-PK/240 Proposed House (New Territories Exempted House - Small House) in “Green Belt” Zone, Lot No. 470 S.B RP in D.D. 222, Pak Kong, Sai Kung
(RNTPC Paper No. A/SK-PK/240A)

45. The Committee noted that the applicant's representative requested on 8.8.2017 deferment of the consideration of the application for two months so as to allow time to resolve comments from relevant government departments and preparation of submission of further information including clarification on land status and details about land available for Small House development in the area. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had approached the Lands Department to acquire information on current land status of the surrounding areas of the site to substantiate the application.

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

Agenda Item 9

Section 16 Application

[Open Meeting]

A/SK-PK/241 Proposed House (New Territories Exempted House - Small House) in
"Green Belt" Zone, Lot No. 470 S.B ss.3 in D.D. 222, Pak Kong, Sai
Kung
(RNTPC Paper No. A/SK-PK/241A)

47. The Committee noted that the applicant's representative requested on 8.8.2017 deferment of the consideration of the application for two months so as to allow time to resolve comments from relevant government departments and preparation of submission of further information including clarification on land status and details about land available for

Small House development in the area. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had approached the Lands Department to acquire information on current land status of the surrounding areas of the site to substantiate the application.

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

Agenda Item 10

Section 16 Application

[Open Meeting]

A/SK-SKT/14 Proposed Flat and Proposed Minor Relaxation of Plot Ratio (from 2 to 2.036) in "Residential (Group E)1" Zone and an area shown as 'Road', 7-9 Hong Ting Road, Sai Kung (Lots No. 963 (Part), Ext. to 963 (Part) and 991 (Part) in D.D. 215)

(RNTPC Paper No. A/SK-SKT/14B)

49. The Secretary reported that Ramboll Environ Hong Kong Ltd. (Environ) was one of the consultants of the applicant. Mr Ivan C.S. Fu and Ms Janice W.M. Lai had declared interests on the item as they had current business dealings with Environ.

50. The Committee noted that the applicant had requested deferral of consideration of the application, and Mr Ivan C.S. Fu had tendered an apology for being unable to attend the meeting. The Committee agreed that as Ms Janice W.M. Lai had no involvement in the

application, she could stay in the meeting.

51. The Committee noted that the applicant's representative requested on 9.8.2017 deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the comments from the Transport Department. It was the third time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information with revised technical assessments to address comments from relevant government departments.

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

Agenda Item 11

Section 16 Application

[Open Meeting]

A/TKO/109 Proposed Flat (Departmental Quarters for Customs and Excise Department) in "Government, Institution or Community" Zone, Government Land in Area 123, Po Lam Road, Tseung Kwan O
(RNTPC Paper No. A/TKO/109C)

53. The Secretary reported that the site was located at Tseung Kwan O. Urbis Ltd. (Urbis) was one of the consultants of the applicant. The following Members had declared interests on the item:

Mr Patrick K.H. Ho - owning a property in Tseung Kwan O;
the Chief Traffic Engineer /
New Territories West,
Transport Department

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

Mr Alex T.H. Lai - his firm having current business dealings with
Urbis.

54. The Committee noted that the applicant had requested deferral of consideration of the application, and Mr Ivan C.S. Fu and Mr Alex T.H. Lai had tendered apologies for being unable to attend the meeting. The Committee agreed that as the property of Mr Patrick K.H. Ho did not have a direct view of the site and Ms Janice W.M. Lai had no involvement in the application, they could stay in the meeting.

55. The Committee noted that the applicant's representative requested on 14.8.2017 deferment of the consideration of the application for two months so as to allow time for addressing the comments from the Transport Department on the local parking issue. It was the third time that the applicant requested deferment of the application. Since the last deferment, the applicant had been working with relevant government department to address the concern on the local parking issue.

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

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

Sha Tin, Tai Po and North District

[Ms Channy C. Yang and Ms Cindy K.F. Wong, Senior Town Planners/Shan Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

Agenda Items 12 to 14

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-YSO/2 Proposed House (New Territories Exempted House - Small House) in “Green Belt” Zone, Government land in D.D. 204, Yung Shue O, Tai Po

A/NE-YSO/3 Proposed House (New Territories Exempted House - Small House) in “Green Belt” Zone, Government land in D.D. 204, Yung Shue O, Tai Po

A/NE-YSO/4 Proposed House (New Territories Exempted House - Small House) in “Green Belt” Zone, Government land in D.D. 204, Yung Shue O, Tai Po

(RNTPC Paper No. A/NE-YSO/2 to 4)

57. The Committee noted that the three s.16 applications for proposed house (New Territories Exempted House (NTEH) – Small House) were similar in nature and the sites were located in the same “Green Belt” (“GB”) zone and in close proximity to one another. The Committee agreed that the applications could be considered together.

Presentation and Question Sessions

58. Ms Channy C. Yang, STP/STN, presented the applications and covered the

following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed house (NTEH – Small House) at each of the site;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Chief Engineer/Mainland North, Drainage Services Department (DSD) advised that, at present, the efficiency of the existing communal sewage soakaway facilities, which were maintained by DSD, for treatment and disposal was low. The efficiency would likely be further reduced if the soakaway facilities had to cater for any additional unplanned and sporadic developments. The Director of Agriculture, Fisheries and Conservation had reservation on the applications as the sites were well wooded in nature. The Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) had objection to the applications from the landscape planning perspective and advised that the proposed developments would cause an undesirable loss of the existing landscape feature, and would involve site formation works and/or slope stabilisation works, which might adversely affect the existing trees adjoining the sites. Approval of the applications would encourage similar development in the area and thus cause degradation of the “GB” zone. Other concerned government departments had no objection to or no adverse comment on the applications;
- (d) during the first three weeks of the statutory publication period, 33 public comments were received for each of the applications. Among the public comments, 32 opposing comments were submitted by Kadoorie Farm and Botanic Garden Corporation, World Wide Fund for Nature Hong Kong, The Hong Kong Bird Watching Society, Designing Hong Kong Limited, The Conservancy Association, Green Sense, resident, villager and individuals. One supportive comment was submitted by an individual. Major supporting views and objection grounds were set out in paragraph 11

of the Paper; and

- (e) PlanD's views – PlanD did not support the applications based on the assessments set out in paragraph 12 of the Paper. The proposed Small House developments were not in line with the planning intention of the “GB” zone. There was no strong planning justification in the submissions for a departure from the planning intention of the “GB” zone. While land available within the “Village Type Development” (“V”) zone of Yung Shue O Village was insufficient to fully meet the future Small House demand, it was still available to meet the outstanding Small House applications. It was considered more appropriate to concentrate the proposed Small House developments within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services. The applications did not meet the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that the applicants failed to demonstrate that the proposed developments would not cause adverse landscape impact on the surrounding area. The proposed developments were not in line with the requirements of the Town Planning Board Guidelines No. 10 for Application for Development within “GB” zone under section 16 of the Town Planning Ordinance as they would involve clearance of existing natural vegetation, affect the existing natural landscape and overstrain the capacity of existing sewerage infrastructure. Approval of the applications would set an undesirable precedent for similar applications in the area, the cumulative effect of approving such applications would result in general degradation of the natural environment and landscape quality of the area. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

59. Members had no question on the application.

Deliberation Session

60. After deliberation, the Committee decided to reject the applications. The

reasons for each of the applications 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 this zone. There is no strong planning justification in the submission for a departure from the planning intention of the “GB” zone;
- (b) the application does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the proposed development would cause adverse landscape impact on the surrounding area;
- (c) the application 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 would involve clearance of existing natural vegetation, affect the existing natural landscape and overstrain the capacity of existing sewerage infrastructure;
- (d) land is still available within the “Village Type Development” (“V”) zone of Yung Shue O 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 in the area. The cumulative effect of approving such applications would result in general degradation of the natural environment and landscape quality of the area.”

