

TOWN PLANNING BOARD

Minutes of 547th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 18.12.2015

Present

Director of Planning
Mr K.K. Ling

Chairman

Professor S.C. Wong

Vice-chairman

Professor Eddie C.M. Hui

Dr C.P. Lau

Ms Anita W.T. Ma

Dr W.K. Yau

Professor K.C. Chau

Mr Ivan C.S. Fu

Mr Lincoln L.H. Huang

Mr F.C. Chan

Mr David Y.T. Lui

Chief Traffic Engineer/New Territories West,
Transport Department
Mr Kelvin K.M. Siu

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

Principal Environmental Protection Officer (Strategic Assessment),
Environmental Protection Department
Mr Terence S.W. Tsang

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

Deputy Director of Planning/District
Mr Raymond K.W. Lee

Secretary

Absent with Apologies

Ms Janice W.M. Lai

Ms Christina M. Lee

Mr H.F. Leung

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

In Attendance

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

Chief Town Planner/Town Planning Board
Mr Louis K.H. Kau

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

Agenda Item 1

Confirmation of the Draft Minutes of the 546th RNTPC Meeting held on 4.12.2015

[Open Meeting]

1. The draft minutes of the 546th RNTPC meeting held on 4.12.2015 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Tuen Mun and Yuen Long West District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/TM-SKW/7 Application for Amendment to the Draft So Kwun Wat Outline Zoning Plan (OZP) No. S/TM-SKW/12 to amend the planning intention in the Notes of the OZP for “Village Type Development” zone
(RNTPC Paper No. Y/TM-SKW/7)

Presentation and Question Sessions

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

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|--------------------|---|
| Mr David C.M. Lam | - District Planning Officer/Tuen Mun and Yuen Long West (DPO/TMYLW) |
| Ms Jessica Y.C. Ho | - Senior Town Planner/Tuen Mun and Yuen Long West (STP/TMYLW) |
| Mr K.K. Sit | - the applicant’s representative |

4. The Chairman extended a welcome and explained the procedure of the hearing. He then invited Ms Jessica Y.C. Ho, STP/TMYLW, to brief Members on the background of the application. With the aid of a PowerPoint presentation, Ms Ho presented the application and covered the following aspects as detailed in the Paper:

The Proposal

- (a) the applicant proposed to amend the planning intention of the “Village Type Development” (“V”) zone by replacing ‘Small Houses by indigenous villagers’ by ‘New Territories Exempted House (NTEH);

Departmental Comments

- (b) the departmental comments were set out in paragraph 7 of the Paper. The District Lands Officer/Tuen Mun, Lands Department did not support the application. The New Territories Small House Policy (the Small House Policy) was approved by the Executive Council in November 1972. Under the Small House Policy, a male indigenous villager of at least 18 years old who was descended through the male line from a resident in 1898 of a recognised village in the New Territories might apply to the authority for permission to erect for himself, during his lifetime a Small House on a suitable site within his own village. Under the Small House Policy, the construction of Small Houses was in general restricted to inside the village ‘environs’ (‘VE’) of a recognised village. Other concerned departments had no objection to or no adverse comment on the application;

Public Comment

- (c) a public comment objecting to the application was received from Designing Hong Kong Limited (DHKL). The grounds of objection were that should the application be approved, it would extend the right of Small House development to non-indigenous villagers and pose a threat to sustainable planning of rural areas and ‘VE’; and would set an undesirable precedent for similar applications. DHKL also indicated that a comprehensive review of the Small House Policy by the government was required;

PlanD’s Views

- (d) PlanD did not support the application based on the assessments set out in paragraph 9 of the Paper, which were summarised as follows:
- (i) the planning intention of the “V” zone was to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within the “V” zone was primarily intended for

development of Small Houses by eligible indigenous villagers;

- (ii) Small House applications submitted by eligible indigenous villagers under the Small House Policy would be processed in accordance with the prevailing and applicable procedures and guidelines as formulated by the government. If a Small House applicant was not eligible for a Small House grant under the said Policy, the applicant's Small House application would be rejected; and
- (iii) according to the covering Notes of the OZP, NTEH meant "a domestic building other than a guesthouse or a hotel; or a building primarily used for habitation, other than a guesthouse or a hotel, the ground floor of which may be used as 'Shop and Services' or 'Eating Place', the building works in respect of which were exempted by a certificate of exemption under Part 3 of the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121)". Although the development of a Small House was governed by the said Ordinance and NTEHs included Small Houses, it did not necessarily mean that a NTEH must be a Small House. The scope and application of 'Small House' and 'NTEH' were not entirely the same. It was inappropriate to revise the term 'Small Houses by indigenous villagers' by 'NTEH' in the planning intention of the "V" zone in the Notes of the OZP.

5. The Chairman then invited Mr K.K. Sit to elaborate on the application. Mr Sit made the following main points:

- (a) the NTEH was not restricted to 'Small House' but it was stated in the Notes of the OZP that land of the "V" zone was primarily intended for development of Small Houses by indigenous villagers;
- (b) the Notes should be amended to avoid contravening Article 25 of the Basic Law which stipulated that all Hong Kong residents should be equal before the law; and

[Mr F.C. Chan arrived to join the meeting at this point.]

- (c) the Notes of the approved So Kwun Wat OZP No. S/TM-SKW/7 did not specify that land within the “V” zone was intended for Small House only. The inclusion of such statement in the Notes to restrict the “V” zone for the development of Small House by the indigenous villagers had deprived non-indigenous villagers’ rights of developing NTEHs, and thus affecting the fairness of the OZP. It also contravened Article 25 of the Basic Law.

6. Members had no question on the application.

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

Deliberation Session

8. The Chairman said that the “V” zone was to facilitate the implementation of the Small House Policy and did not see the justification for amending the Notes as proposed by the applicant.

9. After deliberation, the Committee decided not to agree to the application for the following reason :

“land within the “Village Type Development” (“V”) zone is primarily intended for development of Small Houses by indigenous villagers. ‘New Territories Exempted House’ (NTEH) as defined under the Covering Notes of the Outline Zoning Plan (OZP) covers a wider meaning than ‘Small Houses’. It is considered inappropriate to revise the term ‘Small Houses by indigenous villagers’ by ‘NTEH’ in the planning intention of the “V” zone to the Notes of the OZP as proposed by the applicant”.

- (a) background to the application;
- (b) the proposed eating place at the premises;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, a total of 13 public comments from local residents and the general public were received. The commenters objected to the application mainly on grounds that there were already too many restaurants in Cheung Chau, the existing retail shops in the premises should be retained in order to have more varieties of shops; the proposed use would cause significant environmental and health impacts; the proposed development would hasten the destruction of the village characteristics and heritage of Cheung Chau; and the transport and other supporting facilities could not cope with the large number of visitors;
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. The proposed development was generally in line with the planning intention of the “Village Type Development” (“V”) zone where selected commercial (including eating place’) and community uses serving the needs of the villagers and in support of the village development were always permitted on the ground floor of a New Territories Exempted House (NTEH). Although the District Lands Officer/Islands, Lands Department (LandsD) could not confirm whether the subject building was a NTEH or not, the subject premises was in the form of a village house and was suitably located for commercial developments to serve the local community and visitors. The proposed eating place was considered not incompatible with the land uses in the vicinity. Given the small scale of the proposed development, it was not anticipated to have significant adverse impacts on pedestrian flow, drainage and sewerage aspects. Regarding the public comment on the adverse impact on the character of Cheung Chau, the

above assessments were relevant.

13. In response to a Member's question, Ms Lam said that according to the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121), LandsD would issue a certificate to a NTEH development for exemption from building plan submission. However, for the subject building, LandsD could not confirm whether it was a NTEH as the relevant file records had been lost.

Deliberation Session

14. 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 18.12.2019, 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 provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB.”

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

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-CWBS/21 Further Consideration of Proposed Utility Installation for Private Project and Excavation of Land in “Conservation Area” zone, Lot 644 (Part) in D.D. 230, No. 18 Lung Ha Wan Road, Sai Kung, New Territories
(RNTPC Paper No. A/SK-CWBS/21A)

Presentation and Question Sessions

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

- (a) background to the application – on 4.9.2015, the Committee considered that the approval of the application within the “Conservation Area” (“CA”) zone might set an undesirable precedent as no relevant information had been provided to demonstrate that the proposed utility installation could not be accommodated within the “Government, Institution or Community (2)” (“G/IC(2)”) zone where the existing Cham Shan Monastery was located. The Committee decided to defer a decision on the application pending submission of further information from the applicant on the reason for not providing the proposed works within the “G/IC(2)” zone;
- (b) the proposal - the proposed utility installation for private project and associated excavation of land;
- (c) further information – on 29.10.2015, the applicant submitted further information in response to the Committee’s concern;
- (d) departmental comments – relevant government departments consulted had no comment on the further information. Departmental comments as stated in paragraph 9 of Appendix FA-I of the Paper were still valid; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application having regard to the further information provided by the applicant and the planning considerations and assessments set out in paragraph 11 of the Paper. While the proposed development was not in line with the planning intention of the “CA” zone, the proposed utilities were essential ancillary facilities for enhancing building services and to serve the new Buddha Hall of the monastery. The applicant had provided information to demonstrate that there was a need to carry out the proposed works within the site. The proposed utility installation would be provided underground. It would not be a source of pollution and would not

generate adverse impacts on visual, landscape, ecological, environmental, drainage, traffic or slope stability aspects.

17. Members had no question on the application.

Deliberation Session

18. 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 18.12.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

“the submission and implementation of tree preservation proposal to the satisfaction of the 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 FA-IV of the Paper.

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-SKT/12 Proposed Public Utility Installation (Electricity Package Transformer)
in “Open Space” zone, Yi Chun Street Playground near Yi Chun Street,
Sai Kung
(RNTPC Paper No. A/SK-SKT/12)

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

Ms Christina M. Lee - being Secretary-General of the Hong Kong
Metropolitan Sports Events Association that had

obtained sponsorship from CLP

Dr W.K. Yau - being Member of the Education Committee and the Energy Resources Education Committee of CLP

21. The Committee noted that Ms Janice W.M. Lai had tendered apologies for being unable to attend the meeting and Dr W.K. Yau had not yet arrived at the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed public utility installation (electricity package transformer);
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) commented that no tree preservation and landscape proposal had been provided in the application and the landscape impact could not be fully ascertained;
- (d) during the first three weeks of the statutory publication period, six public comments were received. One commenter supported the application on the ground that the development could meet the increasing electricity demand in the area. Five objected to the application as they had concerns on the impacts of noise and radiation created by the installation and considered the site was not a suitable location for the proposed development; and
- (e) PlanD's views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. The proposed transformer was an essential facility to serve the local district. The

applicant had considered 3 options in the site search exercise and the application site was found to be the most suitable one. Given the small scale of the proposed transformer, it would not affect the overall provision of open space within the Sai Kung Town area and use of existing playground. It was not incompatible with the rural character of the surrounding areas and would unlikely cause adverse visual and environmental impacts on the surrounding area. Relevant departments including DLCS had no objection to or no adverse comments on the application. To address CTP/UD&L, PlanD's concern, an approval condition requesting the submission and implementation of landscaping and tree preservation proposal was recommended. Regarding the objecting public comments, the above planning assessments were relevant.

23. Members had no question on the application.

Deliberation Session

24. 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 18.12.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the provision of fire service installations and water supplies for fire-fighting to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) the submission and implementation of a landscape and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 7

Section 16 Application

[Open Meeting]

A/SK-TLS/47 Proposed Public Utility Installation (Sewage Pumping Station and Underground Sewers) and Excavation of Land in “Green Belt” zone, Lots No. 586 (Part), 587 (Part), 588 (Part), 589, 590, 591 (Part), 592 (Part) and 593 (Part) and Adjoining Government Land in D.D. 253, Tseng Lan Shue, Sai Kung
(RNTPC Paper No. A/SK-TLS/47)

26. The Secretary reported that the application was submitted by the Drainage Services Department (DSD). The following Members had declared interests on the item:

Ms Janice W.M. Lai - having current business dealings with DSD

Professor S.C. Wong - being the Chair Professor and Head of Department of Civil Engineering of the University of Hong Kong and his colleague in the Department had current business dealings with DSD

27. The Committee noted that Ms Janice W.M. Lai had tendered apologies for being unable to attend the meeting. The Committee also noted that the applicant had requested for deferment of consideration of the application. As the interest of Professor S.C. Wong was indirect, the Committee agreed that he could stay in the meeting.

28. The Committee noted that on 1.12.2015, the applicant requested for deferment of the consideration of the application for one month so as to allow time for preparation of further information to address the comments of relevant government departments. It was the first time that the applicant requested for deferment of the application.

29. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the

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

[The Chairman thanked Ms S.H. Lam and Mr William W.T. Wong, STPs/SKIs, for their attendance to answer Members' enquiries. Ms Lam and Mr Wong left the meeting at this point.]

Sha Tin, Tai Po and North District

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

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/553 Proposed House (New Territories Exempted House - Small House) in
"Agriculture" and "Village Type Development" zones, Lot 869 S.B
s.s.2 RP in D.D. 8, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/553)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, a comment from Designing Hong Kong Limited objecting to the application was received. The main grounds of the objection were that the proposed development was not in line with the planning intention of “Agriculture” (“AGR”) zone; no impact assessment had been conducted; and there would be adverse ecological, traffic, environmental and fire safety impacts; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. Although the proposed Small House was not in line with the planning intention of the “AGR” zone, the Director of Agriculture, Fisheries and Conservation had no strong view on the application as the site had low potential for rehabilitation of agricultural activities. While there was sufficient land available within “Village Type Development” (“V”) zone to meet the outstanding Small House applications, it could not fully meet the future Small House demand. Regarding the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House Development in the New Territories, more than 50% of the footprint of the proposed Small House fell within the village ‘environs’ of Ma Po Mei and the proposed Small House would be able to be connected to the planned sewerage system in the area. The site was also the subject of a previous application submitted by the same applicant for the same use and approved by the Committee in 2008. There was no significant change in planning circumstances of the site since the approval of the previous application.

Deliberation Session

31. A Member opined that favourable consideration of the application could be given only because of the special circumstances of the site, i.e. it was located between two existing Small Houses; it was the subject of a previous approved application for the same use; and the site had low potential for agricultural rehabilitation.

32. 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 18.12.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning 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;
- (c) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (d) the provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or the TPB.”

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

[Professor K.C. Chau arrived to join the meeting at this point.]

Agenda Items 9 and 10

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/556 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” zones, Lot 1287 S.B in
D.D.8, Lam Tsuen, Tai Po, New Territories

A/NE-LT/557 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” zones, Lot 1287 S.A in
D.D.8, Lam Tsuen, Tai Po, New Territories
(RNTPC Paper No. A/NE-LT/556 and 557)

34. The Committee agreed that the two applications should be considered together as they were similar in nature and the sites were located in close proximity to one another and within the same “Agriculture” (“AGR”) and “Village Type Development Area” (“V”) zones.

