

TOWN PLANNING BOARD

Minutes of 580th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 26.5.2017

Present

Director of Planning
Mr Raymond K.W. Lee

Chairman

Professor K.C. Chau

Ms Janice W.M. Lai

Ms Christina M. Lee

Mr H.F. Leung

Dr F.C. Chan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr C.H. Hau

Mr Alex T.H. Lai

Dr Lawrence K.C. Li

Mr Stephen L.H. Liu

Miss Winnie W.M. Ng

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

Chief Engineer (Works)(Atg.), Home Affairs Department
Mr Paul Y.K. Au

Assistant Director (Environmental Assessment),
Environmental Protection Department
Mr K.F. Tang

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

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

Secretary

Absent with Apologies

Mr H.W. Cheung

Vice-chairman

Mr Ivan C.S. Fu

In Attendance

Assistant Director of Planning/Board
Ms Sally S.Y. Fong

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

Agenda Item 1

Confirmation of the Draft Minutes of the 579th RNTPC Meeting held on 12.5.2017

[Open Meeting]

1. The draft minutes of the 579th RNTPC meeting held on 12.5.2017 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

General

[Mr Lawrence Y.C. Chau, District Planning Officer/Tsuen Wan & West Kowloon (DPO/TWK), Ms Donna Y.P. Tam, District Planning Officer/Sai Kung & Islands (DPO/SKIs), Ms Jessica H.F. Chu, District Planning Officer/Shau Tin, Tai Po & North (DPO/STN), Mr David C.M. Lam, District Planning Officer/Tuen Mun & Yuen Long West (DPO/TMYLW), Ms S.H. Lam, Senior Town Planner/ Fanling, Sheung Shui & Yuen Long East (STP/FSYLE) and Ms Kitty K.Y. Chiu, Senior Town Planner/New Territories District Planning Division Headquarters (STP/NTHQ), were invited to the meeting at this point.]

Agenda Item 3

Review of Sites Designated “Comprehensive Development Area” on Statutory Plans in the New Territories for the Years 2015/2017

(RNTPC Paper No. 4/17)

[Open Meeting]

3. Ms Kitty K.Y. Chiu, STP/NTHQ, introduced the background to the review of “Comprehensive Development Area” (“CDA”) sites. She said that in May 1999, the Town

Planning Board (the Board) endorsed the Guidelines for “CDA” Zones and agreed that the review of “CDA” sites designated for more than three years should be conducted annually. The review would assist the Committee in considering the rezoning of suitable “CDA” sites to other appropriate zonings and monitoring the progress of “CDA” developments. Upon agreement by the Board in April 2016, the Town Planning Board Guidelines were further revised to specify that the review of the “CDA” sites designated for more than 3 years should be conducted on a biennial basis.

4. With the aid of a PowerPoint presentation, Ms Kitty K.Y. Chiu presented the results of the latest review on “CDA” sites in the New Territories as detailed in the Paper and made the following main points:

- (a) there were a total of 67 “CDA” sites in the New Territories by the end of March 2017, seven of which had subsequently been rezoned to other zonings on 26.5.2017. The current review had examined the remaining 60 “CDA” sites that had been designated for more than three years;

“CDA” Sites with No Approved Master Layout Plan (MLP)

- (b) there were a total of 19 “CDA” sites that had been designated for more than three years with no approved MLP. All of them were proposed for retention. Justifications for retention were set out in Appendix I of the Paper;

“CDA” Sites with Approved MLP

- (c) there were 41 “CDA” sites that had been designated for more than three years with approved MLP. Amongst those sites, 34 “CDA” sites with approved MLP were proposed for retention to ensure that the development was properly implemented in accordance with the approved MLPs and approval conditions. Detailed justifications for the retention of these sites were at Appendix II of the Paper;

Sites already Agreed for Rezoning

- (d) there were six sites previously agreed by the Committee for rezoning to reflect their as-built conditions. They were the residential developments at Tak Yip Street, Yuen Long (NTW 20), Castle Peak Road, Hung Shui Kiu, Yuen Long (NTW 22), the junction of Fuk Hang Tsuen Road and Lam Tei Main Street, Tuen Mun (NTW 29), the southern part of the “CDA” site to the east of Ping Ha Road and north of Castle Peak Road, Ping Shan (NTW 44), the junction of Yuen Lung Street and Yuen Ching Road, Yuen Long (YL-A1) and the residential development at the “CDA” site at Che Kung Temple Station, Ma On Shan Rail, Sha Tin (NTE 22). The current progress of rezoning of these six sites were set out in paragraph 4.2.2 and Appendix III of the Paper;

Site with Potential for Rezoning

- (e) on 15.3.2013, the Committee noted that the site at Park Island, Tung Wan and Tung Wan Tsai in Ma Wan (NTI 2) had potential for rezoning as the developments had been completed and Occupation Permit for the last phase (Phase 6) of Park Island was issued on 30.6.2009. Most of the approval conditions under Application No. A/I-MWI/38 had been discharged except approval condition (b) regarding the submission and implementation of a revised landscape master plan. The implementation of the landscape proposal for the Park Island development had been considered acceptable by phases between 2000 and 2014. To fully comply with the approval condition (b), the applicant had been requested on 28.11.2016 to submit information to confirm the implementation of the revised landscape master plan at the remaining part of the “CDA” zone which included the sewage treatment plant and the refuse transfer station area. Upon discharge of all approval conditions, the site had the potential for rezoning to reflect the as-built conditions when opportunity arisen.

5. The Chairman recapitulated that “CDA” sites that had been designated for more than three years would be included in the “CDA” review which was conducted on a biennial basis. The review was intended to take a proactive approach to facilitate development and

to closely monitor the progress of implementation of the “CDA” sites. For instance, the “CDA” site in Yau Tong which had no implementation progress for many years was subsequently sub-divided into several “CDA” sites upon review and applications for development at the sub-divided “CDA” sites had been received recently. For “CDA” sites with approved MLP, there might be difficulties encountered during implementation and monitoring of the progress of implementation was required. There were also merits to rezone the “CDA” sites upon completion of development to provide flexibility for subsequent modification of uses within development. In response to a Member’s enquiry, the Chairman further said that the original “CDA” zone in Yau Tong had been sub-divided into five “CDA” sub-zones in order to facilitate the development process.

6. In response to a Member’s question regarding the site (NTI 5) at Sok Kwu Wan, Lamma Island, Ms Donna Y.P. Tam, DPO/SKIs, said that the site had potential for a comprehensive residential development. The development potential of the site was being examined in the context of the planning study commenced in January 2012 for the ex-Lamma quarry. The study was scheduled for completion in end 2017. The “CDA” zone would be reviewed after completion of the study.

7. In response to a Member’s enquiry on the past experience on the implementation of “CDA” sites, the Chairman said that there were public views considering that the “CDA” zone was too restrictive, thus resulting in some “CDA” sites that had been designated for many years without any progress of implementation. There were also cases where the sites were no longer suitable for “CDA” developments due to changes in planning circumstances and other suitable zonings should be considered. As for the “CDA” sites upon completion of development, consideration could be given to designate an appropriate zoning for those sites to reflect the developed uses and provide flexibility for modification of uses to suit changing circumstances, if required. As the approved MLP had been deposited in the Land Registry and available for public inspection, and if the approved MLP was flexible enough to accommodate changing circumstances, there was no urgency to rezone completed “CDA” sites to appropriate land use zonings. The Chairman further said that if Members considered the “CDA” zoning of a particular site not appropriate, the respective DPO would further review the concerned “CDA” site and report to the Committee when appropriate.

8. A Member asked how long an approved MLP would expire in case there was no

progress of implementation. The Chairman responded that in general, an approved MLP was valid for four years and the applicant could apply for an extension of time for commencement of the development. The same Member asked how long the 19 sites without approved MLP had been designated as “CDA”. In response, the Secretary said that those “CDA” sites had been designated for three to 22 years. Due to multiple ownership of the “CDA” sites and lack of infrastructure provision in the New Territories, some of them had no progress or slow of implementation.

