

## **TOWN PLANNING BOARD**

### **Minutes of 571<sup>st</sup> Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 23.12.2016**

#### **Present**

Director of Planning  
Mr Raymond K.W. Lee

Chairman

Mr H.W. Cheung

Vice-chairman

Professor K.C. Chau

Ms Christina M. Lee

Dr F.C. Chan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Mr Alex T.H. Lai

Dr Lawrence K.C. Li

Miss Winnie W.M. Ng

Chief Traffic Engineer/New Territories West,  
Transport Department  
Mr Samson S.S. Lam

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

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

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

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

Secretary

**Absent with Apologies**

Mr Ivan C.S. Fu

Ms Janice W.M. Lai

Mr H.F. Leung

Mr Philip S.L. Kan

Dr C.H. Hau

Mr Stephen L.H. Liu

**In Attendance**

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

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

Town Planner/Town Planning Board  
Miss Karmin Tong

**Agenda Item 1**

**Confirmation of the Draft Minutes of the 570<sup>th</sup> RNTPC Meeting held on 9.12.2016**

[Open Meeting]

1. The draft minutes of the 570<sup>th</sup> RNTPC meeting held on 9.12.2016 were confirmed without amendments.

**Agenda Item 2**

**Matters Arising**

[Open Meeting]

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

**Tuen Mun and Yuen Long West District**

**Agenda Item 3**

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/YL-PS/2                      Application for Amendment to the Approved Ping Shan Outline Zoning Plan No. S/YL-PS/16, To Rezone the Application Site from “Green Belt” Zone to “Residential (Group A)5” Zone , Lots 878 (Part), 879 (Part), 880 (Part), 881 (Part), 882 (Part), 886 (Part), 890, 907 RP, 908 RP (Part), 909 RP, 910 RP, 911 RP, 912, 913 RP and 937 RP in D.D. 122 and Adjoining Government Land, Wing Ning Tsuen, Ping Shan, Yuen Long, New Territories  
(RNTPC Paper No. Y/YL-PS/2C)

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[The item was conducted in Cantonese.]

3.            The Secretary reported that the application was submitted by Busy Firm Investment Limited, which was related to New World Development Company Limited (NWD). Ove Arup & Partners Hong Kong Limited (Arup) was the ex-consultant of the applicant on this application. The following Members had declared interests in the item:

- |                     |   |
|---------------------|---|
| Mr Ivan C.S. Fu     | - having current business dealings with NWD and Arup;   |
| Ms Janice W.M. Lai  | } having current business dealings with NWD;  |
| Mr Stephen L.H. Liu |   |
| Dr C.H. Hau         | - being a principal lecturer and programme director of the University of Hong Kong. K11 Concept Limited of NWD had sponsored a project of his students; and |
| Mr Alex T.H. Lai    | - his firm having current business dealings with Arup.  |

4. The Committee noted that Mr Ivan C.S. Fu, Ms Janice W.M. Lai, Mr Stephen L.H. Liu and Dr C.H. Hau had tendered apologies for being unable to attend the meeting. As Mr Alex T.H. Lai was not involved in the application, Members considered his interest was indirect and agreed that he could stay in the meeting. The Committee also noted that the applicant had indicated that he would not attend the meeting.

5. The Committee noted that one replacement page (page 27 of the Paper), rectifying a typographical error in paragraph 11.11, had been dispatched to Members before the meeting.

6. The following representative from the Planning Department (PlanD) was invited to the meeting at this point:

Mr David C.M. Lam - District Planning Officer/Tuen Mun and Yuen Long West (DPO/TMYLW)

#### Presentation and Question Sessions

7. The Chairman extended a welcome and explained the procedure of the hearing. He then invited PlanD's representative to brief Members on the background of the application. With the aid of a PowerPoint presentation, Mr David C.M. Lam, DPO/TMYLW, briefed Members on the application and covered the following aspects as detailed in the Paper :

- (a) background of the application;
- (b) proposal to rezone the application site (the site) from "Green Belt" ("GB") to "Residential (Group A)5" ("R(A)5") on the approved Ping Shan Outline Zoning Plan No. S/YL-PS/16 to facilitate a private residential and commercial development. According to the indicative scheme submitted by the applicant, the proposed development would have a maximum domestic plot ratio (PR) of 5 and maximum non-domestic PR of 0.1 and maximum building height of 130mPD providing about 1,110 flats. The access of the proposed development would rely on the internal access road

running through the proposed public housing site at Wang Chau in the adjoining “Residential (Group A)4” (“R(A)4”) zone;

- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Environmental Protection (DEP), the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD), the Chief Engineer/Mainland North, Drainage Services Department, the Director of Housing, the Principal Project Coordinator/Housing Project, Civil Engineering and Development Department (PPC/HP, CEDD) and the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had objection to or adverse comments on the application. Major comments included uncertainty in the implementation of the proposed environmental mitigation measures and feasibility of the proposed sewage disposal scheme, adverse traffic impact, impact on the internal access road of the adjoining proposed public housing development, risk on causing flooding and possible localized adverse impact on the wind environment. The District Officer (Yuen Long) relayed 64 objection letters, including those from member of the Yuen Long District Council, Village Representative of Wing Ning Tsuen, and the Tangs clan expressing concerns on the application;
- (d) during the first three weeks of the statutory publication periods, a total of 229 comments were received, including 62 supporting comments, 64 objecting comments, 5 comments expressing concerns/views on the application and 98 other comments not related to the application but raising objection to the proposed public housing development and associated facilities at Wang Chau within the “R(A)4” zone to the east of the Site. The major objection grounds and concerns were set out in paragraph 10 of the Paper; and
- (e) PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. Whilst the development intensity of the proposed rezoning was not entirely incompatible with the

proposed development at the adjoining “R(A)4” site, it was not compatible with the existing low-rise development in the vicinity. The applicant failed to demonstrate that the future development in the proposed “R(A)5” zone would not be subject to adverse environmental impact and that the proposed rezoning would not create adverse sewerage, traffic and drainage impacts on the surrounding areas nor affect the existing access to other uses in the vicinity of the site. Moreover, the feasibility of the proposed access arrangement for the proposed development had yet to be ascertained.

[Mr Peter K.T. Yuen, Ms Christina M. Lee and Mr H.W. Cheung arrived to join the meeting at this point.]

8. The Chairman said that the subject application was related to the proposed rezoning of the site from the “GB” to “R(A)5” zone under section 12A of the Town Planning Ordinance. The indicative scheme submitted by the applicant was mainly to demonstrate the feasibility of the rezoning proposal. When considering the subject rezoning application, the Committee should focus discussion on the proposed land use and its implications on the surrounding area and whether the submission has demonstrated the technical feasibility of the proposed development.

9. The Chairman asked DPO/TMYLW to elaborate on the major traffic concerns and outstanding issues pertaining to the subject rezoning application. In response, Mr David C.M. Lam, DPO/TMYLW, said that as pointed out by AC for T/NT, TD, the applicant had not assessed the traffic impact arising from the proposed development during the construction stage and the junction performance of signal junction J1 (i.e. Long Ping Road/Fung Chi Road) would have a reserve capacity of 8% after the completion of the proposed development. It was not acceptable from traffic engineering point of view. As regards the applicant’s proposal to connect the access of the proposed development to the proposed internal access road at the adjoining public housing development at Wang Chau, Mr Lam supplemented that PPC/HP, CEDD had commented that such access road was solely designed to serve the public housing development and the applicant had not yet demonstrated that such access road would have spare capacity to cater for the proposed development.

10. The Chairman then asked DPO/TMYLW to elaborate on the major

environmental concerns raised by concerned departments. Mr David C.M. Lam explained that the site was susceptible to environmental nuisances, including noise impact and land contamination arising from previous industrial undertakings at the site. He pointed out that DEP was concerned that if the site was rezoned to “R(A)5” whereby residential development would not require planning permission, there would be no mechanism to ensure the proper implementation of the proposed self-protecting building design/noise mitigation measures, such as building disposition and use of acoustic fins, as well as land contamination remediation works by the future developer. Mr Johnson M.K. Wong, the Principal Environmental Protection Officer (Strategic Assessment) of Environmental Protection Department, supplemented that the site was also susceptible to railway noise impact and indicated that there was reservation on the rezoning application from environmental point of view.

11. Noting that there were concerns on the capacity of the proposed access road through the public housing site to cater for additional traffic arising from the proposed residential development at the site, a Member asked whether the existing local track connecting the site and Yung Yuen Road could be widened to serve the proposed development. With the aid of a plan, Mr David C.M. Lam explained that the existing track was very narrow with a width of about 4m at its narrowest section and along both sides of the track were private lots. As the widening of the track would involve resumption of private land, the applicant had proposed to connect to the site via the future access road at Wang Chau public housing site instead. Assuming the applicant could successfully acquire the private land for road widening purpose, the same Member enquired further whether such proposal would be acceptable and feasible. In response, Mr David C.M. Lam said that the submitted traffic impact assessment (TIA) was based on the assumption that the proposed private residential development would rely on the access connecting to the future access road through the Wang Chau public housing site. The TIA had neither considered nor assessed the traffic implications of utilizing the local track leading from Yung Yuen Road, with or without widening works, and whether it could cater for the traffic demand generated by the proposed development.

12. A Member went on to ask whether the proposed access arrangement via the future access road at Wang Chau public housing site was the only feasible option available. Mr David C.M. Lam replied that the applicant had indicated in the submission that it would

be difficult to modify/widen the existing local track connecting the site and Yung Yuen Road and thus had resorted to gaining vehicular access via the Wang Chau public housing site. The rezoning application was assessed based on the proposal and information as submitted by the applicant.

13. In response to another Member's enquiry, Mr. David C.M. Lam with reference to Drawing Z-11 explained that the application site was part of a larger "GB" zone covering areas to the further north and northwest, and the area to its east was zoned and earmarked for the public housing development.

14. As the applicant did not attend the meeting and there were no more questions from Members, the Chairman said that the hearing procedure for the application had been completed and the Committee would deliberate on the application. He thanked PlanD's representative for attending the meeting. Mr David C.M. Lam, DPO/TMYLW left the meeting at this point.

#### Deliberation Session

15. The Secretary reported that an objection letter jointly submitted by the Ping Shan Heung Wing Ning Tsuen Committee (屏山鄉永寧村委員會) and the Village Representative of Wing Ning Tsuen was received after the expiration of the statutory publication period and the Committee noted that such out-of-time comment would be treated as not having been made. The Secretary drew Members' attention that the same commenter had submitted a letter stating similar objection grounds on the application during the statutory publication period which had been incorporated in the Paper.

16. The Chairman summed up that there was insufficient information in the application to demonstrate that the proposed rezoning of the site from "GB" to "R(A)5" zone was technically feasible and acceptable from the traffic, environmental and infrastructural aspects. Members agreed that the application should not be supported.

17. After deliberation, the Committee decided not to agree to the application for the following reasons :

- “(a) the applicant fails to demonstrate that the future development in the proposed “Residential (Group A) 5” zone would not be subject to adverse environmental impact;
- (b) the applicant fails to demonstrate that the proposed rezoning would not create adverse sewerage, traffic and drainage impacts on the surrounding areas;
- (c) the applicant fails to demonstrate that the proposed access arrangement for the proposed development is feasible; and
- (d) the applicant fails to demonstrate that the proposed rezoning will not affect the access to the other uses in the surrounding areas.”

**Agenda Item 4**

**Section 12A Application**

[Open Meeting]

Y/NE-LYT/11                      Application for Amendment to the Approved Lung Yeuk Tau & Kwan Tei South Outline Zoning Plan No. S/NE-LYT/17, To Rezone the Application Site from “Agriculture” to “Village Type Development”, Various Lots in D.D. 85 and Adjoining Government Land, Lau Shui Heung, Fanling, New Territories  
(RNTPC Paper No. Y/NE-LYT/11A)

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18.                      The Committee noted that the applicant requested on 12.12.2016 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments of the Geotechnical Engineering Office of Civil Engineering and Development Department and the Transport Department. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information in October 2016 including responses to the departmental and public comments and a support letter from the Chairman of the North District Council.

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

### **Sai Kung and Islands District**

#### **Agenda Item 5**

##### **Section 12A Application**

[Open Meeting]

Y/SK-PK/6

Application for Amendment to the Approved Pak Kong and Sha Kok Mei Outline Zoning Plan No. S/SK-PK/11, To Rezone the Application Site from "Conservation Area" to "Other Specified Uses" annotated "Columbarium", Lots 169 S.A, 169 S.B, 169 S.C, 169 S.D, 169 S.E, 169 S.F, 169 S.G, 169 S.H, 169 S.I, 169 S.J, 169 S.K, 169 S.L, 169 S.M and 169 RP in D.D. 219 and Adjoining Government Land, Kei Pik Shan, Sai Kung, New Territories  
(RNTPC Paper No. Y/SK-PK/6A)

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20. The Secretary reported that Landes Limited (Landes) and MVA Hong Kong Limited (MVA) were two of the consultants of the applicant. The following Members had declared interests in the item:

- Mr Ivan C.S. Fu - having current business dealings with Landes and MVA; and
- Ms Janice W.M. Lai - having current business dealings with Landes.

21. The Committee noted that Mr Ivan C.S. Fu and Ms Janice W.M. Lai had tendered apologies for being unable to attend the meeting.

22. The Committee noted that the applicant requested on 17.11.2016 for deferment of the consideration of the application for two months in order to allow time to address the comments from relevant government departments on the submitted further information. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information including responses to comments from government departments.

23. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within 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 submission of further information, no further deferment would be granted unless under very special circumstances.

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

**Agenda Item 6**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/I-TCTC/54            Proposed Minor Relaxation of Non-Domestic Plot Ratio Restriction  
For Permitted Commercial Development in “Commercial (1)” zone,  
Junction of Tat Tung Road and Mei Tung Street, Tung Chung, Lantau  
Island (Tung Chung Town Lot No. 11)  
(RNTPC Paper No. A/I-TCTC/54A)

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24.            The Secretary reported that Masterplan Limited (Masterplan), MVA Hong Kong Limited (MVA) and LWK & Partners Architects Limited (LWK) were the three consultants of the applicant. The following Members had declared interests in the item:

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|---------------------|---|
| Mr Ivan C.S. Fu     | - being a Director of LWK;                                      |
|                     | - and having current business dealings with Masterplan and MVA; |
| Mr Stephen L.H. Liu | - having current business dealings with LWK; and                |
| Mr Martin W.C. Kwan | - his close relative owned property in Tung Chung Town Centre.  |

25.            The Committee noted that Mr Ivan C.S. Fu and Mr Stephen L.H. Liu had tendered apologies for being unable to attend the meeting. The Committee agreed that Mr Martin W.C. Kwan could stay in the meeting as the property owned by his close relative had no direct view of the site.