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. The Director of Agriculture, Fisheries and Conservation did not support the applications as there were active agricultural activities at the sites;
- (d) during the first three weeks of the statutory publication period, two public comments on each of the applications from the Hong Kong Bird Watching

Society and an individual were received. The main grounds of the objections were that the proposed developments were not in line with the planning intention of “AGR” zone; there would be cumulative loss of agricultural land and ecological impact; there was no general shortage of land within the “V” zone for Small House development; and the sites were located within the Water Gathering Grounds (WGG); and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the applications based on the assessments set out in paragraph 11 of the Paper. The proposed Small Houses were not in line with the planning intention of the “AGR” zone and there were active agricultural activities at the sites. The proposed developments did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House Development in the New Territories (Interim Criteria) in that there was no general shortage of land in meeting the demand for Small House development in the “V” zone. The applicants had failed to justify why land within the “V” zone could not be made available for the proposed Small House developments. There was no major change in planning circumstances since the two previous applications were rejected by the Committee. Regarding the public comments, the planning assessments above were relevant.

36. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone, which is primary to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong

planning justification in the current submission for a departure from the planning intention;

- (b) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House Development 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; and
- (c) land is still available within the “V” zone of Lam Tsuen San Tsuen which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for more orderly development pattern, efficient use of land and provision of infrastructure and services.”

Agenda Items 11 and 12

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/568 Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years in “Village Type Development” zone, Government Land Adjoining Lot 818 in D.D. 28, 74 Tai Mei Tuk, Tai Po

A/NE-TK/569 Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years in “Village Type Development” zone, Government Land Adjoining Lot 819 in D.D. 28, 73 Tai Mei Tuk, Tai Po
(RNTPC Paper No. A/NE-TK/568 and 569)

38. The Committee agreed that the two applications should be considered together as they were similar in nature and the sites were located in close proximity to one another and within the same “Village Type Development Area” (“V”) zone.

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) the temporary eating place (outside seating accommodation (OSA) of a restaurant) for a period of 3 years at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the applications;
- (d) no public comment on each of the applications was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under the applications could be tolerated for a period of 3 years based on the assessments made in paragraph 11 of the Paper. As there was currently no Small House application at the sites, the applied use on a temporary basis for 3 years would neither frustrate the long-term planning intention of the “V” zone nor adversely affect the land availability for village type developments. The two OSAs under application were generally in line with the Town Planning Board Guidelines No. 15A on ‘Application for Eating Place within “V” Zone in Rural Areas under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 15A) in that any significant adverse impacts on traffic, drainage, sewage disposal and fire safety impacts from the proposed OSAs were not anticipated. Each of the sites was the subject of a previous application for the same use which were approved with conditions by the Committee on 9.11.2012.

40. Members had no question on the application.

Deliberation Session

41. After deliberation, the Committee decided to approve the applications on a temporary basis for a period of 3 years until 18.12.2018, each on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 10:00 p.m. and 12:00 noon as proposed by the applicant is allowed on the site during the planning approval period;
- (b) the maintenance of the drainage facilities at all time during the planning approval period;
- (c) the submission of fire service installations and water supplies for fire fighting proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.6.2016;
- (d) in relation to condition (c) above, the implementation of fire service installations and water supplies for fire fighting within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.9.2016;
- (e) if any of the above planning conditions (a) or (b) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (f) if any of the above planning conditions (c) or (d) is not complied with within the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (g) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Items 13 and 14

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/570 Proposed House (New Territories Exempted House - Small House) in “Green Belt” and “Village Type Development” zones, Lot 454 S.A in D.D. 28, Tai Mei Tuk Village, Ting Kok Road, Tai Po
(RNTPC Paper No. A/NE-TK/570)

A/NE-TK/571 Proposed House (New Territories Exempted House - Small House) in “Green Belt” and “Village Type Development” zones, Lot 454 S.B in D.D. 28, Tai Mei Tuk Village, Ting Kok Road, Tai Po
(RNTPC Paper No. A/NE-TK/571)

43. The Committee agreed that the two applications should be considered together as they were similar in nature and the sites were located in close proximity to one another and within the same “Green Belt” (“GB”) and “Village Type Development Area” (“V”) zones.

Presentation and Question Sessions

44. Mr C.T. Lau, STP/STN, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted 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 Papers. The Chief Town Planner, Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD)

had reservation on the applications as the construction of the Small Houses would likely disturb the roots and tree crown of an existing mature tree and there was no available space within the sites to shift the Small House footprints away from the tree;

- (d) during the first three weeks of the statutory publication period, a public comment on each of the applications was received. The commenter objected to the applications mainly on the grounds that the proposed developments were not in line with the planning intention of the “GB” zone; they were close to the burial grounds; land was still available within the concerned “V” zone and the approval of the applications would set an undesirable precedent for similar applications; and
- (e) PlanD’s views – PlanD had no objection to the applications based on the assessments set out in paragraph 12 of the Papers. Although there was sufficient land available within “V” zone to meet the outstanding Small House applications, it could not fully meet the future Small House demand. The sites were in close proximity to the existing village cluster and there were three new Small Houses to the immediate northwest which had been approved by the Committee and were under construction. The proposed developments were not incompatible with the surrounding areas. To address the CTP/UD&L, PlanD’s concerns on the possible adverse impacts on the existing mature tree, an approval condition on the submission and implementation of landscape and tree preservation proposals was recommended. Regarding the objecting public comment, the above assessments were relevant.

45. Members had no question on the applications.

Deliberation Session

46. A Member opined that the applications should be rejected as there was still land available within the “V” zone. Although applications for Small House developments had been approved in the vicinity of the sites, the planning approvals were granted a few years

ago. Since 2013, the Committee had taken a cautious approach in applying the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House Development in the New Territories. Two Members concurred with this Member's views.

47. In response to the Chairman's question, it was explained that the sites, which were in close proximity to the village cluster, were already formed.

48. Noting that an area to the north of the sites had been formed and currently used for car parking, a Member was concerned that the area might eventually be used for Small House developments. It was explained that the area concerned was outside the "V" zone and village 'environs' of Tai Mei Tuk and there were also urns in the area. The Chairman said that there would be limited space available for Small House within the "GB" zone to the north of the sites.

49. Members noted that the health condition of the existing Banyan tree was average and it was located on government land. The site of application No. A/NE-TK/571 was not covered by any vegetation.

50. Members also noted that the two proposed Small Houses would affect the root system and canopy of the existing Banyan tree and for application No. A/NE-TK/570, there was no scope to shift the footprint of the proposed development in view that the area further south was a piece of private land not owned by the applicant. The vegetated slopes to the further north of the sites were within the Pat Sin Range Country Park where disturbance of the existing vegetation was not expected due to the steep topography.

[Dr C.P. Lau left the meeting temporarily at this point.]

51. The Vice-chairman noted that the site context of a recent appeal case to the east, which was allowed by the Town Planning Appeal Board (the Appeal Board), was quite similar to that of the current applications. When compared with the appeal site, the current applications were even closer to the existing village cluster. In this regard, should the applications be rejected, he considered that the rejection reasons should be specific enough to distinguish them from those of the appeal site.

52. The Secretary said that in making a decision on the appeal case, the Appeal Board had taken into consideration that the appeal site was not covered by dense woodland/vegetation; was a piece of active agricultural land; was separated from the country park by a 130 m buffer and was 20 m away from the “V” zone; the vegetation was not cleared by the appellant and septic tank would not be used. A Member considered that whether the site had been formed by the applicants or not should not be a material consideration of the Committee.

53. A Member opined that the Committee was not bound by the decision of the Appeal Board. In response to a Member’s question, the Chairman said that the Appeal Board’s decision was made based on the considerations of the site context of the appeal case. Another Member said that the Committee should consider the planning application independently and should not worry about whether there would be any appeal in future. A Member concurred and said that the Committee should not predict how the Appeal Board would make its assessment.

[Dr C.P. Lau returned to join the meeting at this point.]

54. Members generally did not support the applications and agreed that the impact on the existing Banyan tree should be one of the rejection reasons. The Vice-chairman suggested and the Committee agreed to include a rejection reason that the proposed developments would have adverse impacts on the existing Banyan tree near the sites.

55. 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” zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone;
- (b) land is still available within the “Village Type Development” (“V”) zone of Lung Mei, Tai Mei Tuk and Wong Chuk Tsuen which is primarily intended

for Small House development. It is considered more appropriate to concentrate the proposed Small House development within “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services; and

- (c) the proposed development will have adverse impacts on the existing landscape of the area including the Banyan tree near the sites.”

[Ms Anita W.T. Ma and Mr Edwin W.K. Chan left the meeting temporarily at this point.]

Agenda Item 15

Section 16 Application

[Open Meeting]

A/TP/593 Proposed House (New Territories Exempted House - Small House) in “Green Belt” zone, Lot 182 in D.D. 23, Wa Ha Tsuen, Tai Po, New Territories
(RNTPC Paper No. A/TP/593)

56. The Committee noted that the applicant requested on 2.12.2015 for deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the comments of government departments. It was the first time that the applicant requested for deferment of the application.

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

circumstances.

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/583 Proposed 2 Houses (New Territories Exempted Houses - Small Houses) in “Agriculture” zone, Lots 1587 S.B ss.6 S.A, 1587 S.B ss.7 S.B, 1587 S.B ss.13, 1587 S.B ss.6 S.B and 1587 S.B ss.15 in D.D.76, Kan Tau Tsuen, Fanling, New Territories
(RNTPC Paper No. A/NE-LYT/583)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed two houses (New Territories Exempted Houses) (NTEHs);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper which were summarised as follows:
 - (i) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as part of the site was used for agricultural purpose and part of it was overgrown with vegetation and possessed potential for agricultural rehabilitation; and
 - (ii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as the proposed developments and the associated realignment of the

existing footpath outside the site would have adverse impact on a group of native trees within the site; and the applicants had not provided any landscape proposal;

- (d) during the first three weeks of the statutory publication period, two public comments were received and they objected to the application mainly on the grounds that the proposed developments were not in line with the planning intention of “Agriculture” (“AGR”) zone; and no strong planning justifications had been provided to support the application. The District Officer (North) advised that the Chairman of the Fanling District Rural Committee had raised objection to the application, while the Indigenous Inhabitant Representative and the Resident Representative of Kan Tau Tsuen supported the application as the site was in close proximity to the village ‘environs’ (‘VE’); and
- (e) 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 Houses were considered not incompatible with the surrounding area of rural landscape character dominated by village houses and fallow agricultural land. Although there was sufficient land available within the “Village Type Development” zone to meet the outstanding Small House applications, it could not fully meet the future Small Houses demand. The proposed development complied with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House Development in the New Territories in that more than 50% of the footprints of the proposed Small Houses fell within the ‘VE’ of Kan Tau Tsuen. To address CTP/UD&L, PlanD’s concern, an approval condition on the submission and implementation of tree preservation and landscape proposals was recommended. Regarding the adverse public comments, the assessments above were relevant.

59. Members had no question on the application.

60. 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 18.12.2019, 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 tanks, as proposed by the applicants, at locations to the satisfaction of the Director of Lands or of the TPB;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the submission and implementation of tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the TPB.”

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

[Mr Martin W.C. Kwan left the meeting temporarily at this point. Mr Edwin W.K. Chan returned to join the meeting at this point.]

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/534 Renewal of Planning Approval for Temporary Open Storage of Metal Products and Materials and Storage of Metal and Hardware Products with Ancillary Workshop for a Period of 3 Years in “Open Storage” zone and area shown as ‘Road’, Lot 2195 RP (Part) in D.D.76 and Adjoining Government Land, Kwan Tei North Village, Fanling, New Territories

(RNTPC Paper No. A/NE-TKL/534)

Presentation and Question Sessions

62. The Committee noted that a replacement page for the recommended advisory clauses at Appendix VI of the Paper had been tabled at the meeting. Mr Wallace W.K. Tang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the renewal of planning approval for temporary open storage of metal products and materials and storage of metal and hardware products with ancillary workshop under previous application No. A/NE-TKL/389 for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were domestic structures in the vicinity of the site and environment nuisance was expected;
- (d) during the first three weeks of the statutory publication period, three public comments were received. A North District Council (NDC) member supported the application on grounds that there was a lack of land for storage of industrial materials in the area; the site had been used for the applied use for a long time; and approval of the renewal application would not exert pressure on the existing transport infrastructures. The other two comments, submitted by another NDC member and the Chairman of the Fanling District Rural Committee (FDRC), indicated that they had no comment on the application. The District Officer (North), Home Affairs Department advised that an Indigenous Inhabitant Representative (IIR) of Kwan Tei had no comment on the application provided that it would not cause pollution to the surrounding area, and the Chairman of the FDRC, the incumbent NDC member, another IIR and Resident Representative of Kwan Tei and 新界粉嶺軍地北村福利會理事長 had no comment on the application; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of 3 years based on the assessments set out in paragraph 12 of the Paper. The application generally complied with the Town Planning Board Guidelines No. 34B on 'Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development' as there had not been any material change in planning circumstances since the approval of the last application; there were no major adverse departmental comments against the renewal application; all the approval conditions for the last application had been complied with; and the approval period sought, which was the same as the last approval granted by the Board, was not unreasonable. DEP's concerns could be addressed through the imposition of an approval condition restricting the operation hours and days of the development.

63. Members had no question on the application.

Deliberation Session

64. After deliberation, the Committee decided to approve the application on a temporary basis for a further period of 3 years until 11.1.2019, 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., as proposed by the applicant, should be allowed on the site during the planning approval period;
- (b) no operation on Sundays and statutory holidays, as proposed by the applicant, should be allowed on the site during the planning approval period;
- (c) no medium and heavy goods vehicles exceeding 5.5 tonnes as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed for the operation of the site at any time during the planning approval period;

- (d) the peripheral fencing and paving of the site should be maintained at all times during the planning approval period;
- (e) the existing drainage facilities implemented under application No. A/NE-TKL/389 on the site should be maintained properly at all times during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.4.2016;
- (g) the submission of tree preservation and landscape proposals within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 11.7.2016;
- (h) in relation to (g) above, the implementation of tree preservation and landscape proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 11.10.2016;
- (i) the provision of fire extinguisher(s) 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 22.2.2016;
- (j) the submission of proposal for water supplies for fire-fighting and fire service installations 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 11.7.2016;
- (k) in relation to (j) above, the implementation of proposal for water supplies for fire-fighting and fire service installations 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 11.10.2016;

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

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

[Dr C.P. Lau left the meeting temporarily at this point. Mr Martin W.C. Kwan returned to join the meeting at this point.]

Agenda Item 18

Section 16 Application

[Open Meeting]

A/ST/880 Proposed Wholesale Conversion for Shop and Services and Eating Place in “Industrial” zone, Sha Tin Town Lot No. 27, 2-8 Shing Wan Road, Sha Tin, New Territories
(RNTPC Paper No. A/ST/880B)

66. The Secretary reported that Ramboll Environ Hong Kong Limited (Environ) was one of the consultants of the applicant. The following Members had declared interests on the item:

Ms Janice W.M. Lai } having current business dealings with Environ

Mr Ivan C.S. Fu }

67. The Committee noted that Ms Janice W.M. Lai had tendered apologies for being unable to attend the meeting and Mr Ivan C.S. Fu had not yet arrived at the meeting.

68. The Committee noted that the applicant requested on 3.12.2015 for further deferment of the consideration of the applications for two months to allow time for preparation of further information to address the further comments of the Transport Department. It was the applicant's third request for deferment.