9. After deliberation, the Committee decided to :

- “(a) note the findings of the review of the sites designated “Comprehensive Development Area” (“CDA”) on statutory plans in the New Territories;
- (b) agree to the proposed retention of the “CDA” designation for the sites mentioned in paragraphs 4.1.1 and 4.2.1 and detailed at Appendices I and II of the Paper;
- (c) note the agreement of the Committee to rezone the sites mentioned in paragraph 4.2.2 and detailed at Appendix III of the Paper; and
- (d) note the site with potential for rezoning in paragraph 4.2.3 and detailed at Appendix IV of the Paper.”

[The Chairman thanked Mr Lawrence Y.C. Chau, Ms Donna Y.P. Tam, Ms Jessica H.F. Chu, Mr David C.M. Lam, DPOs and Ms S.H. Lam and Ms Kitty K.Y. Chiu, STPs, for their attendance to answer Members’ enquiries. They left the meeting at this point.]

Sai Kung and Islands District

[Mr William W.T. Wong, Senior Town Planner/Sai Kung and Islands (STP/SKIs), was invited to the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-CWBS/24 Proposed Public Utility Installation (Pole with Transformer and Underground Cables) and Excavation of Land in “Conservation Area” Zone and an area shown as ‘Road’, Government Land in D.D. 236, Tai Hang Tun, Sai Kung, New Territories
(RNTPC Paper No. A/SK-CWBS/24)

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

- Ms Christina M. Lee - being the Secretary-General of the Hong Kong Metropolitan Sports Events Association which had solicited sponsorship from CLP before
- Mr Alex T.H. Lai - his firm having current business dealings with CLP
- Mr Stephen L.H. Liu - having past business dealings with CLP
- Mr David Y.T. Lui - co-owning with his spouse two houses in Clearwater Bay Area

11. As the interests of Ms Christina M. Lee and Mr Stephen L.H. Liu were indirect, Mr Alex T.H. Lai had no involvement in the application and the properties of Mr David Y.T. Lui had no direct view of the application site, the Committee agreed that they could stay in the meeting.

Presentation and Question Sessions

12. Mr William W.T. Wong, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed public utility installation (pole with transformer and

underground cables) and excavation of land;

- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment from an individual was received raising concern on the application. Major concerns were set out in paragraph 9 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 10 of the Paper. Although there was a general presumption against development within the “Conservation Area” (“CA”) zone, the proposed underground cable and associated structures were essential installations to fulfil the electricity demand for the residential development at Tai Hang Tun. The proposed utility installation and the associated land excavation were small in scale and considered not incompatible with the surrounding environment. No adverse ecological, environmental, geotechnical, drainage and visual impacts on the surrounding areas were anticipated. Concerned government departments had no objection to or no adverse comment on the application. Regarding the public comment, the planning assessments above were relevant.

13. The Chairman and some Members raised the following questions/comments:

- (a) whether the proposed public utility installation was to meet the electricity demand of the nearby residential developments;
- (b) whether the existing vegetation along the carriageway would be affected and whether tree felling would be involved; and
- (c) noting the busy traffic along the road during morning peak hours, in case any adjustment to the proposed trenches might affect the existing road,

traffic impact assessment would be required.

14. Mr William W.T. Wong, STP/SKIs, made the following responses:

- (a) there were two sites zoned “Residential (Group C)” (“R(C)”) in the vicinity of the site. The “R(C)” site to the north was currently served by electricity. The proposed public utility installation under application was to meet the electricity demand of the other “R(C)” site; and
- (b) the alignment of the trenches as proposed by the applicant had already avoided the existing trees. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD, advised that there might be chances for part of the proposed trenching works to affect the existing tree groups but could be avoided through a submission of a tree preservation proposal with necessary adjustment of the proposed trenches away from the existing trees; and
- (c) the possible slight adjustment to the proposed trenches mainly referred to the portion within the “CA” zone and the carriageway would not be affected.

Deliberation Session

15. 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 26.5.2021, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

“ the submission and implementation of a tree preservation proposal to the satisfaction of the Director of Planning or of the TPB.”

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

[The Chairman thanked Mr William W.T. Wong, STP/SKIs, for his attendance to answer Members' enquiries. Mr Wong left the meeting at this point.]

Sha Tin, Tai Po and North District

[Mr C.T. Lau, Ms Cindy K.F. Wong and Mr Kenny C.H. Lau, Senior Town Planners/Shan Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

Agenda Item 5

[Open Meeting]

Proposed Amendments to the Approved Tai Po Outline Zoning Plan No. S/TP/26

(RNTPC Paper No. 5/17)

[Re-scheduled]

Agenda Item 6

Section 16 Application

[Open Meeting]

A/NE-KLH/524 Proposed House (New Territories Exempted House - Small House) in
"Green Belt" zone, Lot 708 S.C. in D.D. 9, Yuen Leng Village, Tai Po,
New Territories
(RNTPC Paper No. A/NE-KLH/524B and RNTPC Paper No.
A/NE-KLH/524C)

17. The Committee noted that the applicant's representative requested on 17.5.2017 deferment of the consideration of the application pending the submission of the sewerage proposal in support of the application. It was the third time that the applicant requested deferment of the application.

18. The Secretary reported that Planning Department did not support the request for

deferment as it did not meet the criteria for deferment as set out in the Town Planning Board Guidelines No. 33 in that deferment had already been granted twice for a total period of four months to resolve the sewerage issues and the deferment period requested was indefinite.

19. In response to a Member's enquiry on whether the Committee could set a time limit for the deferment, the Chairman said that as there was no programme for the construction of the planned public sewers to serve Yuen Leng Village, it would not be meaningful to set a deferment period because the applicant could ascertain whether a sewerage connection was feasible until there was a firm proposal for the public sewer in the area.

20. After deliberation, the Committee decided to reject the request for deferment of the consideration of the application and agreed that the application should be considered at the same meeting.

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Chief Engineer/Consultant Management, Drainage Services Department advised that the proposed sewerage scheme for Yuen Leng Village had been degazetted and there was no fixed programme for the implementation of the concerned sewerage works. 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 was less than 30m from the nearest stream and the proposed house was unable to connect to the planned sewerage system. The Director of Environmental Protection (DEP) did not support the application as the

proposed use of septic tank and soakaway system for the site within WGG was unacceptable. The Chief Town Planner, Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD), had reservation on the application as the approval of which would inevitably undermine the function and continuity of the “Green Belt” (“GB”) zone and might set an undesirable precedent. The Commissioner for Transport (C for T) had reservation on the application as such type of development should be confined within the “Village Type Development” (“V”) zone as far as possible but considered that the application involving development of one Small House only could be tolerated. The Head of Geotechnical Engineering Office, Civil Engineering and Development Department advised that a Natural Terrain Hazard Study was required;

- (d) during the first three weeks of the statutory publication period, two public comments were received from individuals objecting to the application. Major objection grounds were set out in paragraph 11 of the Paper; and
- (e) PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed Small House development was not in line with the planning intention of “GB” zone and there was a general presumption against development within the zone. The site was within the upper indirect WGG. Although the applicant proposed to adopt a septic tank system for the foul water disposal, both CE/C of WSD and DEP did not support the application as the use of septic tank and soakaway system to treat wastewater inside the WGG was unacceptable. The proposed development did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the applicant failed to demonstrate that the proposed development located within the WGG would be able to be connected to the existing/planned public sewerage system and would not cause adverse impact on the water quality in the area. Besides, the application did not comply with the Town Planning Board Guidelines No. 10 in that the proposed development would have adverse landscape and sewerage impacts on the surrounding areas and would be affected by slope

in the vicinity. Regarding the public comments received, the comments of government departments and the planning assessment above were relevant.

22. Members had no question on the application.

23. 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 “GB” zone, which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong planning justification provided in the submission to justify 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 applicant fails to demonstrate that the proposed development located within water gathering grounds would be able to be connected to the existing and planned sewerage system and would not cause adverse impact on the water quality in the area and that the proposed development would not have adverse geotechnical impact on the surrounding area;
- (c) the application 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 have adverse landscape and sewerage impacts on the surrounding areas and would be affected by slope in the vicinity; and
- (d) land is still available within the “Village Type Development” (“V”) zone of Yuen Leng and Kau Lung Hang 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.”

