

TOWN PLANNING BOARD

Minutes of 591st Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 10.11.2017

Present

Director of Planning
Mr Raymond K.W. Lee

Chairman

Mr H.W. Cheung

Vice-chairman

Professor K.C. Chau

Ms Christina M. Lee

Mr H.F. Leung

Dr F.C. Chan

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr C.H. Hau

Mr Alex T.H. Lai

Mr Stephen L.H. Liu

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

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

Principal Environmental Protection Officer (Strategic Assessment),
Environmental Protection Department
Mr Johnson M.K. 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

Ms Janice W.M. Lai

Mr David Y.T. Lui

Dr Lawrence K.C. Li

Miss Winnie W.M. Ng

In Attendance

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

Chief Town Planner/Town Planning Board
Ms W.H. Ho

Town Planner/Town Planning Board
Ms Winnie W.Y. Leung

Agenda Item 1

Confirmation of the Draft Minutes of the 590th RNTPC Meeting held on 27.10.2017

[Open Meeting]

1. The draft minutes of the 590th RNTPC meeting held on 27.10.2017 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Sai Kung and Islands District

Agenda Item 3

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 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/42A)

3. The Secretary reported that ADI Limited (ADI), Ronald Lu & Partners (Hong Kong) Limited (RLP), AECOM Asia Company Limited (AECOM), LWK Conservation Limited (LWK) and MVA Hong Kong Limited (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
- Mr Stephen L.H. Liu - having past business dealings with RLP
- Mr Alex T.H. Lai - his firm having current business dealings with RLP
- Dr C.H. Hau - having current business dealings with AECOM
- Mr David Y.T. Lui - co-owning with spouse two houses in Clearwater Bay Area

4. The Committee noted that Mr Ivan C.S. Fu, Ms Janice W.M. Lai and Mr David Y.T. Lui had tendered apologies for being unable to attend the meeting and Mr Stephen L.H. Liu had not yet arrived to join the meeting and the applicant had requested for deferment of consideration of the application. As Dr C.H. Hau and Mr Alex T.H. Lai had no involvement in the application, the Committee agreed that they could stay in the meeting.

5. The Committee noted that the applicants' representative requested on 25.10.2017 for deferment of the consideration of the application for further two months so as to allow time to liaise with relevant government departments including the Commissioner for Heritage's Office and the Antiquities and Monuments Office and to refine the Master Layout Plan. It was the second time that the applicants requested for deferment of the application.

6. 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 applicant. 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 submission of 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 4

Section 16 Application

[Open Meeting]

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

7. The Committee noted that the applicant's representative requested on 24.10.2017 for deferment of the consideration of the application for two months so as to allow time to address the comments from relevant government departments and to consult the Indigenous Inhabitant Representative and Sai Kung Rural Committee to clarify land status and details about land available for Small House development in the area. It was the third time that the applicant requested for deferment of the application. Since the last deferment, the applicant had not submitted any further information. It was however noted that the applicant was in discussion with relevant parties to substantiate the application.

8. 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 submission of 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 5

Section 16 Application

[Open Meeting]

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

9. The Committee noted that the applicant’s representative requested on 24.10.2017 for deferment of the consideration of the application for two months so as to allow time to address the comments from relevant government departments and to consult the Indigenous Inhabitant Representative and Sai Kung Rural Committee to clarify land status and details about land available for Small House development in the area. It was the third time that the applicant requested for deferment of the application. Since the last deferment, the applicant had not submitted any further information. It was however noted that the applicant was in discussion with relevant parties to substantiate the application.

10. 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 submission of 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.

Sha Tin, Tai Po and North District

[Mr Tim T.Y. Fung and Ms Kathy C.L. Chan, Senior Town Planners/Sha Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LK/109 Proposed House (New Territories Exempted House - Small House) in
 “Agriculture” Zone, Lot 1374 S.A in D.D. 39, Ma Tseuk Leng, Sha
 Tau Kok
 (RNTPC Paper No. A/NE-LK/109)

Presentation and Question Sessions

11. Mr Tim T.Y. Fung, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed house (New Territories Exempted House (NTEH) – Small House);

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

- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V 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, five public comments were received. A North District Council member supported the application while the Chairman of Sheung Shui District Rural Committee indicated no comment on the application. The other three public comments, submitted by Designing Hong Kong Limited, Kadoorie Farm and Botanic Garden Corporation and an individual, objected to the application. Major supportive 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 incompatible with the surrounding rural setting dominated by village houses and active/fallow agricultural land. Significant adverse landscape impact arising from the proposed development was not anticipated. Concerned government departments had no objection to or no adverse comment on the application. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, more than 50% of the footprint of the proposed Small House fell within the village 'environ' of Ma Tseuk Leng, Ma Tseuk Leng San Uk Ha and Wo Tong Kong. The site was the subject of a previous planning application (No. A/NE-LK/30) submitted by the same applicant as the current application for development of a Small House. The application was approved by the Committee in July 2002 but its planning permission lapsed in July 2006. Sympathetic consideration could be given to the current application. 32 similar applications for Small House(s) development in the vicinity of the site were approved by the Committee between 2001 and 2016. Regarding the public comments received, the comments of government departments and the planning assessments above were relevant.

12. Members had no question on the application.

Deliberation Session

13. 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 10.11.2021, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the provision of septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the TPB;

- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

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

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

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/567 Proposed Temporary Curtain Wall Testing Centre, Ancillary Office and Open Storage of Materials for a Period of 3 Years in “Industrial (Group D)” and “Agriculture” Zones, Lots 16 S.B (Part), 19, 20 (Part), 21 (Part) and 33 S.A (Part) in D.D. 84, Tai Po Tin, Ping Che Road, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/567A)

15. The Secretary reported that Mr Alex T.H. Lai had declared an interest on the item as his father co-owned with another person two lots of land in Ping Che area. The Committee noted that Mr Alex T.H. Lai had temporarily left the meeting.

