

TOWN PLANNING BOARD

Minutes of 588th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 22.9.2017

Present

Director of Planning
Mr Raymond K.W. Lee

Chairman

Ms Janice W.M. Lai

Ms Christina M. Lee

Mr H.F. Leung

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Mr Alex T.H. Lai

Dr Lawrence K.C. Li

Miss Winnie W.M. Ng

Chief Traffic Engineer/New Territories West,
Transport Department
Mr Patrick K.H. Ho

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

Assistant Director (Environmental Assessment),
Environmental Protection Department
Mr C.F. Wong

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

Deputy Director of Planning/District
Miss Fiona S.Y. Lung

Secretary

Absent with Apologies

Mr H.W. Cheung

Professor K.C. Chau

Mr Ivan C.S. Fu

Dr F.C. Chan

Dr C.H. Hau

Mr Stephen L.H. Liu

In Attendance

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

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

Town Planner/Town Planning Board
Mr Eric C.Y. Chiu

Agenda Item 1

Confirmation of the Draft Minutes of the 587th RNTPC Meeting held on 8.9.2017

[Open Meeting]

1. The draft minutes of the 587th RNTPC meeting held on 8.9.2017 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

- (a) background to the application;
- (b) the proposed public utility installation (package substation);
- (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 was received from an agent of the owner of Lots 701 and 702 in D.D. 225 provided views on the application. The major views 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. Land within the “Village Type Development” zone was primarily intended for development of Small Houses by indigenous villagers. The proposed public utility facility was an essential installation to alleviate the capacity and enhance the reliability of electricity supply system to serve the villages in Sheung Sze Wan area. The proposed utility installation was small in scale and considered not incompatible with the surrounding environment which was mainly rural in character. No adverse ecological, environmental, geotechnical, drainage, sewerage, visual and landscape impacts on the surrounding areas arising from the proposed development was anticipated. Regarding the public comment, comments of concerned department and the planning assessments above were relevant.

6. Members had no question on the application.

Deliberation Session

7. 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 22.9.2021, 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 fire service installations and water supplies for fire fighting proposal to the satisfaction of the Director of Fire Services or of the TPB.”

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

[Mr Patrick K.H. Ho arrived to join the meeting and Mr David Y.T. Lui left the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-TMT/61 Filling of Land for Permitted Agricultural Use in “Green Belt” Zone,
Lots 402, 403, 408, 409 S.A (Part), 410, 411, 412, 427 and 430 RP in
D.D. 216, Long Keng, Sai Kung
(RNTPC Paper No. A/SK-TMT/61A)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the filling of land for permitted agricultural use;
- (c) departmental comments – departmental comments were set out in

paragraph 10 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation from landscape planning point of view as the site had already been formed and significant adverse impact on existing landscape resources had already taken place. The completed filling of land had disturbed the environment and the further effect to the surrounding natural drainage and stream was unknown. Approval of the application might encourage similar unauthorised development. 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, 11 public comments were received from individuals, the Kadoorie Farm & Botanic Garden Corporation, the Designing Hong Kong Limited and the Hong Kong Bird Watching Society objecting to the application. Major objection grounds were set out in paragraph 11 of the Paper; and
- (e) the PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The site fell within the “Green Belt” (“GB”) zone where there was a general presumption against development. Although agricultural use was always permitted in the “GB” zone, the filling of land for agricultural use required planning permission from the Town Planning Board primarily to ensure that it would not result in adverse landscape and drainage impacts on the adjacent areas. Major part of the site was the subject of a previous application for land filling (application No. A/SK-TMT/52) rejected by the Committee on 12.8.2016. Compared with the previously rejected scheme, the depth and extent of land filling had increased in the current application. The applicant had not provided sufficient information to justify the need for filling of land for agricultural use up to 1.7m high at the site. It was noted that vegetation removal had occurred at the site during 2011 and 2015 and the site had been formed and CTP/UD&L, PlanD had reservation on the application from landscape planning perspective. The approval of the application would set an undesirable precedent and the cumulative effect would result in a general degradation of the environment of the area. The

site was subject to planning enforcement actions and Reinstatement Notices (RNs) requiring the concerned landowners to remove the leftovers, debris and fill materials and to grass the land were issued but the requirements under the RNs had not been complied with. Approval of the application might encourage similar unauthorised developments under the ‘destroy first, build later’ approach. Regarding the public comments received, the comments of government departments and the planning assessments above were relevant.

10. Members had no question on the application.

Deliberation Session

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

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

[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

Agenda Items 5 to 7

Section 16 Applications

[Open Meeting]

A/NE-TT/4 Proposed House (New Territories Exempted House - Small House) in “Green Belt” and “Village Type Development” Zones, Lot 456 S.A and 457 S.A in D.D. 289, Ko Tong, Tai Po

A/NE-TT/5 Proposed House (New Territories Exempted House - Small House) in “Green Belt” and “Village Type Development” Zones, Lot 457 S.B in D.D. 289, Ko Tong, Tai Po

A/NE-TT/6 Proposed House (New Territories Exempted House - Small House) in “Green Belt” and “Village Type Development” Zones, Lot 476 S.B ss.2 in D.D. 289, Ko Tong, Tai Po
(RNTPC Paper No. A/NE-TT/4 to 6)

12. As the three applications were similar in nature (New Territories Exempted Houses (NTEH) – Small Houses) and the application sites were located close to each other within the same “Green Belt” and “Village Type Development” zones, the Committee agreed that the requests for deferment for the three applications could be considered together.

13. The Committee noted that the applicants’ representative requested on 4.9.2017 deferment of the consideration of the applications for two months so as to allow time for preparation of further information to address the comments of various government departments. It was the first time that the applicants requested deferment of the applications.

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

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

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

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/932 Shop and Services (Fast Food Shop) in “Industrial” Zone, Workshop
10 (Part), Level 1, Wah Yiu Industrial Centre, 30-32 Au Pui Wan
Street, Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/932)

15. The Secretary reported that the site was located in Fo Tan and Professor K.C. Chau had declared an interest on the item for co-owning a flat with spouse in Fo Tan. The Committee noted that Professor Chau had tendered apologies for being unable to attend the meeting.

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the shop and services (fast food shop);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned 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 had no objection to the application on a temporary basis for a period of three years based on the assessments set out in paragraph 11 of the Paper. The Shop and Services (Fast Food Shop) use under application was small in scale and considered not incompatible with the industrial and industrial-related uses in the subject industrial building and the surrounding developments. Similar applications had been approved for other units on the ground floor (Level L1) of the subject industrial building and its vicinity. The subject industrial building was subject to a maximum permissible limit of 460m² for aggregate commercial floor area on the ground floor but the limit did not apply to fast food counter at street level without seating accommodation and licensed as food factory. The development generally complied with the relevant considerations set out in the Town Planning Board Guidelines No. 25D. A temporary approval of three years was recommended in order not to jeopardise the long term planning intention of industrial use for the premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area.

17. Members had no question on the application.

Deliberation Session

18. After deliberation, the Committee decided to approve the application on a temporary basis for a period of three years until 22.9.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission and implementation of a fire service installations proposal within 6 months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 22.3.2018; and
- (b) if the above planning condition (a) 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.”

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

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

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/534 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” Zone, Lot 116 RP in D.D. 9, Kau Lung Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/534)

Presentation and Question Sessions

20. Ms Kathy C.L. Chan, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. The Commissioner for

Transport 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 could be tolerated. 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 from Designing Hong Kong Limited and an individual were 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 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 for the “Green Belt” (“GB”) zone and there was a general presumption against development within the zone. There was no strong planning justification in the submission for a departure from the planning intention for the “GB” zone. While more than 50% of the footprint of the proposed Small House fell within the village ‘environs’ of Yuen Leng, Kau Lung Hang San Wai and Kau Lung Hang Lo Wai and the proposed development within Water Gathering Grounds would be able to be connected to public sewerage system, as land was still available within the “Village Type Development” (“V”) zone of Yuen Leng, Kau Lung Hang San Wai and Kau Lung Hang Lo Wai, it was more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services. Although the site formed part of a previous application No. A/NE-KLH/401 approved by the Committee in 2010 with the planning permission lapsed in 2014, the current application was submitted by a different applicant and the application site boundary and footprint of the proposed house had been revised. The planning circumstances of the current application were different from the previous application and sympathetic consideration might not be given to the current application. Regarding the public comments received, the comments of

government departments and the planning assessments above were relevant.

21. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention for the “Green Belt” (“GB”) zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong planning justification given in the submission for a departure from the planning intention for the “GB” zone; and
- (b) land is still available within the “Village Type Development” (“V”) zone of Yuen Leng, Kau Lung Hang Lo Wai and Kau Lung Hang San Wai where land is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructure and services.”

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/617 Proposed House (New Territories Exempted House - Small House) in
 “Agriculture” and “Village Type Development” Zones, Lots 338 S.A
 and 408 S.B ss.6 in D.D. 10, Chai Kek, Tai Po
 (RNTPC Paper No. A/NE-LT/617)

Presentation and Question Sessions

23. Ms Kathy C.L. Chan, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural development point of view as there were active agricultural activities in the vicinity and the site possessed potential for agricultural uses. 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 from Designing Hong Kong Limited and an individual were received objecting to the application. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed Small House development was not in line with the planning

intention for the “Agriculture” (“AGR”) zone and DAFC did not support the application from agricultural development point of view. While more than 50% of the footprint of the proposed Small House fell within the village ‘environs’ of Chai Kek and Wo Liu and the proposed development within Water Gathering Grounds would be able to be connected to public sewerage system, as land was still available within the “Village Type Development” (“V”) zone of Chai Kek and Wo Liu, it was more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services. Regarding the public comments received, the comments of government departments and the planning assessments above were relevant.

24. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention for the “Agriculture” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention; and
- (b) land is still available within the “Village Type Development” (“V”) zone of Chai Kek and Wo Liu which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.”

Agenda Item 11

Section 16 Application

[Open Meeting]

A/NE-TK/613 Temporary Barbecue Site for a Period of Three years in “Agriculture”
Zone, Lots 358, 359, 361, 493 (Part), 499, 500, 501, 502 (Part), 503
(Part), 504 (Part), 505 (Part), 506 (Part), 507 (Part), 508 (Part), 509
(Part), 511, 512 S.A, 512 S.B, 513, 514, 515, 528, 529, 530, 531, 532,
533, 534, 535 and 536 in D.D. 17, Ting Kok Village, Tai Po
(RNTPC Paper No. A/NE-TK/613A)

26. The Committee noted that the applicant’s representative requested on 13.9.2017 deferment of the consideration of the application for two months so as to allow time for preparation of further information to address departmental comments. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information providing response to departmental comments.

27. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee’s consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information. Since it was the second deferment and a total of four months had been allowed for the preparation 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-TK/621 Proposed House (New Territories Exempted House - Small House) in
 “Agriculture” and “Village Type Development” Zones, Lot 1727 in
 D.D. 17, Lung Mei Tsuen, Ting Kok, Tai Po
 (RNTPC Paper No. A/NE-TK/621)

Presentation and Question Sessions

28. Ms Kathy C.L. Chan, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. The District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) did not support the application as more than 50% of the proposed Small House footprint was outside the village ‘environs’ (‘VE’) of the Lung Mei, Wong Chuk Tsuen and Tai Mei Tuk. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural development point of view as the site possessed potential for rehabilitation of agricultural activities. The Director of Environmental Protection (DEP) did not support the application unless the applicant would connect the house to the existing sewer at his own cost. 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, eleven public comments from mutual aid committee of a nearby residential development and local villagers/individuals were received objecting to the

application. Major objection grounds were set out in paragraph 10 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed Small House development was not in line with the planning intention for the “Agriculture” (“AGR”) zone and DAFC did not support the application from agricultural development point of view. Since only about 40% of the footprint of the proposed Small House fell within the ‘VE’ of the concerned villages, DLO/TP, LandsD did not support the application under the Small House Policy. The site was located at the northwestern fringe of Ng Uk Tsuen and the areas to the north and west of the site were overgrown with trees and shrubs on natural hill slopes. DEP did not support the application as the site was in the vicinity of a stream course, which was discharging quite near to the proposed beach at Lung Mei, and the septic tank and soakaway system proposed by the applicant was not recommended. The proposed development did not comply with the ‘Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories’ (Interim Criteria) in that more than 50% of the footprint of the proposed Small House development fell outside the “V” zone and ‘VE’ of the concerned villages. While land available within the “V” zone for Small House development (about 2.89 ha or equivalent to about 115 Small House sites) was insufficient to fully meet the future Small House demand, it was capable to meet the 62 outstanding Small House applications. It was considered more appropriate to concentrate the proposed Small House developments within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services. The site was the subject of an application (No. A/NE-TK/210) previously approved by the Committee on 4.8.2006 mainly on the considerations that it generally complied with the Interim Criteria. Nevertheless, the planning permission lapsed on 4.8.2010 and the associated Small House grant had not been executed. While special consideration would be given to sites with previous planning approvals, the footprint of the proposed Small House under the current application had

shifted to the northwest resulting in a change in planning circumstances in that more than 50% of the proposed Small House footprint now fell outside the 'VE' and "V" zone. Regarding the public comments received, the comments of government departments and the planning assessments above were relevant.

29. In response to the Chairman's and a Member's enquiries, Ms Kathy C.L. Chan, STP/STN, made reference to Plan A-2a of the Paper which was shown on the visualiser, said that the current application with more than 50% of the Small House footprint outside "V" zone and 'VE' was not supported. In the case that more than 50% of the proposed Small House footprint fell within the "V" zone and the 'VE' similar to the previous approval, sympathetic consideration might be given to the application.

Deliberation Session

30. The Committee noted that the application for Small House grant, with a building footprint same as the previous application No. A/NE-TK/210, was approved by the District Lands Office Conference in 2010. However, as the planning permission had lapsed on 4.8.2010, no offer letter had been issued by LandsD and the Small House grant had not been executed.

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

- “(a) the proposed development is not in line with the planning intention for the “Agriculture” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) the proposed development does not comply with the ‘Interim Criteria for Consideration of application for New Territories Exempted House/Small House in the New Territories’ in that more than 50% of the footprint of the proposed Small House falls outside the “Village Type Development” (“V”)

zone and the village ‘environs’ of Lung Mei, Tai Mei Tuk and Wong Chuk Tsuen; and the proposed development would cause adverse sewerage and fire safety impacts on the surrounding areas; and

- (c) land is still available within the “V” zone of Lung Mei, Tai Mei Tuk and Wong Chuk Tsuen which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.”

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/628 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” Zone, Lots 362 S.A ss.1 and 362 S.A ss.2 in D.D. 22, Lai
Chi Shan Village, Tai Po
(RNTPC Paper No. A/TP/628)

Presentation and Question Sessions

32. Ms Kathy C.L. Chan, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. The Commissioner for Transport 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 could be tolerated. The Chief Town Planner, Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning perspective as the proposed development would require vegetation clearance for site/access formation and approval of the application would result in more of the “Green Belt” (“GB”) zone being disturbed, thus defeating the purpose of “GB” zoning, and lead to degradation of existing landscape quality of the surrounding area. 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 from an individual was received objecting to the application. Major objection grounds were set out in paragraph 11 of the Paper; and
- (e) the 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 for the “Green Belt” (“GB”) zone and there was a general presumption against development within the zone. There was no strong planning justification in the submission for a departure from the planning intention for the “GB” zone. CTP/UD&L, PlanD had reservation on the application from the landscape planning perspective and approval of the application would set an undesirable precedent for similar applications. The application did not comply with Town Planning Board Guidelines No. 10 in that the proposed development would involve clearance of existing natural vegetation affecting the existing natural landscape. While more than 50% of the footprint of the proposed Small House fell within the village ‘environs’ of Lai Chi Shan, as land was still available within the “V” zone of Lai Chi Shan, it was more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services. Although the site was the subject of a previous application No. A/TP/420 for Small House development approved by the Committee in 2009 with the

planning permission lapsed on 13.3.2017, given that the current application was submitted by a different applicant, the site was relatively far from the village cluster and not an infill site, and adverse landscape impact arising from vegetation clearance due to the site/access formation was anticipated, sympathetic consideration might not be given to the application. Regarding the public comment received, the comments of government departments and the planning assessments above were relevant.

33. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention for the “Green Belt” (“GB”) zone for the area which is to define 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 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 “GB” zone under section 16 of the Town Planning Ordinance’ in that the proposed development would involve clearance of existing natural vegetation affecting the existing natural landscape;
- (c) the proposed development does not comply with the ‘Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories’ in that the proposed development would cause adverse landscape impact on the surrounding areas;

- (d) land is still available within the “Village Type Development” (“V”) zone of Lai Chi Shan which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services; and
- (e) the approval of the application would set an undesirable precedent for other similar applications within “GB” zone. The cumulative impacts of approving such applications would result in a general degradation of the natural environment and landscape quality in the area.”

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/633 Proposed House (New Territories Exempted House) in “Green Belt”
Zone, Lot 574 in D.D. 20, Ta Tit Yan, Tai Po
(RNTPC Paper No. A/TP/633)

Presentation and Question Sessions

35. Ms Kathy C.L. Chan, 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));
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Commissioner for Transport 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 only involving development of

one house could be tolerated. The Director of Environmental Protection (DEP) and the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) did not support the application as the site was located within upper indirect water gathering grounds (WGG) and was less than 30m from the nearest stream. There was neither existing nor planned sewerage in close vicinity of the site and the applicants' proposed use of a septic tank and soakaway system to treat wastewater was unacceptable inside WGG. The Chief Town Planner, Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as it was apparent that the vegetation at the site had been cleared recently and approval of the proposed house might set an undesirable precedent for site clearance prior to approval of planning application and encourage similar house developments encroaching onto the "Green Belt" ("GB") zone, thus resulting in piecemeal developments destroying the tranquil nature of the rural area. The Director of Agriculture, Fisheries and Conservation (DAFC) also advised that the site seemed to have undergone trees and vegetation clearance recently and the Town Planning Board (the Board) should consider whether approval of the application would set an undesirable precedent encouraging "destroy first, build later" 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, five public comments from World Wide Fund for Nature Hong Kong, the Hong Kong Bird Watching Society, Kadoorie Farm and Botanic Garden Corporation, Designing Hong Kong Limited and an individual were received objecting to the application. Major objection grounds were set out in paragraph 11 of the Paper; and
- (e) the PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed development of a 3-storey NTEH was not in line with the planning intention for the "GB" zone. No strong justification had been given by the applicants in the submission to merit a departure from the planning

intention for the “GB” zone. The proposed development did not comply with the ‘Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories’ (Interim Criteria) in that the site located within the upper indirect WGG was not able to be connected to the existing or planned sewerage system in the area. The applicants had not provided any information in the submission to demonstrate that the proposed development located within the WGG would not cause adverse impact on the water quality in the area. Both CE/C, WSD and DEP objected to the application in this regard. CTP/UD&L, PlanD also objected to the application from the landscape planning perspective since site clearance prior to approval of application was observed. DAFC also had concerns on approval of the application which would set an undesirable precedent encouraging “destroy first, build later” activities. The applicants had failed to demonstrate that the proposed development would not have adverse landscape impact on the surrounding areas. The proposed development was considered not in line with Town Planning Board Guidelines No. 10 in that it did not comply with the development controls and restrictions of areas designated as WGG; and it would involve clearance of natural vegetation affecting the existing natural landscape. According to DLO/TP, LandsD, the site was an Old Schedule Lot with building entitlement. While it had been the existing practice of the Committee to take into account the building entitlement under the lease in considering the planning application, the current application did not warrant sympathetic consideration as the proposed development would affect the existing natural landscape and would have adverse landscape and water quality impacts on the surrounding areas. Regarding the public comments received, the comments of government departments and the planning assessments above were relevant.

36. Members had no question on the application.

Deliberation Session

37. A Member doubted whether the applicants were aware of the Interim Criteria and

relevant guidelines for assessing the subject application. Another Member opined that the Committee should consider adopting measures to deter repeated applications that did not comply with the relevant guidelines. In response, the Chairman said that the Interim Criteria and guidelines promulgated by the Board were accessible by the public at the Board's website and PlanD's enquiry counters. At the moment, there was no provision under the Town Planning Ordinance to prevent submission of repeated applications.

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

- “(a) the proposed development is not in line with the planning intention for the “Green Belt” (“GB”) zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong justification given 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 “GB” zone under section 16 of the Town Planning Ordinance’ in that the proposed development would affect the existing natural landscape and have adverse landscape impact. The applicants fail to demonstrate that the proposed development would not have adverse landscape impact on the surrounding areas;
- (c) the proposed development does not comply with Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the proposed development within Water Gathering Grounds would not be able to be connected to the existing or planned sewerage system in the area. The applicants fail to demonstrate in the submission that the proposed development would not cause adverse water quality impact on the surrounding areas; and

- (d) the approval of the application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative impacts of approving such applications would result in further encroachment of “GB” area by building development and a general degradation of the natural environment in the area.”

Agenda Item 15

Section 16 Application

[Open Meeting]

A/NE-FTA/166 Proposed Temporary Open Storage of Recycling Materials for a Period of Three years in “Other Specified Uses” annotated “Port Back-up Uses” Zone, an area shown as ‘Road’ and “Government, Institution or Community”, Lot 147 in D.D. 52, Fu Tei Au, Sheung Shui
(RNTPC Paper No. A/NE-FTA/166B)

39. The Committee noted that the applicant’s representative requested on 7.9.2017 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 from Transport Department (TD). It was the third time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information including response-to-comment and revised traffic impact assessment to address TD’s comments.

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

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

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/635 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 1677 RP in D.D. 76, Leng Pei Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/635)

Presentation and Question Sessions

41. 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 V of the Paper. The Commissioner for Transport 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 could be tolerated. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as 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, five public

comments on the application were received. A North District Council member supported the application, the Chairmen of the Fanling District Rural Committee and Sheung Shui District Rural Committee indicated no comment on the application, while 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 DAFC did not support the application, the proposed Small House development was near to the existing village houses to the east and north and not incompatible with the surrounding area dominated by village houses and active/fallow farmland. Other concerned government departments had no objection to or no adverse comment on the application. The proposed development complied with the 'Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories' in that more than 50% of the footprint of the proposed Small House fell within the "V" zone of Ma Mei Ha Leng Tsui and Leng Pei Tsuen. The site was in close proximity to the existing village proper of Leng Pei Tsuen and there were approved Small House applications in the vicinity, the implementation of which were forming a new village cluster in the locality. The site was the subject of part of a previous approved application (No. A/NE-LYT/489) submitted by the same applicant. There was no significant change in planning circumstances since the previous approval. Regarding the public comments received, the comments of government departments and the planning assessments above were relevant.

42. Members had no question on the application.

Deliberation Session

43. 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 22.9.2021, 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;
- (b) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-MUP/128 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 440 S.D in D.D. 37, Man Uk Pin Village, Sha
Tau Kok
(RNTPC Paper No. A/NE-MUP/128)

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 proposed house (New Territories Exempted House - Small House);

- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agriculture point of view as the site possessed high potential for agricultural rehabilitation. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning point of view as approval of the application would set undesirable precedent for extending village development into the “Agriculture” (“AGR”) zone which might create a ripple effect leading to gradual irreversible modification and degradation of the rural agriculture landscape character in the area. 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, ten public comments on the application were received. Amongst them, a North District Council member supported the application whereas the Chairman of the Sheung Shui District Rural Committee indicated no comment on the application. Kadoorie Farm and Botanic Garden Corporation, World Wide Fund for Nature Hong Kong, Hong Kong Bird Watching Society, Designing Hong Kong Limited and four individuals objected to the application. Major supportive views and objection grounds were set out in paragraph 10 of the Paper; and
- (e) the PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed Small House development was not in line with the planning intention for the “AGR” zone and DAFC did not support the application from agriculture point of view. Whilst the proposed Small House was not entirely incompatible with the surrounding rural environment, CTP/UD&L, PlanD had reservation on the application and considered that approval of the application would set an undesirable precedent degrading the rural agriculture landscape character in the area. Despite more than 50% of the

footprint of the proposed Small House fell within the village ‘environs’ of Man Uk Pin Village and land available within the subject “Village Type Development” (“V”) zone was insufficient to fully meet the future Small House demand, land (about 3.45 ha or equivalent to 138 Small House sites) was still available within the “V” zone for Small House development and capable to meet the outstanding 86 Small House applications. It was considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructures and services. Regarding the public comments received, the comments of government departments and the planning assessments above were relevant.

46. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention for the “Agriculture” zone in the Man Uk Pin 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; and
- (b) land is still available within the “Village Type Development” zone of Man Uk Pin Village where land is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructures and services.”

Agenda Item 18

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

48. The Committee noted that the applicant requested on 15.9.2017 deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the comments from the Transport Department. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information including response-to-comment, a geotechnical planning review report and figures of swept path analysis to address the comments from various government departments.

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

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-PK/123 Proposed House (New Territories Exempted House - Small House) in
 “Agriculture” Zone, Lot 1642 S.G in D.D. 91, Kai Leng, Sheung Shui
 (RNTPC Paper No. A/NE-PK/123A)

Presentation and Question Sessions

50. 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 - 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 could be tolerated. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as 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, five public comments on the application were received. Amongst them, a North District Council member supported the application whereas the Chairman of Sheung Shui District Rural Committee indicated no comment on the application. Designing Hong Kong Limited and two individuals 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. While the proposed Small House development was not in line with the planning intention for the “Agriculture” zone and DAFC did not support the application from agriculture point of view, the site was currently vacant and overgrown with vegetation and the village proper of Kai Leng was located to the northeast. The proposed Small House was not incompatible with the surrounding rural setting dominated by village houses, temporary structures and vacant/ fallow agricultural land. C for T had reservation on the application but considered that the proposed development involving one Small House could be tolerated. More than 50% of the footprint of the proposed Small House fell within the village ‘environs’ of Kai Leng Village and land available within the “V” zone was insufficient to meet the outstanding Small House applications and the future Small House demand forecast. The site was also in close proximity to the existing village proper of Kai Leng and there were approved Small House applications in the vicinity, the implementation of which were forming a new village cluster in the locality. Other Government departments consulted had no adverse comment on or no objection to the application. Regarding the public comments received, the comments of government departments and the planning assessments above were relevant.

51. Members had no question on the application.

Deliberation Session

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 22.9.2021, 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;
- (b) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning 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 Items 20 and 21

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-PK/126 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 1599 S.B in D.D. 91, Kai Leng, Sheung Shui

A/NE-PK/127 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 1599 S.A in D.D. 91, Kai Leng, Sheung Shui
(RNTPC Paper No. A/NE-PK/126 and 127)

54. As the two applications were similar in nature and the application sites were located close to each other within the same “Agriculture” (“AGR”) zone, the Committee agreed that the two applications could be considered together.

Presentation and Question Sessions

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

- (a) background to the applications;

- (b) the proposed house (New Territories Exempted House (NTEH) - Small House) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications as the sites were overgrown with vegetation and active agricultural activities were found in the vicinity. Since road access and water supply were available, the sites possessed potential for agricultural rehabilitation. The Commissioner for Transport had reservation on the applications as such type of development should be confined within the “Village Type Development (“V”) zone as far as possible but considered that the applications involving development of two Small Houses could be tolerated. Other concerned government departments had no objection to or no adverse comment on the applications;
- (d) during the first three weeks of the statutory publication period, four public comments for each of the applications were received. Amongst them, a North District Council member supported both applications whereas the Chairman of Sheung Shui District Rural Committee indicated no comment on the applications. Designing Hong Kong Limited and an individual objected to the applications. 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 applications based on the assessments set out in paragraph 11 of the Paper. The proposed Small Houses were not incompatible with the surrounding rural setting dominated by village houses, temporary structures and vacant/fallow agricultural land. The proposed developments complied with the ‘Interim Criteria for Consideration of Application for NTEH/Small House in New Territories’ in that more than 50% of the footprints of the proposed Small Houses fell within the village ‘environs’ of Kai Leng Village and land available within the “V” zone was insufficient to meet the

outstanding demand and the future demand forecast of Small House. The proposed developments would not have significant adverse landscape impact on the surrounding areas. The sites were in close proximity to the existing village proper of Kai Leng and there were approved Small House applications in the vicinity, the implementation of which were forming a new village cluster in the locality. Regarding the public comments received, the comments of government departments and the planning assessments above were relevant.

56. Members had no question on the application.

Deliberation Session

57. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the permissions should be valid until 22.9.2021, 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. Each of the permissions was subject to the following conditions :

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

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

Agenda Item 22

Section 16 Application

[Open Meeting]

A/NE-TKL/564 Proposed Temporary Open Storage of Waste Paper, Waste Plastics and Waste Metal Cans for Recycling and Workshop for Recycling for a Period of Three years in “Agriculture” Zone, Lots 965 RP (Part) and 966 RP in D.D. 82, Ping Che Road, Ping Che
(RNTPC Paper No. A/NE-TKL/564A)

59. The Secretary reported that the site was located in Ping Che and Mr Alex T.H. Lai had declared an interest on the item as his father co-owned two lots of land in Ping Che. The Committee noted that the applicant had requested deferral of consideration of the application and agreed that as the two pieces co-owned by Mr Lai’s father had no direct view of the site, he could stay in the meeting.

60. The Committee noted that the applicant’s representative requested on 5.9.2017 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 from the Transport Department (TD). It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information including the capacity of the existing wastewater storage tank, the proposed measure to prevent contaminated surface runoff, a traffic impact assessment, response-to-comment and a revised layout plan to address the comments of Environmental Protection Department and TD.

61. In response to a Member’s enquiry, the Chairman said that the Committee should take into account all relevant planning considerations, including those on environmental concerns and fire safety, when considering the application.

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

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

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/565 Temporary Social Welfare Facility (Residential Care Home for Persons with Disabilities) for a Period of Three years in "Agriculture" and "Government, Institution or Community" Zones, Lot 1267 in D.D. 84 and Adjoining Government Land, Tai Po Tin, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/565A)

63. The Secretary reported that the site was located in Ping Che and Mr Alex T.H. Lai had declared an interest on the item as his father co-owned two lots of land in Ping Che. The Committee agreed that as the two pieces co-owned by Mr Lai's father had no direct view of the site, he could stay in the meeting.

Presentation and Question Sessions

64. 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 social welfare facility (residential care home for persons with disabilities (RCHD)) for a period of three years;

- (c) departmental comments were set out in paragraph 8 of the Paper. The District Officer (North), Home Affairs Department (DO(N), HAD) advised that the first Vice-chairman of Ta Kwu Ling District Rural Committee, the Indigenous Inhabitant Representative (IIR) and Resident Representative (RR) of Tai Po Tin objected to the application mainly on the grounds that the RCHD was not properly managed and had resulted in adverse sewerage impact, water pollution and environmental nuisance on the surrounding areas as well as affecting the tranquillity of the rural environment, whereas the incumbent North District Committee (NDC) member of the subject constituency, IIR and RR of Ping Che had no comment on the application. Other concerned government departments had no objection to or no adverse comment on the applications;
- (d) during the first three weeks of the statutory publication period, six public comments were received. Amongst them, a NDC member and the Chairman of Sheung Shui District Rural Committee indicated no comment on the application, and the IIR and RR of Tai Po Tin objected to the application. Major objection grounds were set out in paragraph 9 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 10 of the Paper. While the RCHD development under application was not entirely in line with the planning intention for the “Agriculture” zone, it could provide residential care home services to persons with disabilities. The residential nature of the RCHD with 26 beds within a New Territories Exempted House at the site was not incompatible with the surrounding developments which comprising domestic, government, institution and community facilities and some rural workshops. The Director of Agriculture, Fisheries and Conservation had no objection to the application. The RCHD was not anticipated to cause significant adverse traffic, environmental, drainage and fire safety impacts on the surrounding area. There was no record of environmental complaint for the site in the past three years. Approval condition to address the

technical concerns of the Director of Environmental Protection on proposals for sewage treatment and disposal aspect was also recommended. Regarding the public comments received, the comments of government departments and the planning assessments above were relevant.