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

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/603 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” Zones, Lot 261 S.B in
D.D. 8, Tai Yeung Che Village, Lam Tsuen, Tai Po, New Territories
(RNTPC Paper No. A/NE-LT/603A)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site had high potential for rehabilitation of agricultural activities. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, seven

adverse public comments were received from Designing Hong Kong Limited and individuals. 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. Although the proposed Small House development was not in line with the planning intention of the “Agriculture” (“AGR”) zone, the proposed development was not incompatible with the surrounding areas which were predominantly rural in character with village houses, fallow agricultural land and tree groups. The application generally complied with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories (Interim Criteria) as more than 50% of the proposed Small House footprint fell within the village ‘environ’ of Tai Mong Che and the proposed Small House would be able to be connected to the planned sewerage system in the area. Except DAFC, other concerned government departments had no objection to or no adverse comment on the application. The Site was the subject of a previously approved application (No. A/NE-LT/443) for the same use and there had been no significant change in planning circumstances since the previous application was approved in 2012. Fifteen similar applications within the same “AGR” zone in the vicinity were approved by the Committee. Their planning circumstances were similar to those of the current application. Regarding the public comments received, the comments of government departments and the planning assessments above were relevant.

25. Some Members raised the following questions:

- (a) noting that some of the similar applications including application Nos. A/NE-LT/423, 446, 600 and 601 were rejected, the differences between the approved and rejected applications;
- (b) whether the current application was submitted by the same applicant of the previously approved application, the planning permission of which had

lapsed; and

- (c) why the proposed Small House development had not yet commenced since obtaining its last approval.

26. Mr C.T. Lau, STP/STN, made the following responses:

- (a) applications No. A/NE-LT/423 and 446 were rejected as the Committee considered the proposed Small Houses not in line with the Interim Criteria whereas applications No. A/NE-LT/600 and 601 were rejected mainly because land was still available within the “Village Type Development” (“V”) zone of the concerned villages. Applications No. A/NE-LT/596 and 607 in close proximity to the site were approved taking into account that planning permission had previously been granted;
- (b) the previously approved application was submitted by the same applicant; and
- (c) since the site was located within the upper indirect Water Gathering Ground, the proposed Small House development had to be connected to the planned public sewerage system which had yet to be completed. The applicant claimed that the Small House development could only commence upon completion of the public sewerage system.

27. The Chairman said that in general, Small House applications were considered based on a number of factors including their background of previous approval, land availability within the “V” zone of the concerned villages, consistency with the Committee’s previous decisions, etc. Since the Committee had adopted a more cautious approach in recent years, some of those similar applications were rejected as they did not have previous approval. As for the current application, there was previous approval for Small House development at the site and the processing of the Small House grant was already at an advance stage.

28. 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 26.5.2021, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- “(a) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB;
- (c) the provision of protection measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB; and
- (d) the submission of a Natural Terrain Hazard Study and implementation of the mitigation measures recommended therein to the satisfaction of the Director of Civil Engineering and Development or of the TPB.”

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

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/608 Proposed Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years in “Village Type Development” Zone and an area shown as ‘Road’, Government Land in D.D. 19, Fong Ma Po, Tai Po, New Territories
(RNTPC Paper No. A/NE-LT/608)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary eating place (outside seating accommodation of a restaurant) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, 24 public comments were received from individuals including 22 supporting and two objecting to the application. Major supportive views and objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD 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 Outside Seating Accommodation (OSA) was considered not incompatible with its immediate surrounding area which mainly comprised village houses and some of their ground floor had been used for restaurants. Concerned government departments had no objection to or no adverse comment on the application. The site was the subject of a previous planning application (No. A/NE-LT/581) for the same use approved with conditions for a period of three years by the Committee on 14.9.2016, which was subsequently revoked on 14.3.2017 due to non-compliance with approval conditions on the submission of drainage and sewerage connection proposals. There was no change in planning circumstances since the approval of the previous application. Shorter compliance periods were proposed to monitor the

progress of compliance should the Committee decided to approve the application. Regarding the public comments received, the comments of government departments and the planning assessments above were relevant.

31. The Chairman and some Members raised the following questions:

- (a) whether the shrubs in front of the site as shown on Plan A-4a of the Paper would be affected;
- (b) whether the applicant had submitted proposals on drainage and sewerage aspects after revocation of the planning permission;
- (c) whether the applicant had indicated that more time were required to comply with the concerned approval conditions; and
- (d) how long relevant government departments usually took to process the applicant's submission of proposals in relation to the discharge of relevant approval conditions.

32. Mr C.T. Lau, STP/STN, made the following responses:

- (a) with reference to Plan A-4b of the Paper, the shrubs outside the site would not be affected;
- (b) while the approval condition in relation to fire services installation was complied with, the planning permission was revoked due to non-compliance with approval conditions on drainage proposal and sewerage connection proposal. Since the planning permission had been revoked, the applicant was required to make a fresh application;
- (c) the applicant had indicated that more time was required for complying with the concerned approval conditions; and

- (d) the time required for processing the submission of proposal in relation to the discharge of approval conditions varied between different departments. For instance, the Fire Services Department usually would take more time (about two months) to process the submission of water supplies for fire fighting and fire service installations proposal.

33. A Member asked whether there was any mechanism to prevent repeated applications due to revocation of planning permission for non-compliance with approval conditions. In response, the Chairman said that shorter compliance periods were usually imposed for those applications to monitor the progress of compliance. For cases with repeated revocations, planning permission might not be granted. The Secretary supplemented that for the subject case, the applicant had made a genuine effort to comply with the approval conditions. However, since the applicant's last application for an extension of time (EOT) for compliance of approval conditions was submitted too late, there was insufficient time for processing the EOT application and the planning permission was subsequently revoked.

Deliberation Session

34. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 26.5.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 11:00 p.m. and 11:00 a.m. from Mondays to Sundays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no permanent structure or support for any structure shall be erected within the Site;
- (c) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 26.8.2017;

- (d) in relation to (c) above, the implementation of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 26.11.2017;
- (e) the submission of sewerage connection proposal within 3 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the TPB by 26.8.2017;
- (f) in relation to (e) above, the implementation of sewerage connection proposal within 6 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the TPB by 26.11.2017;
- (g) the submission of water supplies for fire fighting and fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.8.2017;
- (h) in relation to (g) above, the implementation of water supplies for fire fighting and fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.11.2017;
- (i) if the above planning conditions (a) or (b) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (j) if any of the above planning conditions (c), (d), (e), (f), (g) or (h) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;
and
- (k) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/610 Proposed House (New Territories Exempted House - Small House) in “Green Belt” and “Village Type Development” Zones, Lots 271 S.C and 275 S.C in D.D. 14, Tseng Tau, Tai Po, New Territories
(RNTPC Paper No. A/NE-TK/610)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment from an individual was received objecting to the application. Major objection grounds were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper.

Although the proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone, it was considered not incompatible with the surrounding areas which were predominantly rural in character with village houses, fallow agricultural land and tree groups. The application generally complied with the Interim Criteria for Consideration of Application for New Territories Exempted House /Small House in New Territories (Interim Criteria) as more than 50% of the proposed Small House footprint fell within the village ‘environ’ of Tseng Tau. Concerned government departments had no objection to or no adverse comment on the application. Regarding the public comment received, the comments of government departments and the planning assessments above were relevant.

37. Some Members raised the following questions:
- (a) whether the village road shown on Plan A-4 was on government or private land and whether it was an unauthorised development; and
 - (b) whether the sewage discharge from the proposed development would be connected to the public sewerage system.
38. Mr C.T. Lau, STP/STN, made the following responses:
- (a) the village road was on private land and was a suspected unauthorised development. The case had been referred to the Central Enforcement and Prosecution Section of PlanD for follow-up action; and
 - (b) the applicant had proposed to connect the proposed Small House to the public sewers in the vicinity of the site. The Lands Department would follow up the required sewerage connection works in the processing of Small House application.

39. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 26.5.2021, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- “(a) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (b) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Drainage Services or of the TPB.”

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

[Mr Paul Y.K. Au left the meeting temporarily at this point.]

Agenda Item 10

Section 16 Application

[Open Meeting]

A/NE-LYT/627 Social Welfare Facility (Residential Care Home for Persons with Disabilities) in “Residential (Group C)” Zone, Lots 821 S.A, 822 S.B, 823 S.B and 824 RP in D.D. 83 and Adjoining Government Land, Lung Yeuk Tau, Fanling, New Territories
(RNTPC Paper No. A/NE-LYT/627)

41. The Committee noted that the applicant requested on 12.5.2017 deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the comments of Transport Department and Highways Department. It was the first time that the applicant requested deferment of the application.

