

TOWN PLANNING BOARD

Minutes of 558th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 10.6.2016

Present

Director of Planning
Mr K.K. Ling

Chairman

Mr H.W. Cheung

Vice-chairman

Mr Ivan C.S. Fu

Ms Janice W.M. Lai

Ms Christina M. Lee

Dr F.C. Chan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr Lawrence K.C. Li

Mr Stephen L.H. Liu

Chief Traffic Engineer/New Territories East,
Transport Department
Mr K.C. Siu

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

Assistant Director (Environmental Assessment),
Environmental Protection Department
Mr Ken Y.K. Wong

Assistant Director/Regional 3,
Lands Department
Mr John K.T. Lai

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

Secretary

Absent with Apologies

Professor K.C. Chau

Mr H.F. Leung

Dr Billy C.H. Hau

Mr Alex T.H. Lai

Miss Winnie W.M. Ng

In Attendance

Chief Town Planner/Town Planning Board
Ms Lily Y.M. Yam

Town Planner/Town Planning Board
Ms Floria Y.T. Tsang

Agenda Item 1

Confirmation of the Draft Minutes of the 557th RNTPC Meeting held on 27.5.2016

[Open Meeting]

1. The draft minutes of the 557th RNTPC meeting held on 27.5.2016 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Sha Tin, Tai Po and North District

Agenda Item 3

Section 12A Application

[Open Meeting]

Y/TP/24 Application for Amendment to the Draft Tai Po Outline Zoning Plan No. S/TP/25, To Rezone the Application Site from “Residential (Group C)” to “Residential (Group C) 11”, Various Lots in D.D. 34 and 36 and Adjoining Government land, Tsiu Hang, Tai Po, New Territories
(RNTPC Paper No. Y/TP/24A)

3. The Secretary reported that the application was submitted by Ford World Development Limited, which was a subsidiary of Henderson Land Development Company Limited (HLD). AECOM Asia Company Limited (AECOM) and LWK & Partners (HK) Limited (LWK) were two of the consultants of the applicant. The following Members had declared interests in the item:

- Mr Ivan C.S. Fu
- having current business dealings with HLD and AECOM;
 - being the director and shareholder of LWK;
- Ms Janice W.M. Lai
- having current business dealings with HLD and AECOM;
- Mr Stephen L.H. Liu
- having current business dealings with HLD and LWK;
- Professor K.C. Chau
- being an employee of the Chinese University of Hong Kong which had obtained a donation from a family member of the Chairman of HLD before;
- Mr H.F. Leung
- being the employee of the University of Hong Kong (HKU) which had obtained a donation from a family member of the Chairman of HLD before;
- Ms Christina M. Lee
- being the Secretary-General of the Hong Kong Metropolitan Sports Events Association which had obtained sponsorship from HLD before;
- Mr Peter K.T. Yuen
- being a member of the Board of Governors of the Hong Kong Arts Centre which had obtained a donation from an Executive Director of HLD before;

- Dr Lawrence K.C. Li - being the Treasurer of the Hong Kong Polytechnic University which had obtained sponsorship from HLD before; and
- Dr Billy C.H. Hau - having current business dealings with AECOM.

4. The Committee noted that Professor K.C. Chau, Mr H.F. Leung and Dr Billy C.H. Hau had tendered apologies for being unable to attend the meeting and Mr Ivan C.S. Fu, Ms Janice W.M. Lai, Ms Christina M. Lee and Mr Peter K.T. Yuen had not yet arrived at the meeting. The Committee also noted that the applicant had requested for a deferral of consideration of the application and agreed that the interest of Dr Lawrence K.C. Li was indirect, and he could stay in the meeting. As the interest of Mr Stephen L.H. Liu was direct, he could stay in the meeting but should refrain from participating in the discussion.

5. The Committee noted that the applicant requested on 31.5.2016 for deferment of the consideration of the application for two months to allow time for the applicant to prepare further information to address the further departmental comments received. It was the second time that the applicant requested for deferment of the application. Since the last deferment, the applicant had provided several submissions of further information, including revised master layout plan and technical assessments, in response to departmental comments received.

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

granted unless under very special circumstances.

Sai Kung and Islands District

[Ms Donna Y.P. Tam, District Planning Officer/Sai Kung and Islands (DPO/SKIs), Mrs Alice K.F. Mak, Senior Town Planner/Sai Kung and Islands (STP/SKIs) and Mr Kenneth P.C. Wong, Town Planner/Sai Kung and Islands (TP/SKIs) were invited to the meeting at this point.]

Agenda Item 4

[Open Meeting]

Proposed Amendments to the Approved Tseung Kwan O Outline Zoning Plan No. S/TKO/22
(RNTPC Paper No. 2/16)

7. With the aid of a PowerPoint presentation, Mrs Alice K.F. Mak, STP/SKIs, presented the proposed amendments as detailed in the Paper and covered the following main points:

Proposed Amendments

- (a) the proposed amendment was related to the rezoning of an area (about 10.8 ha) at the south-eastern part of Tseung Kwan O (TKO) Area 137 from “Other Specified Uses” annotated “Deep Waterfront Industry” to “Other Specified Uses” annotated “Desalination Plant” (“OU(Desalination Plant)”);
- (b) minor adjustment of the eastern zoning boundary of the “OU(Desalination Plant)” zone was made on the TKO Outline Zoning Plan (the OZP) to tally with the boundary of the Clear Water Bay Country Park;

Amendment Item A

- (c) the Chief Executive (CE) announced in the 2011-12 Policy Address that a site had been reserved in TKO for the development of a medium-sized desalination plant. The planning and investigation study (P&I study) conducted by the Water Supplies Department (WSD) had already confirmed the technical feasibility of the proposed desalination plant in the south-eastern part of TKO Area 137. The remaining area in TKO Area 137 was considered to have the potential for re-planning for other uses including residential developments. As announced in the 2016 Policy Address, a new planning and engineering study for the future development of TKO Area 137, including exploration of residential, commercial, other development purposes as well as the need for the originally reserved uses would be undertaken.

[Mr Peter K.T. Yuen arrived to join the meeting at this point.]

- (d) the following factors had been taken into account in the proposed rezoning and amendments to the Notes of the OZP:
- planning intention/land use compatibility: the site was a suitable location for siting the proposed desalination plant mainly in terms of its water quality;
 - Environmental Impact Assessment (EIA): the EIA was approved by the Director of Environmental Protection on 4.11.2015 and the environmental permit was granted with conditions to WSD on 4.12.2015. Based on the assessment results and with implementation of the recommended mitigation measures, no unacceptable adverse environmental impacts were anticipated;

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

- Traffic Impact Assessment: the traffic impact associated with the plant

construction works and mainlaying works for the transfer of fresh water produced from the desalination plant to the existing TKO Primary Fresh Water Service Reservoir along Wan Po Road, Po Hong Road and Tsui Lam Road was considered acceptable;

- Marine Traffic Impact Assessment: in consideration of the traffic pattern in proximity to the works site, it was not anticipated that the construction works would impose adverse impact on the relatively low volume of local marine traffic environment;
 - Drainage Impact Assessment: no adverse drainage impact on the surrounding drainage system arising from the proposed plant upon commissioning of the proposed drainage works would be resulted;
 - Risk Hazard: the chlorine store in the proposed desalination plant was classified as a Potentially Hazardous Installation (PHI) according to Hong Kong Planning Standards and Guidelines. WSD had conducted a Hazard Assessment, Planning Study and Action Plan for storage, handling and transport of chlorine associated with the desalination plant. The overall risk lied within acceptable level; and
 - Government, Institution and Community (GIC) Facilities and Open Space Provision: there was no apparent shortfall of GIC facilities or district and local open space provision in TKO. The proposed rezoning for the desalination plant would not have any adverse impact on the site reservation for GIC facilities and open space provision in TKO;
- (e) the proposed OZP amendment was to facilitate the commissioning of the desalination plant by 2020-2021 the earliest;

Incorporation of Authorized Road Scheme of the proposed Southern Footbridge across Area 68 and Area 77

- (f) opportunity was taken to incorporate the proposed southern footbridge across Area 68 and Area 77 as set out in the road scheme of the TKO further development infrastructure works for TKO Stage 1 Landfill Site authorized by the Chief Executive in Council on 21.7.2015 under the Roads (Works, Use and Compensation) Ordinance in the OZP;

Consultation

- (g) the rezoning proposal had been circulated to relevant bureaux/departments for comment. No objection or adverse comments had been received; and
- (h) on 6.1.2016, WSD consulted the Sai Kung District Council on the design and construction of the desalination plant. The Sai Kung District Council would be consulted during the exhibition period of the draft TKO Outline Zoning Plan No. S/TKO/23 for public inspection under section 5 of the Town Planning Ordinance.

8. In response to the Chairman's query on the air quality impact arising from the emission from operation of the proposed desalination plant, Ms Donna Y.P. Tam said that the major air quality impact would be potential dust nuisance from construction activities and gaseous emissions from the plant. With the recommended mitigation measures, it was anticipated that the proposed desalination plant would not cause adverse dust and air quality impacts.

9. In response to the Chairman's further query on the interface of the proposed desalination plant with the future planning and development of TKO Area 137 as announced in 2016 Policy Address, Ms Donna Y.P. Tam, DPO/SKIs, said that a new planning and engineering study for the future development of the remaining land in TKO Area 137 would be undertaken. The Area, excluding the land reserved for the proposed desalination plant and landfill extension, could be considered for residential, commercial and other development purposes. Nevertheless, the future uses of that area would be constrained by

the existing and committed land uses in Area 137 including the landfill extension and the proposed desalination plant which was a PHI. Whilst a risk assessment had been conducted to ascertain that the operation of the proposed desalination plant would have no insurmountable risk hazard to the surrounding land uses, another risk assessment would be required to ascertain the compatibility of future uses or development in that area with the proposed desalination plant.

10. In view of the proximity of the proposed desalination plant to the Clear Water Bay Country Park, a Member asked whether any specific measures had been recommended to mitigate its potential impact on the Country Park. In response, Ms Donna Y.P. Tam said that the ecological impact assessment conducted as part of the EIA also covered the area falling within Clear Water Bay Country Park where slope stabilisation works would be carried out. With the implementation of the recommended mitigation measures, e.g. minimisation of tree felling and retention of flora species of conservation interest in-situ, no insurmountable adverse ecological impact was anticipated and concerned government departments had no adverse comments in that respect.

[Mr Ivan C.S. Fu arrived to join the meeting at this point.]