Presentation and Question Sessions

16. Mr Tim T.Y. Fung, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) proposed temporary curtain wall testing centre, ancillary office and open storage of materials for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were domestic structures in the vicinity of the site and the closest ones were located to the immediate east at a distance of less than 10m. The Director of Agriculture, Fisheries and Conservation (DAFC) was not in favour of the application as the proposed development would directly encroach upon land with potential for agricultural rehabilitation. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservation on the application as the dense vegetation and tree groups originally within the boundary of the site had been cleared before obtaining planning permission. Other concerned government departments had no objection to or no adverse comment on the application;

[Dr F.C. Chan returned to join the meeting at this point.]

- (d) during the first three weeks of the statutory publication period, three public comments were received. A North District Council member and the Chairman of Sheung Shui District Rural Committee indicated no comment on the application. The other public comment submitted by an individual objected to the application. Major objection grounds were set out in paragraph 11 of the Paper; and
- (e) PlanD's views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The application generally complied with the Town Planning Board Guidelines No. 13E in that the site fell largely within the Category 1 area (about 74%) where favourable consideration would normally be given to applications. For the small portion of the site falling within the Category 3 area (about 26%), there was no major impact arising from the use of that portion of the site for ancillary office and car parking

purposes. Although DEP and DAFC did not support the application, there was no record of substantiated environmental complaint for the site in the past three years and only a small portion (about 26%) of the site fell within the “Agriculture” (“AGR”) zone and the “AGR” portion of the site would only be used for ancillary office, car parking and circulation space and tree planting. The concern of relevant government departments could be addressed through the stipulation of approval conditions. Three similar applications involving the same site (No. A/NE-TKL/345, 376 and 481) for similar temporary workshop/open storage uses were approved by the Committee between 2011 and 2014. There had not been major change in the circumstances since the approval of the similar applications. Regarding the public comments received, the comments of government departments and the planning assessments above were relevant.

17. Members had no question on the application.

Deliberation Session

18. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 10.11.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 8:00 p.m. and 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 is allowed on the Site during the planning approval period;
- (c) no container tractor/trailer is allowed to be parked/stored on or enter/exit the Site at any time 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 10:00a.m. to 4:00p.m. and 7:00p.m. to 8:00p.m.), as proposed by the applicant, to the satisfaction

of the Commissioner for Transport or of the TPB;

- (e) the implementation of the traffic mitigation measures during the planning approval period, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;
- (f) 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 10.5.2018;
- (g) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 10.5.2018;
- (h) in relation to (g) 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 10.8.2018;
- (i) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 10.5.2018;
- (j) in relation to (i) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 10.8.2018;
- (k) the provision of fire extinguisher(s) within 6 weeks from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.12.2017;
- (l) 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 10.5.2018;

- (m) in relation to (l) above, the implementation of proposals for 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 10.8.2018;
- (n) 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;
- (o) if any of the above planning conditions (f), (g), (h), (i), (j), (k), (l) or (m) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (p) upon expiry of the planning permission, the reinstatement of the “Agriculture” portion of the Site to an amenity area to the satisfaction of Director of Planning or of the TPB.”

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

Agenda Item 8

Section 16 Application

[Open Meeting]

A/NE-TK/624 Temporary Barbecue site for a Period of 3 Years in “Agriculture” Zone and an area shown as ‘Road’, Various Lots in D.D. 17 and Adjoining Government Land, Ting Kok Village, Tai Po
(RNTPC Paper No. A/NE-TK/624)

20. The Committee noted that the applicant’s representative requested on 25.10.2017 for deferment of the consideration of the application for two months so as to allow time for

preparation of further information in support of the application. It was the first time that the applicant requested for deferment of the application.

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

Agenda Item 9

Section 16 Application

[Open Meeting]

A/TP/610 Proposed 2 Houses (New Territories Exempted Houses) in "Green Belt" Zone, Lot 966 RP in D.D.22, Pan Chung San Tsuen, Tai Po
(RNTPC Paper No. A/TP/610D)

22. The Committee noted that the applicant's representative requested on 7.11.2017 for deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the concern raised by Transport Department. It was the fourth time that the applicant requested for deferment of the application. Since the last deferment, the applicant had submitted further information on 22.9.2017.

23. 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 a maximum period of two months were allowed for preparation of submission of further information. Since it was the fourth deferment and a total of six months had been allowed for preparation of submission of further information, this was the last deferment and no further deferment would be granted.

[Mr Alex T.H. Lai returned to join the meeting at this point.]

Agenda Items 10 and 11

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/634 Proposed House (New Territories Exempted House - Small House) in "Green Belt" and "Village Type Development" Zones, Lots 496 S.A ss.1 and 496 S.C in D.D. 21, Pun Shan Chau Village, Tai Po

A/TP/635 Proposed House (New Territories Exempted House - Small House) in "Green Belt" and "Village Type Development" Zones, Lots 496 S.A RP and 496 S.B in D.D. 21, Pun Shan Chau Village, Tai Po
(RNTPC Papers No. A/TP/634 and 635)

24. As the two applications were similar in nature (New Territories Exempted Houses (NTEHs) – Small Houses) and the application sites were located in proximity to one another and within the same "Green Belt" ("GB") and "Village Type Development" ("V") zones, the Committee agreed that the two applications could be considered together.

Presentation and Question Sessions

25. Ms Kathy C.L. Chan, STP/STN, presented the applications and covered the following aspects as detailed in the Paper :

- (a) background to the applications;

- (b) proposed house (NTEH – Small House) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the applications as the proposed developments would require site formation and slope works and the remaining green wooded area in the locality would be susceptible to further impact of human activities. Besides, vegetation clearance within and/or outside the sites had been observed and approval of the applications would set an undesirable precedent for encouraging site modification, in particular vegetation clearance, prior to application. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, three public comments from Kadoorie Farm and Botanic Garden Corporation, Designing Hong Kong Limited and an individual were received objecting to each of the applications. Major 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 Houses were not in line with the planning intention of the “Green Belt” (“GB”) zone and there was a general presumption against development within the “GB” zone. There was no strong planning justification in the submissions for a departure from the planning intention. The applicants failed to demonstrate that the proposed Small Houses would have no adverse landscape impact on the surrounding areas. The applications did not comply with the Town Planning Board Guidelines No. 10. Besides, the proposed Small Houses did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories in that there was no general shortage of land in meeting the demand for Small House development in the “V” zone of Pun Shan Chau Village. Although two similar applications for Small Houses in the

vicinity of the sites were approved by the Committee in 2009 and 2017, sympathetic consideration would not be given to the current applications as they were not the subject of any previously approved scheme. The current applications did not warrant the same planning considerations as there was no general shortage of land in meeting the demand for Small House development in the “V” zone of Pun Shan Chau Village and land was still available within the “V” zone for Small House development. Regarding the public comments received, the comments of government departments and the planning assessments above were relevant.