Agenda Item 15

Section 16 Application

[Open Meeting]

A/NE-LT/615 Proposed Temporary Shop and Services (Real Estate Agency) with Ancillary Car Park for a Period of 3 Years in “Agriculture” Zone, Lot No. 431 RP (Part) in D.D. 10, Lam Kam Road, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/615)

61. The Committee noted that the applicant’s representative requested on 9.8.2017 deferment of the consideration of the application for two months in order to allow time for preparation of further information in response to the departmental comments. It was the first time that the applicant requested deferment of the application.

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

Agenda Item 16

Section 16 Application

[Open Meeting]

A/TP/630 Proposed Religious Institution (Church) in “Residential (Group A)” Zone, G/F Entrance and 1/F, Jade Garden, 9 Pak Shing Street, Tai Po
(RNTPC Paper No. A/TP/630)

63. The Committee noted that the applicant requested on 10.8.2017 deferment of the

consideration of the application for two months in order to allow time for preparation of further information to address the comments of relevant government departments. It was the first time that the applicant requested deferment of the application.

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

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

[Withdrawn]

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/555 Temporary Open Storage of Construction Materials, Equipment and Machineries with Ancillary Storage of Construction Equipment, Machineries, Tools and Site Office for a Period of 3 Years in “Agriculture” Zone, Lots No. 1098 (Part), 1099 S.A (Part), 1099 S.B (Part), 1100, 1101 and 1105 S.A RP in D.D. 82 and Adjoining Government Land, Ping Che, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/555C)

65. The Secretary reported that the site was located at Ping Che. Mr Alex T.H. Lai, whose father co-owning two land lots in Ping Che, had declared an interest in the item. The Committee noted that Mr Alex T.H. Lai had tendered an apology for being unable to attend the meeting.

Presentation and Question Sessions

66. Ms Cindy K.F. Wong, STP/STN, 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, equipment and machineries with ancillary storage of construction equipment, machineries, tools and site office 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 periods, sixteen public comments were received. A North District Council member and

the Chairman of Sheung Shui District Rural Committee indicated no comment on the application. Eleven individuals supported the application, and the remaining comment by an individual objected to the application. Major supporting views and objection grounds were set out in paragraph 11 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the applied use could be tolerated for a period of three years. Although the applied use was not in line with the planning intention of the “Agriculture” (“AGR”) zone, major part of the site had been occupied by the applied use for some time and the potential for agricultural rehabilitation at the site was low. Approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “AGR” zone. The applied use was not incompatible with the surrounding land uses. The application generally complied with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that there were previous approvals for similar use on part of the site and no major adverse departmental comments had been received. The technical concerns of relevant government departments/local objection could be addressed by way of stipulating relevant approval conditions. Regarding the adverse public comment, the comments of government departments and planning assessments above were relevant.

67. Members had no question on the application.

Deliberation Session

68. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 25.8.2020, 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) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no workshop activities shall be carried out on the site at any times during the planning approval period;
- (d) all vehicles entering and exiting the site during the planning approval period shall be restricted to non-peak hours (i.e. from 10:00 a.m. to 4:00 p.m. on Mondays to Saturdays (excluding Sundays and Public Holidays)), as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;
- (e) the provision of boundary fencing on the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.2.2018;
- (f) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 25.2.2018;
- (g) in relation to (f) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 25.5.2018;
- (h) the provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.10.2017;
- (i) the submission of proposals for water supplies for firefighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.2.2018;
- (j) in relation to (i) above, the provision of water supplies for firefighting and fire service installations within 9 months from the date of planning

approval to the satisfaction of the Director of Fire Services or of the TPB by 25.5.2018;

- (k) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.2.2018;
- (l) in relation to (k) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.5.2018;
- (m) 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 25.2.2018;
- (n) in relation to (m) above, the implementation of the run-in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 25.5.2018;
- (o) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (p) if any of the above planning conditions (e), (f), (g), (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 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.”

69. 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 (Presentation and Question Sessions Only)]

A/NE-TKL/569 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lots No. 1160 and 1188 RP in D.D. 77, Ha Shan
Kai Wat, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/569)

Presentation and Question Sessions

70. Ms Cindy K.F. Wong, STP/STN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House NTEH – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix II of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site was part of a large piece of abandoned arable land and had potential for agricultural rehabilitation. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, four public comments were received. A North District Council member and the Chairman of the Sheung Shui District Rural Committee supported/indicated no comment on the application. The other comments submitted by Designing Hong Kong Limited and an individual objected 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 based on the assessments set out in paragraph 11 of the Paper. The proposed Small House was not in line with the planning intention of the “Agriculture” zone. While land available within the “Village Type Development” (“V”) zone was insufficient to fully meet the future Small House demand, land was still available within the “V” zone to meet the outstanding Small House applications. The Town Planning Board had adopted a more cautious approach in approving applications for Small House development in recent years. In considering whether there was a general shortage of land in meeting Small House demand, more weighting had been put on the number of outstanding Small House applications provided by the Lands Department and special consideration would be given to sites with previous planning approvals for Small House development. However, the site was the subject of a previous application (No. A/NE-TKL/365) for Small House development approved by the Committee in July 2011. There was no significant change in planning circumstances since the previous application was approved. Special consideration could be given to the subject application. Regarding the adverse public comment, the comments of government departments and planning assessments above were relevant.

71. Members had no question on the application.

Deliberation Session

72. The Committee noted that the previous application (No. A/NE-TKL/365) was approved on the grounds that the application generally met the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that more than 50% of the footprint of the proposed Small House fell within the village ‘environ’ of Ha Shan Kai Wat Village and there was a general shortage of land in meeting the demand for Small House development at the time of consideration; the proposed development was not incompatible with other village houses in the vicinity; there were similar approved applications in the vicinity; and the proposed development would unlikely cause adverse impacts.

73. A Member considered that although the site was the subject of a previously approved application for Small House development, a more cautious approach should be adopted in considering the subject application, following the Committee's recent decision on other similar applications.

74. However, some Members considered that although a more cautious approach had been adopted in considering applications for Small House development in recent years, the application was the subject of a previous approval for Small House development, and hence sympathetic consideration could be given. The Committee should respect its previous decision.

75. Noting that the planning permission of the previously approved application lapsed in 2015, a Member asked, after the expiry of the planning permission, whether there was any requirement on when the applicant could apply for the same use on the same site again. In response, the Chairman said that there was no restriction on such aspect. As for the subject application, the Committee noted that the applicant's explanation that as his father, the applicant of the previously approved application, passed away in 2013, he was therefore unable to apply for extension of time for commencement of the approved development.