11. In response to a Member's query on the site selection criteria of the proposed desalination plant, Ms Donna Y.P. Tam said that the site in TKO Area 137 was selected due to its reasonable size, its proximity to the sea where the water was oceanic in nature with less turbidity with relatively less variation in salinity, as well as its proximity to the strategic water supply network, i.e. TKO service reservoir that could supply water to about 1.4 million people within its catchment area including TKO, Kowloon East and Hong Kong Island East. The same Member asked whether the proposed desalination plant could be relocated to area around Lok On Pai, Tuen Mun where a desalination plant was previously located and whether there was scope for expansion of the proposed desalination plant at the TKO site. The Chairman said that the site of ex-Lok On Pai desalination plant had already been rezoned to "Comprehensive Development Area" for comprehensive residential development/redevelopment with the provision of commercial, open space and other supporting facilities, if any, to serve the residential neighbourhood. Ms Donna Y.P. Tam further said that the capacity of the proposed desalination plant would account for about 5% (Phase 1) of the total fresh water supply in Hong Kong and would further increase to about

10% if expanded (Phase 2). Upon completion of both phases of the proposed desalination plant, WSD would closely monitor the situation and determine if further expansion of the proposed desalination plant or another site search for construction of a new desalination plant was required.

12. After deliberation, the Committee decided to:

- “(a) agree that the proposed amendments to the approved Tseung Kwan O Outline Zoning Plan (OZP) No. S/TKO/22 as shown on the draft Tseung Kwan O OZP No. S/TKO/22A at Appendix II of the Paper (to be renumbered as S/TKO/23 upon exhibition) and the draft Notes at Appendix III of the Paper are suitable for exhibition for public inspection under section 5 of the Town Planning Ordinance (the Ordinance); and
- (b) adopt the revised Explanatory Statement (ES) at Appendix IV of the Paper for the draft Tseung Kwan O OZP No. S/TKO/22A (to be renumbered as S/TKO/23) as an expression of the planning intention and objectives of the Town Planning Board (TPB) for various land use zonings on the OZP and agree that the revised ES is suitable for exhibition together with the draft OZP.”

13. Members noted that, as a general practice, the TPB Secretariat would undertake detailed checking and refinement of the draft OZP including the Notes and ES, if appropriate, before its publication under the Ordinance. Any major revision would be submitted to the TPB for consideration.

[The Chairman thanked Ms Donna Y.P. Tam, DPO/SKIs, Mrs Alice K.F. Mak, STP/SKIs and Mr Kenneth P.C. Wong, TP/SKIs, for their attendance to answer Members' enquires. They left the meeting at this point.]

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

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-TMT/53 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” Zone, Lot 33 RP in D.D. 256, Tai Po Tsai Village, Tai
Mong Tsai, Sai Kung, New Territories
(RNTPC Paper No. A/SK-TMT/53B)

Presentation and Question Sessions

14. 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 house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. Major departmental comments were summarized as follows:
 - (i) the Chief Engineer/Construction, Water Supplies Department (CE/Construction, WSD) objected to the application as the application site was located within the Lower Indirect Water Gathering Grounds (LIWGG). There was no supporting information to demonstrate that the proposed development would not result in loss of yield and material increase in pollution risk to the water quality within the WGG;
 - (ii) the Director of Environmental Protection (DEP) objected to the application as the site was located within WGG where no public sewer was available;

- (iii) the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) in-principle objected to the application as no Geotechnical Planning Review Report (GPRR) to assess the natural terrain hazard was submitted;
 - (iv) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservation on the application from the landscape planning perspective as the proposed development might require retaining wall or slope work construction which might cause adverse impact on the existing trees and vegetation adjacent to the application boundary. Moreover, no landscape mitigation measure was provided to demonstrate the compatibility of surrounding landscape context;
 - (v) the Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application as the applicant had not demonstrated that further impact on trees within the “Green Belt” (“GB”) zone could be avoided; and
 - (vi) 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 were received from Kadoorie Farm and Botanic Garden Corporation and an individual, objecting to the application because the proposed development was not in line with the planning intention of the “GB” zoning and there would be adverse impacts on its surroundings, including the nearby mature trees, secondary woodland, seasonal stream and natural habitat. No local objection/view was received by the District Officer (Sai Kung); and
- (e) PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed Small House development was not in line with the planning intention of the “GB”

zone. The land available in the “V” zone could fully meet the current and future Small House demand. CE/Construction, WSD, DEP, H(GEO), CEDD, CTP/UD&L, PlanD and DAFC objected to the proposed development. The proposed development also did not comply with the Town Planning Board Guidelines No.10 (TPB PG-No. 10) for development within “GB” zone in that adverse impacts on landscape, water quality and slope stability were anticipated arising from the proposed development. Regarding the public comments, the assessments above were relevant.

15. Members had no question on the application.

Deliberation Session

16. A Member considered that the site was not suitable for residential use as it was surrounded by vegetated slope covered with shrubs and falling within the LIWGG which might be subject to mosquito attack. The same Member considered that such issue could be one of the considerations for rejecting or even not processing similar application after initial screening had been conducted. In response, the Chairman said that the Committee was required to consider each application made under the Town Planning Ordinance (the Ordinance) and the issue of tree felling or water gathering grounds, inter alia, were factors to be taken into account in considering the application.

17. A Member asked whether the health risk associated with the proposed development was a factor in considering the application. In response, the Chairman said that the preamble of the Ordinance was to promote the health, safety, convenience and general welfare of the community, thus health risk could be a factor in considering planning application. The Member further asked whether the concern associated with mosquito, e.g. the Dengue Fever which could be transmitted by *Aedes albopictus*, a commonly found mosquito species in Hong Kong, could be one of the factors for considering the application. In response, the Chairman said that such consideration might need to be substantiated with information such as mosquito breeding found in the site and its surroundings, which would be difficult to obtain.

18. In response to the same Member's query on whether sewage issue, such as the provision of septic tank, was a factor in considering the application, the Chairman said that the sewage issue would be monitored by the prevailing administrative measures under the jurisdiction of the Environmental Protection Department.

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

- “(a) the proposed Small House development is not in line with the planning intention of the “Green Belt” (“GB”) zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There are no exceptional circumstances or strong planning grounds in the submission for a departure from the planning intention;
- (b) the proposed development is not in line with the Interim Criteria for Assessing Planning Application for New Territories Exempted House/Small House development in the New Territories and the Town Planning Board (TPB) Guidelines No. TPB PG-No.10 for ‘Application for Development within “GB” Zone’ in that the site falls within Lower Indirect Water Gathering Ground, and there is no public sewerage connection available in the vicinity. There is no information in the submission to demonstrate that the proposed development will not have adverse impact on the water quality within the water gathering ground;
- (c) the applicant fails to demonstrate that the proposed development would have no adverse landscape impact in the “GB” zone and would not affect slope stability; and
- (d) approval of the application will set an undesirable precedent for other similar applications within the “GB” zone. The cumulative effect of approving such applications will result in a general degradation of the environment and bring about cumulative adverse impact on the water

quality and landscape of the area.”

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-CC/21 Proposed House in “Green Belt” Zone, Lot 942 in D.D. Cheung Chau,
Cheung Chau
(RNTPC Paper No. A/I-CC/21A)

Presentation and Question Sessions

20. With the aid of a PowerPoint presentation, Ms S.H. Lam, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed house;
- (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 two statutory publication periods, a total of 43 public comments were received and all of them objected to the application, mainly on the grounds of the proposed development being not in line with the planning intention of “Green Belt” (“GB”) zone; not complying with the Town Planning Board Guidelines; having a plot ratio of 1.31 featuring a gigantically conspicuous concrete structure which was incompatible and inharmonious with its environment, as compared with the previous s.12A application No. Y/I-CC/5 (withdrawn by the applicant) with plot ratio of 0.7; ecological, landscape, sewerage and other adverse impacts; and setting of undesirable precedent. A commenter also suggested that

two trees near the site could be included in the Register of Old and Valuable Trees. No local objection/view was received by the District Officer (Islands); 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 house was not in line with the planning intention of the “GB” zone and did not comply with the Town Planning Board Guidelines No. 10 (TPB PG-No. 10) for development within “GB” zone, the site was a private lot for the purpose of building and garden, and the development parameters of the proposed house fell within the building entitlement allowed in the lease. There was an exceptional circumstance to take into account building entitlement under the lease in considering planning application for house development within “GB” zone. Significant adverse impact on environment, ecological, water supply, drainage, sewerage and traffic was not anticipated. Given the special circumstances, approval of the application would not set a precedent for other house development within “GB” zone in Cheung Chau. Regarding the public comments, the assessments above were relevant. With regard to a commenter's suggestion for inclusion of two trees near the site in the Register of Old and Valuable Trees, the Agriculture, Fisheries and Conservation Department considered that those tree were not rare species and they did not meet the criteria for the registration.

21. Members had no question on the application.

Deliberation Session

22. A Member had no objection to the application as it had taken into account the special circumstances that the lot which the site was situated therein contained building entitlement under the lease and sympathetic consideration could be given to the application. Such recommendation was also consistent with the prevailing practice of the Committee. While the plot ratio of the proposed development was higher than those in the vicinity, the development intensity was in line with the building entitlement of the lot and an undesirable

precedent would not be set. However, the Member considered it not appropriate for PlanD to state in the Paper that the recommendation of approving the application had taken into account the public comments which all objected to the application. Members generally agreed that the application could be approved given the special circumstances of the building entitlement of the lot under the lease and that no significant adverse impacts arising from the proposed development would be anticipated.

23. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 10.6.2020, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- “(a) the submission and implementation of a landscape proposal including tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the design and construction of a drainage system for the proposed development to the satisfaction of Director of Drainage Services or of the TPB.”

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

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

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

Sha Tin, Tai Po and North District

Agenda Items 7 to 18

Section 16 Applications

[Open Meeting (Presentation and Question Sessions only)]

A/DPA/NE-TT/81 Proposed House (New Territories Exempted House - Small House) in
“Unspecified Use” Area, Lots 86 S.B, 87 RP, 88 RP & 89 S.A in D.D.
292, Tai Tan, Tai Po, New Territories

A/DPA/NE-TT/82 Proposed House (New Territories Exempted House - Small House) in
“Unspecified Use” Area, Lots 78 RP, 79 S.A, 83 RP, 84, 85 & 86 S.A
in D.D. 292, Tai Tan, Tai Po, New Territories

A/DPA/NE-TT/83 Proposed House (New Territories Exempted House - Small House) in
“Unspecified Use” Area, Lot 52 in D.D. 292, Tai Tan, Tai Po, New
Territories

A/DPA/NE-TT/84 Proposed House (New Territories Exempted House - Small House) in
“Unspecified Use” Area, Lots 78 S.A & 79 S.G in D.D. 292, Tai Tan,
Tai Po, New Territories

A/DPA/NE-TT/85 Proposed House (New Territories Exempted House - Small House) in
“Unspecified Use” Area, Lots 53 RP & 55 RP in D.D. 292, Tai Tan,
Tai Po, New Territories

A/DPA/NE-TT/86 Proposed House (New Territories Exempted House - Small House) in
“Unspecified Use” Area, Lots 57 RP & 60 S.C in D.D. 292, Tai Tan,
Tai Po, New Territories

A/DPA/NE-TT/87 Proposed House (New Territories Exempted House - Small House) in
“Unspecified Use” Area, Lots 64 S.B, 65 S.A & 67 S.A in D.D. 292,
Tai Tan, Tai Po, New Territories

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| A/DPA/NE-TT/88 | Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 60 S.A & 61 S.A in D.D. 292, Tai Tan, Tai Po, New Territories |
| A/DPA/NE-TT/89 | Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 60 S.D, 61 S.C, 62 S.A & 64 S.C in D.D. 292, Tai Tan, Tai Po, New Territories |
| A/DPA/NE-TT/90 | Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 61 RP, 63 S.A, 64 RP & 65 S.C in D.D. 292, Tai Tan, Tai Po, New Territories |
| A/DPA/NE-TT/91 | Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 81 S.B & 82 S.B in D.D. 292, Tai Tan, Tai Po, New Territories |
| A/DPA/NE-TT/92 | Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 50 S.C & 51 RP in D.D. 292, Tai Tan, Tai Po, New Territories (RNTPC Paper No. A/DPA/NE-TT/81 to 92) |

25. The Committee noted that the twelve applications for proposed house (New Territories Exempted House - Small House) were similar in nature and the sites were located in close proximity to one another and within the same “Unspecified Use” area. The Committee agreed that the requests for deferral of the applications could be considered together.