26. Members had no question on the applications.

Deliberation Session

27. 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 for the area which is to define the limits of urban development areas by natural physical features so as to contain urban sprawl and to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) the application does not comply with the Town Planning Board Guidelines for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that the proposed development will affect the existing natural landscape. The applicant fails to demonstrate that the proposed development would have no adverse landscape impact on the surrounding areas;
- (c) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small

House in the New Territories in that there is no general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of Pun Shan Chau Village and the proposed development would have adverse landscape impact on the surrounding areas; and

- (d) land is still available within the “V” zone of Pun Shan Chau 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.”

[The Chairman thanked Mr Tim T.Y. Fung and Ms Kathy C.L. Chan, STPs/STN, for their attendance to answer Members’ enquiries. Mr Fung and Ms Chan left the meeting at this point.]

Fanling, Sheung Shui and Yuen Long East District

Agenda Item 12

Section 16 Application

[Open Meeting]

A/KTN/36

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

28. The Secretary reported that Dr C.H. Hau had declared an interest on the item as he owned a property in Ho Sheung Heung, Kwu Tung North. As the property of Dr C.H. Hau did not have a direct view of the application site, the Committee agreed that he could stay in the meeting.

29. The Committee noted that the applicant requested on 24.10.2017 for deferment of the consideration of the application for two months so as to allow time for preparation of further information to address comments of the Transport Department (TD). It was the second time that the applicant requested for deferment of the application. Since the last deferement, the applicant had submitted further information on 6.10.2017 to respond to the comments from TD.

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

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

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KTN/39 Temporary Recyclable Collection Centre (Metals, Papers and Plastics) for a Period of 3 Years in "Open Space" and "Residential (Group A) 2" Zones, Lots 334 S.D (Part), 334 S.E (Part) and 334 S.F (Part) in D.D. 95, Ma Tso Lung Road, Ho Sheung Heung, Kwu Tung
(RNTPC Paper No. A/KTN/39)

31. The Secretary reported that Dr C.H. Hau had declared an interest on the item as he owned a property in Ho Sheung Heung, Kwu Tung North. As the property of Dr C.H. Hau did not have a direct view of the application site, the Committee agreed that he could stay in the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary recyclable collection centre (metals, papers and plastics) for a period of three years;

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

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Commissioner for Transport (C for T) could not offer support to the application as the applicant failed to provide sufficient information to demonstrate that the proposed development would not cause adverse traffic impacts on the surrounding areas. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of domestic uses located at the immediate northeast and northwest of the site, in which the existing village houses were in close proximity and the nearest one was only about 20m from the site boundary and 10m from the access road. The Commissioner of Police (C of P) had reservation on the application as Ma Tso Lung Road (only 6m in width) and Ho Sheung Heung Road (only 2 lanes) could not cater for more heavy goods vehicles or container trucks. The Director of Agriculture, Fisheries and Conservation commented that the applicant should perform good site practice so as not to pollute the watercourse. the Chief Engineer/Mainland North, Drainage Services Department pointed out that the drainage proposal submitted by the applicant was too brief and

lacked details. The applicant should avoid the site from being eroded and flooded and ensure that the capacity of stream course and flooding susceptibility of the adjoining areas would not be adversely affected by the applied development. 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 from the general public were received objecting to the application. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The temporary use under application was not in line with the planning intention of the “Open Space” zone. The site was planned for high-rise residential development and open space uses in the New Development Area (NDA) and fell within the remaining packages of Kwun Tung North NDA project. There were a number of domestic structures to the immediate northeast and northwest of the site and some agricultural uses in the vicinity, the temporary use was incompatible with the surrounding area in particular the residential use. Both C for T and DEP objected to the application as the applicant failed to demonstrate that the proposed development would not cause adverse traffic and environmental impacts on the surrounding areas. A similar application No. A/KTN/35 for temporary recyclable collection centre (metals), open storage of scrap metal and goods vehicle assembly with ancillary storage of tools was rejected by the Committee on 14.7.2017 on the grounds, among others, that there was no strong justification in the submission for a departure from the planning intention of the site, even on a temporary basis. The circumstance of the previous case was similar to the current application. Regarding the public comments received, the comments of government departments and the planning assessments above were relevant.

33. Members had no question on the application.

Deliberation Session

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

- “(a) the temporary use under application is not in line with the planning intentions of the “Open Space” (“O”) and “Residential (Group A) 2” (“R(A)2”) zones, which are intended primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public, and primarily for high-density residential developments respectively. There is no strong justification in the submission for a departure from such planning intentions, even on a temporary basis;
- (b) the applicant fails to demonstrate that the proposed development would not cause adverse traffic and environmental impacts on the surrounding areas; and
- (c) the approval of the application will set an undesirable precedent for similar applications within the same “O” and “R(A)2” zones. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.”

Agenda Item 14

Section 16 Application

[Open Meeting]

A/NE-KTS/452 Temporary Storage (Cosmetic Products, Beverages and Construction Materials) with Ancillary Office for a Period of 3 Years in “Recreation” Zone, Lots 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/452B)

35. The Committee noted that the applicants requested on 25.10.2017 for deferment of the consideration of the application for two months so as to allow time to prepare a traffic impact assessment to address further comments of the Transport Department (TD). It was the third time that the applicants requested for deferment of the application. Since the last deferment, the applicants had submitted further information on 25.9.2017 to respond to the comments from TD.