76. In response to a Member's question, the Secretary explained that planning permission ran with the land. Special consideration could be given to the subject application as the applicant of the previously approved application was the father of the subject applicant, and the subject applicant was the current land owner of the site. If the applicant of a new application was different from that of the previously approved application on the same site, sympathetic consideration might not be given to the new application.

77. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 25.8.2021, 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; and
- (c) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Items 20 to 22

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/570 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lots No. 1152 S.A and 1162 S.A in D.D. 77, Ha Shan Kai Wat, Ta Kwu Ling

A/NE-TKL/571 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” Zones, Lots No. 1152 S.C and 1162 S.C in D.D. 77, Ha Shan Kai Wat, Ta Kwu Ling

A/NE-TKL/572 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” Zones, Lots No. 1152 S.B and 1162 S.B in D.D. 77, Ha Shan Kai Wat, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/570 to 572)

79. The Committee noted that the three s.16 applications for proposed house (New Territories Exempted House (NTEH) – Small House) were similar in nature and the sites were located in the same “Agriculture” (“AGR”) zone and in close proximity to one another. The Committee agreed that the applications could be considered together.

Presentation and Question Sessions

80. Ms Cindy K.F. Wong, STP/STN, presented the applications and covered the following aspects as detailed in the Paper:

- (a) background to the applications;
- (b) the proposed house (NTEH – Small House) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix II of the Paper. The Director of Agriculture, Fisheries and Conservation did not support the applications as the sites were part of a large piece of abandoned arable land and had potential for agricultural rehabilitation. 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, six public comments on each of the applications were received. A North District Council member and the Chairman of the Sheung Shui District Rural Committee supported/indicated no comment on the applications. The other comments submitted by Kadoorie Farm and Botanic Garden, Designing Hong Kong Limited, The Hong Kong Bird Watching Society and an individual objected to the applications. Major supporting views and objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the applications based on the assessments set out in paragraph 11 of the Paper. The proposed Small Houses were not in line with the planning intention of the “AGR” zone. While land available within the “Village Type Development” (“V”) zone was insufficient to fully meet the future Small House demand, land was still available within the “V” zone to meet the outstanding Small House applications. The Town Planning Board had adopted a more cautious approach in approving applications for Small House development in recent years. In considering whether there was a

general shortage of land in meeting Small House demand, more weighting had been put on the number of outstanding Small House applications provided by the Lands Department and special consideration would be given to sites with previous planning approvals for Small House development. There were no previous approvals for the sites. As such, it was considered more appropriate to concentrate the proposed Small House developments within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

81. Members had no question on the application.

Deliberation Session

82. The Committee noted that as the site under application No. A/NE-TKL/569 (Agenda Item 19 above) was the subject of a previous application for Small House development approved by the Committee in July 2011, special consideration had been given to that application. As for the subject applications, given land was still available within the “V” zone to meet the outstanding Small House applications and the sites were not subject to any previous approvals for Small House development, the applications were recommended to be rejected.

83. The Chairman pointed out that for application that was not subject to any previous planning approval, a more cautious approach had been adopted by the Committee in considering applications for Small House developments in recent years.

84. Some Members pointed out that the sites under the subject applications were situated closer to the “V” zone as compared with that under application No. A/NE-TKL/569, and expressed concerns that the Committee would not be able to defend its stance on rejecting the subject applications but approving application No. A/NE-TKL/569. Another Member did not support the applications and said that the sites were overgrown with wetland vegetation instead of grass. It was considered more desirable to retain the sites together with its surrounding area within the ‘VE’ for agricultural purpose. Some Members

considered that unlike application No. A/NE-TKL/569, the subject three applications were not subject to previous approvals for Small House development. The cautious approach recently adopted by the Town Planning Board should apply.

85. A Member asked whether it was necessary to verify the identity of the indigenous villager before considering the application for Small House development. In response, the Chairman said that the Lands Department (LandsD) was responsible for checking the identity of the indigenous villager. If the identity of the indigenous village could not be verified at later stage during the process of the Small House Grant application, the Small House Grant application would not be approved. Another Member asked if the Committee's decision on a planning application for Small House development should be affected by the identity of an indigenous villager. In response, the Secretary said that in considering whether the site was suitable for Small House development, the Committee should be concerned with the land use aspect; while LandsD would verify the identity of the indigenous villager in processing the Small House Grant application.

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone in the Ping Che and Ta Kwu Ling area which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention; and
- (b) land is still available within the “Village Type Development” zone of Ha Shan Kai Wat Village where land is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructures and services.”

[The Chairman thanked Ms Channy C. Yang and Ms Cindy K.F. Wong, STPs/STN, for their attendance to answer Members' enquiries. Ms Yang and Ms Wong left the meeting at this point.]

Fanling, Sheung Shui and Yuen Long East District

Agenda Item 23

Section 16 Application

[Open Meeting]

A/FSS/259 Proposed Public Utility Installation (Package Substation) in “Village Type Development” Zone, Government Land in D.D. 52, Chung Sum Tsuen, Sheung Shui Heung
(RNTPC Paper No. A/FSS/259)

87. The Secretary reported that the application was submitted by CLP Power Hong Kong Ltd. (CLP). The following Members had declared interests on the item:

Ms Christina M. Lee - being the Secretary-General of the Hong Kong Metropolitan Sports Events Association which had obtained sponsorship from CLP before;

Mr Alex T.H. Lai - his firm having past business dealings with CLP;
and

Mr Stephen L.H. Liu - having past business dealings with CLP.

88. The Committee noted that the applicant had requested deferral of consideration of the application, and Mr Alex T.H. Lai had tendered an apology for being unable to attend the meeting. The Committee also agreed that as the interests of Ms Christina M. Lee and Mr Stephen L.H. Liu were not direct, they could stay in the meeting.

89. The Committee noted that the applicant requested on 16.8.2017 deferment of the

consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

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

Agenda Items 24 and 25

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/KTN/37	Proposed Temporary Private Vehicle Park (Containers and Light Goods Vehicles) for a Period of 3 Years in "Agriculture(1)" Zone, Lots No. 1527 RP and 1528 in D.D. 95, Ho Sheung Heung, Kwu Tung North, Sheung Shui (RNTPC Paper No. A/KTN/37)
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A/KTN/38	Proposed Temporary Open Storage (Horticultural Tools) for a Period of 3 Years in "Agriculture(1)" Zone, Lot No. 1529 in D.D. 95, Ho Sheung Heung, Kwu Tung North, Sheung Shui (RNTPC Paper No. A/KTN/38)
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91. The Committee noted that the sites of the two s.16 applications were located in

the same “Agriculture(1)” (“AGR(1)”) zone and in close proximity to one another. The Committee agreed that the applications could be considered together.

92. The Secretary reported that the sites were located at Ho Sheung Heung. Dr C.H. Hau had declared an interest on the item as he owned a property in Ho Sheung Heung. The Committee agreed that as the property of Dr C.H. Hau had no direct view of the site, he could stay in the meeting.