26. The Committee noted that the applicants requested on 25.5.2016 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 various government departments. It was the first time that the applicant requested for deferment of the application.

27. After deliberation, the Committee decided to defer a decision on the applications as requested by the applicants pending the submission of further information from the applicants. The Committee agreed that the applications 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 applications 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.

[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 Items 19 and 20

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/572 Proposed House (New Territories Exempted House - Small House) in
"Agriculture" Zone, Lots 1346 S.A ss. 1 in D.D. 8, Chuen Shui Tseng,
Lam Tsuen, Tai Po, New Territories
(RNTPC Paper No. A/NE-LT/572 and 573)

A/NE-LT/573 Proposed House (New Territories Exempted House - Small House) in
"Agriculture" Zone, Lots 1346 S.A RP in D.D. 8, Chuen Shui Tseng,
Lam Tsuen, Tai Po, New Territories
(RNTPC Paper No. A/NE-LT/572 and 573)

28. The Committee noted that the two applications for proposed house (New Territories Exempted House - Small House) were similar in nature and the sites were located in close proximity to each other and within the same "Agriculture" zone. The Committee agreed that the application could be considered together.

Presentation and Question Sessions

29. 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;

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

- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications from the agricultural development point of view as there were active agricultural activities at the sites. Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) objected to the applications as there was no information in the applications to indicate that the proposed Small House in each site could be connected to any public sewerage system in the area. The Director of Environmental Protection (DEP) did not support the applications as the proposed Small House at each site were about 53m away from the planned sewer and had to cross several private lots for laying pipes for sewer connection. The sewer connection was not feasible. Besides, the applicants propose to use septic tank/soakaway system for waste water treatment which was not in line with the requirement of the Hong Kong Planning Standards and Guidelines to avoid using septic tank and soakaway system for development within Water Gathering Grounds (WGG). Other concerned departments had no objection to or no adverse comment on the applications;
- (d) during the first three weeks of the statutory publication period, a public comment on application No. A/NE-LT/572 and two public comments on application No. A/NE-LT/573 were received from World Wide Fund for Nature Hong Kong and an individual objecting to the applications mainly on the grounds of the proposed development being not in line with the planning intention of “Agriculture” (“AGR”) zone; having adverse environmental impacts; and setting of undesirable precedent. No local

objection/view was received by the District Officer (Tai Po); and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed Small Houses were not in line with the planning intention of the “AGR” zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. DAFC, DEP and CE/C, WSD did not support the applications. The proposed developments did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that there was no general shortage of land in the “Village Type Development” zone to meet the demand for Small House development and the applicants failed to demonstrate that the proposed development located within WGG would be able to be connected to the planned sewerage system and would not cause adverse impact on the water quality in the area. Regarding the public comments, the assessments above were relevant.

30. Members had no question on the application.

Deliberation Session

31. 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 in New Territories in that there is no general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of Chuen Shui Tseng and the applicant fails to demonstrate that the proposed development located within water gathering grounds would be able to be connected to the planned sewerage system and would not cause adverse impact on the water quality in the area; and
- (c) land is still available within the “V” zone of Chuen Shui Tseng 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 Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-SSH/102 Proposed House (New Territories Exempted House - Small House) in “Green Belt” and “Village Type Development” Zones, Government land in D.D. 209, Kei Ling Ha San Wai, Sai Kung North, Tai Po, New Territories
(RNTPC Paper No. A/NE-SSH/102)

Presentation and Question Sessions

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

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

House);

- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessment set out in paragraph 12 of the Papers. The proposed Small Houses were not incompatible with the surrounding area which was predominantly rural in character with village houses and scattered tree groups. Notwithstanding that the proposed development did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that there was no general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone, it was noted that the site was situated right between two existing village houses and within the village cluster. In this connection, the proposed Small House could be considered as an infill development. Also, about 66.3% of the footprint of the proposed Small House was within “V” zone and the proposed development was juxtaposed with the adjacent existing village houses in an orderly pattern. Sympathetic consideration might be given in view of those specific site circumstances under which the approval of the application was not expected to have undesirable precedent effect.

33. Members had no question on the application.

Deliberation Session

34. Whilst there was no objection to the application, a Member noted that the Committee had been more cautious in considering planning applications for Small House

development having regard to land availability within the “V” zone to satisfy outstanding Small House applications and the intention to prevent haphazard development of Small Houses sprawling outside the “V” zone. The Member remarked that in considering future planning applications similar to the subject one, the special planning circumstances should be taken into account and highlighted in the planning assessment.

35. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 10.6.2020, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- “(a) the provision of septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the TPB;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the diversion of existing water mains within the site to the satisfaction of the Director of Water Supplies or of the TPB.”

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

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/592 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 1584 S.F in D.D. 76, Kan Tau Tsuen, Fanling,
New Territories
(RNTPC Paper No. A/NE-LYT/592)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site was served with road access and water supply, and possessed potential for agricultural rehabilitation. 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, five public comments were received. A North District Council member and the Chairmen of the Fanling District Rural Committee (FDRC) and Sheung Shui District Rural Committee indicated no comment on the application. The remaining two comments submitted by Designing Hong Kong Limited and an individual objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of “Agriculture” (“AGR”) zone; there was adequate land in the “Village Type

Development” (“V”) zone of Kan Tau Tsuen for Small House development, no relevant technical assessments had been submitted to support the application; and approval of the application would set an undesirable precedent for similar applications in the area. The District Officer (North) advised that the Indigenous Inhabitant Representative of Kan Tau Tsuen supported the application whereas the Resident Representative of the same village also supported the application as the site was in close proximity to the village ‘environs’; 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 there was sufficient land available within the “V” zone to meet the outstanding Small House application, it could not fully meet the future demand of Small Houses. The proposed Small House was not incompatible with the rural landscape character of the area dominated by village houses and active and fallow agricultural land. It was noted that the site was in close proximity to the existing village proper of Kan Tau Tsuen and there were approved Small House applications at different stages of development nearby and adjoining the site, the implementation of which were forming a new village cluster in the locality. Except DAFC, other concerned departments had no objection to or no adverse comment on the application. Regarding the public comments, the assessments above were relevant.

38. Members had no question on the application.

Deliberation Session

39. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 10.6.2020, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

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

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

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

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/898 Shop and Services (Fast Food Shop) in “Industrial” Zone, Workshop C(7), LG/F, Valiant Industrial Centre, 2-8 Au Pui Wan Street, Fo Tan, Sha Tin, New Territories
(RNTPC Paper No. A/ST/898)

Presentation and Question Sessions

41. 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 (fast food shop);
- (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) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Sha Tin); and
- (e) the Planning Department (PlanD)'s views — PlanD considered that the shop and services (fast food shop) could be tolerated for a period of 3 years based on the assessments set out in paragraph 11 of the Paper. The 'Shop and Services (Fast Food Shop)' use under application was small in scale and considered not incompatible with the industrial and industrial-related uses in the subject industrial building and the surrounding developments. The applied use was in line with the Town Planning Board Guidelines No. 25D (TPB PG-No. 25D) on "Use/Development within "Industrial" Zone". Relevant government departments had neither objection to nor adverse comment on the application. The previous application (application No. A/ST/869) submitted by the same applicant was revoked on 27.6.2015 due to non-compliance with approval conditions on fire service installations. In that connection, the applicant had submitted a fire service layout plan under the current application to support the application though it was not yet accepted by the Director of Fire Services. Shorter compliance periods were proposed to monitor the progress of compliance should the Committee decided to approve the application. A temporary approval of three years was 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.

42. Members had no question on the application.

Deliberation Session

43. After deliberation, the Committee decided to approve the application on a

temporary basis for a period of 3 years, instead of permanent permission sought, until 10.6.2019, 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 10.9.2016;
- (b) in relation to (a), 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 10.12.2016; and
- (c) if 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.”

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

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

[Mr Philip S.L. Kan left the meeting temporarily at this point.]

Fanling, Sheung Shui and Yuen Long East District

Agenda Item 24

Section 16 Application

[Open Meeting]

A/FSS/242 Columbarium in “Government, Institution or Community” Zone, Lot 5174 (Part) in D.D. 51 and Adjoining Government Land, Fung Ying Seen Koon, Fanling, New Territories
(RNTPC Paper No. A/FSS/242B)

45. The Secretary reported that Ramboll Environ Hong Kong Limited (Environ) was one of the consultants of the applicant. Ms Janice W.M. Lai and Mr Ivan C.S. Fu had declared interests in the item as they had current business dealings with Environ. The Committee noted that the applicant had requested for a deferral of consideration of the application and agreed that as Ms Janice W.M. Lai and Mr Ivan C.S. Fu had no involvement in the application, they could stay in the meeting.

46. The Committee noted that the applicant requested on 25.5.2016 for deferment of the consideration of the application for two months in order to allow time to prepare an updated Traffic Impact Assessment (TIA) with revised technical calculations in response to the further comments of the Transport Department (TD). It was the third time that the applicant requested for deferment of the application. Since the second deferment agreed by the Committee, the applicant submitted further information including revised TIA and Environmental Assessment to address comments from TD and the Environmental Protection Department on 21.1.2016, 1.3.2016 and 12.4.2016.

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

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

[Mr Kepler S.Y. Yuen, Senior Town Planner/Fanling, Sheung Shui and Yuen Long East (STP/FSYLE), and Mr Billy W.M. Au Yeung, Town Planner/Fanling, Sheung Shui and Yuen Long East (TP/FSYLE) were invited to the meeting at this point.]

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/418 Renewal of Planning Approval for Temporary Private Swimming Pool Ancillary to a Permitted House for a Period of 3 Years in “Village Type Development” Zone, Lots 1304 RP and 2598 S.A and 2598 RP in D.D. 92, Kam Tsin, Kwu Tung South, Sheung Shui, New Territories
(RNTPC Paper No. A/NE-KTS/418)

48. The Secretary reported that the site was located at Kwu Tung South. Dr Lawrence K.C. Li had declared interest in the item for being a member of the Hong Kong Golf Club, which was located to the south of the application site. The Committee agreed that the interest of Dr Lawrence K.C. Li was indirect, and he could stay in the meeting.

