

TOWN PLANNING BOARD

Minutes of 562nd Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 12.8.2016

Present

Director of Planning
Mr K.K. Ling

Chairman

Mr H.W. Cheung

Vice-chairman

Professor K.C. Chau

Mr Ivan C.S. Fu

Ms Christina M. Lee

Mr H.F. Leung

Dr F.C. Chan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr C.H. Hau

Mr Alex T.H. Lai

Dr Lawrence K.C. Li

Mr Stephen L.H. Liu

Miss Winnie W.M. Ng

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 K.F. Tang

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

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

Secretary

Absent with Apologies

Ms Janice W.M. Lai

In Attendance

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

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

Town Planner/Town Planning Board
Ms Vienna Y.K. Tong

Agenda Item 1

Confirmation of the Draft Minutes of the 561st RNTPC Meeting held on 29.7.2016

[Open Meeting]

1. The draft minutes of the 561st RNTPC meeting held on 29.7.2016 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Fanling, Sheung Shui and Yuen Long East District

Agenda Item 3

Section 12A Application

[Open Meeting]

Y/YL-NSW/4 Application for Amendment to the Approved Nam Sang Wai Outline Zoning Plan No. S/YL-NSW/8, To Rezone the Application Site from “Residential (Group D)” to “Residential (Group D)1”, Lots 594, 595 (Part), 600 (Part), 1288 S.B RP (Part), 1289 S.B RP (Part) and 1292 S.B RP (Part) in D.D. 115, Nam Sang Wai, Yuen Long, New Territories
(RNTPC Paper No. Y/YL-NSW/4)

3. The Secretary reported that the application was submitted by Topwood Limited, which was a subsidiary of Sun Hung Kai Properties Limited (SHK). Llewelyn-Davies Hong Kong Limited (LD) was the consultant of the applicant. The following Members had declared interests in the item:

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

4. The Committee noted that the applicant had requested for deferral of consideration of the application. The Committee also noted that Ms Janice W.M. Lai had tendered apology for being unable to attend the meeting and agreed that the interests of Ms Christina M. Lee and Miss Winnie W.M. Ng were indirect, and they could stay in the meeting. As the interests of Mr Ivan C.S. Fu and Mr Stephen L.H. Liu were direct, they could stay in the meeting but should refrain from participating in the discussion.

5. The Committee noted that the applicant's representative requested on 8.8.2016 for deferment of the consideration of the application for two months to allow time for the applicant 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 had submitted revised assessments on ecological, traffic, landscape, water supply, site formation and sewerage aspects of the proposed development to support the application.

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

applicant that two months were allowed for preparation of the submission of 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

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

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-LI/26 Proposed House (Redevelopment) in “Agriculture” and “Green Belt”
zones, Government Land near No. 102A Tai Peng Tsuen, Yung Shue
Wan, Lamma Island
(RNTPC Paper No. A/I-LI/26)

Presentation and Question Sessions

7. With the aid of a PowerPoint presentation, Mr Richard Y.L. Siu, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (redevelopment);

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

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Chief Town Planner/Urban Design and

Landscape, Planning Department (CTP/UD&L, PlanD) had some reservation on the application from the landscape planning perspective. The site was located on a gently sloping ground covered with vegetation. As no information was provided on existing trees and vegetation within the site, the potential impact of the proposed development on the trees/vegetation could not be ascertained. The applicant should provide a broad-brush tree/vegetation survey, and the impact on existing trees/vegetation should be stated and supported by the proposed extent of site formation and works. 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, six public comments were received. An individual supported, whilst the indigenous inhabitants' representative of Tai Peng Village and the Chairman of Lamma Island (North) Rural Committee had no comment on the application. A villager of Tai Peng Village, a resident of Lamma Island and an individual objected to the application mainly on the grounds of the development being not in line with the planning intention of the "Green Belt" ("GB") zone; adverse impacts on trees preservation and nature conservation; and setting of an undesirable precedent. No local objection/view was received by the District Officer (Islands); and
- (e) the PlanD's views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The existing domestic structure was covered by a Government Land License. The District Lands Officer/Islands, Lands Department (DLO/Is, LandsD) had no objection to the application and considered that the proposed rebuilding of the domestic structure could be processed under the prevailing land policy. The proposed in-situ redevelopment would not involve extensive vegetation clearance. The proposed 2-storey house was compatible with the rural character of the surroundings with village houses, temporary structures and vacant land covered with vegetation. Concerned departments, except CTP/UD&L, PlanD, had no objection to or no adverse comment on the application. The application was considered to be generally in line with

the Town Planning Board Guidelines No. 10 on Application for Development within “GB” zone under section 16 of the Town Planning Ordinance (TPB PG-No. 10) in that the proposed development would not have adverse traffic, environmental, drainage, sewage, landscape and geotechnical impacts on the surrounding areas. To address CTP/UD&L, PlanD’s concern, an approval condition on the submission and implementation of tree preservation and landscape proposal was recommended. Regarding the public comments, the assessments above were relevant.

8. A Member asked whether the existing derelict structure was currently for domestic use. Mr Richard Y.L. Siu, STP/SKIs said that the house was vacant based on a recent site inspection. Given the dilapidated condition of the existing domestic structure, the applicant intended to redevelop it for self-accommodation purpose.

Deliberation Session

9. 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 12.8.2020, 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 a tree preservation and landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (c) the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB.”

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

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

Agenda Items 5 to 8

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HC/258 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 388 S.A in D.D. 244, Ho Chung, Sai Kung, New Territories

A/SK-HC/259 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lots 378 S.A ss.2 S.A, 425 S.C and 426 S.G in D.D. 244, Ho Chung, Sai Kung, New Territories

A/SK-HC/260 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lots 388 S.B, 425 S.B and 426 S.F in D.D. 244, Ho Chung, Sai Kung, New Territories

A/SK-HC/261 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lots 425 S.A RP, 425 S.E, 426 S.B ss.1, 426 S.B ss.2, 426 S.C ss.1 S.A, 426 S.C ss.2, 426 S.D ss.2 and 426 S.E ss.1 in D.D. 244, Ho Chung, Sai Kung, New Territories
(RNTPC Paper No. A/SK-HC/258 to 261)

11. The Committee noted that the four section 16 applications for proposed house (New Territories Exempted House (NTEH) - Small House) were similar in nature and the sites were located in close proximity to one another and within the same “Agriculture” (“AGR”) zone and presented in one paper. The Committee agreed that the applications could be considered together.