Presentation and Question Sessions

93. Mr Otto Chan, STP/FSYLE, presented the applications and covered the following aspects as detailed in the Papers:

- (a) background to the applications;
- (b) the proposed temporary private vehicle park (containers and light goods vehicles) for a period of three years for application No. A/KTN/37 and the proposed temporary open storage (horticultural tools) for a period of three years for application No. A/KTN/38;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper for application No. A/KTN/37 and paragraph 10 of the Paper for application No. A/KTN/38. Major departmental comments were summarised as follows:
 - (i) the Commissioner for Transport could not offer his support to the applications as there was no information on the estimated vehicular trip to/from the sites, vehicular access location and width, vehicle maneuvering arrangement demonstrating that there were sufficient internal vehicular maneuvering spaces within the sites;
 - (ii) the Commissioner of Police objected to the applications as both uses would create adverse impacts on the road capacity of Ho Sheung Heung Road and Castle Peak Road which could not accommodate

more goods vehicles;

- (iii) the Director of Environmental Protection did not support the applications as there were sensitive receivers of domestic uses located at the immediate west of the sites, and environmental nuisance was expected;
 - (iv) the Chief Town Planner/Urban Design & Landscape, Planning Department (PlanD) objected to the applications from the landscape planning perspective. Both uses and their anticipated extensive hard paved area were considered incompatible with the surrounding rural character. Both uses would disturb the river and marsh area including vegetation clearance;
 - (v) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications from agriculture point of view as the sites were pieces of abandoned land overgrown with grasses and were connected to fish ponds which possessed potential for agricultural rehabilitation. From nature conservation point of view, both uses might pose indirect impact on and increase disturbance to the ecological sensitive habitats nearby, and were considered not compatible with the surrounding natural environment; and
 - (vi) other concerned government departments had no objection to or no adverse comment on the applications;
- (d) during the first three weeks of the statutory publication period, nine public comments on application No. A/KTN/37 and eight public comments on application No. A/KTN/38 were received. For both applications, two comments were submitted by the general public indicating no comment on the applications and six comments were submitted by Kadoorie Farm & Botanic Garden Limited, Green Sense, Designing Hong Kong Limited and the general public objecting to both applications. The remaining comment on application No. A/KTN/37 was submitted by World Wide Fund for

Nature Hong Kong that opposed the concerned application. Major objection grounds were set out in paragraph 10 of the Paper for application No. A/KTN/37 and paragraph 11 of the Paper for application No. A/KTN/38; and

- (e) PlanD's views – PlanD did not support the applications based on the assessments set out in paragraph 11 of the Paper for application No. A/KTN/37 and paragraph 12 of the Paper for application No. A/KTN/38. Both uses were not in line with the planning intention of the “AGR(1)” zone. There was no strong planning justification in the submissions for a departure from the planning intention, even on a temporary basis. The two proposed uses were incompatible with the surrounding land uses and natural environment. Both applications did not comply with the Town Planning Board Guideline No. 13E for Application for Open Storage and Port Back-up Uses in that the sites fell within Category 4 areas where applications would normally be rejected except under exceptional circumstances. The sites were not subject to any previous planning permission for the proposed uses; there were adverse departmental comments on the applications; and the applicants failed to demonstrate that both uses would have no adverse traffic, environmental, ecological and landscape impacts on the surrounding areas. Approval of the applications would set an undesirable precedent for similar applications in the “AGR(1)” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area. Regarding the adverse comments, the comments of government departments and planning assessments above were relevant.

94. Members had no question on the applications.

Deliberation Session

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

- “(a) the temporary use under application is not in line with the planning intention of the “Agriculture (1)” (“AGR(1)”) zone which is intended primarily to retain and safeguard the agricultural land/farm/fish ponds for agricultural purposes and to serve as a buffer to give added protection to the Long Valley Nature Park. There is no strong justification in the submission for a departure from such planning intentions, even on a temporary basis;
- (b) the applicants fail to demonstrate that the proposed development would not cause adverse environmental, ecological, traffic and landscape impacts on the residents nearby and its surrounding areas; and
- (c) the approval of the application will set an undesirable precedent for similar application within the same “AGR(1)” zone. The cumulative effect of approving such application would result in a general degradation of the environment of the area.”

Agenda Item 26

Section 16 Application

[Open Meeting]

A/NE-KTS/452 Proposed Temporary Storage (Cosmetic Products, Beverages and Construction Materials) with Ancillary Office for a Period of 3 Years in “Recreation” Zone, Lots No. 1618 (Part), 1619 and 1620 (Part) in D.D. 100 and Adjoining Government Land, Ying Pun, Kwu Tung South
(RNTPC Paper No. A/NE-KTS/452A)

96. The Committee noted that the applicants requested on 16.8.2017 deferment of the consideration of the application for two months so as to allow time to prepare further information to address comments of the Transport Department (TD). It was the second time that the applicants requested deferment of the application. Since the last deferment, the applicants had submitted further information to respond to comments from TD.

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

[Professor K.C. Chau left the meeting at this point.]

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/568 Temporary Religious Institution (Retreat House) for a Period of 3
Years in "Agriculture" Zone, Lot No. 1467 (Part) in D.D. 107, Shui
Mei Tsuen, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/568)

Presentation and Question Sessions

98. Ms Ivy C.W. Wong, STP/FSYLE, drew Members' attention that three replacement pages (pages 2 and 11 of the Paper and page 2 of Appendix IV) regarding revisions to paragraphs 1.2 and 11.3 of the Paper and deletion of paragraph (d) of Appendix IV were tabled at the meeting for Members' reference. She then presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;

- (b) the temporary religious institution (retreat house) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) had reservations on the application from the landscape planning point of view. Most of the site was currently hard paved and the temporary structures were already in place and enclosed by metal fence wall. The extensive concrete surface was incompatible with the existing rural landscape setting. Yet the site was a vacant land covered with vegetation in December 2015. The proposed development, if approved, would encourage similar site modification prior to application, thus resulting in piecemeal developments destroying the tranquil nature of the rural area. The Director of Agriculture, Fisheries and Conservation did not support the application as agricultural activities in the vicinity of the site were active and active farmland could be found to the northwest and southwest of the site. The site possessed potential for agricultural uses. 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, a total of 127 public comments were received. Amongst the comments received, 120 comments were received from the general public supporting the application. The remaining seven comments were received from The Hong Kong Bird Watching Society, Kadoorie Farm & Botanic Garden Corporation, World Wide Fund for Nature Hong Kong, Designing Hong Kong, Green Sense, local green group and the general public objecting to the application. Major supporting views and objection grounds were set out in paragraph 10 of the Paper; and
- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The applied use was not in line with the planning intention of the "Agriculture" zone. No strong

planning justification had been given in the submission to justify for a departure from the planning intention, even on a temporary basis. The applicant failed to demonstrate that the applied use would not have adverse environmental, landscape and traffic aspects on the surrounding areas. Regarding the adverse comments, the comments of government departments and planning assessments above were relevant.