**Presentation and Question Sessions**

26.            With the aid of a PowerPoint presentation, Ms Amy M.Y. Wu, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background of the application - on 26.8.2016, the Committee considered the subject application for proposed minor relaxation of non-domestic plot ratio (PR) restriction from 5 to 5.079 for inclusion of a 24-hour public pedestrian walkway (the pedestrian walkway) with a gross floor area (GFA) of not more than 790m<sup>2</sup>. Members considered that the pedestrian walkway, which could provide convenience to the public, warranted favourable consideration, but the extent of minor relaxation to be granted would need to be further assessed noting that Lands Department (LandsD) had only approved a GFA exemption under the lease of about 612m<sup>2</sup> for the pedestrian walkway, instead of 790m<sup>2</sup> as applied for. The meeting agreed to defer making a decision on the application pending further comments from concerned departments on whether the extent of relaxation and design of the pedestrian walkway was reasonable;
- (b) further information – the applicant submitted further information proposing to reduce the extent of minor relaxation sought to 612.715m<sup>2</sup> (equivalent to an increase in PR restriction to 5.061) and the relaxation sought tallied with the GFA exemption granted by LandsD. The increase in building bulk resulting from the minor relaxation remained insignificant;
- (c) departmental comments – departmental comments were set out in paragraph 3 of the Paper. The District Lands Officer/Islands, LandsD (DLO/Is, LandsD) advised that according to the lease, the applicant was required to provide the pedestrian walkway and such GFA might be exempted. An area of 612.715m<sup>2</sup> for the pedestrian walkway was excluded from the GFA calculation by DLO/Is, LandsD under the latest approved building plans. The Chief Building Surveyor/New Territories East 1 & Licensing Section of Buildings Department (CBS/NTE1&L, BD) advised that the pedestrian walkway was GFA accountable under the Buildings Ordinance (BO) unless exempted in accordance with the requirements stipulated in Practice Notes for Authorized Persons No. APP-108 (PNAP App-108), and the pedestrian walkway was GFA accountable under the latest approved building plan. Other concerned departments had no objection to or no adverse comment on the application;

and

- (d) the Planning Department (PlanD)'s views – the planning considerations and assessments were set out in paragraph 4 of the Paper. In view of the Committee's previous concerns, the applicant had submitted further information to reduce the minor relaxation sought under the application from 790m<sup>2</sup> to not more than 612.715m<sup>2</sup> to tally with the GFA exemption granted under lease by LandsD. Relevant departments had no further comments on the proposed minor relaxation and GFA exemption sought under the proposed scheme. An approval condition was suggested stating that the additional non-domestic GFA of 612.715m<sup>2</sup> allowed should be for the provision of the 24-hour public pedestrian walkway only. In the event the GFA exemption was subsequently granted by the Building Authority under BO, the additional GFA allowed under the application should not be converted for commercial or other uses.

27. In response to the Chairman's enquiry, Ms Amy M.Y. Wu, STP/SKIs, replied that the application site was subject to a PR restriction of 5 under the prevailing OZP and the current application was for minor relaxation of PR from 5 to 5.061 (equivalent to an increase in PR by 1.2%) based on the latest proposal from the applicant.

28. A Member asked whether the PR restriction and the requirement to provide a pedestrian walkway with an area of 612.715m<sup>2</sup> were clearly stipulated in the lease conditions. In response, Ms Wu clarified that according to the lease conditions, the grantee was required to provide a 24-hour segregated public pedestrian walkway with a minimum width of 6m. The area of pedestrian walkway was not specified in the lease conditions. In response to another Member's question, Ms Wu said that the lease conditions only specified the requirement on the provision of a 24-hour public pedestrian walkway and she had no information in hand as to whether commercial activities would be allowed within the areas designated for pedestrian walkway purpose.

#### Deliberation Session

29. To facilitate the deliberation, the Chairman briefly recapitulated the background

of the application. He pointed out that in the meeting held in August 2016, Members generally considered that the provision of the proposed pedestrian walkway was a planning gain, but had decided to defer a decision on the application pending further information to justify the design of the pedestrian walkway and the extent of minor relaxation (i.e. additional GFA of 790m<sup>2</sup>) sought. According to the further information, the applicant proposed to reduce the extent of minor relaxation sought to 612.715m<sup>2</sup> so as to align with the GFA exemption already acceptable to LandsD under the approved building plans.

30. A Member considered that the provision of the pedestrian walkway itself had to have planning merit in order to warrant favourable consideration of the application. In response to a question from the same Member, the Chairman replied in the affirmative that the area of the pedestrian walkway was not specified in the lease conditions.

31. Two Members queried the rationale for applying minor relaxation of PR restriction given the requirement to provide a pedestrian walkway was already clearly specified in the lease conditions and the applicant had contractual responsibility to fulfil such lease conditions. The Chairman clarified that whilst the requirement on provision of pedestrian walkway had indeed been stipulated in the lease conditions, the area of such walkway was not specified under the lease. Mr Edwin W.K. Chan, Assistant Director/Regional (3), LandsD, supplemented that the actual area of the pedestrian walkway would depend on its alignment and design. On the consideration that there were many different design options, the lease conditions had only specified the requirement of a point-to-point, 24-hour public pedestrian walkway with a minimum width of 6m. The granting of GFA exemption for the pedestrian walkway under the lease would depend on whether the scale and design of the proposed pedestrian walkway were reasonable and such alignment and design would be scrutinized at the building plan stage. Mr Edwin W.K. Chan confirmed that the GFA of the public pedestrian walkway within the development might be exempted under the lease and that there was no provision to allow commercial or other similar uses in the areas designated as pedestrian walkway.

32. In response to another Member's enquiry, the Chairman explained that the Buildings Department (BD), LandsD and PlanD might have different provisions for GFA exemption for pedestrian walkway under their respective regimes. For the subject site, it was specified under the lease that the GFA of such pedestrian walkway might be exempted

from calculation towards the permissible non-domestic PR of 5 for the site under the lease. Under the building control regime, given the proposed PR of 5.061 had not exceeded the maximum permissible PR of 15 for the site under the Building (Planning) Regulations, there was no need for BD to exercise its discretion to exempt the GFA of the pedestrian walkway. Under the town planning regime, in general, PlanD would follow BD's practice in GFA calculation and granting GFA concession/exemption, subject to specific provisions in the relevant statutory plans. As the subject pedestrian walkway was GFA accountable under BO, the resultant PR of 5.061 had exceeded the PR restriction of 5 under the OZP and thus an application for minor relaxation of PR was required. In response to a further enquiry from the same Member, the Chairman said that PlanD would recommend the Building Authority to reject the building plans under section 16(1)(d) of the BO if a development had exceeded the PR restriction under the OZP.

33. While it was understood that a GFA of some 612m<sup>2</sup> was previously exempted by LandsD according to the approved building plans, a Member asked what the rationale was behind the increase in the GFA of the pedestrian walkway to 790m<sup>2</sup> as previously proposed by the applicant under the subject application. The Chairman briefly explained and Members noted that the proposed increase in GFA was due to the inclusion of area of Means of Escape, lifting platform and structural wall serving, as the applicant claimed, exclusively the pedestrian walkway.

34. A Member considered that the current minor relaxation application was mainly to optimize the development potential of the site and that the provision of the pedestrian walkway would still be feasible under the approved building plans even without the need for GFA exemption and minor relaxation of PR restriction. Noting that the core issue of the application was attributed mainly to the different treatments in GFA calculation and exemption under the respective regimes, some Members considered that such issue should have been sorted out amongst different government departments at the outset. In response, the Vice-chairman explained the lease conditions would normally be prepared in consultation with relevant government departments with relevant requirements incorporated and reflected as appropriate. Given that there was no indication in the Notes of the OZP for the "C(1)" zone that the pedestrian walkway could be disregarded from PR or GFA calculation, it was reasonable to assume that the GFA of the associated pedestrian walkway within the proposed development, if not exempted under the BO, would require minor PR relaxation under the

OZP restriction.

35. Based on the above discussion, the Chairman summed up that Members generally considered that given the special circumstances of the subject case in that the GFA for the proposed pedestrian walkway could be exempted under the lease conditions, the subject application for minor relaxation of PR restriction under the OZP could be approved.

36. 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 23.12.2020, 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 additional non-domestic Gross Floor Area of 612.715m<sup>2</sup> allowed is only for the provision of the 24-hour public pedestrian walkway; and
- (b) the submission and implementation of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB.”

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

### **Agenda Item 7**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/I-TCTC/55            Proposed House (New Territories Exempted House - Small House) in  
“Green Belt” and “Village Type Development” zones, Government  
Land in D.D. 3 TC, Sheung Ling Pei Village, Tung Chung, Lantau  
Island, New Territories  
(RNTPC Paper No. A/I-TCTC/55)

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38. The Secretary reported that the application site was located in Tung Chung. Mr Martin W.C. Kwan had declared interest in the item as his close relative owned property in Tung Chung Town Centre. The Committee agreed that Mr Martin W.C. Kwan could stay in the meeting as the said had no direct view of the application site.

39. The Committee noted that replacement pages (pages 8, 9 and 10 of the Paper, page 5 of Appendix III and pages 1 and 2 of Appendix V of the Paper), incorporating the latest comments of the Electrical and Mechanical Services Department, were tabled at the meeting for Members' reference.

#### Presentation and Question Sessions

40. With the aid of a PowerPoint presentation, Ms Amy M.Y. Wu, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix III of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application in that approval of the application would set an undesirable precedent attracting other similar applications for small house developments extending the village towards the “Green Belt” (“GB”) zone and the cumulative effect would result in degradation of the landscape character and undermining the intactness of the “GB” zone. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, five public comments were received raising objection to the application. The major objection grounds were set out in paragraph 11 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “GB” zone and no strong planning justifications had been given in the submission for the proposed Small House development in the “GB” zone. As land was still available within the “Village Type Development” (“V”) zone of Sheung Ling Pei, Ha Ling Pei, Wong Ka Wai and Lung Tseng Tau to meet the outstanding Small House demand, it was considered more appropriate to concentrate the proposed Small House within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services. The site was situated on a slope with vegetation and trees to the south of an area of rural landscape character and approval of the application would set an undesirable precedent for similar applications within the “GB” zone. Regarding the adverse public comments, the assessments above were relevant.

41. Members had no question on the application.

#### Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and to preserve the existing topography and natural vegetation at the fringe of the new town as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) land is still available within the “Village Type Development” (“V”) zone

of Sheung Ling Pei, Ha Ling Pei, Wong Ka Wai and Lung Tseng Tau for Small House development. It is considered more appropriate to concentrate the proposed Small House within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services; and

- (c) the approval of the application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such similar applications would result in the encroachment on the “GB” zone and a general degradation of the landscape character of the area.”

### **Agenda Item 8**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HH/71            Temporary School (Kindergarten) for a Period of 3 Years in “Other Specified Uses” annotated “Residential Cum Marina Development” zone, Shop D and Yard, Ground Floor, Marina Cove Shopping Centre, Sai Kung, New Territories  
  
(RNTPC Paper No. A/SK-HH/71)

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#### **Presentation and Question Sessions**

43.            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 temporary school (kindergarten) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Consulted departments had no objection to or

no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, 34 public comments were received supporting the application. The major supporting view was set out in paragraph 9 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 10 of the Paper. There had been no material change in the planning circumstances since the approval of the three previous applications (No. A/SK-HH/45, 54 and 69). Approval of the kindergarten use on a temporary basis would not frustrate the planning intention of the “Other Specified Uses” annotated “Residential Cum Marina Development” zone. The kindergarten was considered not incompatible with the existing uses, such as tutorial schools and shops, within the same and surrounding commercial and clubhouse buildings within the Marina Cove development. Nevertheless, as the previous planning permission (No. A/SK-HH/69) was revoked due to non-compliance with the approval condition on the fire safety aspect, shorter compliance periods were recommended to closely monitor the compliance with conditions.

44. Noting that the approval conditions on the fire safety aspect were satisfactorily complied with under the two previous planning permissions granted in 2009 and 2012, a Member enquired why the last permission was revoked and whether there was a change in the fire services requirements. In response, Mr William W.T. Wong, STP/SKIs, said that the last planning permission was revoked due to non-compliance with the approval conditions requiring the submission and implementation of fire service installations and water supplies for fire fighting within 6 and 9 months respectively. The applicant had indicated that there were technical difficulties in overcoming the issues. Mr Wong further explained that the applicant had complied with the approval conditions of the first two applications. The approval conditions on the fire safety aspect were only imposed on the current application based on the Fire Services Department's requirement.

Deliberation Session

45. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 23.12.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) to implement and maintain the traffic arrangements as proposed by the applicant during the approval period to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the submission of proposal for fire service installations and water supplies for fire fighting within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.3.2017;
- (c) in relation to (b) above, the implementation of fire service installations and provision of water supplies for firefighting within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.6.2017;
- (d) if the above planning condition (a) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (e) if any of the above planning conditions (b) or (c) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

**Agenda Item 9**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-PK/233            Temporary Place of Recreation (Canoe Club) for a Period of 3 Years in  
“Coastal Protection Area” zone, Government Land in D.D. 216, Tai  
Mong Tsai Road, Tai Wan, Sai Kung, New Territories  
(RNTPC Paper No. A/SK-PK/233)

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**Presentation and Question Sessions**

47.            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 temporary place of recreation (canoe club) for a period of three years;
- (c)    departmental comments – departmental comments were set out in paragraph 8 of the Paper. Consulted departments had no objection to or no adverse comment on the application;
- (d)    during the first three weeks of the statutory publication period, one public comment was received raising objection to the application. The major objection grounds were set out in paragraph 9 of the Paper; and
- (e)    the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 10 of the Paper. The applicant sought planning permission to use the site as an extension of a canoe club which had been in existence since 1.1.1983. The temporary use of the site, which was for storage of canoe and as an extension of changing room and office, would not jeopardize the planning intention of the “Coastal

Protection Area” (“CPA”) zone. The proposed development was small in scale and involved only single-storey temporary structures. It was considered not incompatible with the character of the surrounding areas. The use at the site was not anticipated to have adverse traffic, drainage, sewerage and environmental impacts on the surrounding areas or significant disturbance to the existing landscape resources and character. Regarding the adverse public comment, the assessments above were relevant.

48. Noting that the canoe club had existed at the site for over 20 years, a Member asked whether a longer approval period could be granted for the subject application. In response, Mr William W.T. Wong, STP/SKIs, said that according to the provisions of the OZP, planning permission for temporary use or development of any land or building should not exceed a period of three years.

49. In response to another Member’s question, Mr Wong explained with reference to Plan A-2 of the Paper that the existing canoe club was located at the adjoining site to the west and was covered by a Short Term Tenancy (STT). The site under application was an extension of the canoe club and was used for the storage of canoe and changing room purpose.

#### Deliberation Session

50. The Chairman said that the canoe club was already in existence before the area was covered by statutory plan. Whilst the majority of the canoe club was already covered by STT, the current application was mainly to regularize the use of the remaining portion of government land currently occupied by the club. The site was located within the “CPA” zone which was a sensitive zone with restrictive uses. For the uses that were not under Column 2 of the OZP, planning permission for temporary use not exceeding a period of three years could be applied for in accordance with the covering Notes of the OZP.

51. A Member suggested that an additional advisory clause should be added to remind the applicant to keep the site clean and tidy at all times. Members agreed.

52. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 23.12.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 6:00 p.m. to 8:30 a.m., as proposed by the applicant, is allowed during the planning approval period;
- (b) the submission of water supplies for fire fighting and fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.6.2017;
- (c) in relation to (b) above, the implementation of water supplies for fire fighting and fire service installations proposals within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.9.2017;
- (d) if the above planning condition (a) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (e) if any of the above planning conditions (b) or (c) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

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

- “(h) the site should be kept in a clean and tidy condition at all times.”

**Agenda Item 10**

**Section 16 Application**

[Open Meeting]

A/SK-SKT/13                      Proposed Flat in “Residential (Group E)1” zone, Lot 1104 in D.D. 215,  
1 Hong Ting Road, Sai Kung, New Territories  
(RNTPC Paper No. A/SK-SKT/13A)

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54.            The Secretary reported that Ramboll Environ Hong Kong Limited (Environ) and MVA Hong Kong Limited (MVA) were two of the consultants of the applicant. The following Members had declared interests in the item:

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

Ms Janice W.M. Lai                      - having current business dealings with Environ; and  
  
- her spouse owned a shop in Sai Kung Town.

55.            The Committee noted that Mr Ivan C.S. Fu and Ms Janice W.M. Lai had tendered apologies for being unable to attend the meeting.

56.            The Committee noted that the applicant requested on 9.12.2016 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments of relevant government departments. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information including responses to comments from government departments and revised Environmental Assessment and Sewerage Impact Assessment.

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

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

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

### **Sha Tin, Tai Po and North District**

[Ms Jessica H.F. Chu, District Planning Officer/Shan Tin, Tai Po and North (DPO/STN), Mr Kenny C.H. Lau, Mr C.T. Lau and Mr Wallace W.K. Tang, Senior Town Planners/Shan Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

### **Agenda Item 11**

[Open Meeting]

Proposed Amendments to the

Approved Sha Tin Outline Zoning Plan No. S/ST/32

(RNTPC Paper No. 3/16)

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58. The Committee noted that a replacement page (page 13 of Annex D of the Paper) incorporating paragraph 7.11.1(q) in the Explanatory Statement of the draft Sha Tin OZP No. S/ST/32A was tabled at the meeting for Members' reference.