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

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/890 Shop and Services (Selling and Maintenance of Bicycles) in
 "Industrial" zone, Unit C, G/F, Meeco Industrial Building, 53-55 Au
 Pui Wan Street, Fo Tan, Sha Tin, New Territories
 (RNTPC Paper No. A/ST/890)

70. The Secretary reported that Professor K.C. Chau had declared an interest on the

item as he owned a residential property in Fo Tan where the premises was located. The Committee noted that Professor Chau's property did not have a direct view of the premises and agreed that he could stay in the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the shop and services (selling and maintenance of bicycles);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The development under application complied with the relevant considerations, including the fire safety and traffic aspects, set out in the Town Planning Board Guidelines No. 25D on 'Use/Development within "Industrial" Zone'. Since the previous planning approval was revoked, shorter compliance periods were recommended to monitor the progress of compliance. A temporary approval of 3 years was also recommended in order not to jeopardise the long term planning intention of industrial use for the subject premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area.

72. Members had no question on the application.

Deliberation Session

73. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.12.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission of fire service installations proposal within 3 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 18.3.2016;
- (b) in relation to (a) above, the implementation of the fire service installations within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 18.6.2016; and
- (c) if any of the above planning conditions (a) or (b) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

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

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/891 Shop and Services (Real Estate Agency) in “Industrial” zone,
Workshop G, G/F, Haribest Industrial Building, Nos. 45-47 Au Pui
Wan Street, Fo Tan, Sha Tin, New Territories
(RNTPC Paper No. A/ST/891)

75. The Secretary reported that Professor K.C. Chau had declared an interest on the

item as he owned a residential property in Fo Tan where the premises was located. The Committee noted that Professor Chau's property did not have a direct view of the site and agreed that he should be allowed to stay in the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the shop and services (real estate agency);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The development under application complied with the relevant considerations, including the fire safety and traffic aspects, set out in the Town Planning Board Guidelines No. 25D on 'Use/Development within "Industrial" Zone'. Since the previous planning approval was revoked due to non-compliance with approval conditions, shorter compliance periods were recommended to monitor the progress of compliance. A temporary approval of 3 years was also recommended in order not to jeopardise the long term planning intention of industrial use for the subject premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area.

77. Members had no question on the application.

Deliberation Session

78. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.12.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission of the fire service installations proposal within 3 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 18.3.2016;
- (b) in relation to (a) above, the implementation of the fire service installations within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 18.6.2016; and
- (c) if any of the above planning conditions (a) or (b) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

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

[Mr David Y.T. Lui and Dr C.P. Lau returned to join the meeting at this point.]

[Mr Kevin C.P. Ng, Mr Kepler S.Y. Yuen and Mr K.T. Ng, Senior Town Planners/Fanling, Sheung Shui and Yuen Long East (STPs/FSYLE), were invited to the meeting at this point.]

Fanling, Sheung Shui and Yuen Long East District

Agenda Item 21

Section 12A Application

[Open Meeting]

Y/NE-KTS/7 Application for Amendment to the Approved Kwu Tung South Outline Zoning Plan No. S/NE-KTS/14, To rezone the application site from “Agriculture” to “Residential (Group C) 6”, Lots 1263 RP (Part), 1271, 1273, 1274, 1275, 1276, 1277, 1278, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1299, 1300, 1301, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314 S.A, 1314 RP, 1316, 1317, 1318, 1319 (Part), 1321, 1322, 1330 (Part), 1338 RP (Part), 1339, 1340, 1341, 1342, 1343, 1345 S.A, 1345 S.B, 1345 S.C, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358 RP, 1362 RP (Part), 1363, 1364 RP (Part), 1369 RP, 1370 RP, 1378 RP (Part), 1379 RP (Part), 1730 and 1794 in D.D. 100 and Lots 1 and 2 (Part) in D.D. 108 and Adjoining Government Land, Kwu Tung South, New Territories (RNTPC Paper No. Y/NE-KTS/7A)

80. The Secretary reported that the application was submitted by Rand Development Limited, which was related to Henderson Land Development Company Limited (HLD), with Ramboll Environ Hong Kong Limited (Environ), MVA Hong Kong Limited (MVA) and AECOM Asia Company Limited (AECOM) being three of the consultants of the applicant. The following Members had declared interests on the item:

- | | | |
|---------------------|---|---|
| Ms Janice W.M. Lai | - | having current business dealings with HLD, Environ and AECOM |
| Mr Ivan C.S. Fu | - | having current business dealings with HLD, Environ, MVA and AECOM |
| Ms Christina M. Lee | - | being Secretary-General of the Hong Kong Metropolitan Sports Events Association which |

had received sponsorship from HLD

- | | | |
|---------------------|---|--|
| Dr W.K. Yau | - | being a Director of a non-governmental organisation which had received a donation from HLD |
| Professor K.C. Chau | - | being an employee of the Chinese University of Hong Kong which had received a donation from a family member of the Chairman of HLD |
| Mr H.F. Leung | - | being an employee of the University of Hong Kong (HKU) which had received a donation from a family member of the Chairman of HLD |
| Mr Peter K.T. Yuen | - | being a member of the Board of Governors of the Hong Kong Arts Centre which had received a donation from the Executive Director of HLD |
| Professor S.C. Wong | - | being an employee of HKU which had received a donation from a family member of the Chairman of HLD; |
| | - | having current business dealings with AECOM; and |
| | - | being the Chair Professor and Head of Department of Civil Engineering of HKU where AECOM had sponsored some activities of the Department |

81. The Committee noted that Ms Janice W.M. Lai, Ms Christina M. Lee, Mr H.F. Leung and Mr Peter K.T. Yuen had tendered apologies for being unable to attend the meeting, and Mr Ivan C.S. Fu and Dr W.K. Yau had not yet arrived at the meeting. The Committee noted that the applicant had requested for deferment of consideration of the application. As the interest of Professor K.C. Chau was indirect and Professor S.C. Wong had no involvement in the application, the Committee agreed that they could stay in the meeting.

82. The Committee noted that the applicant requested on 9.12.2015 for deferment of the consideration of the application for two months so as to allow time for preparation of the Ecological Impact Assessment to address the comments of the Agriculture, Fisheries and Conservation Department. It was the second time that the applicant requested for deferment of the application.

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

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/407 Proposed Excavation of Land and Filling of Land for Permitted Agricultural Use (Fish Pond Culture) in "Green Belt" and "Agriculture" zones, Lot 551 in D.D. 98, Kwu Tung South, Sheung Shui, New Territories
(RNTPC Paper No. A/NE-KTS/407)

Presentation and Question Sessions

84. With the aid of a PowerPoint presentation, Mr Kevin C.P. Ng, STP/FSYLE,

presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed excavation of land and filling of land for permitted agricultural use (fish pond culture);
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application for the following reasons:
 - (i) a solid retaining fence wall at varying heights up to 2.5m high had been erected with no landscape buffer. There was no detail on the edge treatment;
 - (ii) the stream to the north-west of the site had been irreversibly disturbed; and
 - (iii) the approval of the application would set an undesirable precedent for similar site modification and construction works, causing a cumulative impact beyond the site which would lead to a general degradation to the landscape of the area;
- (d) during the first three weeks of the statutory publication period, a supporting comment from a North District Council (NDC) member was received. The District Officer (North), Home Affairs Department advised that the two presidents of 新界古洞麒麟村居民福利會 offered views that the applicant should properly manage the existing stream and should not block the stream which would cause flooding and a complaint of suspected unauthorised development (UD) of a columbarium at the site and in its vicinity was received. A public drain was found filled and blocked by the suspected UD which was subject to enforcement action; and

- (e) PlanD's views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The proposed excavation and filling of land and the restoration of fish pond and pond bund were of operational need for fish pond culture. The proposed excavation and filling activities were considered to be generally in line with the Town Planning Board Guidelines No. 10 on 'Application for Development within "Green Belt" zone under Section 16 of the Town Planning Ordinance' in that it would not involve any extensive clearance of existing natural vegetation or cause any disruption to the existing landscape features and the character of the area. The proposed development would unlikely have significant adverse traffic, environmental, drainage and sewerage impacts on the surrounding areas. The concerns of CTP/UD&L, PlanD could be addressed by incorporating relevant approval condition. Regarding the public concern on a stream to the north-west of the site, there had been no evidence to prove that the disturbance work was related to the proposed development and the matter could be dealt with by land control action.

85. In response to a Member's enquiry, Mr Kevin C.P. Ng, STP/FSYLE, said that the Podocarpus trees would be planted inside the site boundaries.

Deliberation Session

86. A Member said that the site fell within the flight path of birds along Sheung Yue River. The proposed growing of Podocarpus, which was a slow-growing tree species, along the site boundaries was not appropriate from ecological perspective. It was suggested that other fast-growing trees should be planted. The Chairman said that an advisory clause could be included to advise the applicant to provide tree planting at the site to take account of the flight path of the migratory birds near Sheung Yue River.

87. 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 18.12.2019, 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) no part of the site should be excavated with a depth exceeding 1m and no part of the application site should be filled to a height exceeding 1m, as proposed by the applicant;
- (b) no contaminated soil and waste as defined under the Waste Disposal Ordinance Cap. 354, including construction and demolition materials, should be used for filling of land within the site;
- (c) the submission of landscape proposals to the satisfaction of the Director of Planning or of the TPB;
- (d) the implementation of landscape proposals to the satisfaction of the Director of Planning or of the TPB; and
- (e) 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.”

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

- “(d) to provide tree planting at the site to take account of the flight path of the migratory birds near Sheung Yue River.”

[Ms Anita W.T. Ma returned to join the meeting at this point. Mr Ivan C.S. Fu arrived to join the meeting at this point.]

Agenda Items 23 to 27

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/408 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 420 S.B in D.D. 100, Tsiu Keng, Sheung Shui,
New Territories
(RNTPC Paper No. A/NE-KTS/408)

A/NE-KTS/409 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 420 S.C in D.D. 100, Tsiu Keng, Sheung Shui,
New Territories
(RNTPC Paper No. A/NE-KTS/409)

A/NE-KTS/410 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 420 S.D in D.D. 100, Tsiu Keng, Sheung Shui,
New Territories
(RNTPC Paper No. A/NE-KTS/410)

A/NE-KTS/411 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 420 S.E in D.D. 100, Tsiu Keng, Sheung Shui,
New Territories
(RNTPC Paper No. A/NE-KTS/411)

A/NE-KTS/414 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 420 S.A in D.D. 100, Tsiu Keng, Sheung Shui,
New Territories
(RNTPC Paper No. A/NE-KTS/414)

89. The Committee agreed that the five applications should be considered together as they were similar in nature and the sites were located adjacent to each other and within the same “Agriculture” (“AGR”) zone.

Presentation and Question Sessions

90. With the aid of a PowerPoint presentation, Mr Kevin C.P. Ng, STP/FSYLE,

presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Papers. The Director of Agriculture, Fisheries and Conservation did not support the applications as there were active agricultural activities in the vicinity of the sites which possessed good potential for agricultural rehabilitation. The Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) had reservation on the applications as approval of the proposed Small House applications might set an undesirable precedent of spreading village development outside the “Village Type Development” (“V”) zone and thus erode the rural landscape character of the area. The submitted landscape plan was not acceptable as no detail was provided to demonstrate the feasibility of the proposed planting. The Commissioner for Transport (C for T) had reservation on the applications and considered that such type of development should be confined within the “V” zone as far as possible. If the applications were approved, they would set an undesirable precedent for similar applications in the future, resulting in substantial cumulative adverse traffic impact.
- (d) during the first three weeks of the statutory publication period, a total of six public comments on applications No. A/NE-KTS/408 and 411, and five public comments on applications No. A/NE-KTS/409, 410 and 412 were received from a North District Council (NDC) member, the Kadoorie Farm and Botanic Garden Corporation, World Wide Fund for Nature Hong Kong, Hong Kong Bird Watching Society, a villager of Tsiu Keng and a member of the general public. While the NDC member supported the applications as they would bring convenience to the concerned villagers, the member of the general public opined that the proposed developments would occupy

government land and destroy the natural environment. The remaining four objected to the applications mainly on the grounds that the sites fell within an area for agricultural rehabilitation and the “AGR” zone should be reserved for farming and cultivation purposes; further loss of agricultural land would adversely affect the birds; there was still land available for construction of Small Houses within the “V” zone; and the approval of the applications would set an undesirable precedent for similar applications; and

- (e) PlanD’s views – PlanD did not support the applications based on the assessments made in paragraph 12 of the Papers which were summarised below:
 - (i) the sites fell entirely within the “AGR” zone and formed part and parcel of the larger piece of active or fallow agricultural land. The proposed Small House developments were not in line with the planning intention of the “AGR” zone. The approval of the applications would set an undesirable precedent for similar applications within “AGR” zone in the future and would further reduce the agricultural land in the area;
 - (ii) the proposed Small House developments were considered not in line with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House Development in the New Territories (Interim Criteria) in that there were still land available within the “V” zone of Tsiu Keng Pang Uk, Tsiu Keng Lo Wai and Tsiu Keng San Wai for Small House development. It was considered more appropriate to concentrate the proposed developments close to the existing village cluster within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructure and services;
 - (iii) each of the sites was the subject of three previous rejected planning applications for the same applied use, the latest of which was rejected

in May 2015. There had been no material change in planning circumstances for the surrounding areas of the site since the last rejection; and

(iv) there were public comments against the applications mainly on agricultural and ecological grounds.

91. Members had no question on the applications.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) zone in the Kwu Tung South area which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) land is still available within the “Village Type Development” zone of Tsiu Keng Village where land is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructure and services; and
- (c) the application site forms part and parcel of the larger piece of active or fallow agricultural land to the north and north-west of Tsiu Keng Village, of which the agricultural land in the area is generally under active cultivation. The approval of the application would set an undesirable precedent for similar applications within the “AGR” zone. The

cumulative effect of approving such applications would further reduce the agricultural land in the area.”

Agenda Item 28

Section 16 Application

[Open Meeting]

A/NE-KTS/415 Temporary Storage of Pet Supplies and Beverages with Ancillary Office for a Period of 3 Years in “Recreation” zone, Lots 1669 S.A ss.1 RP (Part), 1670 S.A ss.1 RP, 1671 S.A ss.1, 1673 S.A and 1675 S.B ss.1 S.A RP (Part) in D.D. 100 and Adjoining Government Land, Kwu Tung South, Sheung Shui, New Territories
(RNTPC Paper No. A/NE-KTS/415)

93. The Committee noted that the applicants requested on 7.12.2015 for deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the comments of the Transport Department. It was the first time that the applicants requested for deferment of the application.

94. 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 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 applicants. If the further information submitted by the applicants was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee’s consideration. The Committee also agreed to advise the applicants that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 29

Section 16 Application

[Open Meeting]

A/FLN/8 Proposed Temporary Shop and Services (Store) for a Period of 3 Years in “Government, Institution or Community” zone, Lot 130 S.A RP (Part) in D.D. 52 and Adjoining Government Land, Fu Tei Au, Sheung Shui, New Territories
(RNTPC Paper No. A/FLN/8)

95. The Secretary reported and the Members noted that after issuance of the Paper, the applicant submitted a letter on 15.12.2015 requesting for deferment of the consideration of the application for one month so as to allow time for the Transport Department to respond to the further information which had recently been submitted by the applicant. It was the first time that the applicant requested for deferment of the application. A copy of the letter was tabled for Members’ reference.

96. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant. The Committee agreed that the application should be submitted for its consideration within one month from the date of the meeting. The Committee also agreed to advise the applicant that no further deferment would be granted unless under very special circumstances.