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) the proposed house (NTEH - Small House) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the four applications from agricultural development point of view as the sites, which were vacant, possessed potential for agricultural rehabilitation and there were active agricultural activities in their vicinities. The Commissioner for Transport (C for T) had reservation on the four applications and considered that Small House developments should be confined within the “Village Type Development (“V”) zone. However, as the applications only involved one Small House at each site, the application could be tolerated. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservation on application No. A/SK-HC/260 as the four existing semi-mature common fruit trees within the site would be in conflict with the building footprint of the proposed Small House. However, since the proposed roofed over area occupied over 70% of the total site area, and allowance for septic tank and access etc was required, it seemed infeasible to provide tree planting to compensate the loss of existing trees within the site due to site constraints. Other concerned departments had no objection to or no adverse comment on the applications;

[Mr K.F. Tang arrived to join the meeting at this point.]

- (d) during the first three weeks of the statutory publication period, one public comment for each of the applications was received. The commenter objected to the applications mainly for reasons of the developments being not in line with the planning intention of the “AGR” zone; not complying with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria); setting of undesirable

precedents and inappropriate land use; and adverse impacts on the natural environment, infrastructure capacities and landscape character of the area. No local objection/view was received by the District Officer (Sai Kung); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessments set out in paragraph 11 of the Paper. Although there was sufficient land available within the “V” zone of Ho Chung Village to meet the outstanding Small House applications, it could not fully meet the future Small House demand. The applications generally met the Interim Criteria in that the sites and the proposed Small Houses footprint fell entirely within the village ‘environs’ (‘VE’) of Ho Chung Village and there was a general shortage of land in meeting Small House development. The proposed Small Houses were not incompatible with the character of the surrounding areas. Although DAFC did not support the applications, there was no farming activity at the sites and the vicinity was already occupied by Small Houses. Other departments had no objection to or no adverse comment on the applications on drainage, sewerage and environmental impacts. Regarding CTP/UD&L, PlanD's concern on the possible impact on trees within the site of application No. A/SK-HC/260, the four existing trees were common species without significant landscape value. As for the public comment, the assessments above were relevant.

13. Members had no question on the applications.

Deliberation Session

14. After deliberation, the TPB decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the permissions should be valid until 12.8.2020, 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. Each of the permissions was subject to the following condition :

“ 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.”

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

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-TMT/52 Filling of land for Permitted Agricultural Use in “Green Belt” zone, Lots No. 402, 403, 409S.A(Part), 410, 411, 427 and 430RP (Part) in D.D 216, Long Keng, Sai Kung, New Territories
(RNTPC Paper No. A/SK-TMT/52B)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the filling of land for permitted agricultural use;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application. The site was located in the middle part of the wooded hill slope which was connected by an access road and a plant nursery was in operation. Some wetland plants were found and a seasonal stream was passing near to the west of the site. The site had already been formed with filled up soil retained along the edge by large concrete blocks/rocks. Poor edge treatment was observed along the site boundary. The cutline of

the provided section was unknown and the information of flooding level was not provided to justify the proposed filling of land to 1.2 m high. Some parts of the areas were already filled up and were over 1.5 m high relative to adjoining area. Approval of the application might encourage similar developments before exploration of other design option(s). 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, 23 public comments from the Kadoorie Farm & Botanic Garden Corporation, Designing Hong Kong Limited, Friends of Sai Kung, Hong Kong Bird Watching Society and World Wide Fund For Nature Hong Kong and 18 individuals were received. They objected to the application mainly on the grounds of setting an undesirable precedent; involving ‘destroy first, apply later’ case; being not in line with the planning intention of the “Green Belt” (“GB”) zone; lacking strong justifications for the proposed development; not complying with the Town Planning Board (TPB) Guidelines No. 10; and affecting wildlife’s habitats, water quality in the Water Gathering Grounds (WGGs) and nearby residents. No local objection/view was received by the District Officer (Sai Kung); and

- (e) the PlanD’s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. According to the applicant, the land filling of about 1.2 m was to provide soil ground for the agricultural use (growing of trees and flowers) at the site and to avoid flooding. The plant nursery currently in operation at the site was not incompatible with the rural landscape character of the surrounding areas. Concerned departments, except CTP/UD&L, PlanD, had no objection to or no adverse comment on the application. To address the concern of the CTP/UD&L, PlanD, an approval condition on landscape proposal including boundary treatment was recommended. Although the site was located within WGGs, the nearest natural streamcourse was more than 60 m away from the site. According to the applicant, no pesticides would be used and no effluent discharge would be involved. The application was considered

to be generally in line with the TPB Guidelines No. 10 on Application for Development within “GB” zone under section 16 of the Town Planning Ordinance (TPB PG-No. 10) in that the land filling was for permitted agricultural use and would not cause any adverse visual, sewerage, drainage and environmental impacts. Regarding the public comments, the assessments above were relevant.

17. A Member enquired about the type of agricultural use proposed and the reasons for filling the land noting that the site was not subject to any flooding risks. Mr William W.T. Wong, STP/SKIs, said that according to the applicant, the land filling was to provide soil ground for tree planting and flower nursery at the site and to alleviate flooding. The agricultural products were for sale while the plant nursery was currently in operation.

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

18. A Member noted that the site was the subject of three enforcement cases against unauthorized land filling and enquired whether the site was a ‘destroy first, build later’ case. Mr Wong said that according to the latest information from the Central Enforcement and Prosecution Section (CEPS), PlanD, prosecution action against the site was in progress for non-compliance with the Reinstatement Notice (RN). The current application should be assessed taking into account the original state of the site which was grassland. The proposed filling of land was for agricultural use which was compatible with the surrounding rural environment.

19. In response to the Chairman’s enquiry, Mr Wong said that from a recent site inspection, the fill materials did not comprise construction wastes and concerned departments had no objection to the application.

20. Noting that the land filling at the site was subject to prosecution action, a Member asked whether approval of the application prior to the decision of the court would compromise the legal proceedings. Mr Wong said that despite prosecution action against the unauthorized land filling was in progress, the current application would need to be considered based on the relevant planning considerations.

21. A Member asked whether consideration of the application could be deferred pending the decision of the court. In response, the Chairman said that enforcement action had been taken by the Planning Authority against the unauthorized land filling at the site under the provisions of the Town Planning Ordinance (the Ordinance). For the current application, Members should consider whether the application for filling of land was acceptable from land use planning point of view. The consideration of the planning application by the Committee and enforcement action being carried out by the Planning Authority were different processes under the Ordinance.

22. In response to two Members' enquiries on the content of the RN and the progress of the court proceedings, Mr Wong said that in the RN, the concerned landowner was required to remove the fill materials and reinstate the site to grass planting. He further said that the landowner was absent at the court hearing on 10.8.2016 and another hearing was scheduled for September 2016. Based on his understanding, the hearing would continue even if the application was approved by the Committee.