65. Members had no question on the application.

Deliberation Session

66. After deliberation, the Committee decided to approve the application on a temporary basis for a period of three years until 22.9.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.3.2018;
- (b) in relation to (a) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.6.2018;
- (c) the submission of a fire service installations and water supplies for firefighting proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.3.2018;
- (d) in relation to (c) above, the provision of fire service installations and water supplies for firefighting within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.6.2018;
- (e) the submission of a proposal for sewage treatment and disposal within 6 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the TPB by 22.3.2018;

- (f) in relation to (e) above, the provision of sewage treatment and disposal facilities within 9 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the TPB by 22.6.2018; and
- (g) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) 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.”

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

Agenda Item 24

Section 16 Application

[Open Meeting]

A/NE-TKLN/7 Temporary Open Storage of Construction Materials for a Period of Three 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
(RNTPC Paper No. A/NE-TKLN/7A)

68. The Committee noted that the applicant requested on 7.9.2017 deferment of the consideration of the application for two months so as to allow time for preparation of further information to address departmental comments. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information in response to comments from concerned departments.

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

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

Agenda Item 25

Section 16 Application

[Open Meeting]

A/NE-TKLN/8 Temporary Staff Car Park and Site Office for Public Works for a Period of Three years in "Village Type Development" and "Recreation" Zones, Lots 388 S.A, 388 S.B, 388 RP (Part) and 390 RP (Part) in D.D. 78 and Adjoining Government Land, Tsung Yuen Ha, Ta Kwu Ling, North District
(RNTPC Paper No. A/NE-TKLN/8A)

70. The Committee noted that the applicant requested on 6.9.2017 deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the comments from Transport Department (TD). It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information including response-to-comment, a revised traffic impact assessment and a swept path analysis to address the comments from TD.

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

information. Since it was the second deferment and a total of four months had been allowed for preparation of submission of further information, no further deferment would be granted unless under very special circumstances.

[The Chairman thanked Mr Kenny C.H. Lau, Ms Kathy C.L. Chan and Ms Cindy K.F. Wong, STPs/STN, for their attendance to answer Members' enquiries. They left the meeting at this point.]

Fanling, Sheung Shui and Yuen Long East District

[Ms Maggie M.Y. Chin, District Planning Officer/Fanling, Sheung Shui and Yuen Long East (DPO/FSYLE), 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 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/573 Proposed Temporary Shop and Services (Retail Shop) for a Period of Three years in "Industrial (Group D)" Zone, Lot 787 RP (Part) in D.D. 107, Fung Kat Heung, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/573)

72. The Committee noted that a replacement page (page 9 of the Paper), rectifying editorial errors in the recommended approval conditions was dispatched to Members before the meeting.

Presentation and Question Sessions

73. 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 (retail shop) 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. While the proposed shop and services use was not entirely in line with the planning intention for the “Industrial (Group D)” zone, it was considered that temporary approval for a period of three years would not frustrate the long-term planning intention. The proposed retail store which intended to serve the residents and workers in the locality was considered not incompatible with the surrounding areas which were mixed with residential dwellings/structures, agricultural land, storage yards, parking of vehicles, a kennel and vacant/unused land. In view of its small scale and temporary nature, the proposed use within an entirely enclosed structure was unlikely to cause significant impact on the rural character of the area. Relevant departments consulted had no objection to or no adverse comment on the application.

74. In response to the Chairman's and a Member's enquiries, Ms Ivy C.W. Wong, STP/FSYLE, said that the area was mainly occupied by domestic structures to the north, east and south and fallow agricultural land to the west. There were some open storage uses to the further north of the site near Fung Kat Heung Road and to the further southwest of the site

near Sha Po Tsuen. The site was not served by vehicular access and the potential clients would likely be nearby residents and workers. The applicant would utilise the existing structure at the site for the proposed shop and services use.

Deliberation Session

75. After deliberation, the Committee decided to approve the application on a temporary basis for a period of three years until 22.9.2020, 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 10:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.3.2018;
- (c) in relation to (b) 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 22.6.2018;
- (d) if the above planning condition (a) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (e) if any of the above planning conditions (b) or (c) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/574 Proposed Temporary Shop and Services (Wheelchair Accessible Vehicles Showroom) for a Period of Three years in “Village Type Development” Zone, Lots 232 S.B ss.9 and 232 S.B RP (Part) in D.D. 103, Ko Po Tsuen, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/574)

Presentation and Question Sessions

77. 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 (wheelchair accessible vehicles showroom) 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, 56 public comments were received from the Chairman of the Kam Fung Terrace Mutual Aid Committee, local residents and individuals. Amongst them, 54 of the comments objected to and one supported the application. The remaining public comment sought information on the general planning application procedure. The 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. While the proposed shop and services use was not entirely in line with the planning intention for the “Village Type Development” (“V”) zone, there was no Small House applications approved or under processing for the site. It was considered that temporary approval for a period of three years would not jeopardise the planning intention for the “V” zone. The proposed development was not incompatible with the surrounding land uses which were predominated by village-type residential dwellings/development and other shop and services uses could be found in the vicinity. In view of its small scale and access arrangement, the proposed development was unlikely to generate significant environmental nuisances. Relevant departments consulted 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.

78. Members had no question on the application.

Deliberation Session

79. After deliberation, the Committee decided to approve the application on a temporary basis for a period of three years until 22.9.2020, 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 dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities are allowed on the Site at any time during the planning approval period;
- (d) no medium and heavy goods vehicles exceeding 5.5 tonnes, including

container tractor/trailer, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site 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 submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.3.2018;
- (g) in relation to (f) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.6.2018;
- (h) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.3.2018;
- (i) in relation to (h) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.6.2018;
- (j) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (k) if any of the above planning conditions (f), (g), (h) or (i) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (l) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of

the TPB.”

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

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/750 Renewal of Planning Approval for Temporary Open Storage of Vehicles (Pending Repair and Insurance Compensation) and Spare Parts for a Period of Three years in “Agriculture” Zone, Lot 467 RP in D.D. 106, Kam Sheung Road, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/750)

81. The Secretary reported that the site was located in Kam Tin South and 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. The Committee agreed that as the property owned by Ms Lai’s family member did not have a direct view of the application site, she could stay in the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary open storage of vehicles (pending repair and insurance compensation) and spare parts 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 to the immediate north (the nearest dwelling being about 10m away) and in the vicinity 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, one public comment was received from an individual objecting to the application. The major objection grounds were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The application was for renewal of the planning permission for temporary open storage of vehicles (pending repair and insurance compensation) and spare parts for a period of three years. Whilst the applied use was not in line with the planning intention for the “Agriculture” (“AGR”) zone, DAFC had no adverse comment on the application as the potential of the site for agricultural rehabilitation was low. It was considered that the granting of temporary permission would not frustrate the long-term planning intention for the “AGR” zone. The applied use was considered not incompatible with the surrounding areas which were predominated by open storage yards, workshop/warehouse, residential dwellings/ structures and vacant/unused land. The current application was generally in line with the Town Planning Board Guidelines No. 13E (TPB-PG No. 13E) and 34B in that the site was located in Category 3 Areas under TPB-PG No. 13E and eight previous approvals for similar or the same open storage use had been granted since 1999 and all approval conditions under the last application (No. A/YL-KTS/652) had been complied with. While DEP did not support the application as there were sensitive receivers located to the immediate north and in the vicinity of the site and environmental nuisance was expected, no environmental complaint was received by DEP in the past three years. As the site was abutting Kam Sheung Road with direct access

from the road, vehicular traffic to/from the site would not pass through the nearby residential settlements. Other relevant departments consulted had no adverse comment on the application. Compared with the last application No. A/YL-KTS/652, the current application was submitted by the same applicants and there was no change in applied use, site area/boundary, total floor area and site layout. The applicants had also submitted landscape, drainage and FSIs proposals in the current application. There was no change in planning circumstances since the last approval and sympathetic consideration could be given to the current application. Regarding the public comment received, the comments of government departments and the planning assessments above were relevant.