36. 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 applicant. 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 submission of 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 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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/747A)

37. The Secretary reported that the application was submitted by CLP Power Hong Kong Limited which was a subsidiary of CLP Holdings Limited (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 solicited sponsorship from CLP before
- Mr Alex T.H. Lai - his firm having past business dealings with CLP
- Mr Stephen L.H. Liu - having past business dealings with CLP
- Ms Janice W.M. Lai - her family member owning a house at Cheung Po Tsuen, Kam Tin South

38. The Committee noted that Ms Janice W.M. Lai had tendered apologies for being unable to attend the meeting and Mr Stephen L.H. Liu had not yet arrived at the meeting. As the interests of Ms Christina M. Lee and Mr Alex T.H. Lai were indirect, the Committee agreed that they could stay in the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed public utility installation (package substation) and excavation of land;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment with seven signatures from local residents was received objecting to the application. Major objection grounds were set out in paragraph 10 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed package substation was to provide essential electricity supply to the existing village and future developments in the area. The proposed development was considered not incompatible with the surrounding area which was rural in character and not in conflict with the planning intention of the “Village Type Development” (“V”) zone. Two similar applications located to the northwest and further south within the same “V” zone were approved by the Committee in 2011 and 2014. The circumstances of the approved applications were similar to the current application. Regarding the public comment received, the comments of government departments and the planning assessments above were relevant.

40. Members had no question on the application.

Deliberation Session

41. 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 10.11.2021, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

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

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

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

Agenda Item 16

Section 16 Application

[Open Meeting]

A/YL-KTS/755 Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years in “Agriculture” Zone, Lots 1882 RP and 1892 RP (Part) in D.D. 106, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTS/755)

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

44. The Committee noted that the applicant’s representative requested on 3.11.2017 for deferment of the consideration of the application for two months so as to allow time to prepare further information to address the comments of the Transport Department and Highways Department. It was the first time that the applicant requested for deferment of the application.

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

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/226 Proposed Temporary Animal Boarding Establishment for a Period of 3
Years in “Agriculture” Zone, Lot 443 (Part) in D.D. 112, Nam Hing
West Road, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-SK/226A)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed temporary animal boarding establishment for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Commissioner for Transport (C for T) did not support the application as the applicant failed to provide supporting information on the feasibility of the proposed vehicular access from Nam Hing West Road. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as agricultural activities in the vicinity of the site were active and the site possessed potential for greenhouse or plant nursery. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as vegetation clearance had been carried out prior to submission of the application. Approval of the application would set an undesirable precedent for other similar applications within the “Agriculture” (“AGR”) zone. The cumulative effect of approving similar applications would result in general degradation of landscape resources/character and cause adverse landscape impact on the area.

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, 14 public comments from a Yuen Long District Council member, Pat Heung Sheung Tsuen indigenous villager representatives, Pat Heung Sheung Tusen Village Committee, Kadoorie Farm & Botanic Garden Corporation, World Wide Fund for Nature Hong Kong, Designing Hong Kong Limited, a local resident, and the general public were received 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 proposed development was not in line with the planning intention of the “AGR” zone. There was no strong planning justification given in the current submission for a departure from the planning intention, even on a temporary basis. The proposed development was not compatible with the surrounding land uses which were rural in character. Approval of the application would set an undesirable precedent for other similar uses to proliferate into the “AGR” zone. Regarding the public comments received, the comments of government departments and the planning assessments above were relevant.

47. Members had no question on the application.

Deliberation Session

48. 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 and also intended to retain fallow arable land with good potential for

rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the current submission for a departure from the planning intention, even on a temporary basis;

- (b) the applicant fails to demonstrate that the proposed development would not generate adverse traffic impact on the surrounding areas; and
- (c) approval of the application would set an undesirable precedent for similar applications within this part of the “AGR” zone. The cumulative effect of approving such applications would result in general degradation of the rural environment of the area.”

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/229 Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years in “Agriculture” Zone, Lot 1645 RP in D.D. 112, Yuen Long
(RNTPC Paper No. A/YL-SK/229)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed temporary place of recreation, sports or culture (hobby farm) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. 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 from the village representatives of Shui Tsan Tin Tsuen in Pat Heung and an individual were received objecting to the application. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. The proposed use was generally not in conflict with the planning intention of the “Agriculture” (“AGR”) zone. It was considered that 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 proposed hobby farm with a single structure for supporting facilities was considered not incompatible with the surrounding areas. In view of the nature of the proposed hobby farm, it would unlikely cause significant adverse environmental, landscape, traffic or drainage impacts. Concerned government departments had no objection to or no adverse comment on the application. Regarding the public comments received, the comments of government departments and the planning assessments above were relevant.

50. Members had no question on the application.

Deliberation Session

51. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 10.11.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

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

- (b) no public announcement system, portable loudspeaker or audio amplification system is allowed to be used on the Site during the planning approval period;
- (c) the submission of tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 10.5.2018;
- (d) in relation to (c) above, the implementation of tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 10.8.2018;
- (e) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 10.5.2018;
- (f) in relation to (e) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 10.8.2018;
- (g) in relation to (f) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (h) the submission of fire service installation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.5.2018;
- (i) in relation to (h) above, the provision of 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 10.8.2018;
- (j) if any of the above planning conditions (a), (b) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;

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

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

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

Tuen Mun and Yuen Long West District

Agenda Item 19

Section 16 Application

[Open Meeting]

A/TM/511 Social Welfare Facility (Residential Home for People with Disabilities)
in “Village Type Development” Zone, 300 Tsz Tin Tsuen, Tuen Mun
(RNTPC Paper No. A/TM/511)

53. The Committee noted that the applicant requested on 26.10.2017 for deferment of the consideration of the application for two months so as to allow time to address the comments of various government departments. It was the first time that the applicant requested for deferment of the application.

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

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

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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 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/9A)

Presentation and Question Sessions

55. 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) 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 three years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive users in the vicinity of the site (the nearest residential dwelling being about 62m away) and along the access road (Ping Ha Road). 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. Nevertheless, the District Officer/Yuen Long, Home Affairs Department (DO/YL, HAD) received one public comment from village representatives of Fung Kong Tsuen objecting to the application. Major objection grounds were set out in paragraph 10.1.12 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The applied use was not incompatible with the surrounding land uses as the site was located in an area which was predominantly occupied by open storage yards, warehouse yard and logistics centres. Although the development was not in line with the planning intentions of the “Government, Institution or Community”, “Residential (Group A) 2” and “Open Space” zones, approval of the application on a temporary basis of three years would not jeopardize the long-term development of the site. 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 concerns of relevant government departments. Other concerned government departments had no objection to or no adverse comment on the application. Regarding the public comment relayed by DO/YL, HAD, the comments of government departments and planning assessments above were relevant.