99. A Member asked should the Committee decide not to approve the application, whether the applicant would be required to reinstate the site to its original condition. In response, Ms Ivy C.W. Wong, STP/FSYLE, said that the site was the subject of an active enforcement case. An Enforcement Notice was issued in April 2017 and expired in July 2017. The Planning Authority would keep monitoring the site conditions and would take appropriate enforcement/prosecution action against it if required. A Reinstatement Notice would be issued to require the registered land owners to reinstate the land if necessary.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the applicant fails to demonstrate that the proposed development would not pose adverse traffic, landscape and environmental impacts on the surrounding areas; and
- (c) the approval of the application, even on a temporary basis, would set an undesirable precedent for other similar uses to proliferate into the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.”

Agenda Item 28

Section 16 Application

[Open Meeting]

A/YL-KTN/569 Renewal of Planning Approval for Temporary Open Storage of Vehicles and Vehicle Parts for Export for a Period of 3 Years in “Agriculture” Zone, Lots No. 422 S.B s.s.1 (Part), 422 S.B RP (Part), 422 S.C RP (Part) and 422 RP (Part) in D.D. 110, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTN/569)

101. The Secretary reported that New Gas and Co. (New Gas) was one of the consultants of the applicant. Mr Alex T.H. Lai had declared an interest in the item as his firm had current business dealings with New Gas.

102. The Committee noted that the applicant had requested deferral of consideration of the application, and Mr Alex T.H. Lai had tendered an apology for being unable to attend the meeting.

103. The Committee noted that the applicant requested on 4.8.2017 deferment of the consideration of the application for two months in order to allow time for preparation of further information in response to government departments’ comments. It was the first time that the applicant requested deferment of the application.

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

Agenda Item 29

Section 16 Application

[Open Meeting]

A/YL-KTS/746 Proposed Temporary Shop and Services (Motor Vehicles Showroom) for a Period of 3 Years in “Residential (Group C)” and “Village Type Development” Zones, Lots No. 1689 S.C, 1689 S.D, 1689 S.E, 1689 S.F, 1689 S.G, 1689 S.H and 1689 RP in D.D. 109 and Adjoining Government Land, Kam Tin Road, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/746)

105. The Committee noted that the applicant requested on 17.8.2017 deferment of the consideration of the application for one month in order to allow time for preparation of 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 one month was allowed for preparation of the submission of the further information and no further deferment would be granted unless under very special circumstances.

Agenda Item 30

Section 16 Application

[Open Meeting]

A/YL-KTS/747 Proposed Public Utility Installation (Package Substation) and Excavation of Land in “Village Type Development” Zone, Government Land in D.D. 113, Ho Pui Tsuen, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTS/747)

107. The Secretary reported that the site was located at Kam Tin South. The application was submitted by CLP Power Hong Kong Ltd. (CLP). The following Members had declared interests on the item:

Ms Janice W.M. Lai - her family member owning a property at Cheung Po Tsuen in Kam Tin South;

Ms Christina M. Lee - being the Secretary-General of the Hong Kong Metropolitan Sports Events Association which had obtained sponsorship from CLP before;

Mr Alex T.H. Lai - his firm having past business dealings with CLP; and

Mr Stephen L.H. Liu - having past business dealings with CLP.

108. The Committee noted that the applicant had requested deferral of consideration of the application. The Committee also noted that Mr Alex T.H. Lai had tendered an apology for being unable to attend the meeting and Ms Christina M. Lee had already left the meeting. The Committee agreed that as the interest of Mr Stephen L.H. Liu was not direct and the property of Ms Janice W.M. Lai’s family member did not have a direct view of the site, they could stay in the meeting.

109. The Committee noted that the applicant requested on 15.8.2017 deferment of the consideration of the application for two months in order to allow time to address the public comments regarding the site. It was the first time that the applicant requested deferment of

the application.

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

Agenda Item 31

Section 16 Application

[Open Meeting]

A/YL-KTS/748 Temporary Open Storage of Private Vehicles and Light Goods Vehicles for a Period of 3 Years in "Agriculture" Zone, Lots No. 140 RP in D.D. 113, Kam Tin South, Yuen Long
(RNTPC Paper No. A/YL-KTS/748)

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

112. The Committee noted that the applicant had requested deferral of consideration of the application, and agreed that as the property of Ms Janice W.M. Lai's family member did not have a direct view of the site, she could stay in the meeting.

113. The Committee noted that the applicant requested on 15.8.2017 deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. It was the first time that the

applicant requested deferment of the application.

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

Agenda Items 32 and 33

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/262 Proposed Land Filling (1.3m) for Permitted New Territories Exempted House in "Village Type Development" Zone, Lots No. 1864 S.B and 1865 S.B in D.D. 105, Mai Po Tsuen, San Tin Heung, Yuen Long
(RNTPC Paper No. A/YL-MP/262)

A/YL-MP/263 Proposed Land Filling (1.2m) for Permitted New Territories Exempted House in "Village Type Development" Zone, Lots No. 1864 S.C and 1865 S.C in D.D. 105, Mai Po Tsuen, San Tin Heung, Yuen Long
(RNTPC Paper No. A/YL-MP/263)

115. The Committee noted that the two s.16 applications for proposed land filling for permitted New Territories Exempted House (NTEH) were similar in nature and the sites were located in the same "Village Type Development" zone and in close proximity to each other. The Committee agreed that the applications could be considered together.

Presentation and Question Sessions

116. Ms Helen H.Y. Chan, STP/FSYLE, drew Members' attention that a replacement page (page 1 of the Paper for application No. A/YL-MP/263) regarding revision to the applicant's name was tabled at the meeting for Members' reference. She then presented the applications and covered the following aspects as detailed in the Papers:

- (a) background to the applications;
- (b) the proposed land filling (1.3m) for permitted NTEH for application No. A/YL-MP/262 and the proposed land filling (1.2m) for permitted NTEH for application No. A/YL-MP/263;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Papers. 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, no public comment was received; 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 Papers. According to the record of the Lands Department, there were approved Small House Grant applications within the sites, subject to planning permission for necessary land filling works and compliance with approval conditions stipulated in the permission. The proposed land filling involved only 1.3m and 1.2m in depth for applications No. A/YL-MP/262 and A/YL-MP/263 respectively and was to facilitate the NTEH developments and the construction of the emergency vehicular access to match with the existing road. The proposed land filling was compatible with the rural character of the area. The sites fell within the Wetland Buffer Area of the Town Planning Board Guidelines No. 12C for Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance. The Director of Agriculture, Fisheries and

Conservation had no comment on the applications considering that the sites were covered by common shrubs and grass, and was located at certain distance from the Wetland Conservation Area.

117. Members had no question on the application.

Deliberation Session

118. After deliberation, the Committee 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 25.8.2021, 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 submission of a drainage proposal including drainage mitigation measures before the issue of any certificate of exemption by the Lands Department to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) in relation to (a) above, the implementation of the drainage proposal upon completion of the land filling works to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) if any of the above planning conditions (a) or (b) is not complied with, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.”

119. The Committee also agreed to advise the applicants to note the advisory clauses as set out at Appendix IV of the Paper for application No. A/YL-MP/262 and Appendix III of the Paper for application No. A/YL-MP/263.