Deliberation Session

23. With regard to Members' concern on the interface of the enforcement/prosecution action undertaken by the Planning Authority and the consideration of the subject application by the Committee, the Secretary supplemented for Members' information that the three enforcement notices for discontinuation of the unauthorized land filling had been complied with, while the RN was issued to require the landowner to reinstate the site by removing the fill materials and grassing the land by a specified date. As the requirements of the RN had not been complied with by the specified date, prosecution action against the landowner was in progress. As the landowner was absent from the court hearing on 10.8.2016, another hearing would be scheduled for September 2016. The consideration of the current application and enforcement action being carried out by the Planning Authority were different processes under the Ordinance.

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

24. The Chairman said that in considering the application, Members should focus on whether land filling was necessary for tree planting and flower nursery and for preventing

flooding. On the latter aspect, Members noted that according to the Drainage Services Department (DSD), the site and its surrounding area were not located at flood prone area and there had been no flooding reported to DSD in the past five years.

25. Whilst noting that the court proceedings and the subject application were two separate processes under the provisions of the Ordinance, three Members considered it might be prudent to defer consideration of the application pending a decision of the court. A Member asked whether there were any victims or potential beneficiaries of the land filling, noting that the adjoining lots were also owned by the same landowner. There were also objecting views from all 23 public comments received during the statutory publication period. A Member also queried if planning applications relating to enforcement cases by the Planning Authority should be considered by the Committee.

26. In response to some Members' suggestion on deferring consideration of the application pending court decision, the Chairman said that an application should be deferred on planning grounds. Furthermore, all planning applications submitted to the Board must be considered under the relevant provisions of the Ordinance. In considering the current application, Members should focus on whether the land filling act was acceptable given the circumstance of the case whilst the information on enforcement/prosecution action should be treated as background information.

27. A few Members considered that the application could be approved and made the following main points:

- (a) the Committee had considered similar applications for filling of land to about 1 m for agricultural activities in the past. As the site was at a lower level than its surrounding area and filling of land could help channel the water, there was no objection to the application for filling of land for genuine agricultural use within the "GB" zone. Besides, the consideration of planning application by the Committee and enforcement action carried out by the Planning Authority were different processes under the Ordinance;

- (b) the unauthorized land filling at the site was not considered a ‘destroy first, build later’ case. The proposed filling of land was for agricultural use, and under the “GB” zone, agricultural use was always permitted. In considering a section 16 planning application, prosecution action taken was a relevant fact, but not a planning consideration. Based on the planning assessments as stated in the Paper, the application was in compliance with the planning intention of the “GB” zone; and
- (c) based on the site photos as shown in the Paper, the proposed filling of land would help connect the site to the adjoining haul road. Whilst the current application was to rectify a previous wrongful act, it could be approved should there be no conflict with the planning intention and no significant adverse impact.

28. A few Members considered that the application should be rejected and made the following main points:

- (a) given the geographical location of the site which was not a wetland and that there was no flooding record in the area according to DSD, there did not appear to be strong justifications for land filling at the site for carrying out agricultural activities. As land filling took place without first obtaining planning permission, the Agriculture, Fisheries and Conservation Department also cautioned that approval of the application would set an undesirable precedent for similar applications; and
- (b) land filling for agricultural use was considered not necessary for the site. Even if there might be flooding concerns, agricultural use could still be undertaken at the site, e.g. flowers could be grown in pots or planters on raised structures, while membrane could also be placed on the soil surface for tree planting. Also, a flood risk management plan might be required for assessing future similar applications.

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

29. A Member asked why the setting of an undesirable precedent for similar applications was suggested as a rejection reason by PlanD in paragraph 13.3 of the Paper should the application be rejected by the Committee. The Chairman said that there was no similar application within the “GB” zone on the Outline Zoning Plan, and the approval of the application might hence set a precedent.

30. The Chairman concluded that more Members were not in support of the application as there was no strong justification to fill the land for agricultural use at the site. Members then went through the reasons for rejecting the application as stated in paragraph 13.3 of the Paper and agreed that one more rejection reason on the lack of strong justification should be added to reflect Members’ views as expressed at the meeting. Also, in view of DSD’s comments with regard to the drainage impact, a Member suggested and the Committee agreed that rejection reason (a) should be strengthened to include the drainage concern.

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

- “(a) the applicant fails to demonstrate that the proposed development would not cause adverse drainage and landscape impacts on the surrounding areas;
- (b) there is insufficient information to justify the need for filling of land for agricultural use at the site; and
- (c) approval of the application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such similar proposals would result in a general degradation of the environment and bring about adverse drainage and landscape impacts on the area.”

[The Chairman thanked Mr Richard Y.L. Siu and Mr William W.T. Wong, STPs/SKIs, for their attendance to answer Members’ enquiries. Messrs Siu and Wong left the meeting at this point.]

- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Papers. The Commissioner for Transport (C for T) had reservation on the two applications and considered that Small House developments should be confined within the “Village Type Development (“V”) zone. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservation on the applications from the landscape planning point of view as the approval of the applications would set undesirable precedents which would encourage similar developments in “GB” zone leading to further degradation of the landscape resource and character of the area. 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, two public comments for each of the applications were received. Designing Hong Kong Limited and an individual objected to the applications mainly for reasons of the development being not in line with the planning intention of the “GB” zone; setting of undesirable precedents; adverse landscape impact, negative impact on air ventilation, fire safety concerns and other risks, and lack of plan for roads and amenities and cumulative impact assessment. No local objection/view was received by the District Officer (Tai Po); and

- (e) the PlanD’s views – PlanD had no objection to the applications based on the assessments set out in paragraph 12 of the Papers. There was insufficient land available within the “V” zone of Sai O Village to meet the outstanding Small House applications and the future Small House demand. The proposed footprint of the Small Houses fell entirely within the village ‘environs’ (‘VE’) of Sai O Village. The applications generally met the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria) in that more than 50% of the proposed Small Houses footprint fell within the ‘VE’ of Sai O Village and there was a general shortage of land in meeting the demand for Small House development in the “V” zone of Sai O village. Hence, sympathetic consideration could be given to the applications. The sites were in close

proximity to the existing village cluster and there were existing village houses in the vicinity. The proposed Small Houses were considered not incompatible with the surrounding village setting and rural character. Although CTP/UD&L, PlanD had reservation on the applications, other departments including the Transport Department, had no objection to or no adverse comment on the applications on traffic, environment, sewerage, drainage and land administration aspects. Regarding the public comments, the assessments above were relevant.

34. Members had no question on the applications.

Deliberation Session

35. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the permissions should be valid until 12.8.2020, 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. Each of the permissions was subject to the following conditions :

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

36. The Committee also agreed to advise the applicants to note the advisory clauses as set out at Appendix VI of the Papers.