83. Members had no question on the application.

Deliberation Session

84. After deliberation, the Committee decided to approve the application on a temporary basis for a period of three years, from 1.11.2017 until 31.10.2020, 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 10:00 a.m., as proposed by the applicants, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicants, is allowed on the Site during the planning approval period;
- (c) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be stored/parked at or enter/exit the Site at any time during the planning approval period;
- (d) 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;

- (e) the stacking height of vehicles and vehicle parts should not exceed the height of the peripheral fence of the Site at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) the existing trees and landscape plantings on the Site shall be maintained at all times during the planning approval period;
- (h) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (i) the submission of a record of the existing drainage facilities on 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 1.2.2018;
- (j) the provision of fire extinguisher(s) within 6 weeks with a valid fire certificate (FS 251) from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.12.2017;
- (k) the implementation of the accepted 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 1.5.2018;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;

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

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

Agenda Item 29

Section 16 Application

[Open Meeting]

A/YL-KTS/751 Temporary Open Storage of Freezer Vehicles, Air-conditioned Compartments and Spare Parts of Cooling Machinery Components for Vehicles for Sale, and Installation and Maintenance Workshop for Freezer Vehicles for a Period of Three years in “Other Specified Uses” annotated “Rural Use” Zone, Lots 401 (Part), 404 (Part), 405 RP (Part), 406 RP, 408 RP (Part), 409 and 410 (Part) in D.D. 106, Kam Sheung Road, Yuen Long
(RNTPC Paper No. A/YL-KTS/751)

86. The Committee noted that a set of replacement paper, reflecting the clarification made by the applicant on 19.9.2017 on the grounds for seeking deferment of consideration of the application, was dispatched to Members before the meeting.

87. The Secretary reported that the site was located in Kam Tin South and 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. The Committee noted that the applicant had requested deferment of consideration of the application and agreed that as the property owned by Ms

Lai's family member did not have a direct view of the application site, she could stay in the meeting.

88. The Committee noted that the applicant requested on 19.9.2017 deferment of the consideration of the application for two months so as to allow time for preparation of further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/754 Proposed Temporary Shop and Services (Motor-vehicle Showroom) for a Period of Three years in "Agriculture" Zone, Lot 303 (Part) in D.D. 110, Tsat Sing Kong, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/754A)

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

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary shop and services (motor-vehicle showroom) 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 from the landscape planning point of view. Although the site was an abandoned farmland and adverse landscape impact caused by the proposed use was not anticipated, the proposed use was not in line with planning intention for the “Agriculture” (“AGR”) zone. Moreover, it was apparent that mature trees as significant landscape resources within the site were lost between 2011 and 2017 and approval of the application would encourage similar development, the cumulative effect of approving such applications would result in degradation of the environment. The Director of Environmental Protection (DEP) advised that the site was involved in a substantiated environmental complain from operating noise of machines for recycling in 2015. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, three public comments were received from Green Sense, Kadoorie Farm & Botanic Garden Corporation and an individual objecting to the application. The major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the PlanD’s views – PlanD considered that the temporary use could be

tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Although the proposed use was not in line with the planning intention for the “AGR” zone, the Director of Agriculture, Fisheries and Conservation had no comment on the application from agricultural point of view as the site did not have high potential for agricultural rehabilitation. Approval of the application on a temporary basis would not frustrate the long-term planning intention for the “AGR” zone. The applied use was not incompatible with the surrounding land uses which were predominated by residential structures/dwellings, fallow/cultivated agricultural land, open storage/storage yards, parking lot and vacant/unused land. Concerned government departments, except CTP/UD&L, PlanD, had no objection to or no adverse comment on the application. Approval conditions on submission and implementation of landscape proposal were suggested to address CTP/UD&L, PlanD’s concerns. Other approval conditions restricting operation hours and prohibiting medium or heavy goods vehicles and workshop activities were also recommended so as to avoid any possible environmental nuisance generated by the proposed use. Regarding the public comments received, the comments of government departments and the planning assessments above were relevant.

92. Members had no question on the application.

Deliberation Session

93. After deliberation, the Committee decided to approve the application on a temporary basis for a period of three years until 22.9.2020, 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 dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out at the Site during the planning approval period;
- (d) 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;
- (e) the existing boundary fencing on the Site shall be maintained at all times 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 a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.3.2018;
- (h) in relation to (g) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.6.2018;
- (i) in relation to (h) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (j) the submission of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.3.2018;
- (k) in relation to (j) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.6.2018;

- (l) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.3.2018;
- (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 22.6.2018;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (i) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (o) if any of the above planning conditions (g), (h), (j), (k), (l) or (m) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (p) upon the expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

[Mr C.F. Wong left the meeting temporarily at this point.]

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/755 Temporary Horse Riding School for a Period of Three years in
 “Residential (Group D)” Zone, Lots 64 RP, 72 S.B ss.2 and 73 S.B RP
 in D.D. 108, Pat Heung, Yuen Long
 (RNTPC Paper No. A/YL-PH/755)

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

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary horse riding school 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, one public comment was received from an individual objecting to the application. The major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD considered 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

horse riding school was not in line with the planning intention for the “Residential (Group D)” (“R(D)”) zone, it could provide a recreational spot for enjoyment of the public. There was no planned residential development at the site and approval of the application on a temporary basis for a period of three years would not jeopardise the long-term planning intention for the “R(D)” zone. The applied use was not incompatible with the surrounding areas predominated by open storage/storage yards, workshops, public car park and vacant/unused land. Concerned government departments had no objection to or no adverse comment on the application. Nine previous applications for temporary horse riding school use had been approved by the Committee from 1992 to 2016 on a temporary basis for one to three years. When compared with the last approved application (No. A/YL-PH/732), the current application involved the addition of a proposed cover for an existing paddock without changing of the site area/boundary, layout and facilities. There was no change in planning circumstances since the last approval and sympathetic consideration could be given to the current application. Regarding the public comments received, the comments of government departments and planning assessments above were relevant.

97. Members had no question on the application.

Deliberation Session

98. After deliberation, the Committee decided to approve the application on a temporary basis for a period of three years until 22.9.2020, 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 Mondays (except public holidays), as proposed by the applicant, is allowed on the Site during the planning approval period;

- (c) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (d) the submission of a tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.3.2018;
- (e) in relation to (d) above, the implementation of the tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.6.2018;
- (f) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (g) the submission of records of the existing drainage facilities on the Site with an updated drainage plan within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.12.2017;
- (h) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.3.2018;
- (i) in relation to (h) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.6.2018;
- (j) if any of the above planning conditions (a), (b), (c) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (k) if any of the above planning conditions (d), (e), (g), (h) or (i) is not complied with by the specified date, the approval hereby given shall cease

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

- (l) upon 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.”

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

Agenda Item 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/756 Temporary Open Storage of Backdrop Screens, Advertising Aluminium Frames and Construction Materials for a Period of Three years in “Agriculture” Zone, Lots 1831 RP, 1832 RP (Part), 1867 (Part), 1868 (Part), 1869 (Part), 1870 (Part), 1871 (Part), 1872 (Part), 1873 (Part), 1874 RP and 1875 RP (Part) in D.D. 111, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/756)

100. The Committee noted that a replacement page (page 15 of the Paper), rectifying editorial errors in the recommended approval conditions, was dispatched to Members before the meeting.