Agenda Item 30

Section 16 Application

[Open Meeting]

A/FSS/245 Proposed Eating Place, Office, Shop and Services (in Wholesale Conversion of an Existing Building Only) in “Industrial” zone, No. 19 On Kui Street, Fanling, New Territories
(RNTPC Paper No. A/FSS/245)

97. The Secretary reported that Ramboll Environ Hong Kong Limited (Environ) was one of the consultants of the applicant. The following Members had declared interests on

the item:

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

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

99. The Committee noted that the applicant requested on 27.11.2015 for deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the departmental comments. It was the first time that the applicant requested for deferment of the application.

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

Agenda Item 31

Section 16 Application

[Open Meeting]

A/FSS/246 Proposed Shop and Services and/or Eating Place (in Wholesale Conversion of an Existing Building Only) in "Industrial" zone, No. 2 Choi Fat Street, Sheung Shui, New Territories
(RNTPC Paper No. A/FSS/246)

101. The Secretary reported that MLA Architects (HK) Limited (MLA) and Ramboll Environ Hong Kong Limited (Environ) were two of the consultants of the applicant. The following Members had declared interests on the item:

Ms Janice W.M. Lai - having current business dealings with MLA and Environ

Mr Ivan C.S. Fu - having current business dealings with Environ

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

103. The Committee noted that the applicant requested on 30.11.2015 for deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the departmental comments. It was the first time that the applicant requested for deferment of the application.

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

[The meeting was adjourned for a break of five minutes.]

[Dr C.P. Lau and Mr Edwin W.K. Chan left the meeting temporarily at this point.]

Agenda Item 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/493 Proposed Temporary Lard Boiling Factory (Offensive Trades) for a Period of 5 Years in “Industrial (Group D)” zone, Lot 574 RP in D.D. 107 and Adjoining Government Land, Fung Kat Heung, Kam Tin, Yuen Long, New Territories
(RNTPC Paper No. A/YL-KTN/493)

Presentation and Question Sessions

105. The Committee noted that a replacement page for the recommended advisory clauses at Appendix V of the Paper had been tabled at the meeting. Mr Kepler S.Y. Yuen, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary lard boiling factory (offensive trades) for a period of 5 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) had grave concern on having more lard boiling factory in close proximity to the existing one in Fung Kat Heung. The operation at the site might not be able to meet the relevant odour standard and obtain the specified process licence. Since 2012, there were five substantiated complaints and one conviction record related to the existing lard boiling factory to the immediate south of the site. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, one public comment was received from a member of the public objecting to the application mainly on the ground that the development would pollute the environment, create odour and cause diseases; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 5 years based on the assessments set out in paragraph 11 of the Paper. The development under application was generally in line with the planning intention for “Industrial (Group D)” zone. It was compatible with the surrounding land uses which included residential structures/dwellings, open storage/storage yards and warehouse. To the immediate west of the site was a proposed temporary lard boiling factory with planning permission granted by the Committee in 2014. To address DEP's concerns and minimise the possible environmental impact, approval conditions restricting the delivery time and operation hours, requiring the submission of a cumulative air quality impact assessment and implementation of the recommended mitigation measures, as well as obtaining the required licences under the relevant pollution control ordinances before the commencement of the operation of the proposed development, were recommended. The site was the subject of a previous approval of the same use and all the approval conditions had been complied with. There was no major change in the planning circumstances in the area since the last planning approval, sympathetic consideration could be given to the current application so as to allow more time for the applicant to obtain the specified licences from concerned departments. Regarding the public comment, the applicant had proposed to adopt a more advance technology to minimise the adverse impacts and other mitigation measures were also proposed. The proposed development would be subject to the licensing requirements under the relevant pollution control ordinances.

106. Members had no question on the application.

107. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 18.12.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the delivery time is restricted to 7:00 a.m. to 2:30 p.m. and operation hours of the proposed development are restricted to 8:30 a.m. to 5:30 p.m., as proposed by the applicant, during the planning approval period;
- (b) no operation or delivery of goods on Sundays and public holidays, as proposed by the applicant, is allowed at the site during the planning approval period;
- (c) no vehicles are allowed to be reversing into or out of the site at any time during the planning approval period;
- (d) no lard boiling operation shall commence at the site until the required licences under the relevant pollution control ordinances have been obtained from the Director of Environmental Protection;
- (e) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (f) the submission of a cumulative air quality impact assessment within 6 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the TPB by 18.6.2016;
- (g) in relation to (f) above, the implementation of mitigation measures identified in the cumulative air quality impact assessment within 9 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the TPB by 18.9.2016;
- (h) the submission of the record of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of

the Director of Drainage Services or of the TPB by 18.3.2016;

- (i) the implementation of the approved tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.6.2016;
- (j) the submission of emergency vehicular access, water supply for fire fighting and 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 18.6.2016;
- (k) in relation to (j) above, the implementation of emergency vehicular access, water supply for fire fighting 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 18.9.2016;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (m) if any of the above planning conditions (f), (g), (h), (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

[Dr W.K. Yau arrived to join the meeting at this point.]

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/494 Temporary Social Welfare Facility (Residential Care Home for Persons with Disabilities) with Ancillary Office for a Period of 5 Years in “Village Type Development” zone, Lot 1846 in D.D. 109, Tai Hong Wai, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/494)

Presentation and Question Sessions

109. Mr Kepler S.Y. Yuen, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary social welfare facility (residential care home for persons with disabilities) with ancillary office for a period of five years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Social Welfare supported the application so that the development might continue to provide services to persons with disabilities who were in need of residential care. Other concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of five years based on the assessments set out in paragraph 11 of the Paper. The Residential Care Home for Persons with Disabilities (RCHD) under application was not

incompatible with the existing surrounding land use which was predominantly rural residential in character with village houses. In view of the small scale of the development, it was not anticipated that the applied use would cause adverse traffic, environmental, landscape, drainage, sewerage and fire safety impacts on the surrounding areas. The approval of the application on a temporary basis would not frustrate the long-term planning intention of the “Village Type Development” zone.

110. In response to a Member’s enquiry, Mr Kepler S.Y. Yuen, STP/FSYLE, said that the Social Welfare Department had issued a new Certificate of Exemption for the subject RCHD in April 2015.

Deliberation Session

111. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 18.12.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the design and provision of water supply for fire fighting 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 18.9.2016; and
- (b) if the above planning condition 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.”

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

Agenda Item 34

Section 16 Application

[Open Meeting]

A/YL-KTN/495 Temporary Place of Recreation (including Barbecue Spot, Picnic Area, Children Playground and Handicraft Making Area) with Ancillary Facilities for a Period of 3 Years in “Agriculture” and “Village Type Development” zones, Lots 680 (Part), 681 (Part), 682 (Part), 684 RP (Part), 1615 (Part) in D.D.109 and Adjoining Government Land, Shui Mei Tsuen, Kam Tin, Yuen Long, New Territories
(RNTPC Paper No. A/YL-KTN/495)

113. The Committee noted that the applicant requested on 7.12.2015 for deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the comments of the Transport Department. It was the first time that the applicant requested for deferment of the application.

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

Agenda Item 35

Section 16 Application

[Open Meeting]

A/YL-KTN/497 Temporary Eating Place (Outside Seating Areas) and Parking Spaces Ancillary to the Eating Place for a Period of 3 Years in “Village Type Development” zone, Lots 216 S.S RP (Part), 237 S.B RP, 237 S.B ss.3 S.A, 237 S.B ss.4 S.A, 237 S.B ss.4 S.B (Part), 237 S.B ss.4 RP, 237 S.B ss.12 RP, 237 S.B ss.13 RP, 237 S.B ss.14 RP in D.D.103, and Adjoining Government Land, Ying Ho Road, Ko Po Tsuen, Kam Tin, Yuen Long, New Territories
(RNTPC Paper No. A/YL-KTN/497)

115. The Committee noted that the applicant requested on 7.12.2015 for deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the departmental comments. It was the first time that the applicant requested for deferment of the application.

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

[Dr C.P. Lau and Mr Edwin W.K. Chan returned to join the meeting at this point.]

Agenda Item 36

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/684 Temporary Open Storage of vehicles and Modification Workshop for Vans and Lorries for a Period of 3 Years in “Residential (Group D)” zone, Lots 1319 (Part) and 1336 S.A (Part) in D.D.106, Kong Ha Wai, Kam Sheung Road, Pat Heung, Yuen Long, New Territories
(RNTPC Paper No. A/YL-KTS/684)

Presentation and Question Sessions

117. The Committee noted that replacement pages to incorporate the latest comments of the Buildings Department and the revised recommended advisory clauses at Appendix VII of the Paper had been tabled at the meeting. Mr Kepler S.Y. Yuen, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the temporary open storage of vehicles and modification workshop for vans and lorries 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 uses, i.e. residential structures, located to the east and in the vicinity of the site and environmental nuisance was expected. The applied use involved workshop for vans and lorries and would cause potential land contamination. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, one comment from an individual was received. The commenter considered that the government should construct multi-storey towers to accommodate

storage and parking facilities in order to release the brownfield sites for redevelopment; the approval of the application would result in inefficient use of land and set an undesirable precedent and affect the incentive of the government and commercial enterprises to implement solutions to free up the sites for their designated residential use; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments set out in paragraph 12 of the Paper. The temporary approval would not frustrate the long-term planning intention of the “Residential (Group D)” zone. The application was in line with the Town Planning Board Guidelines No. 13E on ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ as the application was for permission to continue the same use approved under a previous planning permission, with all the approval conditions complied. There were no objection to or adverse comments of government departments on the subject application. Although DEP did not support the application, there was no environmental complaint received by DEP in the past three years. To address the concerns of DEP, approval conditions restricting operation hours and paint spraying activities at the open area of the site and prohibiting medium or heavy goods vehicles or container trailers/tractors were recommended. Regarding the public comment that the site should be developed for residential use, the above planning assessments were relevant.

118. Members had no question on the application.

Deliberation Session

119. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.12.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant,

is allowed on the site during the planning approval period;

- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no paint-spraying activities shall be carried out at the open area of the site at any time during the planning approval period;
- (d) no medium or heavy goods vehicles exceeding 5.5 tonnes including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) no reversing of vehicles into or out from the site is allowed at any time during the planning approval period;
- (f) the existing trees and landscape plantings on the site shall be maintained at all times during the planning approval period;
- (g) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (h) the submission of records of the existing drainage facilities on the site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.6.2016;
- (i) the provision of fire extinguisher(s) within 6 weeks with a valid fire certificate (FS 251) from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.1.2016;
- (j) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.6.2016;

- (k) in relation to (j) 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 18.9.2016;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (m) if any of the above planning conditions (h), (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (n) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 37

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/721 Temporary Dogs and Cats Boarding Establishment (Kennel and Cattery) and Dog Training Centre for a Period of 3 Years in “Residential (Group D)” and “Village Type Development” zones, Lots 186 S.B (Part), 186 RP (Part), 187 S.B and 187 S.G in D.D. 108, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/721)

Presentation and Question Sessions

121. The Committee noted that a replacement page for the recommended advisory clauses at Appendix V of the Paper had been tabled at the meeting. Mr Kepler S.Y. Yuen, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary dogs and cats boarding establishment (kennel and cattery) and dog training centre for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received raising concerns that the approval of the application would hinder the release of sites for housing development; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments set out in paragraph 11 of the Paper. The temporary approval would not jeopardise the long-term planning intention of the “Residential (Group D)” and “Village Type Development” zones. The development was considered not incompatible with the surrounding areas and would unlikely cause environmental nuisance to the surrounding areas. The site was the subject of four previous applications for the same use since 2003, all of which were approved by the Committee and all the approval conditions had been complied with. There had been no major change in planning circumstances since the last approval. To minimise the possible environmental nuisance, approval conditions requiring the proper maintenance of the 24-hour mechanical ventilation and insulation wall for the kennel and the keeping of dogs inside the enclosed kennel at night were recommended. Regarding the public comment, the above assessments were relevant.

122. Members had no question on the application.

Deliberation Session

123. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.12.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the 24-hour mechanical ventilation and insulation wall for the kennel, as implemented under application No. A/YL-PH/647, on the site shall be maintained at all times during the planning approval period;
- (b) the dogs should be kept inside the enclosed kennel at night on the site at all times during the planning approval period;
- (c) no reversing of vehicles into or out of the site is allowed at any time during the planning approval period;
- (d) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (e) the submission of 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 18.3.2016;
- (f) the submission of tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.6.2016;
- (g) in relation to (f) above, the implementation of tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.9.2016;

- (h) 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 18.9.2016;
- (i) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (j) if any of the above planning conditions (e), (f), (g), and (h) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (k) upon 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.”

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

Agenda Item 38

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/248 Proposed House (New Territories Exempted House - Small House) in “Village Type Development” and “Residential (Group D)” zones, Lot 3250 S.B ss.18 S.A in D.D. 104, Ha San Wai, Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/248)

Presentation and Question Sessions

125. The Committee noted that a replacement page for the recommended advisory clauses at Appendix IV of the Paper had been tabled at the meeting. Mr K.T. Ng, STP/FSYLE, presented the application and covered the following aspects as detailed in the

Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix III of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “Residential (Group D)” zone which was primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. There was no shortage of land in meeting the demand for Small House development in the subject “Village Type Development” (“V”) zone. Piecemeal and haphazard Small House developments outside the “V” zone should not be encouraged.

126. In response to the Chairman’s enquiry, Mr K.T. Ng, STP/FSYLE, said that a planning application for a 2-storey domestic structure at the site was approved by the Committee in 1993. In a recent site inspection, however, the structure was used as part of a restaurant.

Deliberation Session

127. 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 “Residential (Group D)” zone which is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board. There is no strong planning justification in the submission for a departure from the planning intention; and
- (b) land is still available within the “Village Type Development” (“V”) zone of Ha San Wai and Ha Chuk Yuen where land is primarily intended for Small House (SH) development. It is considered more appropriate to concentrate the proposed SH development close to the existing village cluster within the “V” zone for a more orderly development pattern, efficient use of land and provision of infrastructure and services.”

[Mr Martin W.C. Kwan and Mr Edwin W.K. Chan left the meeting at this point.]