Presentation and Question Sessions

49. Mr Billy W.M. Au Yeung, TP/FSYLE, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the renewal of planning approval for temporary private swimming pool ancillary to a permitted house under previous planning application No.

A/NE-KTS/347 for a period of three years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or no adverse comment on the application;

[Mr Philip S.L. Kan returned to join the meeting at this point.]

- (d) during the first three weeks of the statutory publication period, five public comments were received. A North District Council (NDC) member (submitted twice) had no specific comment on the application while another NDC member had no specific comment but indicated that nearby residents should be consulted. The remaining two comments, which were identical and received from members of the general public, objected to the application mainly on grounds that the application would set an example of abuse of the Small House Policy; the roofed-over area of the house exceeded the standard requirements of Small House; and the use was not in line with the planning intention. The District Officer (North) had consulted the locals and all the respondents which included the Chairman of Sheung Shui District Rural Committee, the incumbent NDC member and the Indigenous Inhabitant Representative and Resident Representative of Kam Tsin, had no comment; and

[Mr Ken Y.K Wong left the meeting temporarily at this point.]

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of three years based on the assessments set out in paragraph 12 of the Paper. The proposed development would not have significant adverse impacts on the traffic, environment, drainage and landscape of the surrounding area and concerned departments had no objection to or no adverse comment on the application. The application was in line with the Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development

(TPB PG-No. 34B) in that there were no adverse planning implications arising from the renewal of the planning approval as the temporary approval would not pre-empt the long term development of the area. The planning conditions under the previous approval had been complied with and the approval period sought was reasonable. Regarding the public comments, the assessments above were relevant. In response to the public comment relating to the roofed-over area of the house exceeding the standard requirements of Small House, the commenters actually referred to the roof-over area of the house which was approved under application No. A/NE-KTS/100 by the Committee on 10.9.1999, but not the applied temporary private swimming pool of the said house.

50. Members had no question on the application.

Deliberation Session

51. After deliberation, the Committee decided to approve the application on a temporary basis for a further period of 3 years from 17.8.2016 until 16.8.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) the submission of landscape and tree preservation proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 17.2.2017;
- (b) in relation to (a) above, the implementation of landscape and tree preservation proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 17.5.2017;
- (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.”

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

Agenda Item 26

Section 16 Application

[Open Meeting]

A/YL-MP/250 Proposed Temporary Warehouse (Storage of Wine and Drink), Cold Store (Storage of Chilled and Frozen Meat, Marine Product, Poultry, Vegetable, Fruit and Flower) and Ancillary Retail Shop, Wholesale and Workshop for a Period of 3 Years in “Village Type Development” Zone, Lots 4609 S.A. and 3250 S.B. ss.31 RP (Part) in D.D. 104 and adjoining Government Land, Ha San Wai Tsuen, Mai Po, Yuen Long, New Territories
(RNTPC Paper No. A/YL-MP/250)

53. The Secretary reported that the site was located at Mai Po. Dr Lawrence K.C. Li had declared interest in the item as he co-owned with spouse a house at Palm Springs. The Committee noted that the applicant had requested for a deferral of consideration of the application and agreed that as Dr Lawrence K.C. Li’s house did not have a direct view of the site, he could stay in the meeting.

54. The Committee noted that the applicant requested on 27.5.2016 for deferment of the consideration of the application for one month so as to allow time for preparation of responses to address departmental comments. It was the first time that the applicant requested for deferment of the application.

55. 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.

[Mr Ken Y.K Wong returned to join the meeting at this point.]

Agenda Item 27

Section 16 Application

[Open Meeting]

A/YL-NTM/334 Renewal of Planning Approval for Temporary Public Vehicle Park (Private Cars and Container Vehicles) and Ancillary Offices for a Period of 3 Years in "Open Storage" Zone, Lots 826 RP (Part), 827, 828 and 829 in D.D. 102 and Lots 296, 297 RP, 298 RP, 299 RP, 396 RP (Part) and 397 (Part) in D.D. 105 and Adjoining Government Land, Ngau Tam Mei, Yuen Long, New Territories
(RNTPC Paper No. A/YL-NTM/334)

56. The Committee noted that the applicant requested on 18.5.2016 for deferment of the consideration of the application for two months to allow time for the applicant to address the relevant departmental comments. It was the second 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. Since it was the second deferment and a total of four months had been allowed

for preparation of the submission of the further information, no further deferment would be granted unless under very special circumstances.

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-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/495B)

Presentation and Question Sessions

58. 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 place of recreation (including barbecue spot, picnic area, children playground and handicraft making area) with ancillary facilities for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view as the agricultural life in the vicinity of the site was active and the site had high potential for agricultural rehabilitation. 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 no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Although DAFC did not support the development as the site had high potential for agricultural rehabilitation, it should be noted that the applied recreation use was for temporary nature and only a small portion of the site encroached onto the western fringe of the “Agriculture” zone. Other concerned departments had no objection to or no adverse comment on the application. There was no environmental complaint against the applied use in the past three years. There had been no major change in planning circumstances since the last approval of a similar use in 2012 except for the reduced site area and activity area within the site. To avoid possible noise nuisance generated by the applied use, approval conditions restricting the operation hours and the use of public announcement system were recommended.

59. A Member asked whether the land available for Small House development within the “V” zone of Kam Hing Wai area (including Shui Mei Tsuen) was sufficient to meet the Small House demand in the area. In response, Mr Kepler S.Y. Yuen, STP/FSYLE, said that there was no information on the Small House demand forecast and land available for Small House development at the moment and further said that in general, whilst the land available within the “V” zone in Kam Tin was not available to meet the 10-year Small House demand forecast, there was sufficient land within the “V” zone for outstanding Small House applications. The Chairman supplemented that PlanD would closely monitor the land available within the “V” zone to meet the Small House demand.

Deliberation Session

60. A Member had no objection to the application but considered that information on land available within the “V” zone and Small House demand forecast could be provided for

future similar applications involving the “V” zone to facilitate Members’ consideration of the applications. The Member also considered that land occupied by temporary uses within the “V” zone should be accountable for land available for Small House development.

61. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 10.6.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 9:00 p.m. to 10:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation between 6 p.m. to 9 p.m. on Mondays to Fridays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no public announcement system, portable loudspeaker or any form of audio amplification system is allowed to be used on the site at any time during the planning approval period;
- (d) no reversing of vehicles into or out of the site is allowed at any time during the planning approval period;
- (e) no queuing back of vehicles to public road from the site is allowed at any time during the planning approval period;
- (f) no pond filling or paving, as proposed by the applicant, is allowed on the site and the site shall remain the same as the current situation under which surface runoff of the site will flow into the existing pond during the planning approval period;
- (g) the existing trees and landscape plantings on the site shall be maintained at all times during the planning approval period;
- (h) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;

- (i) the submission of a 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 10.9.2016;
- (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 10.12.2016;
- (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 10.3.2017;
- (l) 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;
- (m) if any of the above planning conditions (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (n) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/517 Proposed Temporary Private Car Park for Medium Goods Vehicles and Storage of Construction Materials for a Period of 3 Years in “Agriculture” Zone, Lots 381 RP (Part), 382 RP (Part) and 412 RP (Part) in D.D. 110, Pat Heung, Yuen Long, New Territories
(RNTPC Paper No. A/YL-KTN/517A)

Presentation and Question Sessions

63. 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 private car park for medium goods vehicles and storage of construction materials for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there was sensitive receiver, i.e. residential structure, located to the southwest (about 30m away) and in the vicinity of the site, and environmental nuisance was expected. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view as the site had high potential for agriculture rehabilitation. While the site had been paved and currently used as open storage purpose, it could easily be reverted to agricultural uses including greenhouse farming and/or nursery. 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 public

comment was received which objected to the application on the grounds that the proposed development was not in line with planning intention of “Agriculture” (“AGR”) zone and perpetuated an inefficient use of land. Taking note that the site had been used for storage since 2010, the application should be rejected to preserve land for agricultural use. No local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The application was generally in line with Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that previous approvals covering the site had been approved for parking and/or open storage uses. All the approval conditions under the last planning permission had been complied with and there had been no major change in planning circumstances since the last planning permission was granted. Although DEP did not support the application, no environmental complaint had been received by DEP in the past three years. Relevant departments, except DEP and DAFC, had no adverse comment on the current application. To minimize the possible nuisance generated by the temporary use, approval conditions restricting the operation hours and types of vehicles, as well as prohibiting dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities were recommended. Regarding the public comment, temporary use of the site for the applied use would not frustrate the long-term planning intention of the “AGR” zone.

64. Members had no question on the application.

Deliberation Session

65. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 10.6.2019, 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 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 reversing of vehicles into or out of the site is allowed at any time during the planning approval period;
- (d) no vehicle without valid licence 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;
- (e) 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 at any time during the planning approval period;
- (f) a notice should be posted at a prominent location of the site to indicate that 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 at any time during the planning approval period;
- (g) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the site at any time during the planning approval period;
- (h) the existing boundary fencing along the site shall be maintained at all times during the planning approval period;
- (i) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;

- (j) the submission of records of the existing drainage facilities on the site within 3 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 10.9.2016;
- (k) the submission of a 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 10.12.2016;
- (l) in relation to (k) above, the implementation of the 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 10.3.2017;
- (m) 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 22.7.2016;
- (n) 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 10.12.2016;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (i) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (p) if any of the above planning conditions (j), (k), (l), (m) or (n) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;
and
- (q) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 30

Section 16 Application

[Open Meeting]

A/YL-KTN/522 Proposed Residential Development (Flats) in “Comprehensive Development Area” and “Comprehensive Development Area (1)” Zones, Lots 1763 RP (Part), 1764, 1765, 1766 RP (Part), 1767 RP (Part), 1768, 1769, 1770, 1771 RP, 1776 RP, 1777 RP (Part), 1779, 1780, 1783 (Part), 1795 (Part), 1796 (Part), 1797 (Part), 1798, 1799, 1800, 1801, 1802, 1803, 1804, 1805, 1806, 1807, 1819, 1821, 1834, 1835, 1836 (Part), 1837 (Part), 1838 (Part) and 1839 (Part) in D.D.107 and Adjoining Government Land near Cheung Chun San Tsuen, Kam Tin, Yuen Long, New Territories
(RNTPC Paper No. A/YL-KTN/522)

67. The Secretary reported that the application was submitted by Bright Strong Limited, which was a subsidiary of Sun Hung Kai Properties Limited (SHK). Llewelyn-Davies Hong Kong Limited (LD), AECOM Asia Company Limited (AECOM), Ramboll Environ Hong Kong Limited (Environ), Ronald Lu & Partners (HK) Limited (RLP) and Urbis Limited (Urbis) were five of the consultants of the applicant. The following Members had declared interests in the item:

| | |
|---------------------|---|
| Mr Ivan C.S. Fu | } having current business dealings with SHK, AECOM, Environ and Urbis; |
| Ms Janice W.M. Lai | |
| Mr Stephen L.H. Liu | - having current business dealings with SHK, LD and RLP; |

- Miss Winnie W.M. Ng - being a Director of the Kowloon Motor Bus Company Limited (KMB) and SHK was one of the shareholders of KMB;
- Ms Christina M. Lee - being the Secretary-General of the Hong Kong Metropolitan Sports Events Association which had obtained sponsorship from SHK before; and
- Dr Billy C.H. Hau - having current business dealings with AECOM.