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NSW/258 Renewal of Planning Approval for Temporary Driving School and Ancillary Uses for a Period of 2 Years in “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” Zone, Lot No. 1347 RP in D.D. 115, Nam Sang Wai, Yuen Long
(RNTPC Paper No. A/YL-NSW/258)

120. The Secretary reported that the site was located at Nam Sang Wai, Yuen Long. Mr Patrick K.H. Ho, as the Chief Traffic Engineer (New Territories West), Transport Department (TD) had declared an interest on the item as the Yuen Long Driving School (YLDS) under the application was the Government designated driving test centre in Tuen Mun and Yuen Long Districts.

121. The Committee agreed that as the interest of Mr Patrick K.H. Ho was not direct, he could stay in the meeting.

Presentation and Question Sessions

122. Ms Helen H.Y. Chan, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the renewal of planning approval for temporary driving school and ancillary uses for a period of two 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 public comments objecting to the application were received from a resident of the nearby Shan Pui Tsuen and a member of the public. 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 driving school could be tolerated for a further period of two years based on the assessments set out in paragraph 12 of the Paper. Although the driving school was not in line with the planning intention of the “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (“OU(CDWRA)”) zone, there was no known programme for any development in the part of the subject zone, and approval of the application on a temporary basis for two years would not frustrate the long term planning intention of the “OU(CDWRA)” zone. The site was the subject of eleven previously approved applications. Since the approval of the first application, temporary approvals had been granted seven times mainly for three years for the driving school use until 2011. In approving the 8th renewal application in 2011, the Committee noted that a strip of land in the adjacent Tung Tau Industrial Area had been rezoned from “Other Specified Uses” annotated “Business” to “Residential (Group E)1”, and considered that the temporary driving school should gradually be phased out. In considering the 9th and 10th renewals of the temporary driving school use, the renewal applications were approved for a temporary basis for a period of two years for close monitoring on the progress of the proposed relocation of the driving school and on any possible environmental and traffic impacts caused by the driving school. Since then, the applicant had actively worked towards the relocation and had submitted a planning application for the relocation site near Ping Shan in Yuen Long. As YLDS was the only Government designated driving test centre in Tuen Mun and Yuen Long Districts and there was already a 11-month aggregate waiting time for scheduling driving test appointments, TD considered that there was a genuine need for the driving school to obtain an early approval for renewal of the planning permission in order to reduce uncertainties on the driving test appointments arranged. In view of

the above, sympathetic consideration could be given to the application for a further period of two years. The applicant should be advised to actively identify suitable sites for relocation, and that favourable consideration might not be given to any further renewal application unless under very special circumstances. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

123. Members had no question on the application.

Deliberation Session

124. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years from 6.9.2018 until 5.9.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no training of drivers of heavy vehicles or articulated vehicles is allowed outside the site after 9:30 p.m., as proposed by the applicant, during the planning approval period;
- (b) only one articulated vehicle and one bus are allowed for training of drivers outside the site from 7:30 p.m. to 9:30 p.m. during the planning approval period;
- (c) the existing trees within the site shall be maintained at all times during the planning approval period;
- (d) the existing drainage facilities implemented shall be maintained at all times during the planning approval period;
- (e) the submission of records 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 6.12.2018;

- (f) the submission of a fire service installations proposal for the site 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 6.3.2019;
- (g) in relation to (f) above, the implementation of the fire service installations proposal for the site 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 6.6.2019;
- (h) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further noticed;
- (i) if any of the above planning conditions (e), (f) or (g) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (j) upon 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.”

125. 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 Mr Otto Chan, Ms Ivy C.W. Wong and Ms Helen H.Y. Chan, STPs/FSYLE, for their attendance to answer Members' enquiries. Mr Chan, Ms Wong and Ms Chan left the meeting at this point.]

Tuen Mun and Yuen Long West District

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

Agenda Item 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/504 Shop and Services in “Industrial” Zone, Factory Unit A, G/F, Winfield
Industrial Building, 3 Kin Kwan Street, Tuen Mun
(RNTPC Paper No. A/TM/504)

Presentation and Question Sessions

126. 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 shop and services;
- (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, no public comment was received; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the applied use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Although the applied use was not entirely in line with the planning intention of the “Industrial” (“I”) zone, it could meet any such demand in the area. The applied use

was considered not incompatible with the industrial and industrial-related uses in the subject building. The aggregate commercial floor area on the G/F including the premises, if approved, would amount to 241.92m², which was still within the permissible limit of 460m². The applied use generally complied with the Town Planning Board Guidelines No. 25D on Use/Development within “I” Zone in that it was not expected to induce adverse traffic, infrastructure and fire safety impacts on the developments within the subject building and the adjacent areas. The applicant had applied on a permanent basis for the applied use. In order not to jeopardise the long-term planning intention of industrial use for the premises, an approval on a temporary basis of three years was recommended.

127. Members had no question on the application.

Deliberation Session

128. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 25.8.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) the submission and implementation of a fire service installations proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.2.2018; and
- (b) if the above approval condition (a) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

Agenda Item 36

Section 16 Application

[Open Meeting]

A/HSK/8 Proposed Temporary Public Vehicle Park (Private Cars, Light and Medium Goods Vehicles) for a Period of 3 Years in “Village Type Development(1)” Zone and an area shown as ‘Road’, Lots No. 1677 (Part), 1684 (Part), 1685 (Part), 1687 (Part), 1688, 1689 (Part) and 1690 (Part) in D.D. 130, Tuen Mun
(RNTPC Paper No. A/HSK/8)

130. The Committee noted that the applicant’s representative requested on 9.8.2017 deferment of the consideration of the application for one month in order to allow time for preparation of further information to address the comments of relevant government departments. It was the first time that the applicant requested deferment of the application.

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

Agenda Item 37

Section 16 Application

[Open Meeting]

A/TM-LTY Y/340 Proposed Temporary Public Vehicle Park (Private Car and Coach Only) and Shop and Services (Motor-Vehicle Showroom)(Coach Only) for a Period of 3 Years in “Residential (Group D)” Zone, Lots No. 1201 RP (Part), 1211 S.C (Part), 1212 (Part), 1243 S.B (Part), 1247 RP (Part), 1248 (Part), 1249 (Part), 1251, 1252, 1253, 1254, 1256 S.A (Part) and 1256 S.B (Part) in D.D. 130 and Adjoining Government Land, Fuk Hang Tsuen, Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/340)

132. The Committee noted that the applicant’s representative requested on 5.8.2017 deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments of relevant government departments. It was the first time that the applicant requested deferment of the application.