59. The Committee noted that the item involved proposed amendments to the Approved Sha Tin Outline Zoning Plan (OZP) No.S/ST/32, which included the proposed rezoning of sites for the proposed Sha Tin Cavern Sewage Treatment Works and its

supporting facilities by the Drainage Services Department (DSD), a site to facilitate a public housing development by the Housing Department (HD) which was the executive arm of the Hong Kong Housing Authority (HKHA), and rezoning of the Olympic Stables currently managed and operated by the Hong Kong Jockey Club (HKJC). The following Members had declared interests in the item:

- |  |   |
|--|---|
| Mr Raymond KW Lee<br>(the Chairman)<br>as the Director of Planning               | - being a member of the Strategic Planning Committee (SPC) and Building Committee of HKHA;  |
| Mr Martin W.C. Kwan<br>as the Chief Engineer (Works),<br>Home Affairs Department | - being an alternate member for the Director of Home Affairs who is a member of the SPC and Subsidized Housing Committee of HKHA; |
| Mr H.F. Leung  | - being a member of Tender Committee of HKHA  |
| Ms Janice W.M. Lai   | } having current business dealings with DSD and HKHA;   |
| Dr C.H. Hau  |   |
| Mr Ivan C.S. Fu  | } having current business dealings with HKHA;   |
| Mr Stephen L.H. Liu  |   |
| Mr H.W. Cheung   | - being an executive director of the Construction Industry Council;   |
| Miss Christina M. Lee  | } being an ordinary member of the HKJC;   |
| Mr David Y.T. Lui  |   |
| Mr Peter K.T. Yuen   |   |
| Dr Lawrence K.C. Li  |   |
| Mr Alex T.H. Lai   |   |
| Ms Winnie W.M. Ng  |   |
| Professor K.C. Chau  | - co-owning with spouse a flat in Fo Tan; and   |
| Mr Samson S.S. Lam   | - owning a flat and two car parking spaces in Fo Tan.   |

60. The Committee noted that Mr Ivan C.S. Fu, Ms Janice W.M. Lai, Mr H.F. Leung, Mr Stephen L.H. Liu and Dr C.H. Hau had tendered apologies for being unable to attend the meeting. As the properties of Professor K.C. Chau and/or his spouse and Mr Samson S.S. Lam did not have a direct view of the subject sites, the Committee agreed that they could stay in the meeting. According to the procedure and practice adopted by the Town Planning Board (the Board), as the proposed sewage treatment works and supporting facilities, rezoning of the Olympic Stables and public housing development sites were the subject of amendment to the OZP proposed by the Planning Department (PlanD), the interests of the Chairman, the Vice-chairman, Mr Martin W.C. Kwan, Ms Christina M. Lee, Mr David Y.T. Lui, Mr Peter K.T. Yuen, Dr Lawrence K.C. Li, Mr Alex T.H. Lai and Miss Winnie W.M. Ng on the items only needed to be recorded and they could be allowed to stay in the meeting.

#### Presentation and Question Sessions

61. With the aid of a PowerPoint presentation, Mr Kenny C.H. Lau, STP/STN, presented the proposed amendments as detailed in the Paper and covered the following main points :

##### Amendment Item A

- (a) the detailed feasibility study commissioned by DSD in May 2012 confirmed that relocating the Sha Tin Sewage Treatment Works (STSTW) to cavern in an area currently zoned “Green Belt” (“GB”) at A Kung Kok was feasible. Amendment Items A1 to A4 were related to the proposed Sha Tin Cavern Sewage Treatment Works (STCSTW) as detailed below :
  - (i) Amendment Item A1 (about 23.45 ha) – to be rezoned from “GB” to “GB(1)” for the development of STCSTW;
  - (ii) Amendment Items A2 and A3 (about 2.72 and 0.31 ha respectively) – to be rezoned from “GB” to “Other Specified Uses” (“OU”) annotated “Sewage Treatment Works” to accommodate STCSTW’s supporting facilities; and

- (iii) Amendment Item A4 (about 0.11 ha) – to be rezoned from “GB” to an area shown as ‘Road’ to reflect the existing use and site condition.
  
- (b) the Environmental Impact Assessment had been approved by the Director of Environmental Protection on 28.11.2016. Various technical assessments were conducted, including Traffic Impact Assessment (TIA), Sewerage Impact Assessment (SIA), Drainage Impact Assessment (DIA), Waterworks and Utilities Impact Assessment and Geotechnical Review. The proposed development would not cause insurmountable problems in environmental, traffic, infrastructure and geotechnical aspects with implementation of suitable mitigation or improvement measures. No insurmountable geotechnical problem would be anticipated. Concerned departments had no adverse comment on or no objection to the rezoning proposal;

Amendment Item B

- (c) to meet the demand for public niches, the Government announced in July 2010 that all 18 districts would collectively share the responsibility of developing district-based columbarium facilities. A site at On Hing Lane, Shek Mun had been identified for the columbarium and garden of remembrance development in Sha Tin (Amendment Items B1 to B5) as detailed below :
  
- (i) Amendment Items B1 to B3 (about 2.28 ha, 0.23 ha and 0.18 ha respectively) – to be rezoned from “Industrial” (“I”), “GB” and “OU” annotated “Refuse Transfer Station” (“OU(RTS)”) respectively to “OU” annotated “Columbarium and Garden of Remembrance”;
  
- (ii) Amendment Item B4 (about 0.26 ha) – to be rezoned from “I” to “OU(RTS)” to reflect the existing use; and

- (iii) Amendment Item B5 (about 0.23 ha) – to be rezoned from “I” to “GB” to reflect the existing condition of the area.
  
- (d) TIA had been conducted and the resultant impacts with appropriate mitigation measures were considered acceptable by the Commissioner for Transport. The Visual Appraisal (VA) conducted indicated that the proposed development was not visually incompatible with the surrounding area. Other relevant technical assessments, including Preliminary Environmental Review, would be conducted at detailed design stage. Concerned departments had no adverse comment on or no objection to the rezoning proposal;

Amendment Item C

- (e) the Olympic Stables (about 4.76 ha), located at the southwestern side of the Sha Tin Race Course, was proposed to be rezoned from “Government, Institution or Community” (“G/IC”) to “OU” annotated “Race Course” (“OU(Race Course)”) to reflect the current use and function of the site;
  
- (f) the proposed rezoning would not involve new development proposals and would not have adverse impacts on the traffic, environmental and visual aspects;

Amendment Item D

- (g) Amendment Item D site (about 0.43 ha), located along Shing Mun River Channel near Shek Mun Business Area, was proposed to be rezoned from “Open Space” (“O”) to “Residential (Group A)6” (“R(A)6”) to facilitate proposed public housing development subject to a maximum gross floor area of 26,240m<sup>2</sup> and maximum building height of 110mPD. The rezoning of the land to the southeast of the site which was currently occupied by the Kitchee Football Training Centre would be postponed until the relocation arrangement of the training centre was settled;

- (h) TIA and VA undertaken revealed that the proposed development, with appropriate mitigation measures proposed, would not have significant adverse traffic or visual impacts. The Expert Evaluation on Air Ventilation Assessment revealed that the proposed development would have no significant air ventilation impacts. Other technical assessments, including Environmental Assessment Study, would be conducted at the detailed design stage;

Proposed Amendments to the Notes of the OZP

- (i) in relation to Amendment Item A, it was proposed to incorporate ‘Underground Sewage Treatment Works (on land designated “GB(1)” only)’ as Column 1 use of the “GB” zone;
- (j) in relation to Amendment Item C, it was proposed to incorporate ‘Private Club’ and ‘Race Course’ as Column 1 uses and ‘Government Use’, ‘Place of Recreation, Sports or Culture’, ‘Public Utility Installation’ and ‘Utility Installation for Private Project’ as Column 2 uses of the “OU(Race Course)” zone;
- (k) in relation to Amendment Item D, it was proposed to incorporate a new sub-zone of “R(A)6” to reflect the proposal;

Departmental Consultation

- (l) relevant bureaux and departments had no objection to or no adverse comment on the proposed amendments;

Consultation with Sha Tin District Council (STDC)

- (m) DSD consulted Health and Environmental Committee (HEC) of STDC in March 2016;
- (n) the Food and Health Bureau / Food and Environmental Hygiene

Department consulted the HEC of STDC in May 2016. The HEC gave support to the proposed columbarium and garden of remembrance development (Amendment Item C); and

- (o) the Development and Housing Committee (DHC) of STDC had been consulted on 3.11.2016 regarding the proposed amendments. DHC Members generally supported the proposals under Amendment Items A, B and C. However, there were concerns on the possible adverse air and noise impacts during the construction stage of the STCSTW, future use of the existing STSTW site after relocation as well as traffic impact of the columbarium development. DHC Members in general did not support the proposed public housing development (Amendment Item D) in that there were concerns on insufficient infrastructures and community facilities to support the additional housing development, incompatibility with the waterfront character in Sha Tin, and implementation of open space and other community facilities.

62. In response to a Member's questions, Ms Jessica H.F. Chu, DPO/STN, said that the existing Kitchee Football Training Centre occupied a site of about 1.5 ha and could be regarded as a recreational facility. The same Member asked whether the Kitchee Football Training Centre could be relocated to the Amendment Item C site. The Chairman remarked that it would be premature to make any speculation on the relocation arrangement. Ms Chu supplemented that a suitable site was being identified for the reprovisioning of the training centre.

63. At the Chairman's request, Ms Chu elaborated that the site under Amendment Item C (about 4.76 ha) was currently occupied by stables, training facilities for jockeys and horses, horse swimming pool and ancillary facilities namely an equine clinic. It was proposed to be rezoned from "G/IC" to "OU(Race Course)" to reflect the current use and function of the site. A Member enquired what uses were classified as recreational, sports and cultural facilities. In response, Ms Chu pointed out that an array of uses were subsumed under such definition and supplemented that provision of sports and recreational facilities, such as basketball and volleyball courts, inside the race course premises for public enjoyment was being explored. In this regard, amendments to the Notes of the OZP were proposed to

facilitate application for such facilities.

64. In response to a Member and the Chairman's enquiries about the types and scale of at-grade ancillary facilities to be provided under Amendment Item A, Ms Chu, with reference to Drawing A-1 of the Paper, explained that an administration building (about 32m in height), two ventilation buildings (about 51m and 36m in height respectively), and two electricity substations (each of about 16m in height) were proposed at-grade outside the cavern.

65. After deliberation, the Committee decided to :

- “(a) agree to the proposed amendments to the approved Sha Tin Outline Zoning Plan (OZP) No. S/ST/32 as mentioned in paragraphs 6 and 7 of the Paper;
- (b) agree that the OZP No. S/ST/32A at Annex B of the Paper (to be renumbered to S/ST/33 upon gazetting) and its Notes at Annex C of the Paper are suitable for exhibition for public inspection under section 5 of the Ordinance;
- (c) adopt the revised Explanatory Statement (ES) at Annex D of the Paper as an expression of the planning intentions and objectives of the Town Planning Board for various land use zones on the draft Sha Tin OZP; and
- (d) agree that the revised ES at Annex D of the Paper is suitable for exhibition for public inspection together with the draft OZP No. S/ST/32A (to be renumbered to S/ST/33 upon gazetting).”

**Agenda Item 12**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/908                      Renewal of Planning Approval for Temporary Public Vehicle Park (excluding Container Vehicle) Use (Letting of Surplus Monthly Vehicle Parking Spaces to Non-residents) for a Period of 3 Years in “Residential (Group A)” zone, Commercial/Car Park Block (G/F, 1/F), Integrated Commercial/Car Park Accommodation at Sand Martin House (G/F, 1/F) & Osprey House (G/F, 1/F) and Open Car Parks, Sha Kok Estate, 5 Sha Kok Street, Sha Tin, New Territories  
(RNTPC Paper No. A/ST/908)

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**Presentation and Question Sessions**

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

- (a)    background to the application;
  
- (b)    the renewal of planning approval for temporary public vehicle park (excluding container vehicle) use (letting of surplus monthly vehicle parking spaces to non-residents) under application No. A/ST/832 for a period of three years;
  
- (c)    departmental comments – departmental comments were set out in paragraph 9 of the Paper. Consulted 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. Two commenters raised concerns, while the remaining commenter objected to the application. The major concerns and objection grounds were set out in paragraph 10 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. The 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 in that there had not been any material change in planning circumstances since the last approval nor a change in the land uses of the surrounding areas, concerned departments had no objection to or no adverse comment on the application, and the 3-year approval period sought was the same as in the last approval. The period of renewal sought was considered reasonable in that the vacant parking spaces could be let to non-residents flexibly, while the parking demand of the residents could be further reviewed. Regarding the adverse public comment, residents of Yue Shing Court were not entitled to the priority given to residents of Sha Kok Estate. Applications for car parking spaces by non-residents of Sha Kok Estate would only be considered in case there were surplus car parking spaces.

67. A Member considered that the colour scheme was not compatible with the surroundings. The applicant should take note of that should the application be approved.

#### Deliberation Session

68. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 18.1.2017 to 17.1.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following condition :

“ priority should be accorded to the residents of Sha Kok Estate in the letting of the surplus vehicle parking spaces and the proposed number of vehicle parking spaces to be let to non-residents should be agreed with the Commissioner for Transport.”

69. The Committee also agreed to advise the applicant to note the advisory clauses as

set out at Appendix IV of the Paper.

### **Agenda Item 13**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/589            Proposed 5 Houses (New Territories Exempted Houses - Small Houses) in “Agriculture” zone, Lots No. 1014 S.C, 1014 S.D, 1014 S.E, 1014 S.F, 1014 RP, 1015 S.C, 1015 S.D, 1015 S.E, 1015 S.F and 1015 RP in D.D. 19, Lam Tsuen San Tsuen, Tai Po, New Territories (RNTPC Paper No. A/NE-LT/589A)

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#### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed 5 houses (New Territories Exempted Houses (NTEHs) - Small Houses);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. The Director of Agriculture, Fisheries and Conservation did not support the application as the site had high potential for rehabilitation of agricultural activities. The Chief Engineer/Project Management, Drainage Services Department (CE/PM, DSD) commented the level difference between the existing sewer and the sewer manhole might not allow the sewer from the proposed development to have adequate fall to the public sewerage system, while the Chief Engineer/Mainland North, DSD considered the feasibility of the proposed connection and filling works doubtful. The Director of Environmental Protection (DEP) did not support the application unless the applicants could

ensure the technical feasibility of the sewer connection. The Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) objected to the application as the site was located within the upper indirect Water Gathering Ground (WGG) and the proposed Small House could not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (Interim Criteria). The Commissioner for Transport had reservation on the application as such developments should be confined within the “Village Type Development” (“V”) zone. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, two public comments were received raising objection to the application. The major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed Small House was not in line with the planning intention of the “Agriculture” (“AGR”) zone and the site fell within the upper indirect WGG. Both DEP and CE/C, WSD did not support the application as the applicants failed to demonstrate the technical feasibility of the sewerage connection. The proposed development did not comply with the Interim Criteria in that the applicants failed to demonstrate that the proposed developments located within the WGG would not cause adverse impact on the water quality in the area. Besides, land was still available within the “V” zone of Lam Tsuen San Tsuen and San Tsuen Lo Wai to meet the outstanding Small House applications. It was considered more appropriate to concentrate the proposed Small Houses within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services. The site was the subject of 10 previous applications submitted by the same applicants for the same use which were rejected by the Town Planning Board on review in 2003 and 2004 and the situation and considerations were similar to current application. Regarding the public comments, the comments of government departments

and planning assessments above were relevant

### Deliberation Session

71. A Member noted that although the applicants had submitted a sewerage connection proposal, there was level difference and the sewer from the proposed development might not have adequate gravitational fall to the public sewerage system.

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone which is primary to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the current submission for a departure from the planning intention;
- (b) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories in that the applicants fail to demonstrate that the proposed developments located within water gathering grounds would not cause adverse impact on the water quality in the area; and
- (c) land is still available within the “Village Type Development” (“V”) zones of Lam Tsuen San Tsuen and San Tsuen Lo Wai which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.”