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-PK/80 Temporary Animal Boarding Establishment and Ancillary Facilities for a Period of 3 Years in “Recreation” zone, Lots 3252, 3262 (Part), 3263, 3264, 3265 S.A (Part) and 3265 S.B (Part) in D.D. 91 and Adjoining Government Land, On Po Tsuen, Sheung Shui, New Territories
(RNTPC Paper No. A/NE-PK/80A)

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 temporary animal boarding establishment and ancillary facilities 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, five public comments were received. A North District Council (NDC) member supported the application. The Chairman of the Sheung Shui District Rural Committee (SSDRC) indicated no comment but stated that the applicant should consult the respective village representatives and rural committees on their traffic concern. The Association of Ping Kong Area Residents (丙崗區居民福利會) objected to the application mainly on the grounds of affecting the long-term development of the area and causing pollution problems and adverse environmental impacts; the site should be used for recreation purpose and not private animal boarding establishment

running on commercial principles; occupation of some government land for the development. An individual objected to the application mainly on the grounds of the use being not in line with the planning intention of the “Recreation” (“REC”) zone; excessive scale of development and degrading the environmental quality of the area;

- (e) the District Officer (North), Home Affairs Department consulted the locals regarding the application and received comments from the Chairman of Association of Ping Kong Area Residents (丙崗區居民福利會) and the Chairman of SSDRC which were similar to those made in their written submissions to the Town Planning Board, whilst the incumbent NDC member indicated no comment; and

- (f) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. The approval of the application on a temporary basis of three years would not jeopardize the long-term planning intention of the “REC” zone. It was not incompatible with the surrounding environment which was rural in character predominated by active/fallow agricultural land, temporary domestic structures and vacant land. Concerned departments had no objection to or no adverse comment on the application. The technical concerns of the departments could be addressed by the imposition of relevant approval conditions. On the possible environmental impact and noise nuisance, the applicant had provided measures including the use of acoustic materials and installation of exhaust fans for the kennels, and discharge/storage of dog wastes by septic tank within the site with regular cleansing. The Director of Environmental Protection had no comment on the application and no substantial environmental complaint had been received in the past five years. On the traffic impact, the applicant had demonstrated that there were sufficient internal vehicular manoeuvring spaces within the site to prevent their vehicles from reversing at the local access road. Regarding the public comments and local objection, the assessments above were relevant.

Deliberation Session

38. A Member sought clarification on the meaning of ‘operation’ under approval condition (a) in paragraph 12.2 of the Paper. In response, Mr Wallace W.K. Tang, STP/STN, said that the ‘no operation’ meant that the residing dogs were not allowed to leave/return to the animal boarding establishment between 6:00 p.m. and 10:00 a.m. daily.

39. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 12.8.2019, 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 10:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) the existing boundary fence on the site should be maintained at all times during the planning approval period;
- (c) the existing vegetation including trees, shrub and lawn on the site shall be maintained at all times during the planning approval period;
- (d) the submission of proposals for water supplies for fire fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.2.2017;
- (e) in relation to (d) above, the provision of water supplies for fire fighting and fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.5.2017;
- (f) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 12.2.2017;

- (g) in relation to (f) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 12.5.2017;
- (h) if any of the above planning conditions (a), (b) or (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (i) if any of the above planning conditions (d), (e), (f) or (g) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (j) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 13

Section 16 Application

[Open Meeting]

A/NE-TKL/550 Proposed Temporary Warehouse for Building Materials, Waste Paper and Waste Plastic for Recycling for a Period of 3 Years in “Agriculture” zone, Lots 965 RP (Part) and 966 RP in D.D. 82, Ping Che Road, Ping Che, New Territories
(RNTPC Paper No. A/NE-TKL/550)

41. The Secretary reported that the site was located at Ping Che. Mr Alex T.H. Lai had declared interest in the item as his father co-owned two plots of land in Ping Che. The Committee noted that the applicant had requested for deferral of consideration of the application and agreed that he could stay in the meeting.

42. The Committee noted that the applicant's representative requested on 15.7.2016 for deferment of the consideration of the application for two months in order to allow time for the preparation of further information to address the comments of the Director of Environmental Protection. It was the first time that the applicant requested for deferment of the application.

43. 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 Kenny C.H. Lau and Mr Wallace W.K. Tang, STPs/STN, for their attendance to answer Members' enquiries. Messrs Lau and Tang left the meeting at this point.]

Fanling, Sheung Shui and Yuen Long East District

Agenda Item 14

Section 16 Application

[Open Meeting]

A/FSS/249 Columbarium in "Government, Institution or Community" zone, The Emperor Hall (G/F, 1/F, 2/F, 3/F, 5/F and 6/F only), 18 Sha Tau Kok Road-Lung Yeuk Tau, Fanling, New Territories
(RNTPC Paper No. A/FSS/249A)

44. The Committee noted that the applicant's representative requested on 28.7.2016 for deferment of the consideration of the application for two months in order to allow time for preparation of responses to address the further comments of the Environmental Protection Department and Transport Department. It was the second time that the applicant requested for deferment of the application. Since the first deferment on 22.4.2016, the applicant submitted further information to address departmental comments on 22.6.2016.

45. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of 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 15

Section 16 Application

[Open Meeting]

A/FSS/251 Proposed Office (Money-lending Business – Back Office) in
“Industrial” zone, 5/F (Part), Yanjing Building, 11 On Lok Mun Street,
Fanling, New Territories
(RNTPC Paper No. A/FSS/251)

46. The Committee noted that the applicant requested on 29.7.2016 for deferment of the consideration of the application for two months in order to allow time for preparation of responses to the comments of relevant government departments. It was the first time that the applicant requested for deferment of the application.

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, and no further deferment would be granted unless under very special circumstances.

Agenda Item 16

Section 16 Application

[Open Meeting]

A/NE-KTS/419 Temporary Public Vehicle Park (Private Cars Only) for a Period of 3 Years in "Green Belt" zone, Lots 3335 RP (Part), 3337 S.B ss.1 S.A (Part) and 3337 S.B RP (Part) in D.D. 91 and adjoining Government Land, Lin Tong Mei, Kwu Tung South, New Territories
(RNTPC Paper No. A/NE-KTS/419)

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 north of the site. The Committee agreed that the interest of Dr Lawrence K.C. Li was indirect, and he could stay in the meeting.

49. The Committee noted that the applicant's representative requested on 4.8.2016 for deferment of the consideration of the application for two months in order to allow time to prepare further information to address the comments of Urban Design and Landscape Section of the Planning Department. It was the first time that the applicant requested for deferment of the application.

50. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that 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 Kepler S.Y. Yuen and Mr K.T. Ng, Senior Town Planners/Fanling, Sheung Shui and Yuen Long East (STPs/FSYLE), were invited to the meeting at this point.]