68. The Committee noted that Miss Winnie W.M. Ng and Dr Billy C.H. Hau had tendered apologies for being unable to attend the meeting and Ms Christina M. Lee had not yet arrived at the meeting. The Committee also noted that the applicant had requested for a deferral of consideration of the application and agreed that the interests of Mr Ivan C.S. Fu, Ms Janice W.M. Lai and Mr Stephen L.H. Liu were direct, and they could stay in the meeting but should refrain from participating in the discussion.

69. The Committee noted that the applicant requested on 1.6.2016 for deferment of the consideration of the application for two months to allow time for preparation of further information in response to government departments' comments. It was the first time that the applicant requested for deferment of the application.

70. 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 (Presentation and Question Sessions Only)]

A/YL-KTS/695 Temporary Warehouse for Storage of Rice with Ancillary Site Office and Packaging Workshop for a Period of 3 Years in “Residential (Group D)” Zone, Lots 586 RP (Part) and 587 RP (Part) in D.D.106, Kam Sheung Road, Kam Tin, Yuen Long, New Territories
(RNTPC Paper No. A/YL-KTS/695A)

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

Presentation and Question Sessions

72. 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 warehouse for storage of rice with ancillary site office and packaging workshop for a period of three 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, two public comments were received from Designing Hong Kong Limited and an individual. They objected to the application mainly on the grounds that the development was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone; approval of the application would

set an undesirable precedent for similar applications; the expansion and operation of warehouse would generate a huge traffic flow into the area causing road safety problems and traffic problems; and/or although it was applied for temporary use of the site as warehouse, once the application was permitted, the permission could be renewed making it more difficult for converting the site into more suitable uses. No local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Although the applied use was not in line with the planning intention of the “R(D)” zone, there was no known residential development at the site or in that part of the “R(D)” zone. It was considered that the temporary planning permission for three years would not frustrate the long-term planning intention of the “R(D)” zone. No environmental complaint had been received in the past three years. Concerned departments had no objection to or no adverse comment on the application. To avoid any possible environmental impact, approval conditions restricting the operation hours of the use and prohibiting medium or heavy goods vehicles and dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities were recommended. Regarding the public comments, the assessments above were relevant.

73. Members had no question on the application.

Deliberation Session

74. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 10.6.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 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 medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (d) no dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities are allowed on the site at any time during the planning approval period;
- (e) no reversing of vehicle into or out from the site is allowed at any time during the planning approval period;
- (f) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 10.12.2016;
- (g) in relation to (f) 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 10.3.2017;
- (h) in relation to (g) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (i) the submission of 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 10.12.2016;
- (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 10.3.2017;

- (k) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.12.2016;
- (l) in relation to (k) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.3.2017;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (f), (g), (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;
and
- (o) upon 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.”

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

Agenda Item 32

Section 16 Application

[Open Meeting]

A/YL-KTS/705 Proposed Residential Development (Houses) in “Comprehensive Development Area” Zone, Lots 547 RP (Part) and 2160 RP in D.D.106 and Adjoining Government Land, Kam Tin South, Yuen Long, New Territories
(RNTPC Paper No. A/YL-KTS/705)

76. The Secretary reported that the application was submitted by Super Asset Development Limited, which was a subsidiary of Henderson Land Development Company Limited (HLD). MVA Asia Limited (MVA) was one of the consultants of the applicant. Also, the application site was located at Kam Tin South. The following Members had declared interests in the item:

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|---------------------|--|
| Mr Ivan C.S. Fu | - having current business dealings with HLD and MVA; |
| Ms Janice W.M. Lai | - having current business dealings with HLD; - her family member owning a house at Cheung Po Tsuen, Kam Tin South; |
| Mr Stephen L.H. Liu | - having current business dealings with HLD; |
| Professor K.C. Chau | - being an employee of the Chinese University of Hong Kong which had obtained a donation from a family member of the Chairman of HLD before; |

- Mr H.F. Leung - being an employee of the University of Hong Kong (HKU) which had obtained a donation from a family member of the Chairman of HLD before;
- Ms Christina M. Lee - being the Secretary-General of the Hong Kong Metropolitan Sports Events Association which had obtained sponsorship from HLD before;
- Mr Peter K.T. Yuen - being a member of the Board of Governors of the Hong Kong Arts Centre which had obtained a donation from a Executive Director of HLD before; and
- Dr Lawrence K.C. Li - being the Treasurer of the Hong Kong Polytechnic University which had obtained sponsorship from HLD before.

77. The Committee noted that Professor K.C. Chau and Mr H.F. Leung had tendered apologies for being unable to attend the meeting and Ms Christina M. Lee had not yet arrived at the meeting. The Committee also noted that the applicant had requested for a deferral of consideration of the application and agreed that the interests of Mr Peter K.T. Yuen and Dr Lawrence K.C. Li were indirect, and they could stay in the meeting. As the interests of Mr Ivan C.S. Fu, Ms Janice W.M. Lai and Mr Stephen L.H. Liu were direct, they could stay in the meeting but should refrain from participating in the discussion.

78. The Committee noted that the applicant requested on 26.5.2016 for deferment of the consideration of the application for two months so as to allow time to address the comments of relevant departments. It was the first time that the applicant requested for deferment of the application.

79. 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 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/729 Temporary Open Storage of Vehicles, Vehicle Parts and Construction Materials for a Period of 3 Years in "Residential (Group D)" Zone, Lots 3017 S.B ss.2, 3017 S.B ss.3, 3017 S.B ss.4, 3017 S.B ss.5, 3017 S.B ss.6 (Part), 3017 S.B ss.7 (Part), 3017 S.B ss.8 (Part) in D.D. 111 and Adjoining Government Land, Wang Toi Shan, Pat Heung, Yuen Long, New Territories
(RNTPC Paper No. A/YL-PH/729A)

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

Presentation and Question Sessions

81. 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, vehicle parts and construction materials for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there was a sensitive receiver, i.e. residential structure located about 20m to the east 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, two public comments were received, objecting to the application as the applied open storage use was neither a Column 1 nor 2 use in “Residential (Group D)” (“R(D)”) zone. The application should be rejected to encourage development of the site for uses more compatible with the zoning. The applied use would lead to adverse traffic and environmental impacts due to the wear and tear on the already poor condition of the access road, the contamination from engine oils, petrol, diesel and potential fire hazards of the car tyres storage. Besides, no impact assessment had been provided. Illegal workers might be employed which was common for car storage business in the area. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Although the applied use was not in line with the planning intention of the “R(D)” zone, there was no known programme for permanent development in that part of “R(D)” zone or the site. It was considered that the temporary planning permission for three years would not frustrate the long-term planning intention of the “R(D)” zone. The application was generally in line with Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that previous approvals had been granted and no adverse comment had been received from the concerned

departments, except DEP. While DEP did not support the application, no environmental complaint had been received by DEP in the past three years. To minimize any possible environmental nuisance, approval conditions restricting the operation hours of the use and prohibiting medium or heavy goods vehicles and workshop-related activities were recommended. The last approval under previous application No. A/YL-PH/660 was revoked due to non-compliance with approval conditions related to the submission of drainage condition record, implementation of the approved tree preservation proposal and submission and implementation of fire service installations proposal. To closely monitor the progress on compliance with conditions, shorter compliance periods were recommended. Regarding the public comments, the assessments above were relevant.

82. Members had no question on the application.

Deliberation Session

83. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 10.6.2019, 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 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities, as proposed by the applicant, shall be carried out on the site 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, 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;

- (e) no reversing of vehicles into or out of the site is allowed at any time during the planning approval period;
- (f) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (g) the submission of records of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 10.9.2016;
- (h) the implementation of the approved tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or the TPB by 10.9.2016;
- (i) 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 22.7.2016;
- (j) the provision of fire service installations within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.9.2016;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (l) if any of the above planning conditions (g), (h), (i) or (j) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (m) upon expiry of the planning permission, the reinstatement of the application

site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/733 Temporary Open Storage of Second-Hand Vehicles for Export, Vehicle Parts and Construction Materials for a Period of 3 Years in “Agriculture” and “Open Storage” Zones, Lot 1845 (Part) in D.D.111 and Lots 9 RP (Part), 10 RP (Part), 12 RP, 13 RP (Part), 14 (Part), 32 (Part), 33 RP, 34 (Part), 35 S.A (Part), 35 S.B, 36 (Part), 37 (Part), 38, 39 (Part) and 40 (Part) in D.D. 114 and Adjoining Government Land, Pat Heung, Yuen Long, New Territories
(RNTPC Paper No. A/YL-PH/733)

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

86. The Committee noted that replacement pages (page 11 of the main paper and page 2 of Appendix VII) of the Paper had been tabled at the meeting to update comments from the Chief Building Surveyor/New Territories West, Building Department and the relevant advisory clause (j).

Presentation and Question Sessions

87. 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 second-hand vehicles for export, vehicle parts and construction materials for a period of three years;

[Mr Ken Y.K Wong left the meeting temporarily at this point.]

- (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 sensitive receivers, i.e. residential dwellings/structures were located to the north-west (about 5m away) and in the vicinity of the site, and environmental nuisance was expected. The Director of Agriculture, Fisheries and Conservation (DAFC) had some concerns on the application from the agricultural point of view as the farming activity in the vicinity was still active. Nevertheless, if the application was approved due to other strong planning justifications, approval condition requiring the applicant to properly reinstate the site to a condition which was suitable for agricultural uses after the planning approval had expired should be included. 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 no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The application was generally in line with Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that previous planning approval was granted for similar open storage use under the last application No. A/YL-PH/666. As no extensive structure or workshop activity was proposed within the site, it was considered that the increase in

floor area as compared with the last application, would not cause significant impact on the surrounding area. To address DAFC's concern, an approval condition requiring the applicant to reinstate the site to a condition which was suitable for agricultural uses was recommended. Although DEP did not support the application, there was no environmental complaint received by DEP in the past three years. To address the concern of the DEP, approval conditions restricting the operation hours and types of vehicles, and prohibiting workshop-related activities were recommended.

88. Members had no question on the application.

Deliberation Session

89. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 10.6.2019, 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. to 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on 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 of 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 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 10.9.2016;
- (i) 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 22.7.2016;
- (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 10.12.2016;
- (k) in relation to (j) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.3.2017;
- (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 expiry of the planning permission, the reinstatement of the site, at the

applicant's own cost, to a condition which is suitable for agricultural uses with a view to preserving agricultural land to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB.”