**Agenda Item 14**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/596            Renewal of Planning Approval for Temporary Private Garden  
Ancillary to New Territories Exempted House for a Period of 3 Years  
in “Agriculture” and “Village Type Development” zones, Lots 1830  
(Part) and 1738 S.B ss.3 (Part) in D.D. 17 and Adjoining Government  
Land, Lung Mei Village, Ting Kok, Tai Po, New Territories  
(RNTPC Paper No. A/NE-TK/596)

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**Presentation and Question Sessions**

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

- (a)    background to the application;
- (b)    the renewal of planning approval for temporary private garden ancillary to New Territories Exempted House under application No. A/NE-TK/480 for a period of three years;
- (c)    departmental comments – departmental comments were set out in paragraph 9 of the Paper. Consulted departments had no objection to or no adverse comment on the application;
- (d)    during the first three weeks of the statutory publication, one public comment was received raising objection to the application. The major objection grounds were set out in paragraph 10 of the Paper; and
- (e)    the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Although the applied use was not in line with the planning intention of “Agriculture” zone, the

concerned area was within the village proper and had been paved. 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 in that there had not been any material change in planning circumstances since the last approval, concerned departments had no objection to or no adverse comment on the application, all the approval conditions under the previous approval had been complied with, and the 3-year approval period sought was the same as in the last approval. Regarding the adverse public comment, the assessments above were relevant.

74. Members had no question on the application.

#### Deliberation Session

75. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 24.12.2016 to 23.12.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the existing trees and landscape plantings on the site shall be maintained at all times during the planning approval period;
- (b) if the above planning condition (a) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (c) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

**Agenda Item 15**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/597      Proposed Temporary Government Refuse Collection Point for a Period of 5 Years in an area shown as 'Road', Government land in D.D. 26, Wong Yue Tan, Tai Po, New Territories  
(RNTPC Paper No. A/NE-TK/597)

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77.            The Committee noted that a replacement page (page 7 of the Paper), rectifying editorial errors in paragraph 10.2, was tabled at the meeting for Members' reference.

**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed temporary government refuse collection point for a period of five years;
- (c) departmental comments – departmental comments were set out in paragraph 7 of the Paper. Consulted departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of five years based on the assessments set out in paragraph 9 of the Paper. Since there was currently no road widening programme for the area, approval of the application on a

temporary basis would not jeopardize the long-term planning intention of the area shown as 'Road'. The proposed temporary use was considered not incompatible with the surrounding areas which were predominantly rural in character. Given the small scale of the refuse collection point, it was unlikely to cause any adverse traffic, environmental, sewerage, drainage and landscape impacts on the surrounding areas. Relevant Government departments consulted had no objection to or no adverse comment on the application.

79. Members had no question on the application.

#### Deliberation Session

80. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 23.12.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission of fire service installations (FSIs) and water supplies for fire fighting proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.6.2017;
- (b) in relation to (a) above, the provision of FSIs and water supplies for fire fighting within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.9.2017;
- (c) if any of the above planning conditions (a) or (b) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (d) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

81. The Committee also agreed to advise the applicant to note the advisory clauses as

set out at Appendix II of the Paper.

## **Agenda Item 16**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/598            Proposed House (New Territories Exempted House - Small House) in  
                                 “Green Belt” zone, Government land in D.D. 28, Tai Mei Tuk Village,  
                                 Tai Po, New Territories  
                                 (RNTPC Paper No. A/NE-TK/598)

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### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as the existing trees within and near the site would likely be affected by the construction of the Small House and the associated site formation works and adverse landscape impact due to the proposed development could not be mitigated. Approval of the application might set an undesirable precedent and encourage Small House developments on Government land outside the Tai Mei Tuk village proper. The Commissioner for Transport had reservation on the application and advised that Small House development should be confined within the “Village Type Development” (“V”) zone as far as possible. Other concerned departments had no objection to or no adverse

comment on the application;

- (d) during the first three weeks of the statutory publication, two public comments were received raising objection to the application. The major objection grounds were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the applications based on the assessments set out in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of “Green Belt” (“GB”) zone. The application did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that the proposed development would cause adverse landscape impact on the surrounding areas. As land was still available within the “V” zone of Lung Mei, Wong Chuk Tsuen and Tai Mei Tuk for Small House development, it was considered more appropriate to concentrate the proposed Small House development within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services. The proposed development also did not comply with the Town Planning Board Guidelines No. 10 for Application for Development within “GB” zone in that the proposed development involving clearance of vegetation would result in deterioration of landscape quality in the subject “GB” zone. Regarding the adverse public comments, the assessments above were relevant.

83. Members had no question on the application.

#### Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zoning for the area which is primarily for defining the limits of urban and sub-urban development areas by natural features and to

contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone;

- (b) the proposed development does not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that the proposed development would involve clearance of vegetation affecting the existing natural landscape in the area;
- (c) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/ Small House in New Territories in that the proposed development would cause adverse landscape impacts on the surrounding areas; and
- (d) land is still available within the “Village Type Development” (“V”) zone of Lung Mei, Tai Mei Tuk and Wong Chuk Tsuen which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.”

### **Agenda Item 17**

#### **Section 16 Application**

[Open Meeting]

A/NE-TK/599                      Proposed Temporary Barbecue Site and Car Park for a Period of 3 Years in “Recreation” zone, Lots 1648 RP (Part), 1649 RP (Part), 1651 S.A, 1651 RP, 1653 S.B (Part), 1654, 1655 and 1656 in D.D. 17, Lung Mei, Ting Kok Road, Tai Po, New Territories  
(RNTPC Paper No. A/NE-TK/599)

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85.                      The Committee noted that the applicant requested on 9.12.2016 for deferment of the consideration of the application for two months in order to allow time for preparation of

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

86. 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 18**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/PSK/16                      Proposed Residential Institution cum Ancillary Office (InnoCell) in  
"Government, Institution or Community" zone, Government land at the  
junction of Chong San Road and Science Park Road, Pak Shek Kok,  
Tai Po, New Territories  
(RNTPC Paper No. A/PSK/16)

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87. The Secretary reported that the application was submitted by Hong Kong Science and Technology Parks Corporation (HKSTPC). Ramboll Environ Hong Kong Limited (Environ) and AIM Group (AIM) were two of the consultants of the applicant. The following Members had declared interests in the item:

Mr Alex T.H. Lai                      - his firm having current business dealings with  
HKSTPC and AIM; and

Mr Ivan C.S. Fu

Ms Janice W.M. Lai

} having current business dealings with Environ.

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

#### Presentation and Question Sessions

89. Mr C.T. Lau, STP/STN, drew Members' attention there was a typographic error on Page 1 of the Paper and that the Plan number should be "S/PSK/13" instead of "S/PSK/16". He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed residential institution cum ancillary office (Innocell);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Commissioner for Innovation and Technology supported the application. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) considered that while the proposed development was considered not incompatible with the overall development profile in Pak Shek Kok, it might give rise to visual concern when viewing from Ma On Shan promenade. The Chief Architect/Central Management Division 2, Architectural Services Department commented that the long building block design might have adverse visual impact on the vicinity of the Site. The Commissioner for Transport required the submission of a revised Traffic Impact Assessment. Other consulted departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication, four public

comments were received raising objection to the application. The major objection grounds were set out in paragraph 10 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed development was generally in line with the planning intention of the “Government, Institution or Community” (“G/IC”) zone and was considered not incompatible with the surrounding areas in terms of land use, scale and intensity. The application was also generally in line with the Town Planning Board Guidelines No. 16 for ‘Application for Development/Redevelopment within “G/IC” zone for uses other than Government, Institution or Community (G/IC) Uses under Section 16 of the Town Planning Ordinance’ in that the site was considered suitable to be released for other uses, the existing and planned GIC facilities in the area would not be affected, the proposed development was compatible with the surrounding areas, and no adverse impacts on visual, design, traffic, environmental, infrastructure aspects were anticipated. Regarding the adverse public comments, the assessments above were relevant.

90. In response to a Member's question, Mr C.T. Lau, STP/STN, replied that the working population of the Hong Kong Science Park (HKSP) was about 10,000 persons and the floor space of the facilities thereat was about 330,000 m<sup>2</sup>.

91. A Member remarked that the site was located at a visually prominent location near the entrance of the HKSP and the proposed development with a plot ratio (PR) of 6 was not in keeping with the nearby developments with PRs ranging between 2.5 and 3.6. The same Member considered that there was scope to reduce the overall bulk of the proposed development by utilizing the adjoining land to the west zoned “Other Specified Uses” (“OU”) and “G/IC” on the OZP. Mr Lau replied that, with reference to Plan A-2a of the Paper, the adjoining “OU” and “G/IC” sites were currently occupied by the Pak Shek Kok Sewage Pumping Station which serves the entire Pak Shek Kok area and a refuse collection point. It would be difficult to relocate these facilities.

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

Deliberation Session

92. A Member considered that the proposed development was not compatible with the character and original design intent of the developments in the HKSP, in particular Phase 1, and did not support the application. Another Member concurred and considered that the proposed development was visually intrusive. Noting that the developments in the proximity of the site were of much lower development intensity, this Member considered that the applicant should explore utilizing the adjacent land so as to achieve a better design with reduced building bulk.

93. Noting that the buildings in the HKSP did not adopt a podium design, a Member asked what uses were proposed to be accommodated in the 2-storey podium under the current development proposal. Members noted that the 2-storey podium (G/F and M/F) mainly would accommodate common facilities, such as the reception area and common rooms/areas, for fostering exchange of ideas, cross-communication, collaboration between target residents and tenants. The same Member considered that the proposed development was more akin to a hotel development rather than an integral development of the HKSP.

94. Another Member queried the function and design concept of the Innocell project. Members noted that the proposed development was a new initiative of the HKSTPC to support the continuous growth of innovation and technology development through the provision of affordable, unique living space cum ancillary facility to support existing incubatees and to attract new talents to stay longer by offering a more complete package of support and to encourage more intensive exchange of ideas and collaboration. To facilitate better understanding of the design proposal, the Chairman drew Members' attention to Drawings A-1 to A-4 of the Paper showing the floor layouts and details of proposed uses, and that the site coverage of the podium was not more than 63% and the recreational facilities and common facilities/rooms provided on different floors of the proposed development for shared use by tenants would take up about 6% to 8% of the total gross floor area of the proposed building.

95. Regarding the overall development profile in Pak Shek Kok, Members noted from Plan A-2b of the Paper that the developments in the area generally adopted a stepped

height approach with lower building height near and along the waterfront with a gradual increase toward the inland areas. Although the proposed development with 65mPD would breach the ridgeline of Pat Sin Leng in the backdrop when viewing from Ma On Shan promenade near Oceanaire, taking into account the future development at Phase 3 of HKSP, PlanD considered that the proposed development might not be out of keeping with the surrounding visual context. The building heights of the proposed development and adjacent buildings, i.e. Hong Kong Institute of Biotechnology and Bio-Informatics Centre, located to the south and north of the site were about 65mPD, 30mPD and 45mPD respectively. A Member, however, did not agree and pointed out that the proposed development was visually out-of-context with the surrounding developments of about 45mPD and would create a wall-effect.

96. The Chairman noted that Members generally had no in-principle objection to the proposed use. Some Members did not support the application mainly on the consideration that the scale and intensity of the proposed development was not in harmony with the adjacent area and was not compatible with the setting and character of the existing HKSP. Another Member also considered that there was insufficient information in the current application to justify the proposed scale of development at PR 6 and building height of 65mPD.

97. Members went through the rejection reason as stated in paragraph 12.3 of the Paper and generally agreed that it had reflected Members' views as expressed at the meeting. A Member advised that the proposed development was considered not compatible with the surrounding areas in terms of architectural design and built form. This member considered it unacceptable and this was shared by some other Members. The Chairman suggested and Members agreed that another rejection reason regarding the incompatibility of the proposed development in terms of architectural design and built form should be added.

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

- “(a) the proposed development does not comply with the Town Planning Board Guidelines No. 16 for ‘Application for Development/ Redevelopment within “Government, Institution or Community” zone for uses other than

Government, Institution or Community Uses under Section 16 of the Town Planning Ordinance’ in that the scale and intensity of the proposed development is not in keeping with that of the adjacent area and the applicant fails to demonstrate that the proposed development will not cause adverse visual impact on the townscape of the surrounding areas.; and

- (b) the architectural design and built form of the proposed development is not compatible with the developments in the surrounding area.”

### **Agenda Item 19**

#### **Section 16 Application**

[Open Meeting]

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

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99.            The Secretary reported that the site was located in Tai Po. Mr H.W. Cheung had declared interest in the item as he owned a flat in Tai Po Market. The Committee noted that the applicant had requested deferment of consideration of the application and agreed that Mr Cheung could stay in the meeting as the said property did not have a direct view of the site.

100.           The Committee noted that the applicant requested on 6.12.2016 for deferment of the consideration of the application for one month in order to allow time for preparation of further information to address the comments of relevant Government departments. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had conducted tree survey and submitted site formation and landscape proposals in response to the concerns of the Chief Town Planner/Urban Design and Landscape, Planning Department.

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

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

### **Agenda Item 20**

#### **Section 16 Application**

[Open Meeting]

A/NE-FTA/163            Proposed Government Refuse Collection Point in "Agriculture" zone,  
Government Land near junction of Man Kam To Road and Sha Ling  
Road, Sha Ling, Sheung Shui, New Territories  
(RNTPC Paper No. A/NE-FTA/163A)

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102.            The Secretary reported that the application was submitted by the Civil Engineering and Development Department (CEDD) and Ove Arup & Partners Hong Kong Limited (Arup) was the consultant of the applicant. The following Members had declared interests in the item:

- Ms Janice W.M. Lai            - having current business dealings with CEDD;
- Dr C.H. Hau                    - conducting contract research projects with CEDD;
- Mr Ivan C.S. Fu                - having current business dealings with Arup; and
- Mr Alex T.H. Lai              - his firm having current business dealings with Arup.

103.            The Committee noted that Ms Janice W.M. Lai, Dr C.H. Hau and Mr Ivan C.S.

Fu had tendered apologies for being unable to attend the meeting. The Committee also noted that Mr Alex T.H. Lai had already left the meeting.

104. The Committee noted that the applicant requested on 7.12.2016 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments of the Water Supplies Department (WSD). It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had made no further submission to the Town Planning Board, but was in the process of liaising with various government departments on their comments on the application.

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

## **Agenda Items 21 and 22**

### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LK/106	Proposed House (New Territories Exempted House - Small House) in "Agriculture" zone, Lot 1876 S.A in D.D. 39, Shek Kiu Tau Village, Luk Keng, New Territories
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A/NE-LK/107 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” zones, Lots 1876 S.E and 1888 S.A in D.D. 39, Shek Kiu Tau Village, Luk Keng, New Territories  
(RNTPC Paper No. A/NE-LK/106 and 107)

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106. The Committee noted that the two applications each for proposed house (New Territories Exempted House (NTEH) – Small House) were similar in nature and the sites were located in close proximity to each other and within or partly within the same “Agriculture” (“AGR”) zone. The Committee agreed that these applications could be considered together.

107. The Secretary reported that application No. A/NE-LK/106 was submitted by Lee Ho Yin. Mr Alex T.H. Lai had declared interest in the item as his firm had business dealing with the applicant. The Committee noted that Mr Alex T.H. Lai had already left the meeting.

#### Presentation and Question Sessions

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

- (a) background to the applications;
- (b) the proposed house (NTEH – Small House) on each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix VI of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications as agricultural life in the vicinity of the sites was active and the sites were of high potential for agricultural rehabilitation. Other concerned departments had no objection to or no adverse comment on the applications;

- (d) during the first three weeks of the statutory publication, four public comments on each application were received. Amongst them, a commenter supported, a commenter indicated no comment, while the remaining two commenters raised adverse comments on the applications. The major concerns were set out in paragraph 10 of the Paper. The District Officer (North) conveyed that the Chairman of Sha Tau Kok District Rural Committee, the incumbent North District Council member and the Resident Representative of Shek Kiu Tau had no comment on the applications; 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. The proposed Small Houses were not in line with the planning intention of the “Agriculture” (“AGR”) zone and DAFC did not support the applications from the agricultural development point of view. The proposed Small Houses were not incompatible with the surrounding rural setting dominated by village houses and vacant/fallow agricultural land. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House Development in New Territories, more than 50% of the footprints of the proposed Small Houses fell within the village ‘environs’ of Shek Kiu Tau Village. Land was still available within the “V” zone to meet the outstanding Small House applications and it was considered more appropriate to concentrate the proposed Small House developments within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services. The sites were the subject of a previously approved planning application (No. A/NE-LK/73) for two Small Houses and there were approved Small House applications at different stages of development nearby. Apart from DAFC, all the relevant government departments consulted had no objection to or no adverse comment on the applications. Regarding the adverse public comments, the assessments above were relevant.