Agenda Item 39

Section 16 Application

[Open Meeting]

A/YL-NSW/242 Proposed Comprehensive Development with Wetland Enhancement (including House, Flat, Wetland Enhancement Area, Nature Reserve, Visitors Centre, Social Welfare Facility, Shop and Services) as well as Filling of Land/Pond and Excavation of Land in “Other Specified Uses” annotated “Comprehensive Development and Wetland Enhancement Area 1” and “Site of Special Scientific Interest (1)” zones, Lots 1520 RP, 1534 and 1604 in D.D.123 and Adjoining Government Land, Nam Sang Wai and Lut Chau, Yuen Long (RNTPC Paper No. A/YL-NSW/242B)

128. The Secretary reported that the application was submitted by Kleener Investment Limited, Nam Sang Wai Development Company Limited, Community Wetland Park Foundation Limited and Lut Chau Nature Reserve Foundation Limited, with the first two being subsidiaries of Henderson Land Development Company Limited (HLD). Masterplan Limited (Masterplan), AECOM Asia Company Limited (AECOM), LWK & Partners (HK) Limited (LWK), MVA Hong Kong Limited (MVA) and Urbis Limited (Urbis) were five of the consultants of the applicants. The following Members had declared interests on the item:

- | | | |
|---------------------|---|--|
| Ms Janice W.M. Lai | - | having current business dealings with HLD, Environ and Urbis |
| Mr Ivan C.S. Fu | - | having current business dealings with HLD, Masterplan, AECOM, MVA and Urbis |
| | - | being the director and shareholder of LWK |
| Ms Christina M. Lee | - | being the Secretary-General of the Hong Kong Metropolitan Sports Events Association which had received sponsorship from HLD |
| Dr W.K. Yau | - | being a Director of a non-governmental organisation which had received a donation from HLD |
| Professor K.C. Chau | - | being an employee of the Chinese University of Hong Kong which had received a donation from a family member of the Chairman of HLD |
| Mr H.F. Leung | - | being an employee of the University of Hong Kong (HKU) which had received a donation from a family member of the Chairman of HLD |
| Mr Peter K.T. Yuen | - | being a member of the Board of Governors of the Hong Kong Arts Centre which had received a |

donation from the Executive Director of HLD

- Professor S.C. Wong
- being an employee of HKU which had received a donation from a family member of the Chairman of HLD
 - having current business dealings with AECOM
 - being the Chair Professor and Head of Department of Civil Engineering of HKU where AECOM had sponsored some activities of the Department

129. The Committee noted that Ms Janice W.M. Lai, Ms Christina M. Lee, Mr H.F. Leung and Mr Peter K.T. Yuen had tendered apologies for being unable to attend the meeting. As the interests of Dr W.K. Yau and Professor K.C. Chau were indirect and Professor S.C. Wong had no involvement in the application, the Committee agreed that they could stay in the meeting. The Committee also noted that the applicants had requested for deferment of consideration of the application and as the interest of Mr Ivan C.S. Fu was direct, the Committee agreed that he could stay in the meeting but should refrain from participating in the discussion.

130. The Committee noted that the applicants requested on 16.12.2015 for deferment of the consideration of the application for one month so as to allow time for considering the departmental comments. It was the second time that the applicants requested for deferment of the application.

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

advise the applicant that the Committee had allowed a total of three months including the previous deferment for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 40

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/327 Proposed Residential Institution (Youth Hostel) in “Green Belt” zone,
Lot 316 in D.D. 104, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/327)

Presentation and Question Sessions

132. The Committee noted that a replacement page for the recommended advisory clauses at Appendix III of the Paper had been tabled at the meeting. Mr K.T. Ng, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed residential institution (youth hostel);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper which were summarised as follows:
 - (i) the Commissioner for Transport did not support the application as the applicant had not provided any information on the vehicular access arrangement nor any assessment on the possible adverse traffic impact on the surrounding area;
 - (ii) the Director of Environmental Protection had reservation on the application as there was open storage use at about 50 m to the west

of the site. The site also fell within the consultation zone of Ngau Tam Mei Water Treatment Works which was a Potentially Hazardous Installation (PHI), a hazard assessment was required to be submitted to the Coordinating Committee on Land-use Planning and Control relating to PHI for consideration; and

- (iii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from landscape planning perspective. The scale of the proposed 3-storey buildings was significantly larger than the buildings in the surrounding area. No landscape proposal of tree planting and improvement to the landscape amenity of the site had been provided by the applicant;

- (d) during the first three weeks of the statutory publication period, a total of 12 objecting comments were received from a Member of Yuen Long District Council, Village Representatives of Yau Tam Mei, the World Wide Fund for Nature Hong Kong, the Kadoorie Farm and Botanic Garden Corporation, and eight private individuals of which one with 68 signatures. The main grounds of the objections were that the proposed development, which would cause noise, light and water pollution, and incompatible with the surrounding environment and neighbouring buildings; the existing local track could not support additional traffic resulting from the proposed development, and fire, police and ambulance services; there was insufficient assessment on the traffic/transport aspect; and it would set an undesirable precedent for developments in “Green Belt” zones in Hong Kong; 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 “GB” zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general

presumption against development within the zone. The applicant had not provided strong planning justifications to justify a departure from the planning intention. The approval of the proposed development would set an undesirable precedent attracting incompatible development encroaching onto the “GB” zone that would further deteriorate the function and landscape quality of the area. There was no landscape proposal of tree planting and for improvement of the landscape amenity of the site, nor information on the vehicular access arrangement and assessment on the possible adverse traffic impact on the surrounding area. The application did not comply with the Town Planning Board Guidelines No. 10 on ‘Application for Development within “GB” zone’. Regarding the objecting public comments, the assessments above were relevant.

133. Members had no question on the application.

Deliberation Session

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

- “(a) the development is not in line with the planning intention of the “Green Belt” (“GB”) zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. No strong planning justification has been provided in the submission to justify a departure from the planning intention;
- (b) the applicant fails to demonstrate that the proposed development would not have adverse traffic, environmental, hazard and landscape impacts on the surrounding areas; and
- (c) the approval of the application will set an undesirable precedent for applications for other developments within the “GB” zone, the cumulative

effect of which will result in a general degradation of the environment of the “GB” zone.”

Agenda Item 41

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/479 Proposed Temporary Public Vehicle Park for Private Car and Light Goods Vehicle for a Period of 3 Years in “Village Type Development” zone, Lots 3045 RP, 3056 RP in D.D. 102 and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/479A)

Presentation and Question Sessions

135. The Committee noted that a replacement page for the recommended advisory clauses at Appendix V of the Paper had been tabled at the meeting. Mr K.T. Ng, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary public vehicle park for private car and light goods vehicle for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were residential dwellings and access road in the vicinity of the site and environmental nuisance was expected. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, three

objecting comments were received from the Wing Ping Tsuen Village Representatives, a land owner in D.D. 102 and a private individual, mainly on the grounds of blockage of access to the adjoining lots and village houses, and inappropriate change of land use; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments set out in paragraph 12 of the Paper. The temporary use would not frustrate the long-term planning intention of the “V” zone. It was not incompatible with the surrounding land uses which comprised village houses, car parks and a cross-boundary traffic service station. Given that the site was located at some distance from the fish ponds and wetlands in the Deep Bay area, significant negative off-site disturbance impact on the ecological value of the wetlands and fish ponds was not envisaged. The application was also in line with the Town Planning Board Guidelines No. 13E on ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ in that the site was located in the vicinity of the cross-boundary bus terminus in San Tin and the Lok Ma Chau Control Point. Although DEP did not support the application, there was no environmental complaint related to the site in the past 3 years. To mitigate the potential environmental impacts on the surrounding areas, relevant approval conditions were recommended. Regarding the objecting public comments, the applicant was advised to resolve any land issue relating to the development with the concerned owner(s) of the site and the adjoining lots.

136. Members had no question on the application.

Deliberation Session

137. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.12.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no vehicles without valid licences issued under the Road Traffic Ordinance (RTO) are allowed to be parked/stored on the site at any time during the planning approval period;
- (b) no medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes) or container trailers/tractors as defined in the RTO are allowed to be parked/stored on the site at any time during the planning approval period;
- (c) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) including container trailers/tractors as defined in the RTO is allowed to be parked/stored on the site at all time during the planning approval period;
- (d) no car washing, vehicle repair, dismantling, paint spraying or other workshop activities are allowed on the site at any time during the planning approval period;
- (e) 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 18.6.2016;
- (f) in relation to (e) above, the implementation 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 18.9.2016;
- (g) the submission of revised drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.6.2016;
- (h) in relation to (g) above, the implementation of revised 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 18.9.2016;
- (i) the submission of landscape and tree preservation proposal within 6 months

from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.6.2016;

- (j) in relation to (i) above, the implementation of landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.9.2016;
- (k) the provision of boundary fencing on the site, in particular the brick wall at the northern and western parts of the site, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.6.2016;
- (l) 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; and
- (m) if any of the above planning conditions (e), (f), (g), (h), (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

Agenda Item 42

Section 16 Application

[Open Meeting]

A/YL-ST/480 Proposed Temporary Shop and Services (Retail Shop) for a Period of 3 Years in “Other Specified Uses” annotated “Service Stations” zone, Lot 774 RP in D.D. 99 and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/480)

139. The Committee noted that the applicant requested on 26.11.2015 for deferment of the consideration of the application for two months so as to allow time for preparation of responses to comments of the Electrical and Mechanical Services Department and Transport Department. It was the first time that the applicant requested for deferment of the application.

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

Agenda Item 43

Section 16 Application

[Open Meeting]

A/YL-ST/481 Temporary Public Car Park (Private Cars and Light Goods Vehicles under 5.5 Tonnes) with Ancillary Facilities (Including Canteen and Site Office) for a Period of 3 Years in “Village Type Development” zone, Lots 153 (Part), 154 S.A (Part), 155 (Part), 156, 157 (Part), 194 S.A (Part), 194 S.B (Part), 195 (Part), 196 (Part) and 199 RP (Part) in D.D.102 and Adjoining Government Land, San Tin, Yuen Long (RNTPC Paper No. A/YL-ST/481)

141. The Committee noted that the applicant requested on 27.11.2015 for deferment of the consideration of the application for two months so as to allow time for preparation of responses to comments of the concerned departments. It was the first time that the applicant requested for deferment of the application.

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

[The Chairman thanked Mr Kevin C.P. Ng, Mr Kepler S.Y. Yuen and Mr K.T. Ng, STPs/FSYLE, for their attendance to answer Members’ enquiries. They left the meeting at this point.]

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

Agenda Item 44

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-SKW/93 Proposed Temporary Barbecue Area (for a Period of 3 Years) in
“Village Type Development” zone, Lots 263 S.B (Part) and 268 (Part)
in D.D. 385 and Adjoining Government Land, Tai Lam Chung, Tuen
Mun, New Territories

(RNTPC Paper No. A/TM-SKW/93A)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary barbecue area for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment from the Kadoorie Farm & Botanic Garden Cooperation was received expressing concern that the Tai Lam Chung River would be affected by the daily operations of the proposed development; 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 temporary use would not frustrate the long-term planning intention of the “Village Type Development” (“V”) zone. It was not incompatible with the surrounding land uses and would not adversely affect the rural character of the area. The applicant had demonstrated that the capacity of existing septic tank and soakaway system was capable of treating the expected volume of wastewater from the proposed development. The Director of Environmental Protection had no objection to the application. Regarding the public comments, the above assessments were relevant.

144. In response to the Chairman's enquiries, Ms Jessica Y.C. Ho, STP/TMYLW, said that in the previous application which was rejected by the Committee in June 2015, the applicant failed to demonstrate the wastewater generated from the development could be properly treated and disposed of. In the subject application, the applicant proposed to provide eight chemical toilets and the wastewater would be pumped away by special trucks. The capacity of the existing septic tank and soakaway system was capable of treating the expected volume of wastewater from the proposed development. Mr Terence S.W. Tsang, Principal Environmental Protection Officer (Strategic Assessment), Environmental Protection Department, supplemented that the assessments submitted by the applicant had demonstrated that there was sufficient capacity for treating the wastewater arising from the proposed development.

Deliberation Session

145. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.12.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) the paving and boundary fencing on the site shall be maintained at all times

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 18.6.2016;
 - (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 18.9.2016;
 - (e) the submission of fire services 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 18.6.2016;
 - (f) in relation to (e) above, the implementation of fire services installation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.9.2016;
 - (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 18.6.2016;
 - (h) in relation to (g) 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 18.9.2016;
 - (i) if any of the above planning conditions (a) or (b) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
 - (j) if any of the above planning conditions (c), (d), (e), (f), (g) or (h) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;
- and

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

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

Agenda Item 45

Section 16 Application

[Open Meeting]

A/TM/481 Proposed Eating Place/Shop and Services and Office (Wholesale Conversion of an Existing Building Only) in “Industrial” zone, Tuen Mun Town Lot No. 102, 4 Kin Fat Lane, Tuen Mun
(RNTPC Paper No. A/TM/481A)

147. The Secretary reported that Ove Arup & Partners Hong Kong Limited (Arup), Ramboll Environ Hong Kong Limited (Environ) and WCWP International Limited (WCWP) were three of the consultants of the applicant. The following Members had declared interests on the item:

Ms Janice W.M. Lai	-	having current business dealings with Environ
Mr Ivan C.S. Fu	-	having current business dealings with Arup, Environ and WCWP
Professor S.C. Wong	-	being the traffic consultant of Arup

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

149. The Committee noted that the applicant requested on 4.12.2015 for deferment of the consideration of the application for two months so as to allow time for preparation of the responses to comments of the concerned departments and updating of the technical assessments. It was the second time that the applicant requested for deferment of the application.

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

Agenda Item 46

Section 16 Application

[Open Meeting]

A/TM/482 Proposed Eating Place/Shop and Services (Wholesale Conversion of an Existing Building Only) in "Industrial" zone, Castle Peak Town Lot No. 24, 15 San On Street, Tuen Mun
(RNTPC Paper No. A/TM/482A)

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

- Ms Janice W.M. Lai - having current business dealings with Environ
- Mr Ivan C.S. Fu - having current business dealings with Arup, and Environ
- Professor S.C. Wong - being the traffic consultant of Arup

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

153. The Committee noted that the applicant requested on 4.12.2015 for deferment of the consideration of the application for two months so as to allow time for preparation of the responses to comments of the concerned departments and updating of the technical assessments. It was the second time that the applicant requested for deferment of the application.

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

[Ms Anita W.T. Ma left the meeting at this point.]

Agenda Item 47

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/967 Temporary Recyclable Collection Centre (Including Plastics and Metals) for a Period of 3 Years in “Green Belt” and “Agriculture” zones, Lots 550 S.A, 550 S.B (Part), 558 S.A (Part), 558 S.B ss1. S.A, 558 S.B ss.1 RP, 558 S.B ss.2 (Part), 559 (Part), 561 S.A (Part), 561 S.B ss.1 (Part), 561 S.B ss.2 (Part) in D.D.128 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/967A)

155. The Secretary reported that Ms Janice W.M. Lai had declared an interest on the item as her spouse was a shareholder of a company which owned two pieces of land in Ha Tsuen. The Committee noted that Ms Lai had tendered apologies for being unable to attend the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary recyclable collection centre (including plastics and metals) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper which were summarised as follows:
 - (i) the Director of Agriculture, Fisheries and Conservation did not support the application as there were orchards in the vicinity of the site. The approval of the application might have a bad precedent effect on encouraging other similar unauthorised developments in

the area;

- (ii) the Director of Environmental Protection did not support the application as there were sensitive users along the Deep Bay Road and environmental nuisance was expected; and
 - (iii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as the use under application was incompatible with the adjacent environment. Approval of the application would set an undesirable precedent to attract more incompatible uses into the “Agriculture” (“AGR”) and “Green Belt” (“GB”) zones that would further deteriorate the landscape quality of the area;
- (d) during the first three weeks of the statutory publication period, three public comments were received from the World Wide Fund for Nature Hong Kong, the Kadoorie Farm and Botanic Garden Corporation, and Designing Hong Kong Limited objecting to the application mainly on grounds that the development was not in line with the planning intention of the “GB” and “AGR” zones; the ‘destroy first, build later’ approach should not be tolerated; the site could be used for other agricultural uses such a hydroponic agriculture; the “GB” zone should be preserved to avoid urban sprawl; and the approval of the application would set an undesirable precedent for similar applications and the cumulative effect of which would result in general degradation of the quality of agricultural land in the “AGR” zone and proliferation of similar uses in the area; and
- (e) PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The applied use was not in line with the planning intention of the “GB” and “AGR” zones. The applicant had not provided any strong planning justification for the departure from the planning intention, even on a temporary basis. The development did not meet the requirements of the Town Planning Board Guidelines No. 10 on ‘Application for Development within “GB” zone

under Section 16 of the Town Planning Ordinance' in that the development would affect the natural landscape of the area. Whilst there were open storage yards and warehouse in the surrounding areas, they were suspected unauthorised developments and subject to enforcement action of the Planning Authority. The application also did not meet the Town Planning Board Guidelines No. 13E on 'Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance' since no previous approvals for open storage use had been granted for the site and the other sites in the same "GB" and "AGR" zones by the Committee/Board; there were adverse departmental comments on the application and there was no information in the submission to demonstrate that the applied use would not have adverse drainage, landscape and environmental impacts. The application was a 'destroy first, develop later' case, approving the application would encourage similar unauthorised development and set an undesirable precedent.