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

Agenda Item 38

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/7 Temporary Logistics Centre for a Period of 3 Years in “Government, Institution or Community”, “Open Space” and “Residential (Group B)2” Zones and an area shown as ‘Road’, Lots No. 2963 (Part), 2970 (Part), 2988 (Part), 2989 RP (Part), 2991 RP (Part), 2992 RP, 2993, 2994, 2995, 2996, 2997, 2998, 2999 (Part), 3000 RP (Part), 3073 S.A (Part), 3073 RP, 3075 (Part), 3076 (Part), 3077 (Part), 3078 (Part), 3079, 3080, 3081, 3082 S.A, 3082 S.B, 3083, 3084, 3085 (Part), 3086 (Part), 3087 (Part), 3088 S.B (Part), 3096 (Part), 3098 S.A (Part), 3098 S.B (Part), 3098 S.C (Part), 3098 S.D (Part), 3098 S.E, 3098 S.F and 3098 RP in D.D. 129 and Adjoining Government Land, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/HSK/7)

Presentation and Question Sessions

134. 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 because there were sensitive users in the vicinity 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, five public

comments were received from a local resident and members of the public, 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 applied 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 subject zones, the implementation for the part of the New Development Area was still being formulated. Approval of the application on a temporary basis of three years would not jeopardise the long-term development of the site. The applied use was also not incompatible with the surrounding land uses. The applied use was generally in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that the site fell within Category 1 areas which were considered suitable for open storage and port back-up uses; relevant proposals had been submitted to demonstrate that the applied 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. Relevant approval conditions had been recommended to address the concerns on the possible environmental nuisances or the technical requirements of the other concerned government departments. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

135. Members had no question on the application.

Deliberation Session

136. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 25.8.2020, 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 cutting, dismantling, cleansing, repairing, compaction, tyre repair, vehicle repair, container repair and workshop activity, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;
- (e) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 25.2.2018;
- (f) in relation to (e) 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 25.5.2018;
- (g) in relation to (f) above, the maintenance of the implemented drainage facilities at all times during the planning approval period;
- (h) the submission of a tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.2.2018;
- (i) in relation to (h) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.5.2018;

- (j) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.2.2018;
- (k) in relation to (j) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.5.2018;
- (l) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.2.2018;
- (m) if any of the above planning conditions (a), (b), (c), (d) 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;
- (n) if any of the above planning conditions (e), (f), (h), (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (o) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 39

Section 16 Application

[Open Meeting]

A/HSK/9 Temporary Warehouse, Open Storage of Construction Materials, Container with Container Vehicles Park, Container Tractors Park and Logistics Yard with Ancillary Workshop (Including Compacting and Unpacking Workshop) for a Period of 3 Years in “Government, Institution or Community”, “Open Space”, “Other Specified Uses” annotated “Parking and Operational Facilities for Environmentally Friendly Transport Services” and “Residential (Group A)2” Zones and an area shown as ‘Road’, Lots No. 51 (Part), 63 (Part), 65 (Part), 66 (Part), 70 (Part), 71 (Part), 72, 73 (Part), 74 (Part), 75 (Part), 76 S.A (Part), 77 (Part), 122 (Part), 124 (Part), 125, 126, 127 (Part), 128, 129 (Part), 136 (Part), 137 (Part), 138 (Part), 139, 140, 141, 142, 143, 144 (Part), 145 (Part), 146 (Part), 147 (Part), 148 (Part), 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165 (Part), 169 (Part), 170, 171 (Part), 172 (Part), 173 (Part), 174 (Part), 175 (Part), 176 (Part), 261 (Part), 265 (Part) and 267 (Part) in D.D. 125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/HSK/9)

138. The Secretary reported that the site was located at Ha Tsuen. Ms Janice W.M. Lai, whose spouse was a shareholder of a company owning two pieces of land in Ha Tsuen, had declared an interest on the item. The Committee noted that the applicant had requested deferral of consideration of the application, and agreed that as the two pieces of land did not have a direct view of the site, Ms Janice W.M. Lai could stay in the meeting.

139. The Committee noted that the applicant’s representative requested on 18.8.2017 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.

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

Agenda Item 40

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/11 Temporary Logistics Centre for a Period of 3 Years in “Government, Institution or Community”, “Open Space” and “Residential (Group A)4” Zones and an area shown as ‘Road’, Lots No. 1801 RP (Part), 1803 (Part), 1804 (Part), 1805, 1806 S.A (Part), 1806 S.B (Part), 1829 (Part), 1830 (Part), 1831 (Part), 1832 (Part), 1833 (Part) and 1836 (Part) in D.D. 125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/HSK/11)

141. The Secretary reported that the site was located at Ha Tsuen. Ms Janice W.M. Lai, whose spouse was a shareholder of a company owning two pieces of land in Ha Tsuen, had declared an interest on the item. The Committee agreed that as the two pieces of land did not have a direct view of the site, Ms Janice W.M. Lai could stay in the meeting.

Presentation and Question Sessions

142. 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 because there were sensitive users along the access 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, no public comment was received; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the applied 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 subject zones, the implementation programme for the part of the New Development Area was still being formulated. Approval of the application on a temporary basis of three years would not jeopardise the long-term development of the site. The applied use was not incompatible with the surrounding land uses. The applied use was generally in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that the site fell within Category 1 areas which were considered suitable for open storage and port back-up uses; relevant proposals had been submitted to demonstrate that the applied 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. Relevant approval conditions had been recommended to address the concerns on the possible environmental nuisances or the technical requirements of the other concerned government departments.

143. Members had no question on the application.

Deliberation Session

144. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 25.8.2020, 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) 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 at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from the public road at any time 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 existing drainage facilities within 3 months from the date of approval to the satisfaction of the Director of Drainage Services or of the TPB by 25.11.2017;
- (g) the submission of a tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.2.2018;
- (h) in relation to (g) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of planning approval to

the satisfaction of the Director of Planning or of the TPB by 25.5.2018;

- (i) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.2.2018;
- (j) in relation to (i) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.5.2018;
- (k) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.2.2018;
- (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 immediately without further notice;
- (m) if any of the above planning conditions (f), (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.”

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

Agenda Item 41

Section 16 Application

[Open Meeting]

A/TSW/70 Proposed Comprehensive Residential and Commercial Development with Eating Place, Shop and Services, School and Public Vehicle Park in “Comprehensive Development Area” Zone, Tin Shui Wai Planning Area 112 (Tin Shui Wai Town Lot No. 33)

(RNTPC Paper No. A/TSW/70)

146. The Secretary reported that the application was submitted by Jet Group Ltd., which was a subsidiary of Sun Hung Kai Properties Ltd. (SHK). Llewelyn-Davies Hong Kong Ltd. (LD), AECOM Asia Co. Ltd. (AECOM), MVA Hong Kong Ltd. (MVA) and Ramboll Environ Hong Kong Ltd. (Environ) 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 SHK, AECOM, MVA and Environ;

- Ms Janice W.M. Lai - having current business dealings with SHK, AECOM and Environ;

- Ms Christina M. Lee - being the Secretary-General of the Hong Kong Metropolitan Sports Events Association which had obtained sponsorship from SHK before;

- Miss Winnie W.M. Ng - Being a Director of the Kowloon Motor Bus (1933) Co. Ltd. (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 and LD;
and

Mr Alex T.H. Lai - his firm having current business dealings with SHK and AECOM.

147. The Committee noted that the applicant had requested deferral of consideration of the application. The Committee also noted that Mr Ivan C.S. Fu and Mr Alex T.H. Lai had tendered apologies for being unable to attend the meeting, and Ms Christina M. Lee had already left the meeting. The Committee agreed that as the interests of Ms Janice W.M. Lai and Miss Winnie W.M. Ng were direct, they could stay in the meeting but should refrain from participating in the discussion. The Committee also agreed that as the interest of Mr Stephen L.H Liu was not direct and Dr C.H. Hau had no involvement in the application, they could stay in the meeting.