109. Members had no question on the application.

Deliberation Session

110. 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 23.12.2020, 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.”

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

**Agenda Item 23**

Section 16 Application

[Open Meeting]

A/NE-LYT/582 Proposed School (Non-Profit Making School) in “Government, Institution or Community” and “Green Belt” zones, Lots 2122 RP (Part) and 1671 in D.D. 83 and Adjoining Government Land in D.D. 51 and D.D. 83, Fanling, New Territories  
(RNTPC Paper No. A/NE-LYT/582C)

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112. The Secretary reported that Spence Robinson LT Limited (SRLT), Urbis Limited (Urbis), Ramboll Environ Hong Kong Limited (Environ) and AECOM Asia Company Limited (AECOM) were four of the consultants of the applicant. The following Members had declared interests in the item :

- Mr Ivan C.S. Fu - having current business dealings with Urbis, Environ and AECOM;
- Ms Janice W.M. Lai - having current business dealings with SLRT, Urbis, Environ and AECOM; and
- Dr C.H. Hau - having current business dealings with AECOM.

113. The Committee noted that Mr Ivan C.S. Fu, Ms Janice W.M. Lai and Dr C.H. Hau had tendered apologies for being unable to attend the meeting.

114. The Committee noted that the applicant requested on 7.12.2016 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments of government departments. It was the fourth time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information in November 2016 including responses to the comments of various government departments, a revised Noise Impact Assessment Report and an Environmental Assessment Report (on air quality aspect) and clarification on the type of the proposed school development.

115. 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 fourth deferment and a total of eight months had been allowed for the preparation of submission of further information, this is the last deferment and no further deferment would be granted.

**Agenda Item 24**

**Section 16 Application**

[Open Meeting]

A/NE-LYT/601 Proposed Temporary Open Storage of Construction Vehicles, Machineries and Materials for a Period of 3 Years in “Agriculture” and “Residential (Group C)” zones, Lots 918 S.B RP (Part), 926 (Part), 928 (Part), 933, 934, 936 S.B, 937 RP, 938 RP, 939 (Part), 940 (Part), 941, 943 (Part), 944 RP (Part), 945 RP (Part), 1018 RP (Part) and 1019 RP (Part) in D.D. 83 and Adjoining Government Land, Fanling, New Territories  
(RNTPC Paper No. A/NE-LYT/601)

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116. The Committee noted that the applicant requested on 16.12.2016 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments of various Government departments. It was the first time that the applicant requested deferment of the application.

117. 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 25**

**Section 16 Application**

[Open Meeting]

A/NE-LYT/602      Proposed Public Utility Installation (Cabinet Transformer) in  
“Agriculture” and “Village Type Development” zones, Government  
Land in D.D. 83, Fu Tei Pai, Lung Yuek Tau, New Territories  
(RNTPC Paper No. A/NE-LYT/602)

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118.      The Secretary reported that the application was submitted by CLP Power Hong Kong Limited (CLP), which was a subsidiary of CLP Holdings. The following Members had declared interests in the item:

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

119.      The Committee noted that Mr Stephen L.H. Liu had tendered apology for being unable to attend the meeting and Mr Alex T.H. Lai had already left the meeting. The Committee also noted that the applicant had requested deferment of consideration of the application. As the interest of Ms Christina M. Lee was indirect, the Committee agreed that she could stay in the meeting.

120.      The Committee noted that the applicant requested on 16.12.2016 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the public comment received on the application. It was the first time that the applicant requested deferment of the application.

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

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

### **Agenda Items 26 to 34**

#### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

- |            |  |
|------------|--|
| A/NE-PK/89 | Proposed House (New Territories Exempted House - Small House) in "Agriculture" zone, Lot 1576 S.A in D.D. 91, Kai Leng, Sheung Shui, New Territories   |
| A/NE-PK/90 | Proposed House (New Territories Exempted House - Small House) in "Agriculture" zone, Lot 1576 S.B in D.D. 91, Kai Leng, Sheung Shui, New Territories   |
| A/NE-PK/91 | Proposed House (New Territories Exempted House - Small House) in "Agriculture" zone, Lot 1576 S.C in D.D. 91, Kai Leng, Sheung Shui, New Territories   |
| A/NE-PK/92 | Proposed House (New Territories Exempted House - Small House) in "Agriculture" zone, Lot 1576 S.D in D.D. 91, Kai Leng, Sheung Shui, New Territories   |
| A/NE-PK/93 | Proposed House (New Territories Exempted House - Small House) in "Agriculture" and "Village Type Development" zones, Lot 1576 S.E in D.D. 91, Kai Leng, Sheung Shui, New Territories<br>(RNTPC Paper No. A/NE-PK/89 to 93) |

A/NE-PK/94	Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 1511 S.L in D.D. 91, Kai Leng, Sheung Shui, New Territories
A/NE-PK/95	Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 1511 S.M in D.D. 91, Kai Leng, Sheung Shui, New Territories
A/NE-PK/96	Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 1511 S.N in D.D. 91, Kai Leng, Sheung Shui, New Territories
A/NE-PK/97	Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 1511 S.D in D.D. 91, Kai Leng, Sheung Shui, New Territories

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(RNTPC Papers No. A/NE-PK/89 to 93 and A/NE-PK/94 to 97)

122. The Committee noted that the nine applications each for proposed house (New Territories Exempted House (NTEH) – Small House) were similar in nature and the sites were located in close proximity to each other and within or partly within the same “Agriculture” (“AGR”) zone. The Committee agreed that these applications could be considered together.

#### Presentation and Question Sessions

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

- (a) background to the applications;
- (b) the proposed house (NTEH – Small House) on each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper for applications No. A/NE-PK/89 to 93, and paragraph 9 and Appendix IV of the Paper for applications No.

A/NE-PK/94 to 97. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications as active agricultural activities were noted in the vicinity of the sites and the sites possessed potential for agricultural rehabilitation. 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, four public comments on each of the applications No. A/NE-PK/89 to 95 and 97, and three public comments on application No. A/NE-PK/96 were received. Amongst them, a commenter supported all the applications, a commenter indicated no comment on applications No. A/NE-PK/89 to 95 and 97, while the remaining two commenters raised objection to all the applications. Major objection grounds were set out in paragraph 10 of the Papers. The District Officer (North) conveyed that the Chairman of Sheung Shui District Rural Committee and the Indigenous Inhabitant Representative and Resident Representative of Kai Leng had no comment on all the applications. The North District Council (NDC) member of the constituency concerned had no comment on applications No. A/NE-PK/89 to 93. Whilst a NDC member provided views on the applications No. A/NE-PK/94 to 96 and another NDC member supported the applications under No. A/NE-PK/94 to 96, both of these NDC members had no comment on application No. A/NE-PK/97; 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 Papers. The proposed Small Houses were not in line with the planning intention of the “AGR” zone and DAFC did not support the applications from the agricultural development point of view. The proposed Small Houses were not incompatible with the surrounding rural setting dominated by village houses, temporary structures and vacant/fallow agricultural land. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House Development in New Territories, more than 50% of the footprints of the proposed Small Houses fell within the village ‘environ’ of Kai Leng Village and land available within the “V” zone was

insufficient to meet the outstanding Small House applications and the future Small House demand forecast. The sites were in close proximity to the existing village proper of Kai Leng and there were approved Small House applications at different stages of development nearby, the implementation of which are forming a new village cluster in the locality. Besides, there had not been any major change in planning circumstances of the area since the approval of the similar applications within the same “AGR” zone in the vicinity of the sites. Regarding the adverse public comments, the assessments above were relevant.

124. Noting that some of applications were cross-village Small House applications, a Member enquired about the original village(s) of the concerned applicants. In response, Mr Wallace W.K. Tang, STP/STN, said that the applicants claimed to be indigenous villagers of Sheung Shui Wai of Sheung Shui Heung.

#### Deliberation Session

125. 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 23.12.2020, 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 :

#### For Applications No. A/NE-PK/89, 92 and 93

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

For Applications No. A/NE-PK/90, 91 and 94 to 97

- “(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.”

126. The Committee also agreed to advise each of the applicants to note the advisory clauses as set out at Appendix VII of the Paper for Applications No. A/NE-PK/89 to 93 and Appendix VI of the Paper for Applications No. A/NE-PK/94 to 97.

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

**Agenda Item 35**

**Section 16 Application**

[Open Meeting]

A/NE-TKL/554 Proposed Temporary Eating Place for a Period of 3 Years in “Open Storage” zone, Lots 817 RP (Part), 818 and 819 in D.D. 77 and Adjoining Government Land, Ng Chow South Road, Ping Che, New Territories  
(RNTPC Paper No. A/NE-TKL/554)

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

Mr Ivan C.S. Fu	}	having current business dealings with Landes; and
Ms Janice W.M. Lai		
Mr Alex T.H. Lai		- his father co-owned 2 lots of land in Ping Che area.

128. The Committee noted that Mr Ivan C.S. Fu and Ms Janice W.M. Lai had tendered

apologies for being unable to attend the meeting. The Committee noted that Mr Alex T.H. Lai had already left the meeting.

129. The Committee noted that the applicant requested on 7.12.2016 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments of the Commissioner for Transport and the Chief Town Planner/Urban Design and Landscape of Planning Department. It was the first time that the applicant requested deferment of the application.

130. 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 36**

#### **Section 16 Application**

[Open Meeting]

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

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131. The Secretary reported that the site was located in Ping Che. Mr Alex T.H. Lai had declared interest in the item as his father co-owned two lots of land in Ping Che area.

The Committee noted that Mr Lai had already left the meeting.

132. The Committee noted that the applicant requested on 13.12.2016 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments of the Commissioner for Transport. It was the first time that the applicant requested deferment of the application.

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

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

### **Fanling, Sheung Shui and Yuen Long East District**

#### **Agenda Item 37**

##### **Section 16 Application**

[Open Meeting]

A/KTN/31                      Temporary Cold Store with Ancillary Storage and Office for a Period of 3 Years in "Open Space" zone and an area shown as 'Road', Lots 741 S.G, 741 S.H, 742 S.B, 742 RP and 743 S.A in D.D. 92, Kwu Tung North, Sheung Shui, New Territories  
(RNTPC Paper No. A/KTN/31)

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134. The Secretary reported that the site was located in Kwu Tung North. Dr C.H. Hau had declared interest in the item as he owned a property in the Kwu Tung North area. The Committee noted that Dr Hau has tendered apology for being unable to attend the meeting.

135. The Committee noted that the applicant requested on 14.12.2016 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

136. 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 Jeff K.C. Ho, Ms Ivy C.W. Wong and Ms Emily P.W. Tong, Senior Town Planners/Fanling, Sheung Shui and Yuen Long East (STPs/FSYLE), were invited to the meeting at this point.]

**Agenda Item 38**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/441 Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years in “Green Belt” zone, Lots 207 S.A, 207 RP and 209 in D.D. 100 and Adjoining Government Land, Cheung Lek, New Territories  
(RNTPC Paper No. A/NE-KTS/441)

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**Presentation and Question Sessions**

137. Mr Jeff K.C. Ho, STP/FSYLE, drew Members’ attention that replacement pages (page 6 of the Paper and page 2 of Appendix V of the Paper) incorporating updates on the comments of the Lands Department were tabled at the meeting for Members’ reference. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary place of recreation, sports or culture (hobby farm) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department had reservation on the application in that the potential adverse impact on the existing trees arising from the development could not be ascertained as there was no information on tree details or tree preservation proposal. The proposed tree planting was also considered inadequate and the approval of this application would set an undesirable precedent to encourage similar vegetation removal prior to obtaining planning permission and cause cumulative adverse impact on the landscape resource and character in the area. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication periods, five public comments were received. Two commenters indicated no comment on the application, while the remaining three commenters raised objection to the application. The District Officer (North) conveyed that whilst the Chairman of Sheung Shui District Rural Committee and the incumbent North District Council member had no comment on the application, the Indigenous Inhabitant Representative and Resident Representative of Cheung Lek objected to the application. The major objection grounds were set out in paragraphs 10.1.12 and 11 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone and there were no strong justifications provided in the submission to warrant a departure from the planning intention, even on a temporary basis. The development did not comply with the Town Planning Board Guidelines No. 10 for Application for Development within “GB” zone in that the development was not compatible with the surrounding areas and the development would affect the existing natural landscape. Moreover, approval of the application, which could be misread by the public as condoning unauthorized developments on site subject to active planning enforcement action, would encourage similar applications and would set an undesirable precedent. The cumulative effect of approving similar applications, even on a temporary basis, would result in a general degradation of the rural environment of the area. Regarding the adverse public comments, the assessments above were relevant.

138. Members had no question on the application.

#### Deliberation Session

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

- “(a) the development is not in line with the planning intention of the “Green Belt” (“GB”) zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets and there is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the development does not comply with the Town Planning Board Guidelines for Application for Development within “GB” zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10) in that the development is not compatible with the surrounding areas and would affect the existing natural landscape of the areas; and
- (c) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such similar applications would result in general degradation of the environment of the area, and adverse environmental and landscape impacts on the area.”

**Agenda Item 39**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/442      Proposed School (Kindergarten) in “Green Belt” zone, Lot 2037 in  
D.D. 92, Kwu Tung South, Sheung Shui, New Territories  
(RNTPC Paper No. A/NE-KTS/442)

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**Presentation and Question Sessions**

140.      Mr Jeff K.C. Ho, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed school (kindergarten);
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Secretary for Education did not support the application and advised that the projected supply of kindergarten places in the North District in the coming 3 school years, i.e. 2016/17 to 2018/19, was more than adequate. The Commissioner for Transport did not support the application as significant traffic flow would be generated from the proposed development during the peak hours. The Director of Agriculture, Fisheries and Conservation had reservation to the application as part of the trees and vegetation at the western part of the site and the adjacent site had been removed/damaged. The Chief Town Planner/Urban Design and Landscape, Planning Department had strong reservations on the application in view of the anticipated significant adverse impact on the landscape resource and the lack of information and proposals to substantiate the proposed tree felling and alleviate the adverse landscape impact on the environment. The Director of Environmental Protection had concern on the sewage disposal and treatment from the proposed kindergarten, while the Head of Geotechnical Engineering Office, Civil Engineering and Development Department had concern on the steep natural hillside next to the site and required the applicant to submit a Geotechnical Planning Review Report. 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, 10 public comments were received. Whilst a commenter indicated no comment on the application and another supported the application, the remaining 8 commenters objected to the application. The District Officer (Yuen Long) (DO(YL)) also conveyed that objections were received from the incumbent North District Council member, the Indigenous Inhabitant Representative and the Resident Representative of Kam Tsin. DO(YL) also advised that

additional public views with objections to the proposed development were also received on the application. The major objection grounds were set out in paragraphs 10.1.14 and 11 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone and there were no strong justifications provided in the submission to warrant a departure from the planning intention. The development did not comply with the Town Planning Board Guidelines No. 10 for Application for Development within “GB” zone in that the applicant had failed to demonstrate that the proposed development was compatible with the surrounding areas, was essential and had no alternative site available in the area and would not have adverse impact on natural landscape and slope stability. Moreover, the applicant had failed to demonstrate that the proposed development would not cause adverse geotechnical, traffic and sewerage impacts on the surrounding areas. There had been no similar application within “GB” zone of the area approved by the Committee. Approval of the application would set an undesirable precedent for similar applications within the “GB” zone and the cumulative impact of approving such applications would result in a general degradation of the environment. Regarding the adverse public comments, the assessments above were relevant.