157. Members had no question on the application.

Deliberation Session

158. After deliberation, the Committee decided to reject the application. The reasons for rejection were :

- “(a) the development is not in line with the planning intention of the “Green Belt” (“GB”) and “Agriculture” (“AGR”) zones which are primarily to promote the conservation of the natural environment and to safeguard them from encroachment by development and to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes respectively. There is no strong planning justification to merit a departure from such planning intentions, even on a temporary basis;
- (b) the development is not compatible with the existing rural neighbourhood and landscape character, which comprises mainly vegetated land;

- (c) the development does not comply with the Town Planning Board (TPB) Guidelines No. 10 on ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that the development would affect the natural landscape;
- (d) the development is not in line with the TPB Guidelines No. 13E on ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ in that no previous approval has been granted for the site, there are adverse departmental comments on the drainage, agricultural, landscape and environmental aspects and there are local objections. The applicant fails to demonstrate that the proposed development would not generate adverse drainage, landscape and environmental impacts; and
- (e) the approval of the application, even on a temporary basis, would set an undesirable precedent for applications for other developments within the “GB” and “AGR” zones, the cumulative effect of which will result in a general degradation of the environment of the “GB” and “AGR” zones.”

Agenda Item 48

Section 16 Application

[Open Meeting]

A/YL-HT/975 Social Welfare Facility (Rehabilitation Home for Persons with Mental Disabilities) in “Village Type Development” zone, Lots 317 S.C (Part) and 317 S.F (Part) in D.D. 124, Shek Po Tsuen, Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-HT/975A)

159. The Secretary reported that Ms Janice W.M. Lai had declared an interest on the item as her spouse was a shareholder of a company which owned two pieces of land in Ha Tsuen. The Committee noted that Ms Lai had tendered apologies for being unable to attend the meeting.

160. The Committee noted that the applicant requested on 12.12.2015 for deferment of the consideration of the application for two months so as to allow time for preparation of the responses to comments of the concerned departments and the public. It was the second time that the applicant requested for deferment of the application.

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

Agenda Item 49

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/989 Temporary Cargo Handling and Forwarding Facility for a Period of 3 Years in "Open Storage" zone, Lots 632 (Part), 633(Part), 634, 635, 636 S.B RP (Part) and 637 RP (Part) in D.D. 124, Lots1996 RP (Part), 1997 (Part), 1998 RP (Part), 1999, 2000, 2001 (Part), 2003, 2004, 2005, 2006, 2007 RP (Part), 2008 RP (Part) and 2009 RP (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/989)

162. The Secretary reported that Landes Limited (Landes) was one of the consultants of the applicant. The following Members had declared interests on the item:

- Ms Janice W.M. Lai - having current business dealings with Landes
- her spouse was a shareholder of a company which owned two pieces of land in Ha Tsuen
- Mr Ivan C.S. Fu - having current business dealings with Landes

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

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary cargo handling and forwarding facility for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection did not support the application as there were sensitive uses along the access road and environmental nuisance was expected. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment objecting to the application on traffic, environmental and nuisance grounds was received; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the

assessments made in paragraph 12 of the Paper. The temporary use would not jeopardise the long-term development of the area. It was in line with the Town Planning Board Guidelines No. 13E on 'Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance' in that there was no adverse comment from most of the government departments consulted. Although DEP did not support the application, there was no substantiated environmental complaint against the site over the past three years. To mitigate any potential environmental impacts, relevant approval conditions had been recommended. Since the previous approval was revoked due to non-compliance of approval conditions, shorter compliance periods were recommended to monitor the fulfilment of approval conditions.

165. Members had no question on the application.

Deliberation Session

166. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.12.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation from 11:00 p.m. to 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from the public road is allowed at any time during the planning approval period;
- (d) the existing fencing should be maintained at all times during the planning approval period;
- (e) the implementation of the accepted drainage facilities proposal within

3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.3.2016;

- (f) in relation to (e) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (g) the submission of the tree preservation and landscape proposal within 3 months to the satisfaction of the Director of Planning or of the TPB by 18.3.2016;
- (h) in relation to (g) above, the implementation of the tree preservation and landscape proposal within 6 months to the satisfaction of the Director of Planning or of the TPB by 18.6.2016;
- (i) the submission of fire service installations proposals within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.3.2016;
- (j) in relation to (i) above, the implementation of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.6.2016;
- (k) if any of the above planning conditions (a), (b), (c), (d) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (l) if any of the above planning conditions (e), (g), (h), (i) or (j) 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.”

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

Agenda Item 50

Section 16 Application

[Open Meeting]

A/YL-PS/492 Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years in “Village Type Development” zone, Lots 258 S.A (Part), 258 RP (Part), 262 RP (Part), 263 (Part), 264 (Part), 265, 267 RP and 268 RP in D.D. 122, and Adjoining Government Land, near Long Tin Road, Ping Shan, Yuen Long, New Territories
(RNTPC Paper No. A/YL-PS/492A)

168. The Committee noted that the applicant requested on 11.12.2015 for deferment of the consideration of the application for two months so as to allow time to address the concern of the Planning Department. It was the second time that the applicant requested for deferment of the application.

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

Agenda Item 51

Section 16 Application

[Open Meeting]

A/YL-PS/502 Proposed School (Special School) in “Village Type Development” and “Government, Institution or Community” zones, Lots 611 and 1732 (Part) in D.D. 122 and Adjoining Government Land, Ping Shan Nam Pak Road, Ping Shan, Yuen Long, New Territories
(RNTPC Paper No. A/YL-PS/502)

170. The Committee noted that the applicant requested on 2.12.2015 for deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the comments of the government departments. It was the first time that the applicant requested for deferment of the application.

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

Agenda Item 52

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/503 Proposed Temporary Shop and Wholesale of Construction Materials for a Period of 3 Years in “Government, Institution or Community” zone, Lot 255 RP (Part) in D.D. 122, Ping Shan, Yuen Long, New Territories
(RNTPC Paper No. A/YL-PS/503)

Presentation and Question Sessions

172. Mr K.C. Kan, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary shop and wholesale of construction materials for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, one public comment from an individual against the application was received. The main grounds of the objection were that the site was not used efficiently and should be developed for community uses; the proposed development would further degrade the environment and was not compatible with the intended use; and the approval of application would set an undesirable precedent; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the

assessments set out in paragraph 11 of the Paper. The temporary use would not jeopardise the long-term planning intention of the “Government, Institution or Community” zone. It was not incompatible with the surrounding land uses. The concerned governments departments had no objection to or no adverse comment on the application and their technical concerns could be addressed by relevant approval conditions. Regarding the public comment, the Director of Environmental Protection advised that the proposed development would unlikely cause any adverse environmental impact and the assessments above were relevant.

173. Members had no question on the application.

Deliberation Session

174. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.12.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 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) only private cars and light goods vehicles not exceeding 5.5 tonnes as defined under the Road Traffic Ordinance, are allowed to enter/be parked on the site at all times during the planning approval period;
- (c) no cutting, dismantling or other workshop activity is allowed on the site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the implementation of the accepted 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 18.6.2016;

- (f) in relation to (e) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (g) 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 18.6.2016;
- (h) in relation to (g) 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 18.9.2016;
- (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 18.6.2016;
- (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 18.9.2016;
- (k) the provision of boundary fencing within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.3.2016;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (m) if any of the above planning conditions (e), (g), (h), (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;
and

- (n) upon 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.”

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

Agenda Item 53

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/504 Temporary Shop and Services (Retail Shop for Selling Household Products and Furniture) and Eating Place for a Period of 3 Years in “Open Space” zone, Lot 998 (Part) in D.D. 124 and Adjoining Government Land, near Hung Yuen Road, Hung Shui Kiu, Yuen Long, New Territories

(RNTPC Paper No. A/YL-PS/504)

Presentation and Question Sessions

176. Mr K.C. Kan, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary shop and services (retail shop for selling household products and furniture) and eating place for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Chief Town Planner/Studies and Research, Planning Department (PlanD) and the Project Manager (New Territories West), Civil Engineering and Development Department commented that the site fell within an area designated for “Special Residential – Public

Rental Housing” on the Recommended Outline Development Plan of the Hung Shui Kiu New Development Area (HSK NDA) which was intended for local rehousing purpose. The current target was to have the first population intake by 2024 for the local rehousing site. They did not support the approval for 3 years but did not envisage any adverse impacts on the HSK NDA project if the application was approved for a temporary period of 2 years. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, two objecting public comments from individuals were received. One objected mainly on the grounds that the peak population intake period had passed and the demand for household products and furniture would drop; similar services were provided elsewhere within the district; there were environmental hygiene problems and insufficient provision of car parking spaces. Another objected mainly on the grounds that government departments should provide appropriate community facilities at the site; and

- (e) PlanD’s views – PlanD considered that the temporary use could be tolerated for a period of 2 years, instead of 3 years sought, based on the assessments set out in paragraph 11 of the Paper. Although the development was not in line with the planning intention of the “Open Space” (“O”) zone, the development could provide retail shop and eating place facilities in the area to meet the local demand. The site fell within an area designated for “Special Residential – Public Rental Housing” in the HSK NDA. To tie in with the target of first population, a temporary approval of the application for a period of 2 years would not jeopardise the long-term development of the area. The applied use is not incompatible with the surrounding land uses. Technical concerns of the concerned government departments could be addressed by relevant approval conditions. Regarding the public comments, the above assessments were relevant.

177. Members had no question on the application.

Deliberation Session

178. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 18.12.2017, 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) only private cars and light goods vehicles as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to enter/be parked on the site at all times during the planning approval period;
- (c) no workshop activity is allowed on the site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the implementation of the accepted 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 18.6.2016;
- (f) in relation to (e) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (g) 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 18.6.2016;
- (h) in relation to (g) 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 18.9.2016;

- (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 18.6.2016;
- (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 18.9.2016;
- (k) if any of the above planning conditions (a), (b), (c), (d) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (l) if any of the above planning conditions (e), (g), (h), (i) or (j) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;
and
- (m) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 54

Section 16 Application

[Open Meeting]

A/YL-PS/505 Temporary Place of Recreation, Sports and Culture (Indoor Football Courts) for a Period of 3 Years in “Comprehensive Development Area” zone, Unit A, 1/F, Century Centre, 1 Ping Ha Road, Yuen Long, New Territories
(RNTPC Paper No. A/YL-PS/505)

180. The Committee noted that on 9.12.2015, the applicant requested for deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the comments of the Fire Services Department. It was the first time that the applicant requested for deferment of the application.

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

Agenda Item 55

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/506 Renewal of Planning Approval for Temporary Cultivation Ground for a Period of 2 years in “Open Space”, “Residential (Group A) 2” and “Comprehensive Development Area” zones, Government Land near Aster Court, Hung Shui Kiu, Yuen Long, New Territories
(RNTPC Paper No. A/YL-PS/506)

Presentation and Question Sessions

182. Mr K.C. Kan, STP/TMYLW, said that there was a typo in paragraph 10.1.10(d) of the Paper which should read “Tan Kwai Tsuen Road Garden”. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the renewal of planning approval for temporary cultivation ground for a period of 2 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Leisure and Cultural Services commented that the site was reserved for development of the Hung Shui Kiu Town Square. However, there was no implementation programme for the project and he had no objection to the application. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, three public comments were received from a member of the Yuen Long District Council, the Incorporated Owners of Yuen Long Beauty Court and the Incorporated Owners of Aster Court. They objected to the application, mainly on the grounds that there were insufficient recreational facilities to serve the

increasing population in the local area, and requested the government to develop the site for open space with recreational facilities; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of 2 years based on the assessments set out in paragraph 12 of the Paper. The temporary use would not frustrate the long-term planning intention of the area. It was considered not incompatible with the surrounding land uses. The application was generally in line with the Town Planning Board Guidelines No. 34B on 'Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development' in that there was no material change in planning circumstances since the previous temporary approval was granted in 2014; adverse planning implications arising from the renewal of the planning approval were not envisaged; all conditions under previous approval had been complied with; and the approval period sought was the same as that of the previous approval. The technical concerns and requirements of the concerned departments could be addressed by imposing relevant approval conditions. Regarding the public comments, the above assessments were also relevant.

183. Members had no question on the application.

Deliberation Session

184. After deliberation, the Committee decided to approve the application on a temporary basis for a further period of 2 years from 30.1.2016 to 29.1.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 5:00 p.m. and 9:00 a.m., as proposed by the applicants, is allowed on the site during the planning approval period;
- (b) no operation on Mondays, Wednesdays, Fridays and Lunar New Year's Day, as proposed by the applicants, is allowed on the site during the

planning approval period;

- (c) no public announcement system, loudspeaker or any form of audio amplification system, as proposed by the applicants, is allowed to be used on the site at any time during the planning approval period;
- (d) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (e) the submission of the condition record of the existing drainage facilities on the site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 30.4.2016;
- (f) 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 30.7.2016;
- (g) in relation to (f) above, the implementation of fire service installations proposal with 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 30.10.2016;
- (h) the submission of tree preservation proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 30.7.2016;
- (i) in relation to (h) above, the implementation of tree preservation proposal with 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 30.10.2016;
- (j) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the planning approval period, the approval hereby given shall

cease to have effect and shall be revoked immediately without further notice;

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

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

Agenda Item 56

Section 16 Application

[Open Meeting]

A/YL-PS/507 Proposed 2 Houses (New Territories Exempted Houses) in “Residential (Group E)2” zone, Lot 581 (Part) in D.D. 122, Yung Yuen Road, Ping Shan, Yuen Long, New Territories
(RNTPC Paper No. A/YL-PS/507)

186. The Committee noted that the applicant requested on 3.12.2015 for deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the issue on donation with the Antiquities and Monuments Office, Leisure and Cultural Services Department. It was the first time that the applicant requested for deferment of the application.