56. Members had no question on the application.

Deliberation Session

57. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 10.11.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 8:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the Site during the 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) the stacking height of containers stored within the site should not exceed 8 units at all times during the planning approval period;
- (d) no handling/storage of recyclable materials, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (e) no handling (including loading, unloading and storage) of electrical/electronic appliances/components, including cathode-ray tubes (CRT), CRT computer monitors/television sets and CRT equipment, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;
- (g) the submission of a Drainage Impact Assessment (DIA) within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 10.5.2018;
- (h) in relation to (g) above, the implementation of the proposed mitigation measures in the DIA for the development within 9 months from the date of

planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 10.8.2018;

- (i) in relation to (h) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (j) the submission of the tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 10.5.2018;
- (k) in relation to (j) 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 10.8.2018;
- (l) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 22.12.2018;
- (m) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.5.2018;
- (n) in relation to (m) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.8.2018;
- (o) the provision of fencing of the Site within 6 months from the date of commencement of planning approval to the satisfaction of the Director of Planning or of the TPB by 10.5.2018;
- (p) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (i) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;

- (q) if any of the above planning conditions (g), (h), (j), (k), (l), (m), (n) or (o) 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
- (r) 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.”

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

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/20 Temporary Public Vehicle Park for Private Car and Light Goods Vehicle for a Period of 3 Years in “Village Type Development” Zone, Lot 1007 RP (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/HSK/20)

Presentation and Question Sessions

59. 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) temporary public vehicle park for private car and light goods vehicle for a period of 3 years;
- (c) departmental comments – departmental comments were set out in

paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Although the applied use was not entirely in line with the planning intention of the “Village Type Development” (“V”) zone, the use could provide parking facilities to meet any such demand in the area. The applied use was considered not incompatible with the surrounding land uses as the site was located at the fringe of the “V” zone and the surrounding areas of the site were predominantly rural in character. Concerned government departments had no objection to or no adverse comment on the application. The Committee had approved two similar applications within the same “V” zone and approval of the current application was in line with the Committee's previous decisions.

60. Members had no question on the application.

Deliberation Session

61. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 10.11.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (b) a notice should be posted at a prominent location of the Site to indicate that

no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;

- (c) no vehicle without valid licences issued under the Road Traffic Ordinance, is allowed to be parked/stored on the Site at any time during the planning approval period;
- (d) no cutting, dismantling, cleaning, repairing, compacting, vehicle repair and workshop activity is allowed on Site at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;
- (f) the implementation of the accepted 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 10.8.2018;
- (g) in relation to (f) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (h) the submission of a 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 10.5.2018;
- (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 10.8.2018;
- (j) 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 10.5.2018;

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

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

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/21 Renewal of Planning Approval for Temporary Open Storage of Construction Materials and Construction Equipment for a Period of 3 Years in “Commercial (1)” Zone and an area shown as ‘Road’ Lots 3376 (Part), 3377 (Part), 3378 (Part), 3379 (Part), 3380, 3381 (Part), 3382 (Part), 3383 (Part), 3384 (Part), 3385 (Part), 3386 (Part), 3387 (part), 3388 (Part), 3389 (Part), 3390, 3391 (Part), 3392 (Part) and 3393 (Part) in D.D. 124, Ping Shan, Yuen Long
(RNTPC Paper No. A/HSK/21)

63. The Secretary reported that the application was submitted by Team Harvest Limited which was a subsidiary of Sun Hung Kai Properties Limited (SHKPL). The following Members had declared interests on the item:

- Mr Ivan C.S. Fu]
] having current business dealings with SHKPL
Ms Janice W.M. Lai]
- Miss Winnie W.M. Ng - being a Director of the Kowloon Motor Bus Co. (1933) Ltd. (KMB) and SHKPL was one of the shareholders of KMB
- Ms Christina M. Lee - being the Secretary-General of the Hong Kong Metropolitan Sports Events Association which had solicited sponsorship from SHKPL before
- Mr Alex T.H. Lai - his firm having current business dealings with SHKPL
- Mr Stephen L.H. Liu - having past business dealings with SHKPL

64. The Committee noted that Mr Ivan C.S. Fu, Ms Janice W.M. Lai and Miss Winnie W.M. Ng had tendered apologies for being unable to attend the meeting. As the interests of Ms Christina M. Lee and Mr Stephen L.H. Liu were indirect and Mr Alex T.H. Lai had no involvement in the application, the Committee agreed that they could stay in the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) renewal of planning approval for temporary open storage of construction materials and construction equipment under application No. A/YL-PS/460 for a period of three years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive users nearby (the nearest was about 16m away) and along the access road (Yick Yuen Road). Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment from an individual was received objecting to the application. Major objection grounds were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of three years based on the assessments set out in paragraph 12 of the Paper. Although the development was not in line with the planning intention of the “Commercial(1)” zone, the implementation programme of this part of the Hung Shui Kiu New Development Area was still being formulated. Approval of the application on a temporary basis would not jeopardise the long term planning of the area. The applied use was not incompatible with the surrounding land uses. Despite the fact that the site fell within different zones under the new Outline Zoning Plan currently in force, there was no major change in planning circumstances of the site and the surrounding areas since the previous temporary approval. The renewal application was considered generally in line with the Town Planning Board Guidelines No. 34B as there would be no adverse planning implications arising from the renewal of the temporary planning approval and that the applicant had complied with all the approval conditions under previous approval. The development was in line with the Town Planning Board Guidelines No. 13E in that the site fell within Category 2 areas and there was no adverse departmental comment from concerned government departments, except DEP. Although DEP did not support the application, there had been no environmental complaint pertaining to the site received in the past three years and appropriate approval condition had been recommended. Regarding the public comment received, the comments of

government departments and planning assessments above were relevant.