141. Members had no question on the application.

#### Deliberation Session

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

- “(a) the development is not in line with the planning intention of the “Green Belt” (“GB”) zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban

sprawl as well as to provide passive recreational outlets and there is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from the planning intention;

- (b) the proposed development is not in line with the Town Planning Board Guidelines for Application for Development within “GB” zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10) in that the submission has not demonstrated that the proposed development would not have adverse impacts on the slope stability and natural landscape of the area, and the proposed development is essential and no alternative sites are available;
- (c) the applicant fails to demonstrate that the proposed development would not generate adverse geotechnical, traffic and sewerage impacts on the surrounding areas; and
- (d) the approval of the application would set an undesirable precedent for other similar applications within “GB” zone. The cumulative impacts of approving such similar applications would result in a general degradation to the environment of the area, and adverse environmental and landscape impacts on the area.”

**Agenda Item 40**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/538      Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years in “Agriculture” zone, Lots 97 S.A (Part), 97 S.B RP (Part), 106 (Part) and 107 (Part) in D.D. 110, Tsat Sing Kong, Pat Heung, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-KTN/538A)

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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary place of recreation, sports or culture (hobby farm) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department had reservation on the application as approval of the application would set an undesirable precedent for site modification/vegetation clearance prior to application and the cumulative impact of such approval would further degrade the existing landscape quality in the surrounding area. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments were received raising objection to the application. The major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. The proposed temporary hobby farm was generally in line with the planning intention of “Agriculture” (“AGR”) zone and the Director of Agriculture, Fisheries and Conservation had no strong view on the application from the agricultural point of view. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “AGR” zone. The proposed temporary hobby farm was not incompatible with the surrounding land uses and would unlikely cause significant adverse environmental, traffic, landscape or drainage impacts. The technical concerns/requirements

of relevant departments could be addressed by approval conditions. Given that the Committee had approved similar applications in the vicinity of the site, approval of the subject application was in line with the Committee's previous decisions. Regarding the adverse public comments, the assessments above were relevant.

144. Members had no question on the application.

#### Deliberation Session

145. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 23.12.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 5:00 p.m. and 10:00 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, as proposed by the applicant, at any time during the planning approval period;
- (c) no reversing of vehicle into or out from the site is allowed at any time during the planning approval period;
- (d) no public announcement system, portable loudspeaker or any form of audio amplification system is allowed to be used on the site at any time during the planning approval period;
- (e) the submission of a tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.6.2017;
- (f) in relation to (e) above, the implementation of the tree preservation and

landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.9.2017;

- (g) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.6.2017;
- (h) in relation to (g) 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 23.9.2017;
- (i) the submission of fire service installation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.6.2017;
- (j) in relation to (i) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.9.2017;
- (k) the submission of a proposal to provide buffer planting along the northern boundary in order to screen potential disturbance to the adjacent drainage channel within 6 months from the date of planning approval to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB by 23.6.2017;
- (l) in relation to (k) above, the provision of buffer planting along the northern boundary in order to screen potential disturbance to the adjacent drainage channel within 9 months from the date of planning approval to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB by 23.9.2017;
- (m) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further

notice;

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

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

#### **Agenda Item 41**

##### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/543      Proposed Temporary Animal Boarding Establishment (Cattery) for a Period of 3 Years in “Agriculture” zone, Lots 1 S.C, 1 S.D and 1 S.E in D.D.110, Tai Kong Po, Kam Tin, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-KTN/543)

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##### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed temporary animal boarding establishment (cattery) for a period of three years;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural point of view as active agricultural activities could be found in the vicinity of the site and the agricultural rehabilitation potential of the site was high. The Chief Town Planner/Urban Design and Landscape, Planning Department had reservation on the application for reasons that excessive vegetation clearance was observed and the approval of the application would set an undesirable precedent to encourage site modification prior to application. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments were received raising objection to the application. The major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Although the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone and DAFC did not support the application, the proposed temporary cattery was small in scale and approval of application on a temporary basis would not jeopardize the long-term planning intention of the “AGR” zone. The proposed development was considered not incompatible with the surrounding environment which is rural in character. The concerns/technical requirements of relevant departments could be addressed by approval conditions. Given that the Committee had approved similar applications in the vicinity of the site, approval of the subject application was in line with the Committee's previous decisions. Regarding the adverse public comments, the assessments above were relevant.

148. Members had no question on the application.

Deliberation Session

149. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 23.12.2019, 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., except for the overnight cattery, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no reversing of vehicles into or out of the site is allowed at any time during the planning approval period;
- (c) no queuing back of vehicles to public road from the site is allowed at any time during the planning approval period;
- (d) the submission of a landscaping proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.6.2017;
- (e) in relation to (d) above, the implementation of a landscaping proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.9.2017;
- (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 23.6.2017;
- (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 23.9.2017;
- (h) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire

Services or of the TPB by 23.6.2017;

- (i) in relation to (h) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.9.2017;
- (j) if any of the above planning conditions (a), (b) or (c) is not complied with during planning approval, 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 (d), (e), (f), (g), (h) or (i) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (l) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

### **Agenda Item 42**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/545      Proposed Five Houses (New Territories Exempted House - Small House) in “Agriculture” zone, Lots 607 S.L, 607 S.N, 607 S.O, 607 S.P and 607 S.Q RP in D.D. 109, Shui Tau Tsuen, Kam Tin, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-KTN/545)

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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed five houses (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. Consulted 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 raising objection to the application. The major objection grounds were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed Small House development was not in line with the planning intention of the “Agriculture” (“AGR”) zone. There was no strong planning justification in the submission for a departure from the planning intention of “AGR” zone. The application did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories (Interim Criteria) in that despite the footprints of three proposed Small Houses (Houses 1, 2 and 3) fell entirely within or more than 50% within the village ‘environs’ (‘VE’) of Shui Tau Tsuen and Shui Mei Tsuen, there was no shortage of land for meeting the Small House demand of the said villages, while the entire footprints of the other two Small Houses (Houses 4 and 5) fell outside both the ‘VE’ and the “Village Type Development” (“V”) zone. The eight existing NTEHs adjacent to the site were approved by the Committee in 1999 before the first promulgation of the Interim Criteria in 2000 and all

seven similar applications for Small House development near Shui Tau Tsuen, Shui Mei Tsuen and Kam Hing Wai (except Application No. A/YL-KTN/380 which was approved under sympathetic consideration) were rejected by the Committee or the Town Planning Board between 2003 and 2012. Such application for Small Houses outside “V” zone should not be encouraged and it was considered more appropriate to concentrate the proposed Small Houses close to the existing village cluster within the “V” zone for a more orderly development pattern, efficient use of land and provision of infrastructure and services. Regarding the adverse public comments, the assessments above were relevant.

152. Members had no question on the application.

#### Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone which is intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from such planning intention; and
- (b) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that there is no shortage of land in meeting the demand for Small House development in the “Village Type Development” zone in general, and there is no exceptional circumstances that merit approval of the application. Small Houses development should be more appropriate to concentrate close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructure

and services.”

**Agenda Item 43**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/718      Proposed Temporary Shop and Services (Motor Vehicles Showroom) for a Period of 3 Years in “Other Specified Uses” annotated “Rural Use” zone, Lots 566, 613 and 616RP in D.D. 106, Ng Ka Tsuen, Kam Sheung Road, Kam Tin, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-KTS/718A)

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154.      The Secretary reported that the site was located in Kam Tin South. Ms Janice W.M. Lai had declared interest in the item as her family member owned a property in Kam Tin South area. The Committee noted that Ms Lai had tendered apology for being unable to attend the meeting.

**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed temporary shop and services (motor vehicles showroom) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as existing/proposed residential dwellings/structures were found in the vicinity of the site and environmental nuisance was expected. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, three public comments were received raising objection to the application. The major objection grounds were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Although the proposed use was not in line with the planning intention of the “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) zone, there was no known programme for permanent development on the site and it was considered not incompatible with the surrounding land uses predominated by open storage/storage yards and warehouses. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the zone. The concerns/requirements of relevant departments could be addressed by approval conditions. Regarding the adverse public comments, the assessments above were relevant. As regards the concerns on building height (BH), the maximum BH of the proposed on-site structures (7m) did not exceed the BH restriction of 3 storeys (9m) under the “OU(RU)” zone.

156. Members had no question on the application.

#### Deliberation Session

157. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 23.12.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 8:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation from 8:00 a.m. to 10:00 a.m. and from 1:00 p.m. to 8:00 p.m. on Sundays and public holidays, as proposed by the applicant, is allowed

on the site during the planning approval period;

- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out at the site during the planning approval period;
- (d) the existing boundary fencing on the site shall be maintained at all times during the planning approval period;
- (e) no medium or heavy goods vehicles exceeding 5.5 tonnes as defined in the Road Traffic Ordinance or container trailers/tractors are allowed to be parked/stored on or enter/exit the site during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) the submission of tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.6.2017;
- (h) in relation to (g) above, the implementation of tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.9.2017;
- (i) 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 23.6.2017;
- (j) in relation to (i), 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 23.9.2017;
- (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 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 23.6.2017;
- (m) in relation to (l) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.9.2017;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f) 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 (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 to the satisfaction of the Director of Planning or of the TPB.”

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

**Agenda Item 44**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/724      Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Agriculture” zone, Lot 1568 (Part) in D.D. 106 and Adjoining Government Land, Yuen Kong, Pat Heung, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-KTS/724)

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159.            The Secretary reported that the site was located in Kam Tin South. Ms Janice W.M. Lai had declared interest in the item as her family member owned a property in Kam Tin South area. The Committee noted that Ms Lai had tendered apology for being unable to attend the meeting.

160.            The Committee noted that one replacement page (page 12 of the Paper), rectifying the date of compliance for approval conditions (h) and (i), had been dispatched to Members before the meeting.

**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) 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. Consulted departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public

comment was received raising objection to the application. The major objection grounds were set out in paragraph 10 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Although the applied use was not in line with the planning intention of the “Agriculture” (“AGR”) zone, the Director of Agriculture, Fisheries and Conservation had no strong view on the application from agricultural perspective. 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. The development was considered not incompatible with the surrounding land uses and is unlikely to generate significant environmental nuisance to the nearby residential structures/dwellings given its small scale and frontage onto Kam Sheung Road. Relevant approval conditions are recommended to minimize the possible environmental nuisance and to address the technical concerns of relevant departments. The site was subject to a previous planning approval (Application No. A/YL-KTS/623) for the same applied use and there were similar approved applications within the same “AGR” zone. Regarding the adverse public comment, the assessments above were relevant.

162. Members had no question on the application.

#### Deliberation Session

163. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 23.12.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 8:00 p.m. and 9:00 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 on the site shall be maintained at healthy condition at all times during the planning approval period;
- (e) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of Director of Drainage Services or of the TPB by 23.6.2017;
- (f) in relation to (e) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of Director of Drainage Services or of the TPB by 23.9.2017;
- (g) in relation to (f) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (h) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 23.6.2017;
- (i) in relation to (h) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 23.9.2017;
- (j) if any of the above planning conditions (a), (b), (c), (d) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked without further notice;

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

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

### **Agenda Item 45**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/739                      Renewal of Planning Approval for Temporary Open Storage of Construction Materials and Machinery with Ancillary Office for a Period of 3 Years in “Agriculture” and “Open Storage” zones, Lots 371 RP, 373 (Part) and 385 in D.D. 110, Pat Heung, Yuen Long, New Territories  
  
(RNTPC Paper No. A/YL-PH/739)

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165. The Secretary reported that the site was located in Pat Heung. Ms Janice W.M. Lai had declared interest in the item as her family member owned a property in Pat Heung. The Committee noted that Ms Lai had tendered apology for being unable to attend the meeting.

#### **Presentation and Question Sessions**

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

- (a) background to the application;

- (b) the renewal of planning approval for temporary open storage of construction materials and machinery with ancillary office under planning application No. A/YL-PH/682 for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, e.g. residential structures and a church, in the vicinity and within 50m of the access road to and from the site with loading and unloading activities expected to be carried out during operation, and environmental nuisance was expected. The Director of Agriculture, Fisheries and Conservation (DAFC) had some concerns on the application from agricultural point of view as there were abandoned farmland possessing rehabilitation potential in vicinity. Other concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Although the applied use was not in line with the planning intention of the “Agriculture” zone, the site had been paved and used for open storage use. DAFC’s concern could be addressed by an approval condition requiring the reinstatement of the site to a condition which is suitable for agricultural uses. The application was in line with the Town Planning Board Guidelines No. 13E on Application for Open Storage and Port Back-up Uses and Town Planning Board Guidelines No. 34B on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development in that all the approval conditions of the previous planning permission had been complied with, concerned departments had no objection to or no adverse comment on the application (except DEP), and there had been no major change in planning

circumstances since the last approval. To mitigate potential environmental impacts on the surrounding areas and to address technical concerns of relevant departments, relevant approval conditions were recommended.

167. Members had no question on the application.

#### Deliberation Session

168. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 29.1.2017 to 28.1.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 6:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities 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 stored/parked at or enter/exit the site at any time during the planning approval period;
- (e) no vehicle is allowed to reverse into or out of the site at any time during the planning approval period;
- (f) no queuing back of vehicles to public road from the site is allowed at any time during the planning approval period;

- (g) the existing boundary fencing shall be maintained at all times during the planning approval period;
- (h) the existing trees and landscape planting on-site shall be maintained at all times during the planning approval period;
- (i) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (j) the submission of the record of the existing drainage facilities on the site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 29.4.2017;
- (k) the provision of fire extinguisher(s) within 6 weeks with a valid fire certificate (FS 251) from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.3.2017;
- (l) 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 29.7.2017;
- (m) in relation to (l) above, the provision 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 29.10.2017;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (i) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;

- (o) if any of the above planning conditions (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, at the applicant's own cost, to a condition which is suitable for agricultural uses with a view to preserving agricultural land as far as possible to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB."

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

#### **Agenda Item 46**

##### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/220            Proposed Filling and Excavation of Land for Permitted Five Houses (New Territories Exempted House) in "Village Type Development" zone, Lots 1368 S.D, 1370 S.A (Part), 1370 S.C (Part), 1370 S.D (Part), 1370 S.F, 1370 S.G (Part), 1370 S.H, 1370 S.I (Part) and 1371 (Part) in D.D. 112 & Adjoining Government Land, Shui Tsan Tin, Pat Heung, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-SK/220)

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##### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed filling and excavation of land for permitted five houses (New

Territories Exempted House (NTEH));

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Consulted departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, four public comments were received raising objection to the application. The District Officer (Yuen Long) also relayed an objection letter from an individual, which was also received by the Town Planning Board. The major objection grounds were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. Land within the “Village Type Development” (“V”) zone was primarily intended for development of Small Houses by indigenous villagers. The proposed filling and excavation of land was associated with the building of retaining wall for five proposed NTEHs within the “V” zone. Relevant departments had no objection to or no adverse comment on the application. Regarding the adverse public comments, the assessments above were relevant. As regards the concern on building of electricity substation, the applicant’s submission indicated that no electricity cable/substation work would be carried out at the site.

171. Members had no question on the application.

#### Deliberation Session

172. 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 23.12.2020, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission of a revised drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (b) the implementation of the accepted drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB.”

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

### **Agenda Item 47**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/256          Temporary Social Welfare Facility (Drug Dependent Persons Treatment and Rehabilitation Centre) for a Period of 3 Years in “Recreation” zone, First Floor, Lot 4620 in D.D. 104, Mai Po, Yuen Long, New Territories  

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(RNTPC Paper No. A/YL-MP/256)

174. The Secretary reported that the site was located in Mai Po. Dr Lawrence K.C. Li had declared interest in the item as he co-owned a property with his spouse in Mai Po. The Committee agreed that Dr Li could stay in the meeting as the said property did not have a direct view of the site.