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

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

Agenda Item 57

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/367 Proposed Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years in "Village Type Development" zone, Government Land near Lot 5121 S.D in D.D.116, Hung Tso Tin Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TT/367)

Presentation and Question Sessions

188. Ms Bonita K.K. Ho, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary eating place (outside seating accommodation (OSA) of a restaurant) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection commented that 19 substantiated environmental complaints were received in past 3 years. The complaints were related to cooking fume and noise emission from the kitchen operation of a restaurant which the OSA under application was related to. Abatement notices were issued to require the

restaurant to rectify the problem. Legal proceedings were later instituted against the operator of the restaurant in 2013-2014 for non-compliance of the notices, and the operator was fined upon convictions. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, three objecting comments were received from local villagers of Hung Tso Tin and Shui Tsiu Lo Wai, mainly on the grounds that the proposed OSA would generate noise nuisance and affect the tranquil rural environment; cause environmental hygiene problems; occupy government land and reduce the width of the footpath; encourage illegal parking of vehicles and affect the nearby bus layby and thus affecting pedestrian safety; and affect the security of the area.; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments set out in paragraph 12 of the Paper. Given the small site and roadside location of the site, it was not expected to frustrate the planning intention of the “Village Type Development” zone, it was not anticipated to cause significant adverse traffic, landscape and drainage impacts on the surrounding areas and was not incompatible with the surrounding land uses. Although substantiated complaints related to the subject restaurant were received in the past 3 years, following the issuance of abatement notices and the imposition of fine for non-compliance of the notices in 2013-2014, no further environment complaints were received in 2015. The OSA under application was generally in line with the Town Planning Board Guidelines No. 15A on ‘Application for Eating Place within "Village Type Development" Zone in Rural Areas under Section 16 of the Town Planning Ordinance’ and sympathetic consideration could be given to the application. To address the possible environmental nuisances, an approval condition restricting the operation hours, as proposed by the applicant, was recommended. Regarding the concerns of the public comments, the above assessments were relevant.

189. Members had no question on the application.

Deliberation Session

190. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.12.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 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 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.6.2016;
- (c) in relation to (b) 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 18.9.2016;
- (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.”

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

Agenda Item 58

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/368 Temporary Public Vehicle Park (Private Cars) for a Period of 3 Years in “Village Type Development” zone, Lots 38 S.C (Part), 39 (Part), 40 S.A (Part), 40 S.B (Part), 40 S.C, 40 S.D, 40 S.E (Part), 45 S.A (Part), 45 S.B ss.1 (Part), 45 S.B. ss.2, 45 S.B ss.3, 45 S.B ss.4 (Part), 45 S.B ss.6 (Part), 45 S.B ss.7, 45 S.B ss.8, 45 S.B ss.9 (Part), 45 S.B ss.10 (Part) and 45 S.B RP (Part) in D.D. 118, Tai Tong, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TT/368)

Presentation and Question Sessions

192. Ms Bonita K.K. Ho, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary public vehicle park (private cars) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as the site and its adjoining area to the east and west, which were once vegetated, were now cleared and formed. The approval of the application would likely set an undesirable precedent encouraging applicants to develop the sites before approval was given. The applicant had not submitted any landscape proposal to mitigate the landscape impact. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, a comment was received from a member of the public, providing views that the site could house many residences and approval of the application would set an undesirable precedent; and
- (e) PlanD's views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments set out in paragraph 11 of the Paper. Although the applied use was not entirely in line with the planning intention of the “Village Type Development” (“V”) zone, it could serve some of the parking demand of residents in the nearby villages and the locality. The approval of the application on a temporary basis would not frustrate the long-term planning intention of the “V” zone. The development under application was considered not incompatible with the surrounding land uses. The concerns of CTP/UD&L, PlanD and any possible environmental impacts and nuisance on the surrounding developments could be addressed by imposing relevant approval conditions. Regarding the public comment, the above assessments were relevant.

193. Members had no question on the application.

Deliberation Session

194. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.12.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) only private cars as defined in the Road Traffic Ordinance (RTO), as proposed by the applicant, are allowed to enter/be parked on the site at all times during the planning approval period;

- (c) no vehicle without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations is allowed to be parked/stored on the site at any time during the planning approval period;
- (d) a notice shall be posted at a prominent location of the site to indicate that no light, medium or heavy goods vehicles, including container tractors/trailers, as defined in the RTO, are allowed to be parked/stored on the site, as proposed by the applicant, at all time during the planning approval period;
- (e) no car washing, repairing, dismantling or other workshop activities, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (f) no open storage activity is allowed on the site at any time during the planning approval period;
- (g) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (h) the provision of boundary fence on the site, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.6.2016;
- (i) the submission of run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 18.6.2016;
- (j) in relation to (i) above, the implementation of run-in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 18.9.2016;
- (k) 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 18.6.2016;

- (l) in relation to (k) 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 18.9.2016;
- (m) 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 18.6.2016;
- (n) in relation to (m) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.9.2016;
- (o) in relation to (n) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (p) 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 18.6.2016;
- (q) in relation to (p) 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 18.9.2016;
- (r) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (o) 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;
- (s) if any of the above planning conditions (h), (i), (j), (k), (l), (m), (n), (p) or (q) 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

- (t) 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.”

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

Agenda Item 59

Section 16 Application

[Open Meeting]

A/YL-TYST/750 Proposed Industrial Use (Manufacturing of Inert Gases and Fire Suppression Agents, Servicing and Filling of Fire Extinguishers and Compressed Gas Cylinders with Inert Gases and Fire Suppression Agents and Hydraulic Pressure Testing) and Dangerous Goods Godown (Storage of Inert Gases and Fire Suppression Agents) in “Industrial” zone, Lot 1945 RP (Part) in D.D.121 and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long, New Territories (RNTPC Paper No. A/YL-TYST/750A)

196. The Committee noted that the applicant requested on 9.12.2015 for deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the comments of the Electrical and Mechanical Services Department. It was the second time that the applicant requested for deferment of the application.

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

meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information. Since it was the second deferment of the application, the Committee agreed to advise the applicant that the Committee had allowed a total of four months including the previous deferment for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 60

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/756 Temporary Open Storage and Warehouse for Storage of Construction Material with Ancillary Site Office for a Period of 3 Years in “Undetermined” zone, Lots 1937 (Part), 1945 (Part), 1946, 1947, 1948, 1954 (Part), 1955, 1956 and 1957 (Part) in D.D. 117 and Adjoining Government Land, Kung Um Road, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TYST/756A)

Presentation and Question Sessions

198. Ms Bonita K.K. Ho, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage and warehouse for storage of construction material with ancillary site office for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the site and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, Planning Department

(CTP/UD&L, PlanD) had reservations on the application as noticeable vegetation clearance adjacent to the site in the neighbouring “Green Belt” (“GB”) and “Conservation Area” (“CA”) zones had taken place. It was apparent that the two zones had been disturbed and adverse landscape impact had occurred due to the adjacent non-compatible uses. The Chief Engineer/Cross-boundary Infrastructure and Development, PlanD and the Project Manager (New Territories West), Civil Engineering and Development Department commented that the site fell partly within areas zoned “Local Open Space” and “District Open Space” on the Preliminary Outline Development Plan of the “Planning and Engineering Study for Housing Sites in Yuen Long South (YLS) - Investigation” (the Study). However, the final recommendations of the Study had yet to be formulated. Other concerned departments had no objection to or no adverse comment on the application;

- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) PlanD’s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments set out in paragraph 12 of the Paper. The applied use was not in conflict with the planning intention of the “Undetermined” (“U”) zone. The use of the area was being reviewed under the Study which had yet to be completed. The approval of the application on a temporary basis would not frustrate the long-term use of the area. The application was generally in line with the Town Planning Board Guidelines No. 13E on ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ in that the site fell within Category 1 areas which were considered suitable for open storage and port back-up uses; the site was involved in previous planning approvals; and there were similar approved applications in the “U” zone; relevant proposals had been submitted to demonstrate that the proposed use would not generate adverse impacts; and the concerns of relevant government departments were technical in nature which could be addressed through the implementation of approval

conditions. Although DEP did not support the application, there had been no environmental complaint against the site in the past 3 years. To minimise possible environmental and address the technical concerns of government departments consulted, relevant approval conditions were recommended. Since the previous planning approval was revoked due to non-compliance with the approval conditions, shorter compliance periods were also recommended for closely monitoring of the progress on compliance with the approval conditions.

Deliberation Session

199. A Member was concerned that the north-eastern part of the site was adjoining the “CA” zone, and asked if the boundaries of the site could be setback to allow a buffer from the “CA” zone. Members noted that the concerned area was used as an enclosed warehouse and tree planting would be provided to screen off the development, and the applicant had indicated that the enclosed warehouse would be setback from the site boundary.

200. Members generally considered that a condition to address the interface problem with the “CA” zone might be included. The Secretary said that an approval condition on boundary fencing had already been recommended in the Paper. In this regard, the Chairman suggested, and the Committee agreed, that an additional advisory clause would be included to advise the applicant to provide a landscape strip along the north-eastern boundary fencing of the site to serve as a buffer from the adjoining “CA” zone.

201. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.12.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 7:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;

- (c) no dismantling, repairing or other workshop activities, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (d) no storage or handling of metal products and packed cement, as proposed by the applicant, is allowed outside the concrete-paved covered structures on the site at any time during the planning approval period;
- (e) no storage or handling of sand and gravel, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (f) no heavy goods vehicles exceeding 24 tonnes, including container 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;
- (g) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (h) the provision of boundary fence on the site, as proposed by the applicant, within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.3.2016;
- (i) the submission of tree preservation and landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.3.2016;
- (j) in relation to (i) above, the implementation of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.6.2016;
- (k) the submission of a revised drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.3.2016;

- (l) in relation to (k) above, the implementation 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 18.6.2016;
- (m) in relation to (l) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (n) the provision of fire extinguisher(s) with valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.1.2016;
- (o) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.3.2016;
- (p) in relation to (o) above, the implementation 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 18.6.2016;
- (q) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (m) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (r) if any of the above planning conditions (h), (i), (j), (k), (l), (n), (o) or (p) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (s) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

“(o) to provide a landscape strip along the north-eastern boundary fencing to serve as a buffer from the adjoining “Conservation Area” zone.”

Agenda Item 61

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/767 Temporary Carpet Shop and Wholesale of Carpet for a Period of 3 Years in “Government, Institution or Community” and “Residential (Group B) 1” zones, Lots 1140 S.D RP, 1141 S.C, 1141 S.D ss. 2, 1141 S.D RP, 1142 S.G, 1142 S.H, 1142 S.I, 1142 S.K (Part) and 1152 S.C RP in D.D. 121 and Adjoining Government Land, Tong Yan San Tsuen Road, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TYST/767)

Presentation and Question Sessions

203. Ms Bonita K.K. Ho, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary carpet shop and wholesale of carpet for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Chief Engineer/Cross-boundary Infrastructure and Development, Planning Department (PlanD) and the Project Manager (New Territories West), Civil Engineering and Development Department commented that the site fell within an area zoned “Residential – Zone 3” on the Preliminary Outline Development Plan of the

“Planning and Engineering Study for Housing Sites in Yuen Long South - Investigation” (the Study). However, the final recommendations of the Study had yet to be formulated. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, two public comments objecting to the applications were received. The main grounds of the objections were that the use under application was not in line with the planning intention of the “Residential (Group B)1” (“R(B)1”) and “Government, Institution or Community” (“G/IC”) zones; the applied use was incompatible with the surrounding residential developments and would have adverse environmental, visual and traffic impacts; and it was an inefficient land use. The commenters also expressed that such use could be accommodated in factories or multi-storey buildings; and
- (e) PlanD’s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments set out in paragraph 11 of the Paper. The temporary approval of the application would not frustrate the long-term planning intentions of the area. The proposed use was considered not incompatible with the existing uses in the surrounding areas. Relevant approval conditions were recommended to minimise any potential environmental nuisance and to address the technical requirements of the concerned departments. Regarding the public comments, the above assessments were relevant.

204. Members had no question on the application.

Deliberation Session

205. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.12.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant,

is allowed on the site during the planning approval period;

- (b) no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, is allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (d) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (e) the submission of 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 18.3.2016;
- (f) the submission of run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 18.6.2016;
- (g) in relation to (f) above, the implementation of run-in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 18.9.2016;
- (h) 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 18.6.2016;
- (i) in relation to (h) 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 18.9.2016;
- (j) if any of the above planning conditions (a), (b), (c) or (d) is not complied

with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;

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

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

Agenda Item 62

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/768 Temporary Open Storage of Construction Machinery and Construction Materials with Ancillary Workshop and Office for a Period of 3 Years in “Undetermined” zone, Lots 2428 RP (Part), 2429 S.D (Part), 2704 S.A & S.B (Part), 2712 S.A (Part), 2712 S.B (Part), 2713 (Part), 2714, 2716 RP, 2717 RP, 2718 RP (Part) in D.D. 120 and Adjoining Government Land, Shan Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/768)

Presentation and Question Sessions

207. Ms Bonita K.K. Ho, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of construction machinery and construction materials with ancillary workshop and office for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the site and environmental nuisance was expected. The Director of Agriculture, Fisheries and Conservation (DAFC) considered that the site was preferably used for agriculture purpose. The Chief Engineer/Cross-boundary Infrastructure and Development, Planning Department (PlanD) and the Project Manager (New Territories West), Civil Engineering and Development Department commented that the site fell within an area zoned “Residential – Zone 1 (Public Housing)” and an area shown as ‘Road’ on the Preliminary Outline Development Plan of the “Planning and Engineering Study for Housing Sites in Yuen Long South – Investigation” (the Study). However, the final recommendations of the Study had yet to be formulated. Other concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) PlanD’s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments set out in paragraph 12 of the Paper. The applied use was not in conflict with the planning intention of the “Undetermined” (“U”) zone which was generally intended for open storage use and was not incompatible with the surrounding uses. The use of the area was being reviewed under the Study which had yet to be completed. The approval of the application on a temporary basis would not frustrate the long-term use of the area. The application was generally in line with the Town Planning Board Guidelines No. 13E on ‘Application for Open Storage and Port Back-up Uses under

Section 16 of the Town Planning Ordinance' in that the site fell within Category 1 areas which were considered suitable for open storage and port back-up uses; the site was involved in previous planning approvals; there were similar approved applications in the "U" zone; relevant proposals had been submitted to demonstrate that the proposed use would not generate adverse impacts; and the concerns of relevant government departments could be addressed through the imposition of approval conditions. Although DAFC considered that the site was preferably used for agriculture purpose, the area was generally intended for open storage use. Regarding DEP's objection, there had been no environmental complaint against the site in the past three years. To minimise the possible nuisances and address the technical concerns of the government departments, relevant approval conditions were recommended.

208. Members had no question on the application.

Deliberation Session

209. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.12.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 11:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no workshop activities, except in Structure No. 1, as proposed by the applicant, are allowed at any time during the planning approval period;
- (d) no heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, is allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any

time during the planning approval period;

- (e) no storage or handling (including loading and unloading) of used electrical appliances and electronic and computer wastes, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (f) no vehicles is allowed to queue back to or reverse on public road at any time during the planning approval period;
- (g) the provision of boundary fence on the site, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.6.2016;
- (h) 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 18.6.2016;
- (i) in relation to (h) 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 18.9.2016;
- (j) the submission of a revised drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.6.2016;
- (k) in relation to (j) 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 18.9.2016;
- (l) in relation to (k) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (m) the provision of fire extinguisher(s) with valid fire certificate (FS 251)

within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.1.2016;

- (n) 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 18.6.2016;
- (o) in relation to (n) 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 18.9.2016;
- (p) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (l) 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;
- (q) if any of the above planning conditions (g), (h), (i), (j), (k), (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 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.”