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

Agenda Item 35

Section 16 Application

[Open Meeting]

A/YL-SK/215 Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Agriculture” Zone, Lot 361 S.B RP (Part) in D.D. 112, Pat Heung, Yuen Long, New Territories
(RNTPC Paper No. A/YL-SK/215)

91. The Committee noted that the applicant requested on 26.5.2016 for deferment of the consideration of the application for two months to address the comments of relevant departments. It was the first time that the applicant requested for deferment of the application.

92. 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 Kepler S.Y. Yuen, STP/FSYLE and Mr Billy W.M. Au Yeung, TP/FSYLE, for their attendance to answer Members' enquiries. They left the meeting at this point.]

Tuen Mun and Yuen Long West District

Agenda Item 36

Section 16 Application

[Open Meeting]

A/TM-LTY Y/301 Proposed House (New Territories Exempted House - Small House) in "Residential (Group E)" Zone, Lot 190 S.D ss.1 in D.D. 130, San Hing Tsuen, Tuen Mun, New Territories
(RNTPC Paper No. A/TM-LTY Y/301A)

93. The Committee noted that the applicant requested on 30.5.2016 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 Drainage Services Department (DSD). It was the second time that the applicant requested for deferment of the application. Since the last deferment, the applicant had submitted a drainage proposal. The applicant needed more time to address the further comments of DSD.

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

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

Agenda Item 37

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTYYY/306 Temporary Public Vehicle Park (Private Cars only) for a Period of 2 Years in “Residential (Group C)” Zone, Lot 827 RP (Part) in D.D. 130, Fuk Hang Tsuen, Lam Tei, Tuen Mun, New Territories
(RNTPC Paper No. A/TM-LTYYY/306A)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary public vehicle park (private cars only) for a period of two 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;

[Mr Ken Y.K Wong returned to join the meeting at this point.]

- (d) during the first three weeks of the statutory publication period, 14 public comments were received, of which three supported and 11 objected to the application. The acting Chairman of the Tuen Mun Rural Committee and village representative of Lower Fuk Hang Tsuen supported the application on the grounds that there was an acute demand for parking spaces in Lam

Tei/Fuk Hang Tsuen, and that the landscape and tree preservation proposal would enhance greenery of the area. The property management company representing the Owners' Incorporation of Botania Villa, six residents of Bontania Villa and a resident of Greenview objected to the application mainly on the grounds of traffic congestion and higher risk of traffic accidents; adverse road/pedestrian safety; environmental, visual and landscape impacts and light pollution. An individual objected to the application on the ground of inefficient use of land resources, the development not in line with the planning intention of the "Residential (Group C)" ("R(C)") zone, and undesirable precedent. No local objection/view was received by the District Officer (Tuen Mun); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of two years based on the assessments set out in paragraph 11 of the Paper. Whilst the applied use was not entirely in line with the planning intention of the "R(C)" zone, there was currently no development proposal to implement the zoned use of the site, and approval of the application on a temporary basis would not jeopardize the long-term planning intention of the zone. Government departments concerned had no objection to or adverse comment on the application. Since the two previous planning approvals (No. A/TM-LTYT/230 and 294) which were submitted by a different applicant were revoked due to non-compliance with approval conditions, shorter compliance periods were recommended to closely monitor the progress of compliance with approval conditions. Regarding the public comments, the assessments above were relevant.

96. Members had no question on the application.

Deliberation Session

97. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 10.6.2018, 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, as proposed by the applicant, are allowed to enter/be parked on the site at all times during the planning approval period;
- (c) a notice shall be posted at a prominent location of the site to indicate that only private cars 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;
- (d) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the site at any time during the planning approval period;
- (e) no vehicle washing, vehicle repair, dismantling, paint spraying or other workshop activity is allowed on the site at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) the submission of drainage proposal within 3 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 10.9.2016;
- (h) in relation to (g) above, the implementation of drainage proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 10.12.2016;
- (i) in relation to (h) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;

- (j) the submission of fire service installations proposal within 3 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.9.2016;
- (k) in relation to (j) above, the implementation of fire service installations proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.12.2016;
- (l) the submission of run-in/run-out proposal within 3 months from the date of the planning approval to the satisfaction of the Director of Highways or of the TPB by 10.9.2016;
- (m) in relation to (l) above, the implementation of run-in/run-out proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Highways or of the TPB by 10.12.2016;
- (n) the submission of tree preservation and landscape proposal within 3 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 10.9.2016;
- (o) in relation to (n) above, the implementation of tree preservation and landscape proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 10.12.2016;
- (p) the provision of boundary fencing within 3 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 10.9.2016;
- (q) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (i) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;

- (r) if any of the above planning conditions (g), (h), (j), (k), (l), (m), (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 expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 38

Section 16 Application

[Open Meeting]

A/TM-LTYYY/311 Proposed Flat and Minor Relaxation of Plot Ratio and Building Height Restrictions in “Residential (Group E)” Zone, Lots 464 S.A ss.1, 464 S.B, 465, 472 S.A RP and 472 S.B RP in D.D. 130, San Hing Road, Lam Tei, Tuen Mun, New Territories
(RNTPC Paper No. A/TM-LTYYY/311)

99. The Secretary reported that C K Lau Surveyors Limited (CKL) and Landes Limited (Landes) were two of the consultants of the applicant. The following Members had declared interests in the item:

| | |
|---------------------|--|
| Mr Stephen L.H. Liu | - having current business dealings with CKL; and |
| Mr Ivan C.S. Fu | } having current business dealings with Landes. |
| Ms Janice W.M. Lai | |

100. The Committee noted that the applicant had requested for a deferral of consideration of the application and agreed that as Mr Stephen L.H. Liu, Mr Ivan C.S. Fu and

Ms Janice W.M. Lai had no involvement in the application, they could stay in the meeting.

101. The Committee noted that the applicant requested on 31.5.2016 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 relevant government departments. It was the first time that the applicant requested for deferment of the application.

102. 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 5 minutes.]

[Mr Ivan C.S. Fu and Ms Janice W.M. Lai left the meeting at this point.]

Agenda Item 39

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TSW/64 Proposed Residential Development with Eating Place and Shop and Services in "Other Specified Uses" annotated "LRT Terminus" Zone, Tin Shui Wai Planning Area 33 (Tin Shui Wai Town Lot 23), New Territories
(RNTPC Paper No. A/TSW/64A)

103. The Secretary reported that the application was submitted by MTR Corporation Limited (MTRCL). LWK & Partners (HK) Limited (LWK), Lewelyn-Davies Hong Kong

Limited (LD), AECOM Asia Company Limited (AECOM), Ramboll Environ Hong Kong Limited (Environ) and MVA Hong Kong Limited (MVA) were five of the consultants of the applicant. The following Members had declared interests in the item:

- | | |
|---------------------|--|
| Mr Ivan C.S. Fu | - having current business dealings with MTRCL, AECOM, Environ and MVA; |
| | - being the director and shareholder of LWK; |
| Mr Stephen L.H. Liu | - having current business dealings with MTRCL, LWK and LD; |
| Ms Janice W.M. Lai | - having current business dealings with MTRCL, AECOM and Environ; |
| Dr Billy C.H. Hau | - having current business dealings with AECOM; and |
| Mr H.F. Leung | - being a convenor of the Railway Objections Hearing Panel. |

104. The Committee noted that Mr H.F. Leung and Dr Billy C.H. Hau had tendered apologies for being unable to attend the meeting and Mr Ivan C.S. Fu and Ms Janice W.M. Lai had already left the meeting. The Committee agreed that the interest of Mr Stephen L.H. Liu was direct and he should be invited to leave the meeting temporarily for the item.

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

105. The Committee noted that replacement pages (pages 2 and 6) of the Paper had been tabled at the meeting to rectify editorial errors regarding the total gross floor area and the status of land owners of the site respectively.

Presentation and Question Sessions

106. With the aid of PowerPoint slides, 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;

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

- (b) the proposed residential development with eating place and shop and services – the proposed development comprised 3 towers with a maximum building height of 38 storeys (143.3 mPD) above 3 storeys of podium and 1 storey of basement. A total of 1,938 flats would be provided. Eating place and shop and services facilities would be provided at podium floor under Tower 1 at the southern side of the site and a 1-storey club house under Towers 1 and 2. The proposed development was scheduled for completion by 2021/2022. Compared with the previous approved scheme (application No. S/A/TSW/20), the podium had been reduced in size and adopted a permeable design with the incorporation of openings to facilitate air ventilation as well as to enhance spatial quality at pedestrian level. The residential towers were oriented to create a wider building gap to break up the visual mass of the proposed development;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD) noted that one-third of the passage at M/F was surrounded by electrical and mechanical rooms of the development, which would require 24-hour mechanical ventilation and artificial lighting. It was undesirable from spatial experience, safety and environmental point of views. In addition, whether an accessible lift was provided between the Light Railway Terminal and the public passage was unclear in the submission. CA/CMD2, ArchSD advised that the applicant should review the design and show more details of the public access arrangement for further

consideration. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the three statutory publication periods, a total of 18 public comments were received, of which four supported, four objected to and 10 expressed concerns on/gave suggestions to the application. The major grounds of objection were that the development intensity was too high; the proposed development would generate visual, traffic and air ventilation impacts on the surrounding area; Tin Shui Wai was already too densely populated; and there were inadequate recreational or Government, Institution and Community (GIC) facilities in Tin Shui Wai area. 10 commenters were mainly concerned about the development intensity of the proposed development; possible traffic, visual and air ventilation impacts from the proposed development; the design of the proposed residential development and the 24-hour pedestrian walkway; safety issues; and the possible provision of more open space, commercial or GIC facilities in the proposed scheme. No local objection/view was received by the District Officer (Yuen Long); 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 current application was basically for amendments to the previously approved residential development with changes in the design of the building blocks mainly to take into account the Sustainable Building Design (SBD) Guidelines. The proposed development would not interrupt the Light Rail Transit services and hence would not jeopardize the planning intention for the site. The proposed development scale (i.e. with an overall plot ratio of about 5) was similar to that of the previously approved scheme and was considered not incompatible with the surrounding environment and the general character of the nearby areas. To minimize any potential visual and air ventilation impacts on the surrounding areas, the applicant had proposed mitigation measures including 23m-building separation between towers, setback of podium from Tin Shing Road and Tin Wing Road and a permeable and landscaped design for the podium.

As to the concern of CA/CMD2, ArchsD on the design of the public access, it could be addressed at the detailed design stage. Other concerned government departments had no adverse comments on the application. Regarding the public comments, the assessments above were relevant. Also, in respect of the public comments on provision of open space and GIC facilities, the provision in Tin Shui Wai New Town was largely sufficient in accordance with the Hong Kong Planning Standards and Guidelines (HKPSG).

107. The Chairman remarked that the current application had proposed amendment to the previously approved scheme to enhance the layout and design of the building form in order to meet the SBD requirement while optimizing the internal design layout to increase the provision of flats. A major breezeway of about 23m in between the residential towers was proposed in response to the district's aspirations and to fully comply with the SBD Guidelines.