42. After deliberation, the Committee decided to defer a decision on the application

as requested by the applicant pending 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 further information and no further deferment would be granted unless under very special circumstances.

Agenda Item 11

Section 16 Application

[Open Meeting]

A/NE-MKT/3 Temporary Open Storage of Construction Materials, Equipment and Machineries for a Period of 3 Years in "Agriculture" Zone, Lots 474, 475 RP, 476 S.A RP, 477 S.A RP (Part) and 518 (Part) in D.D. 90 and Adjoining Government Land, Lin Ma Hang Road, Man Kam To, Sheung Shui, New Territories
(RNTPC Paper No. A/NE-MKT/3A)

43. The Committee noted that the applicant's representative requested on 10.5.2017 deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the further comments of Transport Department. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted a traffic impact assessment, a response-to-comment table and a revised layout plan.

44. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending 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 further information. Since it was the second deferment and a total of four months had been allowed for preparation of the submission of further information, no further deferment would be granted unless under very special circumstances.

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-PK/114 Temporary Private Car Park (Private Car and Light Goods Vehicle) for a Period of 3 Years in “Agriculture” Zone, Lots 1641 RP, 1642 S.A to S.E and 1644 in D.D. 91, Kai Leng, Sheung Shui, New Territories
(RNTPC Paper No. A/NE-PK/114)

Presentation and Question Sessions

45. Ms Cindy K.F. Wong, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary private car park (private car and light goods vehicle) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) advised that there was one substantiated environmental complaint about alleged illegal development and landfilling against the site in 2016. The Chief Town Planner/ Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservation on the application as the existing extensive hard paved area was considered incompatible with the surrounding rural environment and significant vegetation clearance had

taken place prior to obtaining planning permission. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as active agricultural activities could be found in its vicinity and the site possessed potential for agricultural uses such as plant nursery or greenhouse. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication periods, a total of 872 public comments were received. Among the public comments, 859 comments from two North District Council (NDC) members and individuals supported the application, 10 comments from a NDC member, some of the land owners of the site, Kadoorie Farm and Botanic Garden, World Wide Fund for Nature Hong Kong, the Hong Kong Bird Watching Society and an individual objected to the application, two comments from the Chairman of Sheung Shui District Rural Committee indicated no comment, and one comment from an individual provided views on the application. Major supportive views and objection grounds were set out in paragraph 10 of the Paper; and
- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The temporary private car park was not in line with the planning intention of the “Agriculture” (“AGR”) zone and there was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis. CTP/UD&L, PlanD had reservation on the application and the applicant failed to demonstrate in the submission that the development would not result in adverse landscape impact on the surrounding areas. It would also set an undesirable precedent for similar applications and encourage similar site/vegetation clearance prior to obtaining planning permission, i.e. “destroy first, build later” activities, thus causing adverse impact on the landscape resource and character within the area. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area. DAFC also did not support the application. Regarding the public

comments received, the comments of government departments and the planning assessments above were relevant.

46. Some Members raised the following questions:
- (a) whether the temporary private car park under application was in operation and whether the case had been referred to Central Enforcement and Prosecution Section (CEP) of PlanD for enforcement action; and
 - (b) how could people access from Ching Ho Estate to the site.
47. Ms Cindy K.F. Wong, STP/STN, made the following responses:
- (a) according to the Chief Town Planner/Central Enforcement and Prosecution, PlanD, the site was involved in an enforcement case. An Enforcement Notice against parking of vehicles was issued to the concerned land owners; and
 - (b) making reference to Plan A-2 of the Paper, people from Ching Ho Estate could access the site via an open space next to the shopping centre and there was an about 3-minute walking distance in-between.

Deliberation Session

48. After deliberation, the Committee decided to reject the application. The reasons were :
- “(a) the temporary private car park under application is not in line with the planning intention of the “Agriculture” (“AGR”) zone in the Ping Kong area which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention, even on a

temporary basis;

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

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-PK/120 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 1586 S.A in D.D. 91, Kai Leng, Sheung Shui,
New Territories
(RNTPC Paper No. A/NE-PK/120)

Presentation and Question Sessions

49. Ms Cindy K.F. Wong, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Commissioner for Transport (C for T) had reservation on the application as such type of development should be confined within the “Village Type Development”

(“V”) zone as far as possible but considered that the application involving development of one Small House only could be tolerated. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as active agricultural activities could be found in the vicinity and the site possessed potential for agricultural rehabilitation. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, four public comments were received. Among the public comments, a North District Council member supported the application, the Chairman of Sheung Shui District Rural Committee indicated no comment on the application, and the Designing Hong Kong Limited and an individual objected to the application. Major supportive views and objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. Although the proposed Small House development was not in line with the planning intention of the “Agriculture” (“AGR”) zone, the proposed development was not incompatible with the surrounding areas which were predominantly rural in character dominated by village houses, temporary structures and vacant/fallow agricultural land. Significant adverse landscape impact arising from the proposed development was not anticipated. The application generally complied with the Interim Criteria for Consideration of Application for New Territories Exempted House /Small House in New Territories (Interim Criteria) as more than 50% of the proposed Small House footprint fell within the village ‘environ’ of Kai Leng Village. Although having reservation on the application, C for T considered that the construction of one Small House could be tolerated. Other concerned government departments, except DAFC, had no objection to or no adverse comment on the application. A total of 91 similar applications within the same “AGR” zone in the vicinity of the site were approved by the Committee between June 2001 and May 2017.

Regarding the public comments received, the comments of government departments and the planning assessments above were relevant.

[Mr Paul Y.K. Au returned to join the meeting at this point.]

50. Members had no question on the application.

Deliberation Session

51. Noting that the application was a cross-village Small House application and there were a large number of cross-village Small House applications in Sheung Shui, a Member raised concern on the issue of selling of Small House rights (套丁). Mr John K.T. Lai, Assistant Director/Regional 3 (Atg.), LandsD, responded that cross-village Small House application was different from selling of Small House rights. In general, LandsD had no strong view on cross-village Small House applications which was not illegal. As regard suspected selling of Small House rights, there should be concrete evidence before legal action could be instigated.

52. 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 26.5.2021, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

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

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

Agenda Item 14

Section 16 Application

[Open Meeting]

A/NE-PK/121 Temporary Place of Recreation, Sports or Culture (Hobby Farm and Ancillary Barbecue Site) for a Period of 3 Years in “Agriculture” and “Green Belt” Zones, Lots 2120, 2122 S.A and 2122 S.B in D.D. 91 and Adjoining Government Land, Tai Lung Hang Village, Ping Kong, Sheung Shui, New Territories

(RNTPC Paper No. A/NE-PK/121)

54. The Committee noted that the applicant requested on 9.5.2017 deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the comments of the Geotechnical Engineering Office of the Civil Engineering and Development Department. It was the first time that the applicant requested deferment of the application.

55. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending 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 further information and no further deferment would be granted unless under very special circumstances.

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

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/560 Proposed Temporary Open Storage of Construction Materials, Metal Machineries and Materials with Ancillary Office for a Period of 3 Years in “Agriculture” Zone, Lots 20 (Part) and 33 S.A (Part) in D.D. 84, Tai Po Tin, Ping Che, Ta Kwu Ling, New Territories
(RNTPC Paper No. A/NE-TKL/560A)

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

Presentation and Question Sessions

57. Ms Cindy K.F. Wong, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary open storage of construction materials, metal machineries and materials with ancillary office for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Commissioner for Transport (C for T) did not support the application as the submitted traffic impact assessment had not yet demonstrated that the proposed development would not generate adverse traffic impact. The Director of Environmental Protection (DEP) did not support the application as there were domestic structures in the vicinity of the site with the closest ones locating at a distance of less than 10m. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as significant vegetation clearance had taken place within the site prior to

obtaining planning permission. The approval of the application would set an undesirable precedent, resulting in further extension of non-agricultural activity into the area and thus altering the landscape character of the “Agriculture” (“AGR”) zone. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as there were active agricultural activities in its vicinity and the site could be used for greenhouse or plant nursery. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, six public comments were received. Among the public comments, a North District Council member and the Chairman of Sheung Shui District Rural Committee indicated no comment on the application. The remaining public comments submitted by Kadoorie Farm and Botanic Garden Corporation, World Wide Fund for Nature Hong Kong, the Hong Kong Bird Watching Society and an individual objected to the application. Major objection grounds were set out in paragraph 11 of the Paper; and
- (e) PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed temporary use was not in line with the planning intention of the “AGR” zone for the Ping Che and Ta Kwu Ling area and there was no strong justification in the submission for a departure from the planning intention, even on a temporary basis. The application did not comply with the Town Planning Guidelines No. 13E in that the site was not the subject of previous approval and the applicant failed to demonstrate no adverse traffic, environmental and landscape impacts due to the development. Approval of the application would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area. There were 11 similar applications rejected by the Committee between 2008 and 2016. The circumstances of the current application were similar to those of the rejected cases. Regarding the public comments received, the comments of government departments and the

planning assessments above were relevant.