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/533 Temporary Private Car Park (Private Cars Only) for a Period of 3 Years in "Comprehensive Development Area" zone, Lots 3316 RP (Part), 3331 RP (Part), 3337 RP, 3338 RP (Part), 3339, 3340 RP (Part), 3341 RP (Part), 3342 (Part), 3343 to 3346, 3347 (Part), 3348 (Part), 3349 RP (Part), 3350, 3351 (Part), 3359 RP and 3360 RP in D.D.104 and Adjoining Government Land, Long Ha, San Tin, Yuen Long, New Territories
(RNTPC Paper No. A/YL-KTN/533)

Presentation and Question Sessions

51. 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 private car park (private cars only) 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) 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. There was no known programme for permanent development at the site zoned “Comprehensive Development Area” (“CDA”) and approval of the application on a temporary basis would not frustrate the planning intention of the zone. The use was not incompatible with the surrounding land uses which were predominantly rural in character. In view of its nature of operation, the use was not expected to cause any significant adverse traffic and environmental impact on the surrounding area. Concerned departments had no objection to or no adverse comment on the application. To minimize the possible environmental nuisance, approval condition requiring the maintenance of mitigation measures was recommended. The technical concerns of other departments could be addressed by the imposition of relevant approval conditions. Since the last approval was revoked due to non compliance with an approval condition on the submission of a record of the existing drainage facilities on the site, shorter compliance periods were recommended to closely monitor the progress of compliance. The applicant would be advised that sympathetic consideration would not be given to any further application if the planning permission was revoked due to non-compliance with approval conditions.

52. Members had no question on the application.

Deliberation Session

53. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 12.8.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no vehicles without valid licences issued under the Traffic Regulations are allowed to be parked/stored on the site at any time during the planning approval period;
- (b) no reversing of vehicle into or out from the site is allowed at any time during the planning approval period;
- (c) all existing trees and landscape plantings on the site shall be maintained at all times during the planning approval period;
- (d) all existing mitigation measures to minimize any possible nuisance of noise and artificial lighting on-site to the residents nearby shall be maintained at all times during the planning approval period;
- (e) the drainage facilities implemented on the site under application No. A/YL-KTN/385 shall be maintained at all times during the planning approval period;
- (f) 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 12.11.2016;
- (g) the provision of fire extinguisher(s) within 6 weeks with a valid fire certificate (FS 251) from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.9.2016;

- (h) the submission of fire service installation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.11.2016;
- (i) in relation to (h) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.2.2017;
- (j) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (k) if any of the above planning conditions (f), (g), (h) or (i) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (l) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/714 Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Agriculture” zone, Lots 221 S.F-G RP (Part) and 221 S.H (Part) in D.D. 106, Pat Heung Road, Kam Tin, Yuen Long, New Territories
(RNTPC Paper No. A/YL-KTS/714)

55. 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 noted that Ms Janice W.M. Lai had tendered apology for being unable to attend the meeting.

Presentation and Question Sessions

56. 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 shop and services (real estate agency) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site had high potential for agricultural rehabilitation and there were agricultural activities in the vicinity. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received. An individual objected to the application mainly on the grounds of the use being not in line with the planning intention of the “Agriculture” (“AGR”) zone; and approval of the application was not in line with the Government’s new agricultural policy and would set an undesirable precedent for similar applications. 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 “AGR” zone, and

DAFC did not support the application, the real estate agency could serve the local needs of the neighbouring residential developments. Approval of the application on a temporary basis would not jeopardize the long-term planning intention of the “AGR” zone. It was not incompatible with the surrounding land uses. In view of its small scale and close proximity to Pat Heung Road, the use would unlikely generate significant environmental nuisance to the nearby residential developments. Concerned departments had no adverse comment on the application. To minimise the possible environmental nuisance generated by the development, approval conditions restricting the operation hours and types of vehicles were recommended. The technical concerns of other departments could be addressed by the imposition of relevant approval conditions. Since the last approval was revoked, shorter compliance periods were recommended to monitor the progress of compliance. The applicant would be advised that sympathetic consideration would not be given to any further application if the planning permission was revoked again due to non-compliance with approval conditions. Regarding the public comment, the assessments above were relevant.

57. Members had no question on the application.

Deliberation Session

58. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 12.8.2019, 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 11:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;

- (c) no reversing of vehicles into or out from the site is allowed at any time during the planning approval period;
- (d) the existing trees and landscape plantings on the site shall be maintained at all times during the planning approval period;
- (e) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (f) the submission of a 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 12.11.2016;
- (g) the submission of a run-in proposal to/from Pat Heung Road within 3 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 12.11.2016;
- (h) in relation to (g) above, the provision of run-in at Pat Heung Road within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 12.2.2017;
- (i) the implementation of the accepted fire service installations proposal within 3 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 12.11.2016;
- (j) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (k) if any of the above planning conditions (f), (g), (h) or (i) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and

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

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

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/491 Renewal of Planning Approval for Temporary Public Vehicle Park (Private Cars Only) for a Period of 3 Years in “Village Type Development” zone, Lot 674 RP (Part) in D.D. 99, Lots 3059 S.A (Part), 3060 (Part), 3061 (Part), 3062, 3064 RP (Part), 3064 S.A, 3064 S.B, 3064 S.C, 3064 S.D (Part), 3064 S.E, 3065, 3067 RP, 3067 S.A, 3067 S.B, 3067 S.C and 3067 S.D (Part) in D.D.102, and adjoining Government Land, San Tin, Yuen Long, New Territories
(RNTPC Paper No. A/YL-ST/491)

Presentation and Question Sessions

60. Mr K.T. Ng, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the renewal of planning approval for temporary public vehicle park (private cars only) under previous application No. A/YL-ST/436 for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The District Lands Officer/Yuen Long, Lands

Department (DLO/YL, LandsD) commented that there were four Small House applications received/under processing within the site. Concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, three public comments were received from the administrator of the estate of Lot No. 3063 in D.D. 102 (the administrator), a member of Shatin District Council and an individual raising objection to the application mainly on the grounds of inappropriate land use and blockage of the access to Lot No. 3063 in D.D. 102. The administrator later submitted an out-of-time comment reiterating the similar concern of blockage of access to the said lot. 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 three years based on the assessments set out in paragraph 12 of the Paper. Although DLO/YL, LandsD commented that there were four Small House applications received/under processing within the site, the four Small House applicants stated that they would not commence their Small House construction within three years and they supported the current renewal application. The application was in line with the Town Planning Board Guidelines No. 34B on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34B) in that there had been no major change in planning circumstance since the last planning permission was granted; all the approval conditions under the last planning permission had been complied with; and the temporary use for another three years would not jeopardize the long-term planning intention of the “Village Type Development” (“V”) zone. The site fell within the Wetland Buffer Area of the Town Planning Board Guidelines No. 12C on Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance (TPB PG-No. 12C), and the Director of Agriculture,

Fisheries and Conservation had no comment on the application. The site fell within Category 4 areas under the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) and the application was in line with the TPB PG-No. 13E in that it could satisfy some of the parking demand for cross-boundary travellers. No environmental complaint had been received in the past three years and the environmental concern could be addressed by the imposition of relevant approval conditions. Regarding the public comments on inappropriate land use and blockage of access, an advisory clause was recommended to remind the applicant to resolve any land issue relating to the use.