66. Members had no question on the application.

Deliberation Session

67. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 15.11.2017 until 14.11.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 6:00 p.m. and 8:00 a.m. from Mondays to Saturdays, 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 or other workshop activity is allowed on the Site at all times during the planning approval period;
- (d) only medium goods vehicles not exceeding 24 tonnes, as defined under the Road Traffic Ordinance, are allowed to enter/be parked on the Site, as proposed by the applicant, at all times during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at all times during the planning approval period;
- (f) all existing trees and plantings within the Site shall be maintained at all times during the planning approval period;
- (g) the existing boundary fencing on Site shall be maintained at all times during the planning approval period;

- (h) the existing drainage facilities on Site shall be maintained at all times during the planning approval period;
- (i) the submission of a condition record of existing drainage facilities within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.2.2018;
- (j) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.12.2017;
- (k) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.5.2018;
- (l) in relation to (k) above, the provision of fire service installations proposed 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 15.8.2018;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (i), (j), (k) or (l) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (o) upon the expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the

TPB.”

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

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/23 Temporary Open Storage of New Vehicles (Minibus) with Ancillary Office for a Period of 3 Years in “Village Type Development” Zone, Lots 1804 (Part), 1805 (Part), 1808 RP, 1809 RP (Part) and 1817 (Part) in D.D. 124, San Lee Uk Tsuen, Yuen Long
(RNTPC Paper No. A/HSK/23)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary open storage of new vehicles (minibus) with ancillary 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 period, two public comments from two individuals were received 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 did not support the application based on the assessments set out in paragraph 12 of the Paper. The applied development for open storage use was not in line with the planning intention of the “Village Type Development” (“V”) zone. There was no strong planning justification for a departure from the planning intention, even on a temporary basis. The applied use was not compatible with the uses in the surrounding areas which were predominantly residential in nature intermixed with cultivated agricultural land, orchard, vacant and unused land. The application did not comply with the Town Planning Board Guidelines No.13E and there was no exceptional circumstance that warranted the approval of the application. Approval of the application would set an undesirable precedent for similar applications within the “V” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area. Regarding the public comments received, the comments of government departments and the planning assessments above were relevant.

70. Members had no question on the application.

Deliberation Session

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

- “(a) the planning intention of the “Village Type Development” (“V”) zone is to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. The applied development is not in line with the planning intention of the “V” zone. No strong planning justification has been given in the submission for a departure from such planning intention, even on a temporary basis;

- (b) the applied development is not compatible with the surrounding land uses which are predominantly residential in nature intermixed with cultivated agricultural land, orchard and vacant land;
- (c) the development does not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance in that the site falls within Category 4 areas and the applicant has not provided any strong planning justification to demonstrate that there is exceptional circumstance which warrants approval of the application; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar uses. The cumulative impact of approving such applications would result in a general degradation of the environment of the area.”

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTYYY/331 Proposed Shop and Services (Retail Market) and Minor Relaxation of Building Height Restriction from 8.23m to 9.053m in “Village Type Development” Zone, Lot 669 S.B RP in D.D. 130 and Adjoining Government Land, junction of Castle Peak Road and Lam Tei Main Street, Tuen Mun
(RNTPC Paper No. A/TM-LTYYY/331B)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) proposed shop and services (retail market) and minor relaxation of building height restriction (BHR) from 8.23m to 9.053m (+10%);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as the site was not served by existing public sewer and the wastewater generated from the proposed development would potentially cause adverse water quality impact if they were not properly treated and disposed of. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) considered that as the proposed light goods vehicles loading/unloading bays were not suitable for medium/heavy goods vehicles, those vehicles would park alongside Castle Peak Road or other public roads nearby. It would adversely affect the traffic condition of the roads and was not acceptable. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as the proposed building bulk was considered not in harmony with the village houses in the vicinity in terms of its size and design. Besides, as the existing large tree would likely be felled due to the proposed development, the landscape character would likely be negatively affected. Moreover, given the 98% site coverage, there was no scope for adopting compensatory tree planting or meaningful landscape measures within the application site boundary;
- (d) during the first three weeks of the two statutory publication periods, ten public comments were received. One comment submitted by a member of the Tuen Mun District Council supported the application without giving reason. The other nine comments including two from the village committees of Lam Tei Tsuen and To Yuen Wai, one from local villagers, four from Madam Lau Kam Lung Secondary School of Miu Fat Buddhist Monastery and the Chairman of its parents-teachers association, and two from individuals objected 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 proposed development was not in line with the planning intention of the “Village Type Development” (“V”) zone. There was no strong planning justification in the submission for a departure from such planning intention. The applicant had not demonstrated any strong justification or merit in the application to support the proposed relaxation for BHR. Building height aside, the proposed development involved a bulky footprint of 415.13m². Approval of the application would set an undesirable precedent and encourage other applications for similar developments within the subject “V” zone. The cumulative effect of approving such applications would reduce the land available for Small House development. Regarding the public comments received, the comments of government departments and the planning assessments above were relevant.

73. Members had no question on the application.

Deliberation Session

74. 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 “Village Type Development” (“V”) zone which is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. There is no strong planning justification in the submission for a departure from such planning intention;
- (b) there is no strong justification or merit in the submission for the proposed relaxation of building height restriction;

- (c) the applicant fails to demonstrate that the proposed development will not result in adverse water quality and traffic impacts on the surrounding areas; and
- (d) the approval of the application would set an undesirable precedent for similar applications within the “V” zone. The cumulative effect of approving such applications would reduce the land available for Small House development.”