58. Members had no question on the application.

Deliberation Session

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

- “(a) the temporary use under application is not in line with the planning intention of the “Agriculture” (“AGR”) zone for the Ping Che and Ta Kwu Ling area, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong justification in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the application does not comply with the Town Planning Board PG-No. 13E in that there is no previous approval of open storage use granted for the Site and no exceptional circumstances to justify sympathetic consideration of the application; there are adverse departmental comments on the applications; and the applicant fails to demonstrate that the proposed development would not cause adverse traffic, environmental and landscape impacts on the surrounding areas; and
- (c) the approval of the application will set an undesirable precedent for similar applications within the same “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.”

Agenda Item 16

Section 16 Application

[Open Meeting]

A/NE-TKLN/7 Temporary Open Storage of Construction Materials for a Period of 3 Years in “Village Type Development” Zone, Lots 378 S.A to S.R and 378 RP in D.D. 78, Tsung Yuen Ha, Ta Kwu Ling, New Territories
(RNTPC Paper No. A/NE-TKLN/7)

60. The Committee noted that the applicant requested on 11.5.2017 deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the comments of government departments. It was the first time that the applicant requested deferment of the application.

61. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending 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 further information and no further deferment would be granted unless under very special circumstances.

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/912 Proposed Single House in “Government, Institution or Community” and “Green Belt” Zones, Lots 379 and 380 RP (Part) in D.D. 186, Tung Lo Wan Hill Road, Sha Tin, New Territories
(RNTPC Paper No. A/ST/912A)

62. The Secretary reported that Ramboll Environ Hong Kong Limited (Environ) and

Mott MacDonald Hong Kong Limited (MMHKL) 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 Environ
Ms Janice W.M. Lai]	
Mr Alex T.H. Lai	-	his firm having current business dealings with MMHKL
Professor K.C. Chau	-	co-owning with his spouse a flat in Fo Tan, Shatin
Ms Christina M. Lee	-	her spouse owning a flat at Mei Tin Road, Tai Wai

63. The Committee noted that Mr Ivan C.S. Fu had tendered apologies for being unable to attend the meeting and Mr Alex T.H. Lai had already left the meeting. As Ms Janice W.M. Lai had no involvement in the application and the properties of Professor K.C. Chau and Ms Christina M. Lee had no direct view of the application site, the Committee agreed that they could stay in the meeting.

Presentation and Question Sessions

64. With the aid of a PowerPoint presentation, 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 proposed single house development;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) advised that although significant visual impact to the surrounding was not anticipated due to the low-rise nature of the proposed single house within the remote and secluded location, the associated site formation works for the proposed

house development was considered excessive for a “Green Belt” (“GB”) setting. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, 39 public comments were received, including Sha Tin Rural Committee, the Village Representative of Tung Lo Wan Village, Sha Tin District Councillors, Owners' Committee of Sky One, Incorporated Owners of Pristine Villa, World Wide Fund for Nature Hong Kong, Kadoorie Farm & Botanic Garden Corporation, Designing Hong Kong Limited and individuals. All of them objected to or raised concern on the application. Major objection grounds and concerns were set out in paragraph 10 of the Paper; and

- (e) PlanD's views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. Although the proposed single house development was considered not in line with the planning intention of the “GB” zone, it was not entirely incompatible with the surrounding environment which comprised religious institutions, clusters of low-rise houses and medium-rise residential developments. The site was the subject of a previous planning application No. A/ST/673 for proposed single house development approved with conditions by the Committee on 7.11.2008. As compared with the approved scheme, the development scale and intensity of the proposed single house development under the current application was largely similar in terms of plot ratio and gross floor area. The proposal was generally in line with the Town Planning Board Guidelines No. 10 as the development scale and intensity was compatible with the surrounding areas and technical assessments had been submitted to demonstrate that there were no adverse visual, landscape, traffic, environmental and drainage impacts. To address the concern of CTP/UD&L, PlanD, on site formation, the applicant proposed to soften and screen off the retaining walls by means of landscaping treatment. Other concerned government departments had no objection to or no adverse comment on the application. Regarding the public comments received, the comments of government departments and the planning assessments

above were relevant.

Access Road

65. The Chairman and some Members raised the following questions:

- (a) the width of the proposed access road within the site and whether such width was a statutory requirement;
- (b) the width of Tung Lo Wan Hill Road and the level difference between the access point at Tung Lo Wan Hill Road and the building platform; and
- (c) whether the proposed access road was a private road and how the implementation and future maintenance of the access road be monitored upon granting of planning permission.

66. Mr Kenny C.H. Lau, STP/STN, made the following responses:

- (a) the proposed access road within the site was 7.3m in width which, according to the applicant, was a building requirement on the provision of emergency vehicular access;
- (b) Tung Lo Wan Hill Road was a Water Services Department (WSD) access road leading to the Sha Tin North Fresh Water Service Reservoir. It was single lane and the upper section of which was less than 4.5m in width. The vertical level difference between the access point at Tung Lo Wan Hill Road and the current building platform was about 10m. Since the current building platform was higher than the previous platform under the approved application No. A/ST/673 by 2.5m because of the geotechnical works arising from the Dangerous Hillside Orders, the adoption of the road design with a gradient of about 1:3 under the previous approved scheme could no longer meet the requirement of concerned government department. In this regard, the applicant proposed to adopt a design with a road gradient of about 1:10 under the current application; and

- (c) the proposed vehicular access road would be a private road within the site. If the application was approved by the Committee, the owner was required to apply for a land exchange from the Lands Department (LandsD) to implement the proposal. Specific requirements in relation to the vehicular access road could be imposed through the lease conditions.

Development Scale, Building Entitlement and Landscape Aspect

67. Some Members raised the following questions/comments:

- (a) the land status and the lease conditions of the site;
- (b) the gross floor area (GFA) proposed by the applicant as compared with the building entitlement under the lease;
- (c) the land area occupied by the access road and the building platform;
- (d) the number of trees affected/felled due to the construction of the access road and the house development and whether native tree species were proposed in the tree compensation proposal submitted by the applicant; and
- (e) with reference to paragraph 8.1.9 of the Tree Survey Report, it was noted that while the tree compensation ratio would be 2.9:1 in terms of quantity, it could not achieve the 1:1 compensation ratio in terms of aggregated trunk diameters.

68. Mr Kenny C.H. Lau, STP/STN, made the following responses:

- (a) the site was a piece of private land owned by the applicant. It comprised two lots, i.e. Lot 379 and Lot 380 RP. The former was a building lot with allowable GFA of about 240m². According to the lease conditions, no house erected on the lot should be more than two storeys in height and no building erected on the lot should be used as a “Chai Tong” or for any other

purpose of a similar nature. The latter was an agricultural lot. The GFA proposed by the applicant, i.e. about 518m², was more than the building entitlement under the lease;

- (b) there was no information regarding the size of the building platform, however, the building footprint of the single house was about 330m² according to the applicant's proposal;
- (c) 80 trees within the site would be affected/felled due to direct conflict with the proposed development. As claimed by the applicant, the affected trees were mostly fruit trees and common species of fair to poor condition and low amenity value. Drawing A-14 of the Paper showed the location of the trees to be retained and the location of the trees to be felled. According to the tree compensation proposal submitted by the applicant, 229 new trees were proposed to compensate for the tree loss, which were detailed in the Tree Survey Report in the Supplementary Planning Statement at Appendix Ia of the Paper; and
- (d) while CTP/UD&L, PlanD, had no particular comment on the tree compensation ratio, an approval condition on submission and implementation of tree preservation and landscape proposals was suggested. Some suggestions were also provided for the applicant to revise the landscape proposal so that the proposed development could be better integrated with the surrounding natural landscape.