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

Agenda Item 63

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/769 Temporary Open Storage of Construction Materials and Machinery, Vehicle Spare Parts and Recyclable Materials (including Plastic Goods, Paper and Metal) with Ancillary Workshop and Office for a Period of 3 Years in “Undetermined” and “Village Type Development” zones, Lots 1433 S.A (Part), 1433 S.B, 1433 S.C (Part), 1433 S.D (Part), 1433 RP (Part), 1434 RP (Part), 1438 S.A RP (Part), 1438 S.B RP (Part), 1438 S.D (Part), 1438 S.E (Part), 1438 S.F, 1438 S.G, 1438 S.H (Part) and 1438 RP (Part) in D.D. 119 and Lot 1658 (Part) in D.D. 121, Shan Ha Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TYST/769)

Presentation and Question Sessions

211. Ms Bonita K.K. Ho, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of construction materials and machinery, vehicle spare parts and recyclable materials (including plastic goods, paper and metal) with ancillary workshop and office for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the site and environmental nuisance was expected. The Chief Engineer/Cross-boundary Infrastructure and Development, Planning Department (PlanD) and the Project Manager (New Territories West), Civil Engineering and Development Department commented that the site fell within an area zoned “Local Open Space” on the Preliminary Outline

Development Plan of the “Planning and Engineering Study for Housing Sites in Yuen Long South – Investigation” (the Study). However, the final recommendations of the Study had yet to be formulated. Other concerned departments had no objection to or no adverse comment on the application;

- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) PlanD’s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments set out in paragraph 12 of the Paper. The applied use was not in conflict with the planning intention of the “Undetermined” (“U”) zone which was generally intended for open storage use. The use of the area was being reviewed under the Study which had yet to be completed. The approval of the application on a temporary basis would not frustrate the long-term use of the area. The development was not incompatible with the surrounding uses. The application was generally in line with the Town Planning Board Guidelines No. 13E on ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ in that the site mainly fell within Category 1 areas which were considered suitable for open storage and port back-up uses; the site was involved in previous planning approvals; there were similar approved applications in this part of the “U” zone; relevant proposals had been submitted to demonstrate the development would not generate adverse impacts; and the concerns of relevant government departments could be addressed through the imposition of approval conditions. Regarding DEP’s objection, there had been no environmental complaint against the site in the past three years. To minimise the possible nuisances and address the technical concerns of the government departments, relevant approval conditions were recommended.

212. Members had no question on the application.

Deliberation Session

213. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.12.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no dismantling, cleansing, repairing, paint spraying or other workshop activities, except ancillary packing and classification of the recyclable materials activities at Structure No. 2 of the site, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (d) no medium and heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (e) no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic wastes, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) the existing boundary fencing on the site shall be maintained at all times during the planning approval period;

- (h) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (i) the submission of a record of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.3.2016;
- (j) the submission of tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.6.2016;
- (k) in relation to (j) above, the implementation of tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.9.2016;
- (l) the provision of fire extinguisher(s) with a valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.1.2016;
- (m) 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 18.6.2016;
- (n) in relation to (m) 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 18.9.2016;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (p) if any of the above planning conditions (i), (j), (k), (l), (m) or (n) is not complied with by the specified date, the approval hereby given shall cease

to have effect and shall on the same date be revoked without further notice;
and

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

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

Agenda Item 64

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/770 Temporary Warehouse and Open Storage of Escalator Parts for a Period of 3 Years in “Undetermined” zone, Lots 1487 (Part), 1488 S.A (Part), 1488 RP (Part) and 1489 (Part) in D.D. 119 and Adjoining Government Land, Kung Um Road, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TYST/770)

Presentation and Question Sessions

215. Ms Bonita K.K. Ho, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary warehouse and open storage of escalator parts for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in

the vicinity of the site and environmental nuisance was expected. The Chief Engineer/Cross-boundary Infrastructure and Development, Planning Department (PlanD) and the Project Manager (New Territories West), Civil Engineering and Development Department commented that the site fell within areas zoned “Residential – Zone 1”, “District Open Space” and an area shown as ‘Road’ on the Preliminary Outline Development Plan of the “Planning and Engineering Study for Housing Sites in Yuen Long South – Investigation” (the Study). However, the final recommendations of the Study had yet to be formulated. Other concerned departments had no objection to or no adverse comment on the application;

- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) PlanD’s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments set out in paragraph 12 of the Paper. The applied use was not in conflict with the planning intention of the “Undetermined” (“U”) zone. The use of the area was being reviewed under the Study which had yet to be completed. The approval of the application on a temporary basis would not frustrate the long-term use of the area. The application was generally in line with the Town Planning Board Guidelines No. 13E on ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ in that the site mainly fell within Category 1 areas which were considered suitable for open storage and port back-up uses; the site was involved in previous planning approvals; there were similar approved applications in this part of the “U” zone; relevant proposals had been submitted to demonstrate the development would not generate adverse impacts; and the concerns of relevant government departments could be addressed through the imposition of approval conditions. Regarding DEP’s objection, there had been no environmental complaint against the site in the past three years. To address the possible nuisances and the technical concerns of the government departments consulted, relevant approval conditions were recommended.

216. Members had no question on the application.

Deliberation Session

217. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.12.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no workshop activities, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (d) no storage or handling (including loading and unloading) of electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste is allowed on the site at any time during the planning approval period;
- (e) no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;

- (h) the submission of 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 18.3.2016;
- (i) the provision of boundary fence on the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.6.2016;
- (j) the submission of landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.6.2016;
- (k) in relation to (j) above, the implementation of the landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.9.2016;
- (l) the provision of fire extinguisher(s) with valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.1.2016;
- (m) 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 18.6.2016;
- (n) in relation to (m) 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 18.9.2016;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (p) if any of the above planning conditions (h), (i), (j), (k), (l), (m) or (n) is not

complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and

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

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

Agenda Item 65

Section 16 Application

[Open Meeting]

A/YL-TYST/771 Proposed Temporary Warehouse and Open Storage of Construction Materials for a Period of 3 Years in “Undetermined” zone, Lots 1402 (Part), 1487 (Part), 1488 S.A (Part), 1488 RP (Part) and 1489 (Part) in D.D. 119, Kung Um Road, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TYST/771)

219. The Committee noted that the applicant requested on 10.12.2015 for deferment of the consideration of the application for two months so as to allow time for preparation of supplementary/further information to address the comments of the Transport Department. It was the first time that the applicant requested for deferment of the application.

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

applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 66

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/772 Temporary Retail Shop for Hardware Groceries for a Period of 3 Years in “Residential (Group B) 1” zone, Lot 1375 RP (Part) in D.D. 121 and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TYST/772)

Presentation and Question Sessions

221. Ms Bonita K.K. Ho, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary retail shop for hardware groceries for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) commented that it was environmentally undesirable if the applied use involved workshop activities and use of heavy vehicles. The Chief Engineer/Cross-boundary Infrastructure and Development, Planning Department (PlanD) and the Project Manager (New Territories West), Civil Engineering and Development Department commented that the site fell within the “Study Area” but outside the “Potential Development Areas” of the “Planning and Engineering Study for Housing Sites in Yuen Long South – Investigation” (the Study). However, the final recommendations

of the Study had yet to be formulated. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, a total of 62 public comments were received from the Jasper Court Owners' Committee, nearby residents of Jasper Court and members of the public. The commenters objected to the application mainly on the grounds that the development would affect the tranquil living environment and property prices; there was no pressing need for hardware groceries shop in the neighbourhood; the development would generate noise nuisances and cause environmental, sewerage, drainage, pedestrian/traffic safety, and fire safety impacts; and the applicant had breached the approval conditions restricting the operation hours and operation on Sundays and public holidays. The same public comments had also been received by the District Officer (Yuen Long), Home Affairs Department;
- (e) PlanD's views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments set out in paragraph 11 of the Paper. Although the applied use was not entirely in line with the planning intention of the “Residential (Group B)1” zone, it could be considered as a commercial use serving the local needs. Since there was no known programme for long-term development on the site, the approval of the application on a temporary basis would not frustrate the implementation of the zoned uses. The development under application was small in scale and was considered not entirely incompatible with the surrounding land uses. Significant adverse environmental, traffic, landscape and drainage impacts were not envisaged. Regarding DEP's concerns, the applied use was for retail purpose and only vehicles of 5.3 tonnes would be used. To address the technical concerns of the government departments, relevant approval conditions were recommended. Regarding the concerns raised in the public comments, the concerned departments had no objection to or no adverse comment on the application and no environmental complaint pertaining to the site had been received. To address the public concerns, an approval condition restricting operation

on Sundays and public holidays was also recommended.

Deliberation Session

222. The Chairman said that the application could be approved but, in view of the concerns of the local residents, the operation hours of the development should be restricted and no workshop activities should be allowed within the site. He suggested that PlanD should convey to the applicant that if there was any violation of the approval conditions, the planning permission would be revoked and subsequent applications would not be considered favourably by the Committee.

223. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.12.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 6:30 p.m. and 8:30 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays is allowed on the site during the planning approval period;
- (c) no metal cutting or other workshop activities, as proposed by the applicant, are allowed to be carried out on the site at any time during the planning approval period;
- (d) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance is allowed for the operation of the site at any time during the planning approval period;
- (e) no loading/unloading activities are allowed to be carried out along Ma Fung Ling Road at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at

any time during the planning approval period;

- (g) the existing boundary fence on the site shall be maintained at all times during the planning approval period;
- (h) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (i) the submission of a record of existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.3.2016;
- (j) the implementation of the accepted 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 18.6.2016;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (l) if any of the above planning conditions (i) or (j) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (m) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 67

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/773 Temporary Warehouse for Storage of Construction Materials, Food Provisions and Electronic Products for a Period of 3 Years in “Residential (Group C)” and “Undetermined” zones, Lots 1265 (Part), 1266 (Part), 1269 (Part), 1270 (Part), 1271 (Part), 1272 (Part), 1273 (Part), 1275 RP (Part), 1276 (Part), 1277 S.A, 1277 RP (Part), 1279 S.B ss. 1 S.F, 1279 S.B ss.2 (Part), 1279 S.B ss.3 in D.D. 119 and Adjoining Government Land, Pak Sha Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TYST/773)

Presentation and Question Sessions

225. Ms Bonita K.K. Ho, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary warehouse for storage of construction materials, food provisions and electronic products for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the site and environmental nuisance was expected. The Chief Engineer/Cross-boundary Infrastructure and Development, Planning Department (PlanD) and the Project Manager (New Territories West), Civil Engineering and Development Department commented that the site fell within areas zoned “Residential – Zone 1 (with Commercial)” and “Residential – Zone 2 (Public Housing)” on the Preliminary Outline Development Plan (PODP) of the “Planning and Engineering Study for

Housing Sites in Yuen Long South – Investigation” (the Study). However, the final recommendations of the Study had yet to be formulated. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, one public comment was received raising objection to the application mainly on the grounds that there was inefficient utilisation of land resources and the approval of the application would set an undesirable precedent. The commenter considered that the government should take action to accommodate such warehouse uses in multi-storey buildings so as to release brownfield sites for redevelopment; and
- (e) PlanD’s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments set out in paragraph 11 of the Paper. The applied use was not in conflict with the planning intention of the “Undetermined” (“U”) zone which was generally intended for open storage use. The use of the area was being reviewed under the Study which had yet to be completed. The approval of the application on a temporary basis would not frustrate the long-term use of the area. Regarding DEP’s objection, there had been no environmental complaint against the site in the past three years. It was not expected that the development would generate significant environmental impact on the surrounding areas. To address the possible nuisances and the technical concerns of the government departments, relevant approval conditions were recommended. Regarding the public comment, the above assessments were relevant.

226. In response to a Member’s enquiry on whether there would be a mixed storage of construction materials and food in the proposed warehouse, Ms Bonita K.K. Ho, STP/TMYLW, said that the applicant did not specify the type of food to be stored in the submission and different types of items were stored in separate sheds. According to the information submitted by the applicant, food provisions were stored at Structure No. 6.

Deliberation Session

227. Members noted that according to the PODP, the site had been earmarked for residential development, and the brownfield uses, including the open storage yards, would be phased out in the long term. The Chairman supplemented that according to the Study, Yuen Long South would mainly be developed for residential use and some areas would be reserved for industrial use. The recommendations of the Study would be submitted to the Town Planning Board for consideration in due course.

228. A Member said that given the long term planning intention of the area in the Study, and asked whether temporary planning permission should be granted. In response, the Chairman said that the planning applications should be considered under the provision of the Town Planning Ordinance. The Secretary supplemented that through processing of applications on temporary basis, the brownfield operations could be contained from proliferating to a wider area.

229. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.12.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 7:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no repairing, dismantling, cleansing or other workshop activities, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (d) no open storage activities are allowed on the site at any time during the planning approval period;
- (e) no storage or handling (including loading and unloading) of used electrical

appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste is allowed outside the concrete-paved covered structures on the site at any time during the planning approval period;

- (f) no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, is allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (g) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (h) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (i) 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 18.3.2016;
- (j) the submission of landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.6.2016;
- (k) in relation to (j) above, the implementation of the landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.9.2016;
- (l) 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 18.6.2016;
- (m) in relation to (l) 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 18.9.2016;

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

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

Agenda Item 68

Section 16 Application

[Open Meeting]

A/YL/218

Proposed Temporary Shop and Services (Real Estate Agency and Car Audio Shop) for a Period of 6 Years in “Open Space” zone, Lot 4585 RP in D.D. 116 and Adjoining Government Land, Tai Kei Leng, Yuen Long, New Territories

(RNTPC Paper No. A/YL/218)

231. The Committee noted that the applicant requested on 30.11.2015 for deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the departmental comments on the existing water mains within the site. It was the first time that the applicant requested for deferment of the application.

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

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

Agenda Item 69

Any Other Business

Section 16A Application

[Open Meeting]

A/YL-HT/957-2 Application for Extension of Time for Compliance with Planning Conditions, Lots 3169 (Part), 3170 (Part), 3172 RP (Part), 3173 S.A RP (Part), 3173 S.B (Part), 3173 S.C, 3174 RP (Part), 3175 (Part), 3176, 3177 (Part), 3178 (Part), 3179 (Part), 3184 (Part), 3185 (Part) and 3187 RP (Part) in D.D.129 and Adjoining Government Land, Ha Tsuen, Yuen Long

233. The Secretary reported that a paper on the item was tabled at the meeting for Members' consideration. He said that an application for extension of time (EOT) for compliance with approval conditions (k), (l) and (n) by three months under application No. A/YL-HT/957 was received on 7.12.2015. Condition (n) on the implementation of the tree preservation and landscape proposal was subsequently complied with by the applicant on

16.12.2015. The application was approved with conditions by the Rural and New Town Planning Committee on 19.6.2015 for a period of three years up to 19.6.2018. The applicant was required to comply with the approval condition (k) on the submission of fire service installations (FSIs) proposal, and approval condition (l) on the implementation of FSIs proposal by 19.12.2015.

234. The current EOT application was received on 7.12.2015, which was 10 working days before the expiry of the specified time limit for the aforesaid conditions. According to the Town Planning Board Guidelines No. 34B for Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development, an application submitted less than six weeks before the expiry of the specified time might not be processed for consideration of the Town Planning Board, as there was insufficient time to obtain departmental comments before the expiry of the specified time limit for compliance with the condition, which were essential for the consideration of the application. Hence, the Committee was recommended not to consider the application as there was insufficient time to process the application before the expiry of the specified time limits for compliance with the conditions (k) and (l) which was essential for the consideration of the application.

235. After deliberation, the Committee agreed that the application for EOT for compliance with planning conditions could not be considered for reason that there was insufficient time to process the application before the expiry of the specified time limits for compliance with the conditions (k) and (l) which was essential for the consideration of the application, and the planning approval for the subject application would cease to have effect and would on the same date be revoked.

236. There being no other business, the meeting closed at 6:20 p.m..