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTYYY/332 Proposed Shop and Services, Eating Place, Religious Institution and Minor Relaxation of Building Height Restriction from 8.23m to 9.053m in “Village Type Development” Zone, Lot 692 S.B RP in D.D. 130 and Adjoining Government Land, junction of Castle Peak Road and Lam Tei Main Street, Tuen Mun
(RNTPC Paper No. A/TM-LTYYY/332B)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed shop and services, eating place, religious institution and minor relaxation of building height restriction (BHR) from 8.23m to 9.053m (+10%);
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection

(DEP) did not support the application as the site was not served by existing public sewer and the wastewater generated from the proposed development would potentially cause adverse water quality impact if they were not properly treated and disposed of. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) considered that the application was not acceptable as no permanent car parking space for the proposed development was provided. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) advised that the proposed building bulk was considered not in harmony with the village houses in the vicinity in terms of its size and design. Given the 99% site coverage, the proposed development did not seem to bring about improvement to streetscape. The proposed width of the planters was also considered not realistic and not practicable for sustainable natural planting;

- (d) during the first three weeks of the two statutory publication periods, nine public comments were received. One comment submitted by a member of the Tuen Mun District Council supported the application without giving reason. The other eight comments including two from the village committees of Lam Tei Tsuen and To Yuen Wai, three from local villagers, one from Madam Lau Kam Lung Secondary School of Miu Fat Buddhist Monastery, and two from individuals objected 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 proposed development was not in line with the planning intention of the “Village Type Development” (“V”) zone. There was no strong planning justification in the submission for a departure from such planning intention. The applicant had not demonstrated any strong justification or merit in the application to support the proposed relaxation for BHR. Building height aside, the proposed development involved a bulky footprint of 474.26m². Approval of the application would set an undesirable precedent and encourage other applications for similar developments within the subject

“V” zone. The cumulative effect of approving such applications would reduce the land available for Small House development. Regarding the public comments received, the comments of government departments and the planning assessments above were relevant.

76. In response to a Member’s question, Ms Stella Y. Ng, STP/TMYLW, said that the existing building next to the proposed development was a temple called 妙法寺, but she did not have information on the building height of 妙法寺 at hand.

Deliberation Session

77. Noting from Drawing A-2 of the Paper that 妙法寺 was quite high, a Member said that the proposed building height might not be incompatible with the temple, which was located to the immediate northeast of the site. The Committee noted that 妙法寺 fell within the “Government, Institution or Community” (“G/IC”) zone without BHR while the application site fell within the “V” zone with a BHR of 3 storeys (8.23m). There was no strong justification or merit in the submission to support the proposed relaxation of BHR. Besides, the proposed development was not acceptable from technical points of view as the applicant failed to demonstrate there would be no adverse water quality and traffic impact on the surrounding area. Another Member considered that the proposed uses might not be incompatible with the existing shops located on the opposite side of the road. The Vice-chairman said that given the land available in the “V” zone could not fully meet the total Small House demand, approving the application would further reduce land suitable for Small House development. Members in general agreed that the application should not be approved as no strong planning justification had been given in the submission for a departure from the planning intention.

78. 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 “Village Type Development” (“V”) zone which is to reflect the existing recognized and other villages, and to provide land considered suitable for

village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. There is no strong planning justification in the submission for a departure from such planning intention;

- (b) there is no strong justification or merit in the submission for the proposed relaxation of building height restriction;
- (c) the proposed development is not in line with the Town Planning Board Guidelines No. 15A in that the applicant fails to demonstrate no adverse water quality and traffic impacts on the surrounding areas, and the proposed development would adversely affect land availability for village type development; and
- (d) the approval of the application would set an undesirable precedent for similar applications within the “V” zone. The cumulative effect of approving such applications would reduce the land available for Small House development.”

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/411 Proposed Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years in “Village Type Development” Zone, Government Land in D.D.116, Hung Tso Tin Tsuen, Yuen Long (RNTPC Paper No. A/YL-TT/411)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed temporary eating place (outside seating accommodation (OSA) of a restaurant) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment from a member of the public was received objecting to the application. Major objection grounds were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The proposed OSA could provide catering services to serve the demand in the area. Given the small area and roadside location of the site, approval of the proposed OSA on a temporary basis would not frustrate the long-term planning intention of the “Village Type Development” (“V”) zone. The proposed OSA was not incompatible with the surrounding land uses which were rural in character. The application was generally in line with Town Planning Board Guidelines No. 15A in that the proposed OSA was located at the fringe of the “V” zone abutting a footpath along Tai Tong Road. Concerned government departments had no objection to or no adverse comment on the application. Given that the Committee had approved an application for the same use on the same site, approval of the application was in line with the Committee’s previous decisions. As the previous approval was revoked due to non-compliance with approval conditions on submission and implementation of landscape proposal, shorter compliance periods for the associated approval conditions were recommended. Regarding the public comment received, the comments of government departments and the planning assessments above were relevant.

80. Members had no question on the application.

Deliberation Session

81. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 10.11.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 11:00 p.m. and 11:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) the submission of landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 10.2.2018;
- (c) in relation to (b) above, the implementation of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 10.5.2018;
- (d) if the above planning condition (a) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (e) if any of the above planning conditions (b) or (c) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (f) upon the expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 27

Section 16 Application

[Open Meeting]

A/YL-TT/412 Proposed Animal Boarding Establishment (Dog Kennel and Dog Recreation Centre) in “Agriculture” Zone, Lot 736 S.A ss.5 in D.D. 118, Nam Hang Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TT/412)

83. The Committee noted that the applicant requested on 25.10.2017 for deferment of the consideration of the application for two months so as to allow time to respond to the comments of the Transport Department and the Environmental Protection Department. It was the first time that the applicant requested for deferment of the application.

84. 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 submission of further information and no further deferment would be granted unless under very special circumstances.

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/859 Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Residential (Group B) 1” Zone, Lots 1023 S.B RP, 1033 S.C, 1034 S.A RP (Part) in D.D. 121 and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/859)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed temporary shop and services (real estate agency) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from the Owner’s Corporation of Greenville Residence objecting to the application without giving any reason; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Although the applied use was not entirely in line with the planning intention of “Residential (Group B)1” (“R(B)1”) zone, it could provide real estate agency services to meet the demand in the area. Approval of the application on a temporary basis of three years would not jeopardize the long-term development of the area. The applied use was considered not incompatible with the surrounding land uses. Concerned government departments had no objection to or no adverse comment on the application. Given that the Committee had approved one similar application covering the site and six similar applications for various shop and services use within the same “R(B)1” zone, approval of the subject application was in line with the Committee’s previous decisions. Regarding the public comment received, the comments of government departments and the planning assessments above were relevant.