Deliberation Session

Access Road

69. In response to the Chairman's enquiry, Mr K.C. Siu, the Chief Traffic Engineer/New Territories East, TD, said that from traffic engineering perspective, a road width of 3.5m should be acceptable for serving a single house. However, there are requirements from other relevant departments, for instance, a minimum width of 6m would be required to serve the purpose of emergency vehicular access.

70. Some Members made the following main points:

- (a) although a width of 7.3m for the access road was a requirement from the Buildings Department, the scale of the road was extensive which required substantial site formation works and massive tree felling. Besides, it was not logical to provide a 7.3m wide access road while the existing Tung Lo Wan Hill Road was only 4.5m wide;
- (b) it was noted that the scale of the access road previously approved under application No. A/ST/673 was much smaller. If the proposed building platform could be lowered, the scale of the access road could be reduced to a great extent. Nonetheless, it was noted that this would require major demolition and excavation works to remove the existing concrete structure at the site; and
- (c) instead of constructing an extensive access road, other alternatives such as using car lift or providing a parking area near the road entrance could be considered.

Development Scale and Building Entitlement

71. A Member noted that the building footprint proposed by the applicant, i.e. about 330m², was quite large and considered the development scale excessive. Given the general presumption against development in a “GB” zone, there was no strong justification provided in the applicant’s submission to justify the development scale to merit a departure from the planning intention.

72. Another Member also noted that the proposed GFA of about 518m², though the same as the previously approved scheme, was much larger than the building entitlement of about 240m².

73. Noting the background of the site which was zoned “Residential (Group B)” before 1983 and there was a previously approved scheme for a single house development, a

Member considered that sympathetic consideration might be given to the current application, provided that the application could meet all the requirements of relevant government departments.

74. After further discussion, Members in general considered that there was no strong planning justification to approve the scheme given that the site was located within “GB” zone and the proposed development involving the construction of a 7.3m wide access road would require large-scale site formation work and extensive clearance of existing natural vegetation. As regard whether the applicant could still proceed with the previously approved application, Members noted that the planning permission of application No. A/ST/673 had lapsed.

Landscape Aspect

75. A Member remarked that on-going monitoring of the growth and maintenance of the compensated trees was important to achieve the objective of the tree compensation proposal. This was a matter worth considering by concerned departments in the long run.

[Mr H.F. Leung left the meeting at this point.]

76. The Chairman concluded that Members generally had reservation on the application in view of its excessive scale, in particular, the extensive access road and the resultant significant landscape impact.

77. 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 “Green Belt” (“GB”) zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development in “GB” zone and no strong planning justifications have been provided in the submission for a departure from this planning intention;

- (b) the proposed development does not comply with the Town Planning Board Guidelines No. 10 for 'Application for Development within "Green Belt" zone under section 16 of the Town Planning Ordinance' in that there are no strong justifications for the proposed development and its site formation works which would involve extensive clearance of existing natural vegetation and adversely affect the existing natural landscape. The vehicular access road proposed is not appropriate to the scale of the development; and

- (c) the approval of the subject application will set an undesirable precedent for other similar development proposals in the "GB" zone. The cumulative effect of approving such proposals will encourage proliferation of building development and result in a general degradation of the environment in the area."

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

[Ms Janice W.M. Lai, Dr Lawrence K.C. Li and Miss Winnie W.M. Ng left the meeting and Professor K.C. Chau, Dr C.H. Hau and Mr Paul Y.K. Au left the meeting temporarily at this point.]

Fanling, Sheung Shui and Yuen Long East District

Agenda Item 18

Section 16 Application

[Open Meeting]

A/NE-KTS/451 Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) with Ancillary Private Car Parking for a Period of 3 Years in “Green Belt” and “Recreation” Zones, Lot 2031 RP in D.D. 92, Kam Tsin Village, Sheung Shui, New Territories
(RNTPC Paper No. A/NE-KTS/451)

78. The Committee noted that the applicant’s representative requested on 17.5.2017 deferment of the consideration of the application for two months so as to allow time for preparation of further information to revise the proposal to address the concerns of relevant government departments. It was the first time that the applicant requested deferment of the application.

79. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending 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 further information and no further deferment would be granted unless under very special circumstances.

Agenda Item 19

Section 16 Application

[Open Meeting]

A/YL-KTN/560 Proposed Temporary Animal Boarding Establishment (Dog Kennel cum Dog Recreation Centre) for a Period of 3 Years in “Agriculture” Zone, Lots 1160 (Part), 1163 (Part), 1173 (Part), 1174 RP, 1175 RP (Part) and 1176 RP (Part) in D.D. 109 and Adjoining Government Land, Kam Tin, Yuen Long, New Territories
(RNTPC Paper No. A/YL-KTN/560)

80. The Committee noted that the applicant’s representative requested on 4.5.2017 deferment of the consideration of the application for two months so as to allow time for preparation of further information in response to departmental comments. It was the first time that the applicant requested deferment of the application.

81. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending 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 further information and no further deferment would be granted unless under very special circumstances.

[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 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/736 Proposed Temporary Shop and Services (Car Beauty Product) for a Period of 3 Years in “Residential (Group C)” Zone, Lots 353 RP (Part) and 354 RP (Part) in D.D. 109, Kam Sheung Road, Kam Tin, Yuen Long, New Territories
(RNTPC Paper No. A/YL-KTS/736)

82. The Secretary reported that Ms Janice W.M. Lai had declared an interest on the item as her family member owned a house at Cheung Po Tsuen, Kam Tin South. As the property of Ms Janice W.M. Lai’s family member had no direct view of the application site, the Committee agreed that she could stay in the meeting.

Presentation and Question Sessions

83. 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 (car beauty product) 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 and pointed out that although further adverse impact on landscape resources due to the proposed development was not expected, approval of the application might encourage other similar planning application to develop prior to obtaining planning permission. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (e) PlanD's views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. The proposed use was not entirely in line with the planning intention of the “Residential (Group C)” (“R(C)”) zone. Nonetheless, the proposed use provided retail facility to serve some of the local needs of the neighboring residential developments and there was no known programme for long-term development on the site, approval of the application on a temporary basis would not frustrate the long-term planning intention of the “R(C)” zone. The proposed temporary use was considered not incompatible with the surrounding land uses which comprised low-rise residential structure/dwellings, open storage/storage yards, the West Rail's viaducts and vacant/unused land. In view of the small scale of the temporary shop and services use, significant environmental nuisance to the nearby residential structure/dwellings was unlikely. To address the concern of CTP/UD&L, PlanD, approval conditions on the submission and implementation of tree preservation and landscape proposal were recommended. Other concerned government departments had no objection to or no adverse comment on the application.

84. Members had no question on the application.

Deliberation Session

85. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 26.5.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

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

- (b) no operation between 6:00 p.m. and 9:00 a.m. on Mondays to Fridays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the Site at any time during the planning approval period;
- (d) the existing boundary fence on the Site shall be maintained at all times during the planning approval period;
- (e) 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;
- (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 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 26.11.2017;
- (h) in relation to (g) above, the implementation of tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 26.2.2018;
- (i) 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 26.11.2017;
- (j) in relation to (i) 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 26.2.2018;

- (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 26.11.2017;
- (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 26.2.2018;
- (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 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.”

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

[Professor K.C. Chau and Dr C.H. Hau returned to join the meeting and Mr Peter K.T. Yuen left the meeting temporarily at this point.]