#### **Presentation and Question Sessions**

175. Ms Emily P.W. Tong, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary social welfare facility (drug dependent persons treatment and rehabilitation centre);

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Consulted departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Although the development was not entirely in line with the planning intention of the “Recreation” (“REC”) zone, the applied use was housed within an existing church and there was no known proposal for the phasing out of the church for recreation development. Approval of the application on a temporary basis would not jeopardize the long term planning intention of the “REC” zone. The applied use was considered not incompatible with the land uses of the surrounding areas and was located at some distance from the fish ponds and wetlands in the Deep Bay Area. Given the scale of the development was relatively small, significant negative off-site disturbance impact on the ecological value of the wetland and fish ponds were not envisaged. Concerned departments had no objection to or no adverse comment on the application. Moreover, three previous planning permissions had been granted for the same use at the same premises since 2004 and all the approval conditions under the last planning permission (No. A/YL-MP/226) had been complied with.

176. Members had no question on the application.

#### Deliberation Session

177. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 23.12.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission of 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 23.6.2017;
- (b) in relation to (a) 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 23.9.2017; and
- (c) if any of the above planning conditions (a) or (b) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

### **Agenda Item 48**

#### **Section 16 Application**

[Open Meeting]

A/YL-NSW/241 Proposed Comprehensive Development of an Outlet Mall with Commercial Uses (Including ‘Shop and Services’ and ‘Eating Place’), ‘Agricultural Use’ (Commercial Fish Ponds), ‘Excavation of Land’ and ‘Filling of Land’ in “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” zone, Lots 8 RP (Part), 14 S.B RP (Part), 45 and 1740 S.A RP in D.D.107 and Adjoining Government Land, to the South of Pok Wai and Wing Kei Tsuen, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-NSW/241C)

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179. The Secretary reported that the application was submitted by King Garden Limited, which was related to Sun Hung Kai Properties Limited (SHK). Llewelyn-Davies

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

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

180. Mr Ivan C.S. Fu, Ms Janice W.M. Lai, Mr Stephen L.H. Liu and Dr C.H. Hau had tendered apologies for being unable to attend the meeting. The Committee noted that the applicant had requested deferment of the application. As the interest of Miss Winnie W.M. Ng was direct, the Committee agreed that she could stay in the meeting but should refrain from participating in the discussion. The Committee also agreed that Ms Christina M. Lee could stay in the meeting as her interest was indirect.

181. The Committee noted that the applicant requested on 9.12.2016 for deferment of the consideration of the application for two months in order to allow time for the applicant to respond and address further comments from the Drainage Services Department,

Environmental Protection Department, Transport Department and Chief Town Planner/Urban Design & Landscape, Planning Department. It was the fourth time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted revised technical assessments on traffic, drainage, visual, sewerage, air ventilation, ecological, environmental and landscape aspects to address departmental comments.

182. 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 fourth deferment and a total of eight months had been allowed for preparation of submission of further information, this was the last deferment and no further deferment would be granted.

[The Chairman thanked Mr Jeff K.C. Ho, Ms Ivy C.W. Wong and Ms Emily P.W. Tong, STPs/FSYLE, for their attendance to answer Members' enquiries. They left the meeting at this point.]

### **Tuen Mun and Yuen Long West District**

[Ms Stella Y. Ng and Mr Alan Y.L. Au, Senior Town Planners/Tuen Mun and Yuen Long West (STPs/TMYLW) and Mr Edmond S.P. Chiu (TP/TMYLW), were invited to the meeting at this point.]

[Mr H.W. Cheung left the meeting at this point.]

**Agenda Item 49**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/313 Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) with Ancillary Retail Shop for a Period of 3 Years in “Green Belt” zone, Lots 1028 S.A (Part) and 1028 RP in D.D. 130, Lam Tei, Tuen Mun, New Territories  
(RNTPC Paper No. A/TM-LTY Y/313A)

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**Presentation and Question Sessions**

183. 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 place of recreation, sports or culture (hobby farm) with ancillary retail shop for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix II of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department had reservation on the application as the large formed site and temporary structures were incompatible with the “Green Belt” (“GB”) character and approval of the application might set an undesirable precedent of encouraging development in the “GB” zone. 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, four public comments were received. Two commenters supported the application without providing any reason, while the remaining two commenters objected to the application. The major objection grounds were set out in paragraph 11 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “GB” zone and there was no strong justification to support a departure from the planning intention, even on a temporary basis. The proposed development also did not comply with the Town Planning Board Guidelines No. 10 for Application for Development within “GB” zone in that the development was not compatible with the surrounding areas and the development would affect the existing natural landscape. Given there was no previous application related to the site and the Committee had not approved any similar application for hobby farm use within the same “GB” zone, approval of the application would set an undesirable precedent for similar applications within the “GB” zone. Regarding the adverse public comments, the assessments above were relevant.

184. Members had no question on the application.

#### Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets and there is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the proposed development does not comply with the Town Planning Board Guidelines No. 10 in that the proposed development is not compatible with the “GB” character in surrounding areas and would affect the existing

natural landscape; and

- (c) approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “GB” zone, and the cumulative effect of which would result in a general degradation of the rural environment and landscape quality of the area.”

**Agenda Item 50**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/323 Temporary Shop and Services (Real Estate Agency) for a Period of 5 Years in “Village Type Development” zone, Lot No. 101 RP (Part) in D.D. 130, Ng Lau Road, Lam Tei, Tuen Mun, New Territories  
(RNTPC Paper No. A/TM-LTY Y/323)

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**Presentation and Question Sessions**

186. 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 shop and services (real estate agency) for a period of five years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Consulted 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. One commenter supported the application, while the other indicated no comment on the application; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. Although the applied use was not entirely in line with the planning intention of the “Village Type Development” (“V”) zone, there was no Small House application within the site and the proposed development was not incompatible with the surrounding land uses and the rural character. Approval of the application on a temporary basis would not jeopardize the long-term planning intention of the zone. Given its scale, no major adverse impact on environment, drainage, traffic and landscape aspects were expected and concerned departments had no objection to or no adverse comment on the application. There are two similar approved applications (No. A/TM-LTYT/246 and 276) within the same “V” zone. Approval of the current application was in line with the previous decisions of the Committee.

187. Members had no question on the application.

#### Deliberation Session

188. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 23.12.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 8:00 p.m. and 10:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) the submission of fire service installations proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.6.2017;
- (c) in relation to (b) 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 23.9.2017;

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

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

### **Agenda Item 51**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTYYY/324 Temporary Open Storage of Construction Materials and Containers, and Temporary Open Parking of Crane Trucks, Container Tractors, Trailers, Light Goods Vehicles and Private Cars for a Period of 3 Years in “Residential (Group D)” and “Village Type Development” zones, Lots 1677, 1684 (Part), 1685 (Part), 1687 (Part) , 1688 (Part), 1689 (Part), 1690 (Part), 1693 (Part) and 1694 (Part) in D.D. 130, Yick Yuen, Tuen Mun, New Territories  
(RNTPC Paper No. A/TM-LTYYY/324)

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#### **Presentation and Question Sessions**

190. 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 open storage of construction materials and containers, and temporary open parking of crane trucks, container tractors, trailers, light goods vehicles and private cars for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as the operation of the applied use would cause environmental nuisance to the nearby domestic uses. The Chief Town Planner/Urban Design and Landscape, Planning Department had strong reservation on the application as the approval of the application might set an undesirable precedent encouraging site clearance prior to obtaining planning permission and attract other incompatible uses to the vicinity of the site leading to general degradation of the rural landscape character. The Assistant Commissioner for Transport/New Territories, Transport Department required the applicant to assess the traffic impact to the nearby road network due to the development. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments were received. One commenter objected to the application, while the other commenter indicated no comment on the application. The major objection grounds were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The applied use was not in line with the planning intentions of the “Residential (Group D)” (“R(D)”) and “Village Type Development” (“V”) zones and no strong justification had been provided to warrant a departure from the intentions of the said zones. The applied use was not compatible with the surrounding environment which was predominated by residential dwellings and agricultural/unused land. A major portion (about 98%) of

the site fell within Category 3 areas and a minor portion (about 2%) within Category 4 areas under the Town Planning Board Guidelines No. 13E on Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). The application did not comply with TPB PG-No. 13E in that no previous planning permission had been granted for the site, there were adverse departmental comments and the applicant failed to demonstrate the applied use would not generate adverse environmental and traffic impacts. The Committee had not approved any similar applications involving the subject “R(D)” and “V” zones. Approval of the application would set an undesirable precedent for other similar applications in the area. Regarding the adverse public comment, the assessments above were relevant.

191. Members had no question on the application.

#### Deliberation Session

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

- “(a) the development is not in line with the planning intention of the “Residential (Group D)” zone, which is for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into low-rise, low-density permanent residential buildings subject to planning permission from the Town Planning Board. It was also not in line with the planning intention of the “Village Type Development” zone which is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion. There is no strong planning justification in the current submission for a departure from such planning intentions, even on a temporary basis;
- (b) the development is considered not compatible with the surrounding areas which are predominated by residential dwellings;

- (c) the development is not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that the applicant has not provided any strong planning justifications to demonstrate that the applied open storage use in Categories 3 and 4 areas should be treated as exception under the Guidelines. No previous approval has been granted for the site, there are adverse departmental comments and the applicant fails to demonstrate that the development would not generate adverse environmental and traffic impacts; and
- (d) approval of the application, even on a temporary basis, would set an undesirable precedent for other similar applications in the area, the cumulative effect of which will result in a general degradation of the environment of the area.”

## **Agenda Item 52**

### **Section 16 Application**

[Open Meeting]

A/YL-PS/520            Proposed Shop and Services, Eating Place, Office and Place of Entertainment in “Undetermined” zone, Lot 636 S.B ss.5 in D.D. 124 and Adjoining Government Land, Kiu Tau Wai, Ping Shan, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-PS/520A)

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193.            The Secretary reported that the application was submitted by Beautiglory Investment Limited, which was a subsidiary of Sun Hung Kai Properties Limited (SHK). Llewelyn-Davies Hong Kong Limited (LD) and MVA Hong Kong Limited (MVA) were two of the consultants of the applicant. The following Members had declared interests on the item:

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

194. Mr Ivan C.S. Fu, Ms Janice W.M. Lai and Mr Stephen L.H. Liu had tendered apologies for being unable to attend the meeting. The Committee noted that the applicant had requested deferment of the application. As the interest of Miss Winnie W.M. Ng was direct, the Committee agreed that she could stay in the meeting but should refrain from participating in the discussion. The Committee also agreed that Ms Christina M. Lee could stay in the meeting as her interest was indirect.

195. The Committee noted that the applicant requested on 9.12.2016 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted a revised Traffic Impact Assessment and a revised indicative development schedule.

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

### **Agenda Item 53**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/528            Temporary Shop and Services (Retail Shop for Construction Materials and Electrical Appliances) for a Period of 3 Years in "Open Space" zone, Lot 974 (Part) in D.D. 124 and Adjoining Government Land, Hung Yuen Road, Hung Shui Kiu, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-PS/528)

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#### **Presentation and Question Sessions**

197.        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 shop and services (retail shop for construction materials and electrical appliances) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservations on the application as approval of the application might encourage other similar applications to develop the site prior to obtaining

planning permission. The Project Manager (New Territories West), Civil Engineering and Development Department considered a shorter approval period of 18 months, instead of 3 years sought, should be granted if the application was approved in view of the programme of the Hung Shui Kiu New Development Area project. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, five public comments were received. One commenter expressed views, while the remaining four commenters objected to the application. The major grounds and concerns were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 18 months based on the assessments set out in paragraph 11 of the Paper. While the applied use was not in line with the “Open Space” (“O”) zone, the development could provide retail shop facilities to meet any such demand in the area and there was no programme to implement the zoned use. The applied use was also not incompatible with the surrounding land uses comprising of shops, sites for parking of vehicles, storage yards, residential dwellings and vehicle repair workshops. Concerned departments had no objection to or adverse comment on the application, except CTP/UD&L, PlanD. Relevant approval conditions were recommended to address the departmental concerns/requirements of concerned departments. Given that the Committee had approved two other similar applications in the same “O” zone, approval of the application was in line with the Committee's previous decisions. In order not to jeopardize the long-term development of the area, a temporary approval of 18 months, instead of 3 years sought, was recommended. Regarding the adverse public comments, the assessments above were relevant.

198. In response to a Member's question, Ms Stella Y. Ng, STP/TMYLW, replied that the construction materials sold included decoration materials and temporary retail shop serving mainly the local residents in the area.

Deliberation Session

199. Following the decision of a previous case in Sheung Shui within the Kwu Tung North and Fanling North New Development Areas (NDAs), the Chairman suggested and the Committee agreed that a temporary approval period of three years, instead of 18 months as recommended in the Paper, could be considered. Mr Edwin W.K. Chan, Assistant Director/Regional 3, Lands Department, confirmed that the programme of land resumption would not be disturbed even if the planning permission was granted for three years. The Committee also agreed that an advisory clause should be included to remind the applicant that the site might be subject to land resumption for the implementation of the Hung Shui Kiu NDA which might take place at any time before the expiry of the temporary planning permission.

200. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 23.12.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 8:00 p.m. and 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 workshop activity is allowed on the site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services

or of the TPB by 23.6.2017;

- (f) in relation to (e) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.9.2017;
- (g) in relation to (f) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (h) the submission of 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 23.6.2017;
- (i) in relation to (h) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.9.2017;
- (j) the submission of landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.6.2017;
- (k) in relation to (j) above, the implementation of landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.9.2017;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (m) if any of the above planning conditions (e), (f), (h), (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;  
and

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

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

- “(o) the site might be subject to land resumption for the implementation of the Hung Shui Kiu New Development Area which might take place at any time before the expiry of the temporary planning permission.”

#### **Agenda Item 54**

##### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/529            Renewal of Planning Approval for Temporary Warehouse and Open Storage of Plastic and Hardware Materials for a Period of 3 Years in “Recreation” zone, Lots 206 (Part), 227 (Part), 231 (Part), 232 S.A (Part), 232 S.B (Part), 232 S.C, 232 RP (Part), 234 (Part) and 235 (Part) in D.D. 126, Ping Shan, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-PS/529)

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##### **Presentation and Question Sessions**

202. 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 renewal of planning approval for temporary warehouse and open storage of plastic and hardware materials under planning application No. A/YL-PS/423 for a period of three years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were residential dwellings immediately next to the site and environmental nuisance due to loading/unloading activities and heavy vehicle travelling to and from the site was expected. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received raising objection to the application. The major objection grounds were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Although the applied use was not in line with the planning intention of the “Recreation” (“REC”) zone, there was not yet any known proposal/intention to implement the zoned use. The applied use was not incompatible with the surrounding land uses predominated by warehouse and open storage yards. The application was in line with Town Planning Board Guidelines No. 13E (TPB PG-No. 13E) on Application for Open Storage and Port Back-up Uses and TPB PG-No. 34B on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development in that there had been no material change since the last planning approval, all the approval conditions under the previous approval had been complied with, the 3-year approval period sought was the same as that of the previous application, and no adverse impact was anticipated and concerned departments had no objection to or no adverse comment on the application, except DEP. Although DEP did not support the application, there was no environmental complaint for the site in the past three years. Relevant approval conditions were recommended to mitigate any potential environmental impacts or to address the technical of concerned departments. The site was subject to 5

previous planning approvals for the same use and approval of the current application was in line with the previous decisions of the Committee. Regarding the adverse public comment, the assessments above were relevant.

203. Members had no question on the application.

#### Deliberation Session

204. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 29.1.2017 until 28.1.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 6:00 p.m. and 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 recycling activities of plastic or other waste materials are allowed on site at any time during the planning approval period;
- (d) no vehicles without valid licences issued under the Road Traffic Ordinance are allowed to be parked/stored on site 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 existing drainage facilities on site shall be maintained at all times during the planning approval period;
- (g) the submission of the condition record of the existing drainage facilities on

the site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 29.4.2017;

- (h) the provision of fire extinguisher(s) within 6 weeks from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.3.2017;
- (i) the submission of fire service installations proposals 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 29.7.2017;
- (j) in relation to (i) above, the provision of fire service installations proposed within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.10.2017;
- (k) the submission of a tree preservation and landscape 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 29.7.2017;
- (l) in relation to (k) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 29.10.2017;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (g), (h), (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease

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

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

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

[Mr Martin W.C. Kwan left the meeting at this point.]