108. A Member asked why the increase in population resulting from the proposed development had resulted in a decrease in the provision of private car parking spaces when compared with the previous approved scheme. In response, Mr K.C. Siu, Chief Traffic Engineer/New Territories East, Transport Department explained that the parking spaces of a proposed development were generally provided in accordance with HKPSG. For the subject application, the proximity of the site to the Light Rail Transit Terminus would justify a lower parking space provision. Mr Vincent T.K. Lai, STP/TMYLW, supplemented that an approval condition was suggested requiring the car parking space of the proposed development to be provided to the satisfaction of the Commissioner for Transport (C for T). There was flexibility to change the number of car parking spaces, subject to agreement with C for T. In response to the Chairman's further query, Mr Vincent T.K. Lai said that due to the changes in flat mix (i.e. more small-sized flats and less large-sized flats), the proposed provision of private car parking spaces was decreased in accordance with HKPSG.

Deliberation Session

109. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission

should be valid until 10.6.2020, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- “(a) the submission and implementation of a revised Master Layout Plan, taking into account the approval conditions (c), (d), (f), (g) and (j) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a development and phasing programme for the proposed development to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission and implementation of a revised Landscape Proposal to the satisfaction of the Director of Planning or of the TPB;
- (d) the submission of a revised Environmental Assessment and the implementation of the mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the TPB;
- (e) the submission of an undertaking letter on the implementation and maintenance of the proposed noise mitigation measures at the development and/or at the Light Rail Transit and to incorporate the proposed mitigation measures in the building plan submission and in the Deed of Mutual Covenant to the satisfaction of the Director of Environmental Protection or of the TPB;
- (f) the submission of a revised traffic impact assessment and the implementation of improvement measures including junction improvement identified therein to the satisfaction of the Commissioner for Transport or of the TPB;
- (g) the design and the implementation of the traffic proposals including the detailed walkway, escalator and footbridge arrangements, ramp arrangement and access road arrangement within the boundaries of the

application site, the provision of car parking spaces and motorcycle parking facilities to the satisfaction of the Commissioner for Transport or of the TPB;

- (h) the submission and implementation of a temporary arrangement proposal to avoid interrupting the Light Rail Transit services during the construction period to the satisfaction of the Commissioner for Transport or of the TPB;
- (i) the submission and implementation of a temporary pedestrian crossing arrangement proposal during the construction period to the satisfaction of the Commissioner for Transport or of the TPB;
- (j) the design and provision of emergency vehicular access, water supplies for fire-fighting and fire services installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (k) the diversion of water mains to be affected by the proposed development to the satisfaction of the Director of Water Supplies or of the TPB.”

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

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

Agenda Item 40

Section 16 Application

[Open Meeting]

A/TSW/65 Proposed Comprehensive Residential and Commercial Development with Eating Place, Shop and Services and Public Vehicle Park in “Comprehensive Development Area” Zone, Tin Shui Wai Planning Area 112 (Tin Shui Wai Town Lot 33), New Territories
(RNTPC Paper No. A/TSW/65A)

111. The Secretary reported that the application was submitted by Jet Group Limited, which was a subsidiary of Sun Hung Kai Properties Limited (SHK). Lewelyn-Davies Hong Kong Limited (LD), MVA Hong Kong Limited (MVA) and Ramboll Environ Hong Kong Limited (Environ) were three of the consultants of the applicant. The following Members had declared interests in the item:

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

112. The Committee noted that Miss Winnie W.M. Ng had tendered apologies for being unable to attend the meeting, Mr Ivan C.S. Fu and Ms Janice W.M. Lai had already left the meeting and Mr Stephen L.H. Liu had left the meeting temporarily. The Committee also noted that the applicant had requested for a deferral of consideration of the application and agreed that the interest of Ms Christina M. Lee was indirect and she could stay in the meeting.

113. The Committee noted that the applicant requested on 1.6.2016 for deferment of the consideration of the application for one month to allow time to prepare further information to address departmental comments. It was the second time that the applicant requested for deferment of the application. Since the last deferment, the applicant submitted further information providing responses to departmental comments. More time was required for the applicant to prepare further information to address further departmental comments received on 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 one month was allowed for preparation of the submission of the further information. Since it was the second deferment and a total of three months had been allowed for preparation of the submission of the further information, no further deferment would be granted unless under very special circumstances.

Agenda Item 41

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/1009 Temporary Eating Place for a Period of 3 Years in “Village Type Development” Zone, Lots 924 RP (Part) and 1007 RP (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-HT/1009A)

115. The Secretary reported that Ramboll Environ Hong Kong Limited (Environ) was one of the consultants of the applicant and the application site was located at Ha Tsuen. The following Members had declared interests in the item:

- | | |
|--------------------|---|
| Mr Ivan C.S. Fu | - having current business dealings with Environ; |
| Ms Janice W.M. Lai | - having current business dealings with Environ; and |
| | - her husband being a shareholder of a company owning two pieces of land in Ha Tsuen. |

116. The Committee noted that Mr Ivan C.S. Fu and Ms Janice W.M. Lai had already left the meeting.

Presentation and Question Sessions

117. 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 eating place for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservation on the application because some trees on the site were missing and adverse landscape impact had taken place and the approval of the application might set an undesirable precedent of encouraging application to clear and develop the site before approval would be given. CTP/UD&L, PlanD also considered that the missing trees were a weed tree species which could be compensated by trees and shrub planting along the site boundary. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the two statutory publication periods, a total of six public comments were received. They objected to the application mainly on grounds that the development was not in line with the planning intention of the “Village Type Development” (“V”) zone; not compatible with the adjoining football ground use; the government land involved in the application should be reserved for development of Small House (SH) to meet the demand of indigenous villagers; applications for SH development involving the site were being processed; the development would generate adverse traffic, drainage and environmental impacts; there were already a number of eating places within walking distance; and staff were found staying overnight at the development. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The approval of the application on a temporary basis of three years would not jeopardise the planning intention of the “V” zone. Concerned departments, except CTP/UD&L, PlanD, had no adverse comment on the application. To address the concerns of CTP/UD&L, PlanD, approval condition on the

landscape proposal was recommended. In view of the above and that the eating place was located at the fringe of the “V” zone and accessible via Ha Mei Road, the application was in line with the Town Planning Board Guidelines for Application for Eating Place within "Village Type Development" Zone in Rural Areas under Section 16 of the Town Planning Ordinance (TPB PG-No. 15A). Regarding the public comments, the assessments above 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 10.6.2019, 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 vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;
- (c) 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 10.12.2016;
- (d) in relation to (c) above, the provision of run-in/out within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 10.3.2017;
- (e) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 10.12.2016;

- (f) in relation to (e) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 10.3.2017;
- (g) the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (h) the submission of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 10.12.2016;
- (i) in relation to (h) above, the implementation of landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 10.3.2017;
- (j) the submission of water supplies for fire fighting and fire services installations (FSIs) proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 10.12.2016;
- (k) in relation to (j) above, the provision of water supplies for fire fighting and FSIs within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 10.3.2017;
- (l) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 10.12.2016;
- (m) if any of the above planning conditions (a), (b), or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (c), (d), (e), (f), (h), (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall

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

- (o) upon expiry of the planning permission, the reinstatement of the application 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 V of the Paper.

Agenda Item 42

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/1025 Temporary Open Storage of Containers, Repair Workshop and Staff Canteen for a Period of 3 Years in “Comprehensive Development Area” Zone, Lots 3200 RP, 3201 RP and 3206 RP in D.D.129 and adjoining Government Land, Ha Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-HT/1025)

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

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of containers, repair workshop and staff canteen

for a period of three years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application because there were sensitive uses along the access roads (Fung Kong Tsuen Road) and environmental nuisance was expected. Other concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The application was generally in line with Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that the site fell within Category 1 areas under the TPB PG-No. 13E which were considered suitable for open storage and port back-up uses; relevant proposals had been submitted to demonstrate that the proposed use would not generate adverse impacts; and technical concerns of relevant government departments could be addressed through the implementation of approval conditions. Although DEP did not support the application, there was no environmental complaint pertaining to the site in the past three years. Furthermore, relevant approval conditions were recommended to minimize any potential environmental nuisances or to address the technical concerns of the other concerned government departments.

123. Members had no question on the application.

Deliberation Session

124. After deliberation, the Committee decided to approve the application on a

temporary basis for a period of 3 years until 10.6.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 8:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) the stacking height of containers stored within the site shall not exceed 8 units at all times during the planning approval period;
- (d) no material is allowed to be stored/dumped within 1m of any tree on the site at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;
- (f) the existing drainage facilities on site shall be maintained at all times during the planning approval period;
- (g) the existing boundary fencing on site shall be maintained at all times during the planning approval period;
- (h) the submission of a condition record of existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 10.9.2016;
- (i) the implementation of the accepted tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 10.12.2016;
- (j) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of planning approval to

the satisfaction of the Director of Fire Services or of the TPB by 22.7.2016;

- (k) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.12.2016;
- (l) in relation to (k) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.3.2017;
- (m) 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;
- (n) if any of the above planning conditions (h), (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (o) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

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

Agenda Item 43

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/1026 Proposed Temporary Open Storage of Construction Materials, Container Vehicles and Container Trailers for a Period of 3 Years in “Undetermined” Zone, Lots 1926 (Part), 1927 RP, 1928 (Part), 1931 RP (Part), 1932 (Part), 1936 S.B RP (Part), 1937 RP (Part), 1941 S.B RP (Part) in D.D. 125, Ha Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-HT/1026)

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

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary open storage of construction materials, container vehicles and container trailers 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 along the access road (Ping Ha 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, a public

comment was received objecting to the application on the ground that the proposed development would cause deterioration of the environment and inefficient use of land. No local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The application was generally in line with Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that the site fell within Category 1 areas under the TPB PG-No. 13E which were considered suitable for open storage and port back-up uses; relevant proposals had been submitted to demonstrate that the proposed use would not generate adverse impacts; and technical concerns of relevant government departments could be addressed through the implementation of approval conditions. Although DEP did not support the application, there was no environmental complaint pertaining to the site in the past three years. Furthermore, relevant approval conditions were recommended to minimize any potential environmental nuisances or to address the technical concerns of the other concerned government departments. Regarding the public comments, the assessments above were relevant.