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NSW/255 Residential Institution (Private Residential Care House for the Mentally Handicapped and Persons with Mental Illness), and Minor Relaxation of Plot Ratio Restriction in “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” Zone, Pui Hong Rehabilitation Centre, No. B6A, Wing Ki Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-NSW/255)

Presentation and Question Sessions

87. 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 social welfare facility (private residential care house for the mentally handicapped and persons with mental illness) and minor relaxation of plot ratio restriction;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Social Welfare (DSW) supported the application as Pui Hong Rehabilitation Centre had been in operation since 2000 and approval of the application would allow it to continue to provide service to persons with disabilities who were in need of residential care. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments were received from Kam Tin Rural Committee and an individual objecting to the application. Major objection grounds were set out in

paragraph 11 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. DSW supported the application so that the subject Residential Care Homes (Persons with Disabilities) (RCHD) might continue its services. Although the development was not entirely in line with the planning intention of the “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (“OU(CDWRA)”) zone, it could provide RCHD services to persons with disabilities and might warrant sympathetic consideration. The subject RCHD was accommodated within a 3-storey existing New Territories Exempted House and a 1-storey existing building which was considered not incompatible with the surrounding residential land uses and rural character. Although the site fell within the wetland buffer area of the Town Planning Board Guidelines No. 12C, considering that no wetland was found within the site and the proposed development was small in scale, significant impact on the ecological value of the wetlands and fish ponds was not envisaged. Concerned government departments had no objection to or no adverse comment on the application as no significant adverse environmental, traffic, drainage and visual impacts were anticipated. Regarding the public comments received, the planning assessments above were relevant.

[Mr Paul Y.K. Au returned to join the meeting at this point.]

88. In response to a Member's question, Ms Emily P.W. Tong said that no complaint in relation to the RCHD services was received in the past.

Deliberation Session

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

- “(a) 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 26.11.2017;
- (b) in relation to (a) 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 26.2.2018;
- (c) provision of fire service installations 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 26.2.2018; and
- (d) if any of the above planning conditions (a), (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.”

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

[The Chairman thanked 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

Agenda Item 22

Section 16 Application

[Open Meeting]

A/TM/497

Columbarium (within a Religious Institution or extension of existing Columbarium only) in “Green Belt” Zone, G/F (Portion) of Hau Shi Tong at Lot 294 S.A (Part) in D.D. 376, Tuen Mun, New Territories
(RNTPC Paper No. A/TM/497)

91. The Secretary reported that the application was submitted by Shing Po Shing Tong (SPST). Mr Ivan C.S. Fu had declared an interest on the item as he had current business dealings with SPST.

92. The Committee noted that the applicant had requested a deferral of consideration of the application and Mr Ivan C.S. Fu had tendered apologies for being unable to attend the meeting.

93. The Committee noted that the applicant's representative requested on 10.5.2017 deferment of the consideration of the application for two months so as to address the comments of various government departments. It was the first time that the applicant requested deferment of the application.

94. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending 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 further information and no further deferment would be granted unless under very special circumstances.

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

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/297 Temporary Logistics Centre with Ancillary Office and Parking of Vehicle for a Period of 3 Years in “Residential (Group E)” Zone, Lots 1709 (Part), 1710 (Part), 1711 (Part), 1712 (Part), 1713, 1714 (Part), 1715 (Part), 1719 (Part), 2276 S.A (Part), 2277 S.A, 2277 S.B (Part), 2278, 2279 S.A, 2279 S.B (Part), 2280 (Part), 2285 (Part), 2286, 2287, 2288, 2289, 2291, 2292, 2294, 2295, 2296 (Part), 2302 (Part), 2305 (Part), 2306, 2310, 2311, 2312, 2313, 2314 S.A, 2314 RP (Part), 2317 (Part), 2318 (Part), 2320 (Part), 2321, 2322, 2323, 2324, 2325 S.A, 2325 S.B, 2325 RP, 2326 (Part), 2327 (Part), 2328, 2329, 2344 S.A (Part), 2344 S.B (Part), 2348, 2349 (Part), 2351 (Part), 2352 (Part), 2353 (Part) and Adjoining Government Land in D.D. 129, Lau Fau Shan, Yuen Long, New Territories
(RNTPC Paper No. A/YL-LFS/297)

Presentation and Question Sessions

95. Mr Vincent T.K. Lai, STP/TMYLW, drew Members’ attention that the draft Lau Fau Shan & Tsim Bei Tsui Outline Zoning Plan (OZP) No. S/YL-LFS/8 was exhibited on that day for public inspection under section 5 of the Town Planning Ordinance and the zoning in relation to the application site remained the same. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary logistics centre with ancillary office and parking of vehicle 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 in

vicinity of the site (the nearest residential dwelling was being about 5m away) and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, one public comment was received from an individual expressing concerns on the application. The major concerns 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 “Residential (Group E)” (“R(E)”) zone, there was not yet any programme/known intention to implement the zoned use and approval of the application on a temporary basis would not frustrate the planning intention of the “R(E)” zone. The development was in line with the Town Planning Board Guidelines No. 13E in that concerned government departments, except DEP, had no objection to or no adverse comment on the application. Although DEP did not support the application, no environmental complaint was received in the past three years and the environmental concern could be addressed by the imposition of relevant approval conditions. The site was the subject of 10 previous applications for similar open storage uses, which were approved with conditions since 1998. As there was no material change in the planning circumstance since granting of the previous approvals, approval of the subject application was in line with the Committee's previous decisions. As the previous planning permission under application No. A/YL-LFS/267 was revoked due to non-compliance with an approval condition, a shorter compliance period for approval conditions was recommended to monitor the progress of compliance with approval conditions. Regarding the public comment received, the planning assessments above were relevant.

96. Members had no question on the application.

Deliberation Session

97. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 26.5.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 9:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no recycling, cleansing, dismantling, repairing or other workshops activities, 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 public road or reverse onto/from the public road at any time during the planning approval period;
- (e) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (f) the submission of a condition record of existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 26.8.2017;
- (g) the implementation of the accepted landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 26.11.2017;
- (h) the submission of a fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire

Services or of the TPB by 26.8.2017;

- (i) in relation to (h) above, the implementation of the 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 26.11.2017;
- (j) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 26.11.2017;
- (k) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (l) if any of the above planning conditions (f), (g), (h), (i) or (j) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (m) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/334 Temporary Office for a Period of 3 Years in “Village Type Development” Zone, Lot 694 S.L RP in D.D. 130 and Adjoining Government Land, 26 Lam Tei Main Street, Tuen Mun, New Territories
(RNTPC Paper No. A/TM-LTY Y/334)

Presentation and Question Sessions

99. Ms Stella Y. Ng, STP/TMYLW, drew Members’ attention that the draft Lam Tei and Yick Yuen Outline Zoning Plan (OZP) No. S/TM-LTY Y/9 was exhibited on that day for public inspection under section 5 of the Town Planning Ordinance and the zoning in relation to the application site remained the same. She then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary office for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Although the temporary use was not entirely in line with the planning intention of the “Village Type Development (“V”) zone, there was no Small House application at the site

and approval of the application on a temporary basis for three years would not jeopardize the long-term planning intention of the “V” zone. The temporary use was not incompatible with the surrounding land uses which were predominantly occupied by shops, restaurants and local stores. The temporary use was not expected to create any adverse traffic, environmental and drainage impacts. Concerned government departments had no objection to or no adverse comment on the application. The Committee had previously approved three applications covering the site, two of which were for office use. Approval of the application was in line with the previous decisions of the Committee. However, the last planning permission had been revoked due to non-compliance with implementation of drainage and fire services installations proposals, shorter compliance periods were therefore recommended.

100. Members had no question on the application.

Deliberation Session

101. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 26.5.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 9:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) a minimum horizontal clearance of 500mm from Lam Tei Main Street and a minimum vertical clearance of 3.5m over the road verge shall be maintained at all time during the planning approval period to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) 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 26.11.2017;

- (d) in relation to (c) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (e) the implementation of the accepted 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 26.11.2017;
- (f) if any of the above planning condition (a), (b) 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;
- (g) if any of the above planning conditions (c) or (e) 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
- (h) 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.”

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

[Mr K.C. Siu left the meeting temporarily at this point.]