61. The Chairman asked PlanD to elaborate the concern on the blockage of access raised by the administrator, which was one of the commenters. By referring to Plan A-2 and Appendix V-2 of the Paper, Mr K.T. Ng, STP/FSYLE, said that the application was a renewal application, and the applicant had complied with the approval condition on the provision of boundary fencing, amongst others. The concern raised by the administrator was that direct access to Lot No. 3063 in D.D. 102 via Tung Wing On Road and Castle Peak Road – San Tin would be blocked as fencing had been erected along the application site boundary. The administrator hence objected to the application and submitted a plan indicating two entry points of the concerned lot to facilitate access via the car park under application. As stated in paragraph 2(g) of the Paper, the applicant had clarified that the owner of the concerned lot was allowed to gain access to the concerned lot via the car park in the past years, and would liaise with the affected lot owner to facilitate access to the concerned lot. In that connection, an advisory clause requesting the applicant to liaise with the administrator to address the concern on blockage of access was suggested.

Deliberation Session

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

- “(a) 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;
- (b) only private cars as defined in the Road Traffic Ordinance are allowed to be parked on the site at any time during the planning approval period;
- (c) a notice should be posted at a prominent location of the site to indicate that only private cars as defined in the Road Traffic Ordinance are allowed to be parked on the site at any time during the planning approval period;
- (d) no vehicle washing, vehicle repair, dismantling, paint spraying or other workshop activity is allowed on the site at any time during the planning approval period;
- (e) only a vehicular ingress/egress at the northeastern corner of the site facing Tung Wing On Road, as proposed by the applicant, is allowed at any time during the planning approval period;
- (f) the paving 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 as-built drainage plans and photographic records of the existing drainage facilities within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.11.2016;
- (i) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.2.2017;

- (j) in relation to (i) above, the implementation of fire service installations within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.5.2017;
- (k) 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;
- (l) in relation to (k) 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;
- (m) the provision of boundary fencing 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;
- (n) 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; and
- (o) if any of the above planning conditions (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.”

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

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/492 Eating Place in “Village Type Development” zone, Ground Floor, Lot 214 (Part) in D.D. 102 and adjoining Government Land, San Tin, Yuen Long, New Territories
(RNTPC Paper No. A/YL-ST/492)

Presentation and Question Sessions

64. Mr K.T. Ng, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the eating place;
- (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;
- (d) during the first three weeks of the statutory publication period, one public comment was received. The World Wild Fund for Nature Hong Kong objected to the application mainly on the grounds of changing the land use without prior permission (i.e. ‘build first, apply later’), and setting of an undesirable precedent. 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 12 of the Paper. Although the applied use was not in line with the planning intention of the “Village Type Development” (“V”) zone, it could meet some of the demand for eating place in the vicinity. The applied use was generally in

line with the Town Planning Board Guidelines No. 15A on Application for Eating Place within “V” Zone in Rural Areas under Section 16 of the Town Planning Ordinance (TPB PG-No. 15A) in that the applied use within an existing structure would not adversely affect the land availability for village type development. In view of the scale of the eating place, concerned departments had no objection to or no adverse comment on the traffic, environmental, drainage, sewerage and landscape aspects. The technical concerns of the departments could be addressed by the imposition of relevant approval conditions. The site fell within the Wetland Buffer Area of the Town Planning Board Guidelines No. 12C on Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance (TPB PG-No. 12C), and the Director of Agriculture, Fisheries and Conservation had no comment on the application. Regarding the public comment, the assessments above were relevant. An advisory clause was also recommended to remind the applicant to obtain prior planning permission before commencing the applied use at the application premises.

65. Members had no question on the application.

Deliberation Session

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

- “(a) the submission and implementation of proposal on water supplies for firefighting and fire service installations proposal to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) the submission of photographic records of the existing drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB.”

67. 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 Kepler S.Y. Yuen and Mr K.T. Ng, STPs/FSYLE, for their attendance to answer Members' enquiries. Messrs Yuen and Ng left the meeting at this point.]

Tuen Mun and Yuen Long West District

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

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTYYY/304 Proposed Temporary Industrial Use (Food Processing Factory) for a Period of 3 Years in “Residential (Group C)” and “Residential (Group D)” zones, Lot 1150 RP in D.D. 130, near Wong Kong Wai Road, Tuen Mun, New Territories
(RNTPC Paper No. A/TM-LTYYY/304B)

Presentation and Question Sessions

68. 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 proposed temporary industrial use (food processing factory) for a period of three years;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper which were summarized as follows:
- (i) the Director of Environmental Protection (DEP) was unable to support the application. The proposed food processing factory would generate wastewater, but the site was not served by public sewer and the applicant had proposed to discharge the wastewater into the nearby storm drain after treated by a grease trap. He had reservation that the proposed treatment facility (i.e. grease trap) would be able to treat the wastewater for meeting the required discharge standards as stipulated in the Water Pollution Control Ordinance (WPCO). Notwithstanding, no environmental complaint regarding the site was received between 2012 and November 2015;
 - (ii) the Commissioner for Transport (C for T) had reservation on the application as the applicant had not addressed his comments regarding the size of proposed run-in/out for smooth manoeuvring of vehicles to and from Wong Kong Wai Road. The size of parking spaces for the van-type vehicles was smaller than the size proposed in the application. Furthermore, it was noted from the drawings that there was not enough space within the site for vehicle manoeuvring;
 - (iii) the Director of Food and Environmental Hygiene (DFEH) commented that the proposed portable staff toilet was unacceptable from the health point of view. For food factory licence with staff less than 10 persons, one water closet and one wash hand basin for both sexes in toilet of permanent nature were required. Also, the toilet should be segregated from the remaining portion of the premises by walls constructed of brick or other substantial and non-absorbent material carried up to the full height of the premises and proper drainage should be provided to the premises to his satisfaction; and

- (iv) other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, three public comments from individuals were received. They objected to the application on the grounds that the proposed development would generate adverse air quality, water quality, hygiene, traffic and landscape impacts, inefficient land use, and that food processing factories should be accommodated in industrial developments that were supported by drainage and other efficient services. No local objection/view was received by the District Officer (Tuen Mun); 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 development was not in line with the planning intentions of the “Residential (Group C)” (“R(C)”) and “Residential (Group D)” (“R(D)”) zones, and there was no strong planning justification in the submission for a departure from the planning intentions, even on a temporary basis. The use was considered incompatible with the planned land uses for low-rise, low-density residential developments. DEP did not support, while C for T had reservation on the application. The applicant also failed to demonstrate that the proposed development would not generate adverse water quality impact on the environment, and that the access arrangements, on-site parking and loading/unloading facilities and turning spaces were satisfactory. In addition, the portable staff toilet proposal was not accepted by DFEH. As the Committee had not approved any industrial use/food processing factory within the same “R(C)” and “R(D)” zones, approval of the application would set an undesirable precedent for similar applications within the two zones. The cumulative effect of approving such applications would jeopardize the implementation of residential zones. Regarding the public comments, the assessments above were relevant.