86. Members had no question on the application.

Deliberation Session

87. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 10.11.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 8:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no vehicle is allowed to be parked/stored on or enter/exit the Site, as proposed by the applicant, at any time during the planning approval period;
- (c) the existing trees and landscape plantings on the Site shall be maintained at all times during the planning approval period;
- (d) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (e) the submission of records of the existing drainage facilities on the Site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 10.2.2018;
- (f) the implementation of the accepted fire service installation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.5.2018;
- (g) 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;

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

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

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL/226 Proposed Office cum Public Car Park with Ground Floor Retail Shops in “Other Specified Uses” annotated “Public Car Park with Ground Floor Retail Shops” Zone, 16 Hi Yip Street, Tung Tau Industrial Area, Yuen Long (Yuen Long Town Lot 443)
(RNTPC Paper No. A/YL/226C)

89. The Secretary reported that Landes Limited (Landes) and T.K. Tsui & Associates Limited (TKTAL) were two of the consultants of the applicant. The following Members had declared interests on the item:

Mr Ivan C.S. Fu]	
]	having current business dealings with Landes
Ms Janice W.M. Lai]	
Mr Alex T.H. Lai	-	his firm having current business dealings with TKTAL

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

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed office cum public car park with ground floor retail shops;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication periods, a total of 21 public comments were received from a Yuen Long District Councillor and members of the public. Major supportive 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 proposal which conformed to the building height and plot ratio restrictions of the “Other Specified Uses” (“OU”) annotated “Public Car Park with Ground Floor Retail Shops (1)” zone, was considered not incompatible with the surrounding uses which were predominantly medium to high-rise industrial buildings zoned “OU(Business)” for industrial-office use in nature. Although the office element of the proposed development was not entirely in line with the planning intention of the subject zone, when compared with the existing public car park at the site, the proposed development would optimise the use of the land with the provision of an

addition of 30 private car parking spaces (+16.4%) and 11 new heavy goods vehicles parking spaces for public use. The Transport Department had no in principle objection to the application. Other concerned government departments had no objection to or no adverse comment on the application. Regarding the public comments received, the comments of government departments and the planning assessments above were relevant.

92. Members had no question on the application.

Deliberation Session

93. 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 10.11.2021, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission of a revised Traffic Impact Assessment to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the design and provision of vehicular access and car parking and loading/unloading facilities for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the design and provision of public vehicle parking facilities in the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) the submission and implementation of a landscape and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (e) the submission of a sewerage impact assessment and implementation of the sewerage improvement measures identified therein to the satisfaction of the

Director of Environmental Protection or of the TPB;

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

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

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL/236 Proposed Temporary Shop and Services (Flower Shop) for a Period of 3 Years in “Village Type Development” Zone, Lots 1822 S.B and 1823 S.A in D.D. 120, Tai Shu Ha Road West, Yuen Long
(RNTPC Paper No. A/YL/236)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed temporary shop and services (flower shop) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned government departments had no

objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, one comment was received from a member of the public objecting to the application. Major objection grounds were set out in paragraph 9 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 10 of the Paper. Although the proposed development was not entirely in line with the planning intention of the “Village Type Development” (“V”) zone, the proposed flower shop could provide shop and services to serve the demand in the area. As there was currently no Small House application under processing by the Lands Department, approval of the development on a temporary basis would not frustrate the long-term planning intention of the “V” zone. The proposed flower shop was not incompatible with the surrounding land uses which were rural in character. Concerned government departments had no objection to or no adverse comment on the application. Regarding the public comments received, the comments of government departments and the planning assessments above were relevant.

96. Members had no question on the application.

Deliberation Session

97. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 10.11.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

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

- (b) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (c) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 10.5.2018;
- (d) in relation to (c) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 10.8.2018;
- (e) in relation to (d) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (f) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.5.2018;
- (g) in relation to (f) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.8.2018;
- (h) if any of the above planning conditions (a), (b) 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;
- (i) if any of the above planning conditions (c), (d), (f) or (g) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (j) upon the expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL/237 Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 6 Years in “Village Type Development” Zone, Government Land in D.D. 123, Wang Chau Yeung Uk Tsuen, Yuen Long
(RNTPC Paper No. A/YL/237)

Presentation and Question Sessions

99. Mr Alan Y.L. Au, STP/TMYLW, drew Members’ attention that two replacement pages (i.e. pages 5 and 8 of the Paper) had been tabled for Members’ information. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed temporary shop and services (real estate agency) for a period of six years;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) advised that the site was situated on government land (GL) and no permission was given for occupation of the GL included in the site. The act of occupation of GL without Government’s prior approval was not allowed. His office would investigate the existing structure on site and take follow-up action if appropriate. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, one comment was received from a member of the public objecting to the application. Major objection grounds were set out in paragraph 9 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 10 of the Paper. The applicant applied for a temporary approval for six years but the structure involved was built of brick. The applicant failed to demonstrate the genuine temporary nature of the development. There was no strong planning justification in the submission for a departure from the planning intention of the “Village Type Development” (“V”) zone. The application involved unauthorized structure and illegal occupation of GL which might be considered for separate alienation by LandsD. Approval of the application would send a wrong message of condoning the unauthorized structure on GL and set an undesirable precedent attracting other similar developments in the area. The cumulative effect would jeopardize the availability of land for Small House development in the subject “V” zone. Regarding the public comment received, the comments of government departments and the planning assessments above were relevant.

100. Members had no question on the application.

Deliberation Session

101. In response to a Member's question on why the applicant could seek temporary planning permission for a period of six years instead of three years as usually granted in the rural areas, the Secretary said that the proposed 'shop and services' use not on the ground floor of a New Territories Exempted House was a Column 2 use in the “V” zone. The applicant could apply for planning permission for a duration longer than three years.

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

- “(a) the planning intention of the “Village Type Development” (“V”) zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the applicant fails to demonstrate a reasonable prospect for securing the required Government land for implementing the proposed use; and
- (c) approval of the application would set an undesirable precedent attracting other similar development in the area. The cumulative effect will jeopardize the availability of land for Small House development in the subject “V” zone.”

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

Agenda Item 32

Any Other Business

103. There being no other business, the meeting closed at 3:45 p.m..