148. The Committee noted that the applicant's representative requested on 11.8.2017 deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments of relevant government departments. It was the first time that the applicant requested deferment of the application.

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

Agenda Item 42

Section 16 Application

[Open Meeting]

A/YL-HTF/1081 Temporary Storage of Crawler Cranes, Crawler Crane Parts and Electric Generators for a Period of 1 Year in “Agriculture” and “Residential (Group D)” Zones, Lots No. 130 (Part), 131, 132 (Part), 260 (Part), 261, 262, 263, 264 and 268 in D.D. 128 and Adjoining Government Land in Sha Kong Tsuen, Deep Bay Road, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HTF/1081)

150. The Secretary reported that the site was located at Ha Tsuen. Ms Janice W.M. Lai, whose spouse was a shareholder of a company owning two pieces of land in Ha Tsuen, had declared an interest on the item.

151. The Committee noted the applicant had requested deferral of consideration of the application. The Committee agreed that as the two pieces of land did not have a direct view of the site, Ms Janice W.M. Lai could stay in the meeting.

152. The Committee noted that the applicant’s representative requested on 10.8.2017 deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

circumstances.

Agenda Item 43

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HTF/1082 Proposed Filling of Pond for Permitted Agricultural Use (Fish Farming) in “Coastal Protection Area” Zone, Lots No. 378 S.A RP, 378 RP and 379 RP in D.D. 128 and Adjoining Government Land, Deep Bay Road, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HTF/1082)

154. The Secretary reported that the site was located at Ha Tsuen. Ms Janice W.M. Lai, whose spouse was a shareholder of a company owning two pieces of land in Ha Tsuen, had declared an interest on the item. The Committee agreed that as the two pieces of land did not have a direct view of the site, Ms Janice W.M. Lai could stay in the meeting.

Presentation and Question Sessions

155. Mr Vincent T.K. Lai, STP/TMYLW, drew Members’ attention that two replacement pages (page 5 of the Paper and page 1 of Appendix IV) regarding revisions to paragraph 9.1.1(b) of the Paper and paragraph (a) of Appendix IV were tabled for Members’ reference. He then presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed filling of pond for permitted agricultural use (fish farming);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Agriculture, Fisheries and Conservation pointed out that the original pond, together with other nearby ponds/wetlands in the area, could provide roosting/foraging habitat for

waterbirds and other wetland-dependent fauna, and advised that the affected area should be reinstated to a pond with open water. The Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) had reservation on the application from landscape planning perspective, and pointed out that as the existing pond had been partially filled, landscape impact had taken place. Moreover, the proposed large extent of hard paving and temporary structures was incompatible with the landscape character, and the proposed filling would adversely affect the existing trees along the site boundary. Approval of the application would set an undesirable precedent and likely encourage similar applications to clear and form the site prior to obtaining planning permission, the cumulative impact of which would lead to the degradation of the rural landscape character in general. Other concerned government had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, six public comments were received from The Conservancy Association, Designing Hong Kong, The Hong Kong Bird Watching Society, Kadoorie Farm and Botanic Garden Corporation, World Wide Fund for Nature Hong Kong, and a member of the public objecting to the application. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The application was a “Destroy First, Build Later” case, and should not be assessed based on the “destroyed” state of the site. Approving the application could be misread by the public as acquitted of “destroy first” actions, would encourage similar unauthorised development and would set an undesirable precedent. The cumulative effect of approving such similar applications would result in a general degradation of the rural environment and landscape quality of the area. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

156. Noting that the pond within the site was already partially filled prior to obtaining

planning permission, a Member asked if the site was subject to any enforcement action. In response, Mr Vincent T.K. Lai, STP/TMYLW, said that the site was the subject of a planning enforcement case. An Enforcement Notice was first issued to the concerned parties in March 2016. In order to restore the greenery and amenity of the area, a Reinstatement Notice was also issued to the concerned parties in February 2017.

Deliberation Session

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

- “(a) the applicant fails to demonstrate that the proposed development would not have adverse ecological and landscape impacts on the surrounding areas; and
- (b) approval of the application would set an undesirable precedent for applications for other developments within the “Coastal Protection Area” zone, the cumulative effect of which will result in a general degradation of the environment.”

Agenda Item 44

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HTF/1083 Temporary Open Storage of Construction Materials and Equipment for a Period of 3 Years in “Agriculture” Zone, Lots No. 438 and 439 in D.D. 128, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HTF/1083)

158. The Secretary reported that the site was located at Ha Tsuen. Ms Janice W.M. Lai, whose spouse was a shareholder of a company owning two pieces of land in Ha Tsuen, had declared an interest on the item. The Committee agreed that as the two pieces of land did not have a direct view of the site, Ms Janice W.M. Lai could stay in the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of construction materials and equipment for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Agriculture, Fisheries and Conservation did not support the application from agricultural rehabilitation point of view, as the site possessed potential for agricultural uses such as greenhouse or plant nursery. The Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) objected to the application from landscape planning perspective. The applied use was not compatible with the landscape character, and not in line with the planning intention of the “Agriculture” (“AGR”) zone. The site had been cleared and formed. Adverse impact on the landscape character and its resources, and possibly soil contamination had already taken place. The proposed ingress and egress to the western portion of the site might incur additional tree felling outside the site. Approval of the application would set an undesirable precedent which might likely attract other similar incompatible uses to the vicinity and/or encourage applicants to clear and form the sites prior to obtaining planning permission. The Director of Environmental Protection did not support the application because there were sensitive users along the access 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, five public comments were received from Designing Hong Kong Limited, The Hong

Kong Bird Watching Society, Kadoorie Farm and Botanic Garden Corporation, World Wide Fund for Nature Hong Kong and a member of the public objecting to the application. 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 was incompatible with the surrounding environment. There was no strong planning justification in the submission to merit a departure from such planning intention, even on a temporary basis. The application was a “Destroy First, Build Later” case, and should not be assessed based on the “destroyed” state of the site. The application did not meet the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that no previous approvals for similar open storage uses had been granted for the site, there were adverse departmental comments, and the applicant failed to demonstrate that the applied use would not have adverse agricultural, landscape and environmental impacts. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

160. A Member asked if the site was subject to any enforcement action. In response, Mr Vincent T.K. Lai, STP/TMYLW, said that the site was the subject of a planning enforcement case. An Enforcement Notice was issued in May 2017 requiring the discontinuation of the unauthorised development. A Reinstatement Notice would be issued to require the concerned parties to reinstate the land if necessary.

Deliberation Session

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

- “(a) the applied development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is intended primarily to retain and

safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification to merit a departure from such planning intention, even on a temporary basis;

- (b) the applied development is not compatible with the surrounding areas comprising mainly vegetated unused or wooded land;
- (c) the applied development is not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that no previous approval has been granted for the site and there are adverse departmental comments. The applicant fails to demonstrate that the applied development would not generate adverse landscape and environmental impacts; and
- (d) approval of the application, even on a temporary basis, would set an undesirable precedent for applications for other developments within the “AGR” zone, the cumulative effect of which will result in a general degradation of the environment.”

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

Agenda Item 45

Any Other Business

162. There being no other business, the meeting closed at 5:45 p.m..