69. In response to a Member's enquiry, Ms Stella Y. Ng, STP/TMYLW, by referring to Plan A-2 of the Paper, said that to the immediate north and northwest of the site were

residential dwellings, storage and godown located within the “R(C)” zone. To the immediate east of the site were godown and factory located within the “R(D)” zone. The long-term planning intention of the “R(C)” zone was primarily for low-rise, low-density residential developments whilst that for the “R(D)” zone was primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings.

70. The same Member asked for further elaboration of the rationale for not supporting the application. In response, Ms Stella Y. Ng said that new industrial uses within the “R(C)” and “R(D)” zones would not be supported unless there were strong planning justifications in support of the developments. As the Committee had not approved any industrial use within the same “R(C)” and “R(D)” zones, approval of the application would set an undesirable precedent for similar applications within the zones.

71. The Chairman supplemented that the planning intentions of the “R(C)” and “R(D)” zones were intended for low-rise, low-density residential developments. Although there were existing godown, storage and factories within the zones, which were tolerated uses, new industrial uses were not encouraged.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intentions of the “Residential (Group C)” (“R(C)”) and “Residential (Group D)” (“R(D)”) zones which are intended for low-rise, low-density residential developments. There is no strong planning justification provided in the submission for a departure from the planning intentions, even on a temporary basis;
- (b) the applicant fails to demonstrate that the proposed development would not generate adverse water quality impact on the environment;

- (c) the applicant fails to demonstrate that the proposed development would not generate adverse traffic impact on the surrounding areas; and
- (d) the approval of the application would set an undesirable precedent for similar applications within the “R(C)” and “R(D)” zones. The cumulative effect of approving such applications would jeopardize the implementation of the residential zones.”

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/522 Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years in “Village Type Development” and “Other Specified Uses” annotated “Heritage and Cultural Tourism Related Uses” zones, Lots 384 (Part), 387 S.B RP (Part), 387 S.C ss.1 RP (Part), 387 S.C ss.2 RP (Part), 387 S.C ss.3 RP (Part), 388 (Part) and 390 (Part) in D.D. 122 and adjoining Government Land, Ping Shan, Yuen Long, New Territories
(RNTPC Paper No. A/YL-PS/522)

73. The Committee noted that two replacement pages (i.e. page 6 of the Paper and Plan A-2) of the Paper had been dispatched to Members on 11.8.2016.

Presentation and Question Sessions

74. 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 and light goods vehicles) for a period of three years;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received. An individual objected to the application mainly on the grounds of the use being not in line with the planning intention; at-grade parking was an abuse of scarce land resource; facilities should be housed in multi-level purpose-built facilities; villagers could park their vehicles on their own premises; and inefficient and inappropriate land 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. The applied use could provide vehicle parking spaces to meet the parking demand in the area. Approval of the application on a temporary basis would not jeopardize the long-term planning intentions of the “Village Type Development” (“V”) and “Other Specified Uses” annotated “Heritage and Cultural Tourism Related Uses” (“OU(HCT)”) zones. The applied use was not incompatible with the surrounding land uses with other vehicle parks and residential dwellings. Concerned departments had no objection to or no adverse comment on the application. There was no environmental complaint pertaining to the site in the past three years. Relevant approval conditions were recommended to address the technical concerns of relevant government departments. Moreover, previous application for the same use covering the site had been approved by the Committee and approval of the current application was in line with the Committee’s previous decision. Regarding the public comments, the assessments above were relevant.

75. A Member asked whether there was any monument in the vicinity of the site which was partly zoned “OU(HCT)” on the Outline Zoning Plan. By referring to Plan A-2 of the Paper, Ms Stella Y. Ng, STP/TMYLW, said that to the north of the site was Tsui Sing Lau Pagoda which was a declared monument. The Tsui Sing Lau Pagoda fell within an area zoned “OU(Historical Building Preserved for Cultural and Community Uses)” which was intended to preserve the Pagoda. The site and the adjoining areas were zoned “OU(HCT)” to facilitate provision of heritage and cultural tourism related facilities or uses that were complementary to the Tsui Sing Lau Pagoda. Any new developments within the “OU(HCT)” zone were subject to a maximum plot ratio of 0.4 and the requirement of submission of a layout plan for approval of the Town Planning Board.

Deliberation Session

76. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 12.8.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (c) a notice shall be posted at a prominent location of the site to indicate that no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (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 existing drainage facilities on site shall be maintained at all times during the planning approval period;
- (h) the submission of condition record of the 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 12.11.2016;
- (i) 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 12.2.2017;
- (j) in relation to (i) above, the implementation of fire service installations proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.5.2017;
- (k) the submission of landscape and tree preservation proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 12.2.2017;
- (l) in relation to (k) above, the implementation of landscape and tree preservation proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 12.5.2017;
- (m) the provision of boundary fencing on the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 12.2.2017;

- (n) 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;
- (o) if any of the above planning conditions (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.”

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

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

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/1039 Proposed Temporary Warehouse with Ancillary Site Office for a Period of 3 Years in “Commercial/Residential” and “Comprehensive Development Area” zones, Lots 2185 RP (Part) , 2186 (Part), 2187 RP, 2380 RP (Part), 2381 RP (Part), 2382 (Part), 2383 RP (Part), 2384 S.B. (Part), 2385 RP (Part), 2412 RP, 2415 RP, 2416 (Part), 2417, 2418 RP (Part) and 2419 RP (Part) in D.D. 129 and Adjoining Government Land, Ha Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-HT/1039)

78. 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 which owned two pieces of land in Ha Tsuen. The Committee noted that Ms Janice W.M. Lai had tendered apology for being unable to attend the meeting.