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/538 Renewal of Planning Approval for Temporary “Open Storage of Construction Materials” for a Period of 3 Years in “Recreation” Zone, Lots 202 RP (Part), 203 (Part), 204 (Part), 205 (Part), 206 (Part), 207 (Part), 209 (Part) and 214 (Part) in D.D. 126, and adjoining Government Land, Ping Shan, Yuen Long, New Territories
(RNTPC Paper No. A/YL-PS/538)

Presentation and Question Sessions

103. Ms Stella Y. Ng, STP/TMYLW, drew Members’ attention that the draft Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/17 was exhibited on that day for public inspection under section 5 of the Town Planning Ordinance and the zoning in relation to the application site remained the same. She then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) renewal of planning approval for temporary open storage of construction materials under application No. A/YL-PS/446 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 in the vicinity of the site (the nearest dwelling being about 50 m away) and along the access road (Tin Wah Road) and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments were received from a member of the Yuen Long District Council

and an individual objecting to the application. Major objection grounds were set out in paragraph 11 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of three years based on the assessments set out in paragraph 12 of the Paper. Although the development was not in line with the planning intention of the “Recreation” (“REC”) zone, there was no known proposal to implement the zoned use. Approval of the application on a temporary basis for three years would not frustrate the long term planning intention of the “REC” zone. The applied use was not incompatible with the adjoining uses mainly comprising temporary open storage yards and unused land. The application was generally in line with the Town Planning Board Guidelines No. 34B in that there was no material change in planning circumstances since the previous temporary approval; adverse planning implications arising from the renewal of the planning approval were not envisaged; all conditions under previous approval had been complied with; and the approval period sought was the same as that of the previous approval. The application was also in line with the Town Planning Board Guidelines No. 13E. Although DEP did not support the application, no environmental complaint was received in the past three years and the environmental concern could be addressed by the imposition of relevant approval conditions. Other concerned government departments had no objection to or no adverse comment on the application. Regarding the public comments received, the comments of government departments and planning assessments above were relevant.

104. Members had no question on the application.

Deliberation Session

105. After deliberation, the Committee decided to approve the application on a temporary basis for a further period of 3 years from 4.6.2017 to 3.6.2020, 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 vehicle washing, vehicle repairing, dismantling and workshop activity is allowed on the Site at any time during the planning approval period;
- (d) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on Site at any time during the planning approval period;
- (e) only light goods vehicles as defined in the Road Traffic Ordinance and its subsidiary regulations are allowed to be parked on/entered into the Site at all times during the planning approval period;
- (f) the delivery route to and from the Site via Tin Wah Road, as proposed by the applicant, shall be adhered to at all times during the planning approval period;
- (g) no vehicle queuing back to public road or vehicle reversing onto/from public road is allowed at any time during the planning approval period;
- (h) the provision of a waterworks reserve within 1.5m from the centreline of the affected water mains within the Site 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 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 4.9.2017;
- (k) the provision of fire extinguisher(s) within 6 weeks from the date of commencement of the renewed planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by 16.7.2017;
- (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 4.12.2017;
- (m) in relation to (l) above, the implementation of fire service installations proposal 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 4.3.2018;
- (n) the landscape planting, including trees and shrubs, on the Site shall be maintained at all times during the planning approval period;
- (o) the existing fencing on the Site shall be maintained at all times during the planning approval period;
- (p) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h), (i), (n) and (o) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (q) if any of the above planning conditions (j), (k), (l) and (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

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

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

[Mr K.C. Siu returned the join the meeting at this point.]

Agenda Item 26

Section 16 Application

[Open Meeting]

A/YL-TT/402 Proposed Temporary Animal Boarding Establishment (Dog Kennel) for a Period of 3 Years in “Agriculture” Zone, Lot 1579 S.B in D.D. 117, Tai Tong, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TT/402)

107. The Committee noted that the applicant’s representative requested on 4.5.2017 deferment of the consideration of the application for two months so as to allow time to respond to the comments of the Environmental Protection Department. It was the first time that the applicant requested deferment of the application.

108. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending 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 further information and no further deferment

would be granted unless under very special circumstances.

Agenda Item 27

Section 16 Application

[Open Meeting]

A/YL-TT/403 Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years in “Village Type Development” Zone, Lots 1186 (Part), 1187 S.M, 1298 RP (Part) and 2146 in D.D. 117 and Adjoining Government Land, Tai Tong Shan Road, Tai Tong, Yuen Long, New Territories

(RNTPC Paper No. A/YL-TT/403)

109. The Committee noted that the applicant’s representative requested on 17.5.2017 deferment of the consideration of the application for two months so as to allow time to respond to the departmental comments. It was the first time that the applicant requested deferment of the application.

110. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending 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 further information and no further deferment would be granted unless under very special circumstances.

Agenda Item 28

Section 16 Application

[Open Meeting]

A/YL-TT/404 Temporary Forklift Training Centre with Ancillary Facilities for a Period of 3 Years in “Agriculture” Zone, Lots 2720 S.A (Part), 2273 (Part), 2274 (Part), 2275 in D.D. 118 and Adjoining Government Land, Sung Shan New Village, Tai Tong, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TT/404)

111. The Committee noted that the applicant’s representative requested on 8.5.2017 deferment of the consideration of the application for two months so as to allow time to respond to the departmental comments. It was the first time that the applicant requested deferment of the application.

112. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending 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 further information and no further deferment would be granted unless under very special circumstances.

Agenda Item 29

Section 16 Application

[Open Meeting]

A/YL-TYST/837 Proposed Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years in “Village Type Development” Zone, Lot 1562 RP (Part) in D.D. 121, Shan Ha Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TYST/837)

113. The Committee noted that the applicant’s representative requested on 10.5.2017 deferment of the consideration of the application for two months so as to allow time to respond to the comments of the Transport Department. It was the first time that the applicant requested deferment of the application.

114. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending 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 further information and no further deferment would be granted unless under very special circumstances.

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/838 Temporary Open Storage of Construction Machinery, Construction Material and Ancillary Site Office for a Period of 3 Years in “Undetermined” Zone, Lots 2685 (Part), 2686 (Part), 2687 (Part), 2688 (Part), 2689, 2690 (Part), 2700 (Part), 2701 (Part), 2702, 2703 (Part), 2704 S.A & S.B (Part), 2705 (Part) and 2713 (Part) in D.D. 120, Shan Ha Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TYST/838)

Presentation and Question Sessions

115. 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 construction machinery, construction material and ancillary site office for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential use in the vicinity (with the nearest one located about 65m to the southwest of the site) and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received; 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 temporary use was not in conflict with the planning intention of the “Undetermined” (“U”) zone. While the use of the area was now being reviewed under the Planning and Engineering Study for Housing Sites in Yuen Long South, the aforementioned Study had yet to be completed. Approval of the application on a temporary basis would not frustrate the long-term development of the area. The application was also generally in line with Town Planning Board Guidelines No. 13E in that the site fell within Category 1 areas which were considered suitable for open storage and port back-up use. Although DEP did not support the application, no environmental complaint was received in the past three years and the environmental concern could be addressed by the imposition of relevant approval conditions. Other concerned government departments had no objection to or no adverse comment on the application. The Committee had approved five applications of similar open storage uses covering the site and 107 other similar applications in the same “U” zone. Approval of the application was in line with the Committee’s previous decisions.

116. Members had no question on the application.

Deliberation Session

117. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 26.5.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 11:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no dismantling, repairing, cleansing or other workshop activities, as

proposed by the applicant, are allowed on the Site at any time during the planning approval period;

- (d) no heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on or enter/exit the 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 the Site shall be maintained at all times during the planning approval period;
- (g) the submission of record of existing drainage facilities on the Site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 26.8.2017;
- (h) 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 26.11.2017;
- (i) in relation to (h) 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 26.2.2018;
- (j) 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 7.7.2017;
- (k) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.11.2017;

- (l) in relation to (k) 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 26.2.2018;
- (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 Site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

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

Agenda Item 31

Any Other Business

Section 16A Application

[Open Meeting]

A/NE-PK/81-3 Application for Extension of Time (EOT) for Compliance with
Planning Conditions Lot 2338 RP in D.D. 91, Ping Kong, Sheung Shui,
New Territories
(RNTPC Paper No. A/NE-PK/81-3)

119. The Secretary reported that application No. A/NE-PK/81 was approved with conditions by the Rural and New Town Planning Committee on 24.6.2016. The deadline for compliance with approval conditions (d), (e), (f) and (h) was 24.5.2017. An application for extension of time for compliance with the approval conditions was received by the Town Planning Board on 11.5.2017, which was ten working days before the expiry of the specified time limit for the approval conditions (d), (e), (f) and (h).

120. After deliberation, the Committee agreed that the subject application for extension of time could not be considered for reason that the deadline for compliance with conditions (d), (e), (f) and (h) had already expired on 24.5.2017, and the planning approval for the subject application had ceased to have effect and had on the same date been revoked. The Committee could not consider the section 16A application as the planning permission was no longer valid at the time of consideration.

121. There being no other business, the meeting closed at 5:30 p.m..