### **Agenda Item 55**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/1045      Proposed Temporary Excavator Training Centre with Ancillary Site Office, Machinery Repairing Workshop and Open Storage of Excavators for a Period of 3 Years in “Agriculture” zone, Lot 129 S.B (Part) in D.D. 128, Deep Bay Road, Ha Tsuen, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-HT/1045A)

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

207. The Committee noted that replacement pages (pages 4 and 5 of the Paper and page 1 of Appendix V of the Paper) rectifying typographical errors in the comments of the Lands Department were tabled at the meeting for Members’ reference.

Presentation and Question Sessions

208. Mr Edmond S.P. Chiu, TP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary excavator training centre with ancillary site office, machinery repairing workshop and open storage of excavators 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 did not support the application from agricultural point of view as the site could be used for green house or plant nursery. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and along the access road and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, Planning Department objected to the application as significant adverse landscape impact had taken place at the site and its vicinity and approval of the application would set an undesirable precedent attracting other similar incompatible uses to proliferate in the area and encouraging other similar applications to modify the site prior to obtaining planning permission. The Chief Engineer/Mainland North, Drainage Services Department had comments on the submitted drainage proposal. 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 raising objection to the application. The major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper.

The proposed development was not in line with the planning intention of the “Agriculture” zone and there was no strong justification to merit a departure from the planning intention, even on a temporary basis. The proposed development was also incompatible with the rural environment. There were adverse departmental comments and the applicant failed to demonstrate that the development would not have adverse landscape, drainage and environmental impacts. As the application was a “Destroy First, Build Later” case, approving the application could be misread by the public as acquittal of the ‘destroy first’ actions and would encourage similar unauthorized development and set an undesirable precedent. Regarding the adverse public comments, the assessments above were relevant.

209. Members had no question on the application.

#### Deliberation Session

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

- “(a) the development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. There is no strong planning justification to merit a departure from such planning intention, even on a temporary basis;
- (b) the applicant fails to demonstrate that the proposed development would not generate adverse landscape, drainage and environmental impacts; and
- (c) approval of the application, even on a temporary basis, would set an undesirable precedent for applications for other developments within the “AGR” zone, the cumulative effect of which will result in a general degradation of the environment.”

## **Agenda Item 56**

### **Section 16 Application**

[Open Meeting]

A/YL-HT/1051      Temporary Shop and Services (Convenient Store) for a Period of 3 Years in “Village Type Development” zone, Lot 1089 (Part) in D.D. 125, Sik Kong Wai, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-HT/1051A)

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

212.            The Committee noted that the applicant requested on 13.12.2016 for deferment of the consideration of the application for two months in order to allow sufficient time for the applicant to respond to the comments raised by concerned departments. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information on 31.10.2016 providing responses to departmental comments including landscape and fire services installation proposals.

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

**Agenda Item 57**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/1060      Temporary Vehicle Park for Private Cars, Light and Heavy Goods Vehicles and Container Trailers and Tractors with Ancillary Vehicle Parts Assembly for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 60 (Part), 63 (Part), 65 (Part), 66, 67 (Part), 68, 69 (Part), 70, 71 and 72 RP (Part) in D.D. 128, Lots 3018 (Part), 3019 (Part), 3021 (Part), 3022, 3024 RP (Part) and 3025 RP (Part) in D.D. 129, and Adjoining Government Land, Ha Tsuen, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-HT/1060)

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

**Presentation and Question Sessions**

215.            Mr Edmond S.P. Chiu, TP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary vehicle park for private cars, light and heavy goods vehicles and container trailers and tractors with ancillary vehicle parts assembly for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as sensitive uses in the vicinity of the

site and along the access roads and environmental nuisance was expected. Other concerned departments had no objection to or no adverse comment on the application;

- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The applied use was not in line with the planning intention of the “Comprehensive Development Area” zone. However, since there was not yet any programme/known intention to implement the zoned use and the development programme of Hung Shui Kiu New Development Area was being formulated, approval of the application on a temporary basis would not jeopardize the long-term development of the area. The applied use was not incompatible with the surrounding land uses predominated by open storage, warehouse and logistics centre. The application was in line with the Town Planning Board Guidelines No. 13E on Application for Open Storage and Port Back-up Uses in that the site fell within Category 1 areas, no adverse impact was anticipated and concerned departments had no objection to or no adverse comment on the application, except DEP. Although DEP did not support the application, there had been no environmental complaint concerning the site in the past three years. Relevant approval conditions were recommended to address the concerns on the possible environmental nuisance or the technical concerns of concerned departments. Given the Committee had approved 9 previous applications for similar use at the site, approval of the subject application was in line with the previous decisions of the Committee.

216. Members had no question on the application.

Deliberation Session

217. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 23.12.2019, 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. 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 public road or reverse onto/from the public road at all times during the planning approval period;
- (d) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (e) the submission of a 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 23.3.2017;
- (f) the submission of a tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.6.2017;
- (g) in relation to (f) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.9.2017;
- (h) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.6.2017;

- (i) in relation to (h) above, the implementation of the fire service installations proposals within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.9.2017;
- (j) if the above planning conditions (a), (b), (c) or (d) is not complied with at any time during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (k) if any of the above planning conditions (e), (f), (g), (h) or (i) is not complied with by the above 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 application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

## **Agenda Item 58**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/1061          Temporary Warehouse and Logistics Centre for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 36 (Part), 38 (Part), 39 (Part), 40 (Part), 53 (Part), 54, 55, 56 (Part), 57, 58 (Part), 59 (Part), 60 (Part), 61 (Part), 62, 63 (Part) and 67 (Part) in D.D. 128, Lots 2991 RP (Part), 3001 RP, 3003 RP, 3004 (Part), 3005, 3006, 3007, 3008 RP, 3009 RP, 3010 RP (Part), 3012 RP (Part), 3013, 3014, 3015, 3016, 3017, 3018, 3019 (Part), 3020, 3021 (Part), 3025 RP (Part), 3026 RP (Part), 3032 RP, 3033 RP (Part), 3034, 3035 RP (Part), 3036, 3037, 3038 RP (Part), 3039, 3040 RP (Part), 3046 RP (Part), 3048 RP (Part) and 3049 RP (Part) in D.D. 129, and Adjoining Government Land, Ha Tsuen, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-HT/1061)

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

### **Presentation and Question Sessions**

220.          Mr Edmond S.P. Chiu, TP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary warehouse and logistics centre for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as sensitive uses in the vicinity of the

site and along the access road and environmental nuisance was expected. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, one comment was received which indicated no comment on the application; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The applied use was not in line with the planning intention of the “Comprehensive Development Area” (“CDA”) zone. However, since there was not yet any programme/known intention to implement the zoned use and the development programme of Hung Shui Kiu New Development Area was being formulated, approval of the application on a temporary basis would not jeopardise the long-term development of the area. The applied use was not incompatible with the surrounding land uses predominated by logistics centre and open storage. The application was in line with the Town Planning Board Guidelines No. 13E on Application for Open Storage and Port Back-up Uses in that the site fell within Category 1 areas, no adverse impact was anticipated and concerned departments had no objection to or no adverse comment on the application, except DEP. Although DEP did not support the application, there had been no environmental complaint concerning the site in the past three years. Relevant approval conditions were recommended to address the concerns on the possible environmental nuisance or to address the technical concerns of concerned departments. Given the Committee had approved 11 previous applications for open storage and logistics centre uses at the site and 4 other similar applications in the same “CDA” zone, approval of the subject application was in line with the previous decisions of the Committee.

221. Members had no question on the application.

Deliberation Session

222. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 23.12.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 8:00 p.m. to 8:00 a.m., as proposed by the applicant, is allowed on the site during the approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no handling (including loading, unloading, storage and dismantling) of electrical/electronic appliances including cathode-ray tubes (CRT), CRT computer monitors/television, and CRT equipment, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from the public road is allowed at any time during the planning approval period;
- (e) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.6.2017;
- (f) in relation to (e) above, the implementation of the accepted drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.9.2017;
- (g) in relation to (f) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (h) the submission of a tree preservation and landscape proposal within

6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.6.2017;

- (i) in relation to (h) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.9.2017;
- (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 23.6.2017;
- (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 23.9.2017;
- (l) provision of fencing within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB 23.6.2017;
- (m) if any of the above planning conditions (a), (b), (c), (d) or (g) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (e), (f), (h), (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (o) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

**Agenda Item 59**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/395            Proposed Excavation of Land (not exceeding 2.5m) for Permitted Warehouse (excluding Dangerous Goods Godown) Use in “Open Storage” zone, Lots 1350 RP (Part) and 1351 (Part) in D.D. 118, Tai Shu Ha Road West, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-TT/395)

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224.            The Secretary reported that K&K Chartered Architect & Associates was one of the consultants of the applicant. Mr Alex T.H. Lai had declared interest on the item as his firm has current business dealings with K&K Chartered Architects & Associates. The Committee noted that Mr Lai had already left the meeting.

Presentation and Question Sessions

225.            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 excavation of land (not exceeding 2.5m) for permitted warehouse (excluding dangerous goods godown) use;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Consulted departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed excavation of land at a depth not exceeding 2.5m was a work essential and incidental to the 'warehouse (excluding dangerous goods godown)' use which was always permitted in the "Open Storage" zone and it was considered not incompatible with the surroundings. The proposed works would not impose adverse traffic, environmental, drainage, sewerage and geotechnical impacts on the surrounding areas and the concerned departments had no objection to or no adverse comment on the application. Relevant approval conditions and advisory clauses were recommended to address the technical requirements and concerns of relevant departments.

226. Members had no question on the application.

#### Deliberation Session

227. 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 23.12.2020, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission of a drainage proposal before commencement of land excavation works on the site to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the implementation of a drainage proposal upon completion of the land excavation works on the site to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) if any of the above planning conditions (a) or (b) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.”

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

**Agenda Item 60**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/818 Temporary Open Storage of Metal, Scrap Metal and Plastic with Ancillary Workshop for a Period of 3 Years in “Undetermined” zone, Lots 1449 (Part), 1450 (Part), 1453, 1454 (Part), 1458 (Part) and 1459 (Part) in D.D. 119, Tong Yan San Tsuen, Yuen Long, New Territories (RNTPC Paper No. A/YL-TYST/818)

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Presentation and Question Sessions

229. 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 open storage of metal, scrap metal and plastic with ancillary workshop for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as sensitive uses located to the south, southwest and northeast of the site and environmental nuisance was expected. Other concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The applied use was not in conflict with the planning intention of “Undetermined” (“U”) zone and was not incompatible with the surrounding uses comprising a mix of storage/open storage yards, warehouses, vehicle repair workshops, vacant land/structures and agricultural land. The application was generally in line with the Town Planning Board Guidelines No. 13E on Application for Open Storage and Port Back-up Uses in that the site fell within Category 1 areas, no adverse impact was anticipated and concerned departments had no objection to or no adverse comment on the application, except DEP. Although DEP did not support the application, there had been no environmental complaint concerning the site received in the past three years. Relevant approval conditions were recommended to address the concerns on the possible environmental nuisance or the technical concerns of concerned departments. Given the Committee had approved previous applications for open storage use at the site and 105 other similar applications in the same “U” zone, approval of the subject application was in line with the previous decisions of the Committee.

230. Members had no question on the application.

#### Deliberation Session

231. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 23.12.2019, 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 operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;

- (c) no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (d) no repairing, cleansing, dismantling or any other workshop activities, except packing and consolidating scrap metal and plastic in Structure 4, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (e) 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, as proposed by the applicant, at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) the 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 23.6.2017;
- (h) 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 23.6.2017;
- (i) in relation to (h) 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 23.9.2017;
- (j) in relation to (i) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (k) the implementation of the accepted tree preservation and landscape

proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.6.2017;

- (l) the provision of fire extinguisher(s) with valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.2.2017;
- (m) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.6.2017;
- (n) in relation to (m) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.9.2017;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (j) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (p) if any of the above planning conditions (g), (h), (i), (k), (l), (m) or (n) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (q) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

**Agenda Item 61**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/819 Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Residential (Group D)” zone, Lot 2734 (Part) in D.D. 124, Tan Kwai Tsuen, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-TYST/819)

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**Presentation and Question Sessions**

233. 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 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. Consulted departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one comment was received objecting to the application. The major objection ground was set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD considered the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Although the applied use was not entirely in line with the planning intention of the “Residential (Group D)” zone, it could provide real estate agency service to serve any such demand in the area. Since there was no known programme for long-term development of the site, approval of the application on a

temporary basis would not jeopardize the long-term planning intention of the zone. The applied use was not incompatible with the surrounding uses predominated by rural residential uses intermixed with some open storage and warehouse/storage uses. Given its small scale and temporary nature, significant adverse environmental, traffic, landscape and drainage impacts were not envisaged and concerned departments had no objection to or no adverse comment on the application. The site was the subject of a previously approved application No. A/YL-TYST/713 for the same use. Approval of the current application was in line with the previous decision of the Committee. Regarding the adverse public comment, the applicant would be advised to resolve land issues relating to the development with the concerned owner(s).

234. Members had no question on the application.

#### Deliberation Session

235. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 23.12.2019, 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 light, medium or heavy goods vehicles, 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 23.6.2017;

- (e) the implementation of the accepted drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.6.2017;
- (f) in relation to (e) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (g) the implementation of the accepted tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.6.2017;
- (h) the submission of a revised 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 23.6.2017;
- (i) in relation to (h) above, the implementation of the fire service installation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.9.2017;
- (j) 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;
- (k) if any of the above planning conditions (d), (e), (g), (h) or (i) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (l) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

## **Agenda Item 62**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/820 Proposed Temporary Shop and Services (Retail Shop for Metal and Home Appliance) for a Period of 3 Years in “Residential (Group B) 1” and “Residential (Group D)” zones, Lots 1020 (Part), 1021 (Part) and 1024 (Part) in D.D. 121, Tong Yan San Tsuen, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-TYST/820)

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### **Presentation and Question Sessions**

237. 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 metal and home appliance) for a period of three years;
- (c) departmental comments were set out in paragraph 9 of the Paper. Consulted departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two comments were received objecting to the application. The major objection grounds were set out in paragraph 10 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD considered the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Although the applied use was not entirely in line with the planning intentions of the “Residential (Group B)1” (“R(B)1”) and “Residential (Group D)” (“R(D)”) zones, it could provide retail facility to serve any such demand in the area. Since there was no known proposal to implement the zoned use, approval of the application on a temporary basis would not jeopardize the long-term development of the area. The applied use was not incompatible with the surrounding uses comprising a mix of residential development, open storage yards, storage and workshops. Significant adverse environmental, traffic, landscape and drainage impacts were not envisaged and concerned departments had no objection to or no adverse comment on the application. The Committee had approved 7 similar applications in the subject “R(B)1” and “R(D)” zones. Approval of the current application was in line with the previous decisions of the Committee. Regarding the adverse public comments, the assessments above were relevant.

238. Members had no question on the application.

#### Deliberation Session

239. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 23.12.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 8:00 p.m. and 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 existing trees and landscape plantings on the site shall be maintained at all times during the planning approval period;
- (e) 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 23.6.2017;
- (f) 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 23.6.2017;
- (g) in relation to (f) 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 23.9.2017;
- (h) in relation to (g) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (i) the submission of 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 23.6.2017;
- (j) in relation to (i) 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 23.9.2017;
- (k) if any of the above planning conditions (a), (b), (c), (d) and (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;

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

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

### **Agenda Item 63**

#### **Section 16 Application**

[Open Meeting]

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

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241. The Committee noted that the applicant requested on 6.12.2016 for deferment of the consideration of the application for two months in order to allow time for the applicant to provide further information in response to departmental comments. It was the first time that the applicant requested deferment of the application.

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

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

[The Chairman thanked Ms Stella Y. Ng and Mr Alan Y.L. Au, STPs/TMYLW and Mr Edmond S.P. Chiu, TP/TMYLW for their attendance to answer Members' enquiries. They left the meeting at this point.]

**Agenda Item 64**

Any Other Business

243. There being no other business, the meeting closed at 7:00 p.m.