Presentation and Question Sessions

79. 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 warehouse with ancillary site office for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses along the access road (Lau Fau Shan Road) and environmental nuisance was expected. However, no substantiated environmental complaint pertaining to the site had been received in the past three years. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received. The World Wide Fund for Nature Hong Kong objected to the application on the grounds that the site was associated with unauthorized development of storage use and approval of the application would set an undesirable precedent. 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 proposed

use was not in line with the planning intentions of the “Commercial/Residential” (“C/R”) and the “Comprehensive Development Area” (“CDA”) zones, there was no known programme for permanent development in that part of the “C/R” and “CDA” zones or the site. Whilst the site fell within the boundary of Hung Shui Kiu New Development Area, the development programme was being formulated. Approval of the application on a temporary basis of three years would not jeopardize the long-term development of the area. The applied use was not incompatible with the surrounding uses with warehouse and open storage uses. Although DEP did not support the application, there was no substantiated 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 other concerned government departments. Regarding the public comment, the site was currently largely vacant and the enforcement notices mentioned by the commenter had either been complied with or cancelled as planning permission had been granted.

80. Members had no question on the application.

Deliberation Session

81. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 12.8.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation from 8:00 p.m. to 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;

- (d) 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 12.2.2017;
- (e) in relation to (d) 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 12.5.2017;
- (f) the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (g) 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 12.2.2017;
- (h) in relation to (g) above, the implementation of the run in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 12.5.2017;
- (i) the submission of tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 12.2.2017;
- (j) in relation to (i) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 12.5.2017;
- (k) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 12.2.2017;
- (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 Director of Fire Services or of the TPB by 12.5.2017;

- (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 12.2.2017;
- (n) if any of the above planning conditions (a), (b), (c) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (o) if any of the above planning conditions (d), (e), (g), (h), (i), (j), (k), (l) or (m) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (p) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 24

Section 16 Application

[Open Meeting]

A/YL-TYST/789 Temporary Eating Place with Ancillary Parking Spaces for a Period of 3 Years in “Residential (Group B) 1” zone, Lots 1355 RP and 1356 RP (Part) in D.D. 121, Tong Yan San Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TYST/789)

83. The Committee noted that the applicant’s representative requested on 26.7.2016 for deferment of the consideration of the application for another two months to allow more time for the applicant to prepare the Quantitative Risk Assessment (QRA) Study as well as for the concerned department to provide comments on the submitted revised tree preservation

proposal. It was the second time that the applicant requested for deferment of the application. Since the first deferment on 27.5.2016, the applicant had submitted further information, including a revised tree preservation proposal and additional information on the traffic aspect, in response to the departmental comments. The applicant had indicated that he needed more time for the preparation of submission of further information in response to departmental comments.

84. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of 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 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/799 Proposed Temporary Shop and Services (Retail Shop for Hardware Groceries) for a Period of 3 Years in "Residential (Group B) 1" zone, Lots 1816 (Part) and 1820 (Part) in D.D. 121, Tong Yan San Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TYST/799)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary shop and services (retail shop for hardware groceries) 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 a Yuen Long District Council (YLDC) Member and a member of the public who raised objection to/concerns on the application mainly on traffic, environmental and land use grounds. 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 use of the area was now being reviewed under the Planning and Engineering Study for Housing Sites in Yuen Long South, the study had yet to be completed. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the zoned use of the area. The applied use and the development scale were not incompatible with the surrounding uses with residential developments/structures, warehouse and open storage uses. Concerned departments consulted had no objection to or no adverse comment on the application. Significant adverse environmental, traffic, landscape and drainage impacts on the surrounding areas were not envisaged. Relevant approval conditions were recommended to address the technical concerns of other concerned government departments. An advisory clause was suggested reminding the applicant that the planning permission given did not condone the open storage use which currently existed on the site but not covered by the application and that immediate action should be taken to discontinue such use/development not covered by

the permission. Regarding the public comments, the assessments above were relevant.

86. Members had no question on the application.

Deliberation Session

87. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 12.8.2019, 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 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance 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;
- (c) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (d) the 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 12.2.2017;
- (e) 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 12.2.2017;
- (f) in relation to (e) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 12.5.2017;

- (g) the submission of a revised drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 12.2.2017;
- (h) in relation to (g) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 12.5.2017;
- (i) in relation to (h) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (j) the submission of 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 12.2.2017;
- (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 12.5.2017;
- (l) if any of the above planning conditions (a), (b), (c) and (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;
- (m) if any of the above planning conditions (d), (e), (f), (g), (h), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (n) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/800 Temporary Warehouse for Storage of Household Products for a Period of 3 Years in “Undetermined” zone, Lots 1493 S.A (Part), 1494 S.A (Part) and 1494 RP (Part) in D.D. 119, Kung Um Road, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TYST/800)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary warehouse for storage of household products for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. residential structures located to the southeast of the site and environmental nuisance was expected. However, there was no environmental complaint concerning the site received in the past three years. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, three public comments were received. An individual considered that warehousing should be conducted in designated areas and approval of such applications would lead to environmental and ecological degradation. The World Wide Fund for Nature Hong Kong and Designing Hong Kong Limited

objected to the application for reasons of the use setting an undesirable precedent for regularizing such unauthorized developments/‘destroy first, develop later’ applications; approval and subsequent renewal of application would make it difficult to utilize the site for other more suitable uses; the Government should review brownfield uses in a holistic manner; and/or the applicant failed to submit a traffic impact assessment for the application. 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. The applied use was not in conflict with the planning intention of the “Undetermined” (“U”) zone. Although the use of the area was now being reviewed under the Planning and Engineering Study for Housing Sites in Yuen Long South, the study had yet to be completed. Approval of the application on a temporary basis would not frustrate the long-term development of the area. It was not incompatible with the surrounding uses with warehouses, storage/open storage yards, workshops and similar uses. 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 or to address the technical concerns of other government departments. Regarding the public comments, the assessments above were relevant. As regards the concerns on suspected unauthorized development at the site, planning enforcement action was being undertaken and an advisory clause was also suggested reminding the applicant that prior planning permission should have been obtained before commencing the applied use at the site.

90. Members had no question on the application.

Deliberation Session

91. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 12.8.2019, 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 workshop activities, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (d) 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;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the provision of 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 12.2.2017;
- (g) 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 12.2.2017;
- (h) in relation to (g) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of

the Director of Planning or of the TPB by 12.5.2017;

- (i) 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 12.2.2017;
- (j) in relation to (i) 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 12.5.2017;
- (k) in relation to (j) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (l) 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 12.2.2017;
- (m) in relation to (l) 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 12.5.2017;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e) or (k) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (o) if any of the above planning conditions (f), (g), (h), (i), (j), (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.”

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

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

Agenda Item 27

Any Other Business

93. There being no other business, the meeting closed at 4:30 p.m..