128. Members had no question on the application.

Deliberation Session

129. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 10.6.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

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

is allowed on the site during the planning approval period;

- (c) no cutting, dismantling, repairing, melting, compaction, unpacking, re-packing, cleansing or other workshop activity is allowed at any time on the site during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;
- (e) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 10.12.2016;
- (f) in relation to (e) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 10.3.2017;
- (g) the implemented drainage facilities on site shall be maintained at all times during the planning approval period;
- (h) the submission of a tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 10.12.2016;
- (i) in relation to (h) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 10.3.2017;
- (j) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.7.2016;
- (k) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire

Services or of the TPB by 10.12.2016;

- (l) in relation to (k) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.3.2017;
- (m) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 10.12.2016;
- (n) if any of the above planning conditions (a), (b), (c), (d) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (o) if any of the above planning conditions (e), (f), (h), (i), (j), (k), (l) or (m) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (p) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 44

Section 16 Application

[Open Meeting]

A/YL-LFS/282 Proposed Public Utility Installation (Package Substation) and Excavation of Land (1.8m) in “Village Type Development” Zone, Government Land in D.D. 129, Lau Fau Shan Road, Sha Kong Wai South, Yuen Long, New Territories
(RNTPC Paper No. A/YL-LFS/282A)

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

| | |
|---------------------|---|
| Mr Alex T.H. Lai | } having current business dealings with CLP; and |
| Mr Stephen L.H. Liu | |
| Ms Christina M. Lee | - being the Secretary-General of the Hong Kong Metropolitan Sports Events Association which had obtained sponsorship from CLP before. |

132. The Committee noted that Mr Alex T.H. Lai had tendered apologies for being unable to attend the meeting. The Committee also noted that the applicant had requested for a deferral of consideration of the application and agreed that the interest of Ms Christina M. Lee was indirect, and she could stay in the meeting. As the interest of Mr Stephen L.H. Liu was direct, he could stay in the meeting but should refrain from participating in the discussion.

133. The Committee noted that the applicant requested on 3.6.2016 for deferment of the consideration of the application for two months so as to allow time to prepare further information to address departmental comments. It was the second time that the applicant requested for deferment of the application. Since the last deferment, the applicant submitted further information providing responses to departmental comments. More time was

required for the applicant to prepare further information to address further departmental comments received on the application.

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

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

Agenda Item 45

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/379 Proposed Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years in "Village Type Development" Zone, Lots 1186 (Part), 1298 RP (Part) and 2146 (Part) in D.D. 117, Tai Tong Shan Road, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TT/379)

Presentation and Question Sessions

135. Miss Karmin Tong, 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 of a restaurant) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Commissioner for Transport (C for T) raised concerns over the nil provision of parking and loading/unloading facilities at the site and requested the applicant to assess the traffic impact on public road due to the subject development. 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 no local objection/view was received by the District Officer (Yuen Long); 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. C for T raised concerns on provision of parking and loading/unloading facilities at the site. The applicant, however, had not provided further information in response to the departmental concerns under the current submission and had not submitted any relevant proposals on the drainage and fire safety aspects. In that regard, the applicant failed to demonstrate that the development would not cause adverse traffic, drainage and fire safety impacts on the surrounding areas. As such, the application did not meet the criteria under the Town Planning Board Guidelines for Application for Eating Place within "Village Type Development" Zone in Rural Areas under Section 16 of the Town Planning Ordinance (TPB PG-No. 15A). The site was subject to four previous applications (application No. A/YL-TT/272, 321, 366 and 373) for similar eating place use. The first two applications were approved with conditions by the Committee, but the planning permissions were subsequently revoked due to non-compliance with approval conditions on the drainage and fire safety aspects. The latter two applications were rejected mainly on the grounds of, inter alia, approval of applications with repeated non-compliances with

approval conditions would set an undesirable precedent. Besides, based on the latest site inspection, the eating place use at the site had not ceased operation and remained unchanged since the rejection of the last application. It was considered that approval of the application with repeated non-compliances would set an undesirable precedent for other similar planning permissions for temporary uses, thus nullifying statutory planning control. In light of the above, the current application did not warrant sympathetic consideration.

136. Members had no question on the application.

Deliberation Session

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

- “(a) the applicant fails to demonstrate that the development would not cause adverse traffic, drainage and fire safety impacts on the surrounding area; and
- (b) approval of the application with repeated non-compliances with approval conditions would set an undesirable precedent for other similar applications, thus nullifying the statutory planning control mechanism.”

Agenda Item 46

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/790 Temporary Open Storage of Construction Material and Recyclable Material with Ancillary Workshop and Office for a Period of 3 Years in “Undetermined” Zone, Lots 771 (Part), 772 (Part), 773 (Part), 775 (Part) and 776 (Part) in D.D. 117 and Lots 1131 (Part) and 1132 (Part) in D.D. 119 and Adjoining Government Land, Pak Sha Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TYST/790)

Presentation and Question Sessions

138. Miss Karmin Tong, 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 material and recyclable material with ancillary workshop and office for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. residential structures located to the northeast and in the vicinity, and environmental nuisance was expected. Other concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the

temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The application was generally in line with Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that the site fell within Category 1 areas under the TPB PG-No. 13E which were considered suitable for open storage and port back-up uses; relevant proposals had been submitted to demonstrate that the proposed use would not generate adverse impacts; and the technical concerns of relevant government departments could be addressed through the implementation of approval conditions. Although DEP did not support the application, there was no environmental complaint pertaining to the site in the past three years. Relevant approval conditions were recommended to address the concerns on the possible environmental nuisances generated by the temporary use or to address the technical concerns of other concerned government departments.

139. Members had no question on the application.

Deliberation Session

140. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 10.6.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 9:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste, as proposed by the applicant, is allowed on the site at any time during the planning approval period;

- (d) no workshop activities, except in Structures No. 7, 8, 9 and 10, as proposed by the applicant, are allowed 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) the existing boundary fence on the site shall be maintained at all times during the planning approval period;
- (g) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (h) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (i) the submission of records of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 10.9.2016;
- (j) the submission of a landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 10.12.2016;
- (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 10.3.2017;
- (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 22.7.2016;

- (m) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.12.2016;
- (n) in relation to (m) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.3.2017;
- (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 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.”

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

Agenda Item 47

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/791 Temporary Open Storage of Construction Machinery for a Period of 3 Years in “Undetermined” Zone, Lots 2815 RP (Part) and 2816 RP (Part) in D.D. 120, Tong Yan San Tsuen, Yuen Long, New Territories (RNTPC Paper No. A/YL-TYST/791)

Presentation and Question Sessions

142. Miss Karmin Tong, 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 for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. residential structures located to the southwest and environmental nuisance was expected. Other concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The application was generally in line with Town Planning Board Guidelines for Application for

Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that the site fell within Category 1 areas under the TPB PG-No. 13E which were considered suitable for open storage and port back-up uses; relevant proposals had been submitted to demonstrate that the proposed use would not generate adverse impacts; and the technical concerns of relevant government departments could be addressed through the implementation of approval conditions. Although DEP did not support the application, there was no environmental complaint pertaining to the site in the past three years. Furthermore, relevant approval conditions were recommended to address the concerns on the possible environmental nuisances generated by the temporary use or to address the technical concerns of other concerned government departments.

143. Members had no question on the application.

Deliberation Session

144. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 10.6.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 8:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (d) no cleansing, repairing, dismantling and any other workshop activities, as proposed by the applicant, are 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 10.9.2016;
- (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 10.12.2016;
- (j) the submission of a 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 10.12.2016;
- (k) in relation to (j) above, the implementation of the 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 10.3.2017;
- (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 22.7.2016;
- (m) the submission of a fire service installations proposal within 6 months from

the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.12.2016;

- (n) in relation to (m) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.3.2017;
- (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 expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 48

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/792 Renewal of Planning Approval for Temporary “Open Storage of Construction Machinery, Construction Material, Metal Ware and Vehicle Spare Parts and Ancillary Site Office” for a Period of 1 Year in “Undetermined” and “Village Type Development” Zones, Lots 2406, 2407, 2408 (Part), 2409 S.B (Part) and 2419 (Part) in D.D. 120, Tong Yan San Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TYST/792)

Presentation and Question Sessions

146. Miss Karmin Tong, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the renewal of planning approval for temporary open storage of construction machinery, construction material, metal ware and vehicle spare parts and ancillary site office under previous planning application No. A/YL-TYST/744 for a period of one year;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there was sensitive receivers of residential use in the vicinity (with the nearest one being less than 5m away to the southeast) and environmental nuisance was expected. Other concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by

the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of one year based on the assessments set out in paragraph 12 of the Paper. The application was generally in line with Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that there had been no material change in planning circumstances since the granting of the previous approval under application No. A/YL-TYST/744; the approval conditions had been complied with; and the 1-year approval period sought was of the same timeframe as the previous approval. The application was also generally in line with TPB PG-No. 13E in that the site mainly fell within Category 1 areas under the TPB PG-No. 13E; relevant proposals had been submitted to demonstrate that the proposed use would not generate adverse impacts; and the technical concerns of relevant government departments could be addressed through the implementation of approval conditions. Although DEP did not support the application, there was no environmental complaint pertaining to the site in the past three years. Furthermore, relevant approval conditions were recommended to address the concerns on the possible environmental nuisances generated by the temporary use or to address the technical concerns of other concerned government departments.

147. In response to the Chairman's query, Miss Karmin Tong, STP/TMYLW, said that the granting of a temporary approval of one year only under the previous application for the same use on the site was to monitor the interface of the temporary use with the three Small House developments to the southeast of the site, which were then under construction, on any possible environmental nuisance. The three Small House developments had currently been completed and occupied and there was no complaint about environmental nuisance received in the past three years according to the Environmental Protection Department.

148. In response to a Member's concern on the potential environmental nuisance brought by the temporary open storage use to the residential settlements in the vicinity, the Chairman said that the site was included in the study area of the "Planning and Engineering

Study for Housing Sites in Yuen Long South - Investigation” which aimed to investigate the area for residential, commercial or other development purposes. Such development proposals could help phase out the brownfield operations in the area. However, the development process might take considerable time. In the meantime, the Committee should consider the application based on its individual merits and that there was no complaint on environmental nuisance received for the open storage operation on the site.

Deliberation Session

149. After deliberation, the Committee decided to approve the application on a temporary basis for a further period of 1 year from 18.7.2016 to 17.7.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no open storage within 10m from the southeastern boundary of the site adjoining the “Village Type Development” zone, as proposed by the applicant, is allowed at any time during the planning approval period;
- (d) no repairing, dismantling, cleansing or other workshop activities, as proposed by the applicant, 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, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (f) no heavy goods vehicles exceeding 24 tonnes, including container

tractor/trailer, as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;

- (g) the existing boundary fence on the site shall be maintained at all times during the planning approval period;
- (h) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (i) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (j) the submission of records 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 18.10.2016;
- (k) the submission of a landscape and tree preservation proposal within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 18.10.2016;
- (l) in relation to (k) above, the implementation of the landscape and tree preservation proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 18.1.2017;
- (m) the provision of fire extinguisher(s) with valid fire certificate (FS 251) within 6 weeks from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.8.2016;
- (n) the submission of a fire service installations proposal within 3 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 18.10.2016;

- (o) in relation to (n) above, the implementation of the 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 18.1.2017;
- (p) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (i) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (q) if any of the above planning conditions (j), (k), (l), (m), (n) or (o) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (r) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

[The Chairman thanked Ms Stella Y. Ng, Mr Vincent T.K. Lai and Miss Karmin Tong, STPs/TMYLW, for their attendance to answer Members' enquiries. They left the meeting at this point.]

Agenda Item 49

Any Other Business

151. There being no other business, the meeting closed at 4:40 p.m.