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

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of backdrop screens, advertising aluminium frames and construction materials for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers to the south (about 50m away) and along the access to 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. Although the applied use was not in line with the planning intention for the “Agriculture” (“AGR”) zone, the Director of Agriculture, Fisheries and Conservation had no comment on the application from the nature conservation and agriculture point of view as the potential for agricultural rehabilitation at the site was low. Approval of the application on a temporary basis would not frustrate the long-term planning intention for the “AGR” zone. The development was considered not incompatible with the surrounding areas which were predominated by open storage/storage yards, a warehouse, vehicle park, vacant land and a residential dwelling/structure. The areas to the further east were zoned “Open Storage” and were ‘Category 1 areas’ under the Town Planning Board Guidelines No. 13E (TPB PG-No. 13E).

Moreover, the site was located in the immediate east of the Shek Kong Stabling Sidings of the Express Rail Link which was under construction and significant impact on existing landscapes was not anticipated. The current application was considered generally in line with TPB PG-No.13E in that the site fell within Category 3 areas and there were previous planning approvals for the same open storage use at the site. Concerned departments consulted, except DEP, had no objection to or no adverse comment on the application. While DEP did not support the application as there were sensitive receivers in the vicinity and along the access road, there was no environmental complaint received by DEP in the past three years. To address DEP's concern, approval conditions restricting the operation hours, types of vehicles and prohibiting workshop-related activity were recommended. Compared with the last approved application, the current application mainly involved a slight reduction of site area and change in building height from 2m/5m to 5m with a different layout. There had been no major change in the planning circumstances since the last approval and it was considered that sympathetic considerations could be given to the current application. As the last two approvals (Applications No. A/YL-PH/686 and 701) were revoked due to non-compliance with the approval conditions, shorter compliance periods were recommended to closely monitor the progress of compliance.

103. Members had no question on the application.

Deliberation Session

104. After deliberation, the Committee decided to approve the application on a temporary basis for a period of three years until 22.9.2020, 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 dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the Site at any time during the planning approval period;
- (d) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the submission of a tree preservation and landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.12.2017;
- (g) in relation to (f) above, the implementation of the 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 22.3.2018;
- (h) the existing drainage facilities on the Site should be maintained at all times during the planning approval period;
- (i) the submission of a record of the existing drainage facilities on the Site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.12.2017;
- (j) the provision of fire extinguisher(s) with a valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.11.2017;
- (k) the submission of a fire services 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 22.12.2017;

- (l) in relation to (k) above, the provision of fire services installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.3.2018;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (f), (g), (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (o) upon expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

[Mr C.F. Wong returned to join the meeting at this point.]

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/503 Proposed Eating Place, Place of Entertainment, Shops and Services, and Minor Relaxation of Height Restriction and Excavation of Land in “Other Specified Uses” annotated “Service Stations” Zone, Lots 661 S.C RP, 669 RP, 674 RP (Part) and 733 RP (Part) in D.D. 99 and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/503A)

106. The Secretary reported that the application was submitted by Topcycle Development Ltd., a subsidiary of Henderson Land Development Company Ltd. (HLD), and Masterplan Ltd. (Masterplan), AECOM Asia Co. Ltd. (AECOM) and Ramboll Environ Hong Kong Ltd. (Environ) were three 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 HLD, Masterplan, AECOM and Environ;
- Ms Janice W.M. Lai - having current business dealings with HLD, AECOM and Environ;
- Mr Stephen L.H. Liu - having past business dealings with HLD;
- Mr Alex T.H. Lai - his firm having current business dealings with AECOM;
- Professor K.C. Chau - being an employee of the Chinese University of Hong Kong, which had received a donation from a family member of the Chairman of HLD;
- Mr H.F. Leung - being an employee of the University of Hong Kong (HKU), which had received a donation from a

family member of the Chairman of HLD;

- Dr C.H. Hau - having current business dealings with AECOM and being an employee of the HKU, which had received a donation from a family member of the Chairman of HLD;
- Dr Lawrence K.C. Li - being the Treasurer of the Hong Kong Polytechnic University, which had obtained sponsorship from HLD;
- Ms Christina M. Lee - being the Secretary-General of the Hong Kong Metropolitan Sports Events Association, which had obtained sponsorship from HLD; and
- Mr Peter K.T. Yuen - being a member of the Board of Governors of the Hong Kong Arts Centre, which had received a donation from an Executive Director of HLD.

107. The Committee noted that Mr Ivan C.S. Fu, Mr Stephen L.H. Liu, Professor K.C. Chau and Dr C.H. Hau had tendered apologies for being unable to attend the meeting. The Committee also agreed that the interest of Ms Janice W.M. Lai was direct and she should be invited to leave the meeting temporarily for the item, and as the interests of Mr H.F. Leung, Dr Lawrence K.C. Li, Ms Christina M. Lee and Mr Peter K.T. Yuen were indirect and Mr Alex. T.H. Lai had no involvement in the application, they could stay in the meeting.

[Ms Janice W.M. Lai left the meeting at this point.]

Presentation and Question Sessions

108. With the aid of a PowerPoint presentation, Ms Maggie M.Y. Chin, DPO/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed commercial development (eating place, place of entertainment, shops and services) and minor relaxation of height restriction and excavation of land;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Agriculture, Fisheries and Conservation had reservation on the application from nature conservation point of view and raised concerns on whether the proposed development which would generate large amount of traffic and human flow in the site and its surrounding area could be regarded as an appropriate level of residential/recreational development for fulfilling the planning intention of Wetland Buffer Area (WBA) as stipulated in the Town Planning Board Guidelines No. 12C and approval of the application might encourage other similar developments in the WBA which would result in cumulative negative impacts on the ecological integrity of wetland ecosystem in Deep Bay area in future. He was also worried about the impact on the fishpond/wetland habitats in the Wetland Conservation Area (WCA) during the operational phase as spillover of traffic and human flow to San Tin Tsuen Road and the fishpond/wetland habitats in WCA was anticipated. 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 176 public comments, including 161 supporting comments submitted by individuals and 15 objecting comments submitted by a Yuen Long District Council member, San Tin Rural Committee, the Hong Kong Bird Watching Society and the Village Representatives of eight villages, were received. The major supportive views and 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. The site fell within the “Other Specified Uses” annotated “Service Station”

(“OU(SS)”) zone. The proposed commercial development (eating place, place of entertainment, shop and services) with a plot ratio of 2.178 (or gross floor area of 86,477m²) was considered in compliance with the development restrictions of the “OU(SS)” zone. Regarding the proposed building height (BH) relaxation sought, the proposed BH increase of 3 storeys were all accommodated in basement levels and there would be no increase in the number of storeys above ground. However, in terms of absolute height above ground, the proposed BH would be increased from the originally permitted 15m to levels ranging from 16m to 21.2m above ground to achieve a stepped height design. The site was in close proximity to Lok Ma Chau (LMC) Control Point and LMC Spur Line Control Point and was located adjacent to the San Tin public transport interchange (San Tin PTI/“Yellow Bus” terminus). The proposed development was not incompatible with the surrounding areas. While DAFC had reservation on the application, suitable approval condition requiring submission of a revised Ecological Impact Assessment (EcoIA) and implementation of the recommended mitigation measures was suggested to address the technical concerns. Other concerned departments had no adverse comment on or no in-principle objection to the application from traffic, environmental, drainage, landscape, visual, water supply and electricity/town gas safety perspectives. Seven previous applications at the site for temporary uses had been approved since 1997. The last application No. A/YL-ST/476 submitted by the same applicant for proposed temporary cross-boundary shopping centre with ancillary car park, eating place, shop and services (fast food shop), office and storage of consumer goods (temporary cross-boundary shopping centre) was approved with conditions by the Committee on 18.9.2015 for a period of three years. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

[Ms Christina M. Lee and Mr Alex T.H. Lai left the meeting at this point.]

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

- (a) the progress of implementation of the temporary cross-boundary shopping centre at the site under the approved application No. A/YL-ST/476 and the major difference between that temporary cross-boundary shopping centre and the current proposal under application;
- (b) whether the applicant had provided any justifications on applying for a permanent development while the approved temporary cross-boundary shopping centre had yet to commence operation;
- (c) whether the applicant had proposed any management measures similar to those proposed under application No. A/YL-ST/476, i.e. management of the shopping centre by a non-profit making foundation;
- (d) whether a similar application No. A/YL-ST/498 for proposed temporary cross-boundary shopping centre with ancillary car park, eating place, shop and services (fast food shop), office and storage of consumer goods for a period of three years in the “Undetermined” (“U”) zone to the east of the site was a related application;
- (e) whether the traffic impact assessment had taken into consideration the nearby proposed development including the temporary shopping centre under application No. A/YL-ST/498; and
- (f) how could the concerns of DAFC on ecological impact be addressed.

110. Ms Maggie M.Y. Chin, DPO/FSYLE, made the following responses:

- (a) the site was the subject of a temporary approval under application No. A/YL-ST/476 for temporary cross-boundary shopping centre and the construction works were near completion. According to the applicant, the temporary shopping centre was tentatively scheduled for operation by end 2017. The current proposal under application (No. A/YL-ST/503), submitted by the same applicant was for a permanent commercial development comprising eating place, place of entertainment, and shop and

services uses, which, if approved, was scheduled for construction in 2019 for completion by 2021, after expiry of the planning permission for the temporary cross-boundary shopping centre. The applicant had not provided other information in the submission regarding interface arrangement on the implementation of the temporary and permanent developments;

- (b) according to the applicant when submitting application No. A/YL-ST/476, the temporary cross-boundary shopping centre aimed to provide a quick solution to meet the demand of cross-boundary visitors in the Yuen Long and North districts for shopping facilities, whereas, for a permanent development, it might require more detailed assessment including Traffic Impact Assessment (TIA) and EcoIA to demonstrate its technical feasibility in the long run and these assessments usually require a longer time to conduct;
- (c) under previous application No. A/YL-ST/476, the applicant claimed that the temporary cross-boundary shopping centre would be managed by a non-profit making foundation which would donate revenue to support local charitable organisations so that the locals could benefit from the development. The applicant of the current application had not provided information for such arrangements;
- (d) there were a number of similar applications for commercial/retail uses in the vicinity. With reference to Plan A-5 of the Paper, she said that application No. A/YL-ST/480, covering an area of only 612m² for temporary shop and services (retail shop) for a period of three years, was approved by the Committee on 19.2.2016. Application No. A/YL-ST/498 at a site across San Sham Road in the “U” zone to the north-east for proposed temporary cross-boundary shopping centre was submitted by a different applicant, and the request for deferment of consideration of the application would be considered by the Committee at the same meeting;

- (e) in the TIA conducted, the applicant had taken into account the potential traffic that would be generated by the proposed temporary shopping centre in the “U” zone under application No. A/YL-ST/498; and
- (f) the applicant had submitted an EcoIA including survey on bird flight path and impact assessment on the nearby habitat and DAFC had no objection to the methodology of the EcoIA. DAFC was mainly concerned on the impact caused by spillover of traffic and human flow to San Tin Tsuen Road on the adjacent wetland. In response, the applicant had proposed a series of mitigation measures in the EcoIA including traffic management measure i.e. traffic exiting the site could only turn right onto San Tin Tsuen Road leading to Castle Peak Road so as to divert traffic away from the wetland, providing hoarding at the site boundary and not to carry out any percussive piling during winter season. To address DAFC’s technical concern, an approval condition requiring submission of a revised EcoIA was recommended.

[Mr Philip S.L. Kan and Mr Edwin W.K. Chan left the meeting at this point.]

Deliberation Session

111. Noting that the site was the subject of an approved application (no. A/YL-ST/476) for temporary cross-boundary shopping centre which was under construction and expected to be in operation by end 2017, a Member considered that more information from the applicant should be provided on the interface arrangement on the implementation of the temporary and permanent developments at the site. Besides, it was noted that the temporary cross-boundary shopping centre would be managed by a non-profit making foundation and part of the revenue generated by the development would be used to support local charitable organisations for the benefit of the local community, but no such arrangement had been included in the current application. This Member considered that the Committee should take a more cautious approach in considering permanent development as compared to application for temporary development. It would be preferable to allow the approved temporary cross-boundary shopping centre to commence operation first before considering a permanent development at the site.

112. While sharing the view that the interface arrangement on the implementation of the temporary and permanent developments would need to be clarified, some Members considered that the mode of operation of the proposed commercial development (e.g. whether the revenue generated would be donated for public purpose) should not be a planning consideration. These Members, however, expressed concerns on the impacts of the proposed commercial development on the surrounding areas in view of its large scale, in particular, the precedent effect of approving this application on other similar shopping centre development in the area resulting in cumulative traffic and environmental impacts on the surrounding areas. They had the following major views:

- (a) while the current proposal was generally in line with the planning intention for the “OU(SS)” zone, the scale of the development in the current application was quite large in the local context. More information e.g. on the proposed tenant mix should be provided by the applicant to justify the scale of the development in this locality; and
- (b) if other similar developments in the vicinity were approved in the future, such ‘mega mall’ would likely transform the area and the implication of which should be considered carefully. Besides, the cumulative impacts on traffic, particularly those on LMC Control Point, should be considered thoroughly.

113. Noting that the applicant had proposed to utilise “Yellow Bus” (Lok Ma Chau – Huanggang Cross-boundary Shuttle Bus Service) as one of the transportation options, Miss Winnie W.M. Ng declared an interest on the item as the bus service was operated by the Kowloon Motor Bus Company (1933) Ltd. of which she was a director. The Committee agreed that as her interest was indirect, she could continue to stay in the meeting.

114. On the assumption on modal split adopted in the TIA, the Committee noted that the applicant had made reference to the data on modal split in the Travel Characteristics Survey published by the Transport Department (TD) and proposed transport facilities including parking spaces based on the requirements stipulated in the Hong Kong Planning Standards and Guidelines (HKPSG). The applicant had also conducted a sensitivity analysis

and made reference to other similar shopping centre developments in Hong Kong in formulating the assumptions adopted in the TIA. In response to a Member's query, Mr Patrick K.H. Ho, Chief Traffic Engineer/New Territories West, Transport Department, said that the applicant had assumed 70% of its visitors were local customers and the rest were cross-boundary visitors. Besides, a sensitivity test with an assumption of 50% local customers and 50% cross-boundary visitors had also been conducted. The HKPSG had stipulated the parking requirement for different type of commercial facilities such as retail, office etc. The applicant had adopted the upper limit of the requirement in parking provision in the current proposal. In this regard, TD had no adverse comments on the findings of the TIA.

115. Members noted that Lok Ma Chau Road was operating under an Environmental Permit (EP) and the applicant had proposed mitigation measures to ensure that the EP condition on the traffic noise impact on Lok Ma Chua Road would not be violated. Such measures included the construction of a pedestrian footbridge connecting the site and the cross-boundary shuttle bus station to the south. Free bus vouchers would also be provided to customers to encourage them to utilise public transport services. Should the application be approved, the applicant was required to submit further information on comprehensive public transport service proposal for TD's consideration upon implementation of the proposal. Suitable building design and disposition would also help alleviate the noise impact from San Tin Tsuen Road. On sewerage aspect, a temporary sewage treatment plant would be provided within the development. The Director of Environmental Protection had no adverse comment from environmental aspect based on the impact assessment conducted. In this regard, Members generally had no major concerns on the environmentally acceptability of the proposed development.

116. Members noted that in approving the previous application No. A/YL-ST/476, whether the revenue generated from the development would be used for charitable purpose was not discussed in detail and Members' focus were mainly on traffic and environmental aspects. However, noting that the approved temporary cross-boundary shopping centre under application No. A/YL-ST/476 had yet to commence operation and the planning permission would expire in 2018, and the proposed permanent commercial development, if approved, would be implemented in 2019 for completion in 2021, Members generally considered that additional information on the interface arrangement of the temporary and

permanent developments would be required. The applicant should also provide more information to address Members' comments made at the meeting, so as to facilitate the Committee to better assess the impact of the proposed development in the longer-term.

117. After further deliberation, the Committee decided to defer making a decision on the application pending the submission of further information by the applicant to address Members' comments made at the meeting, in particular the interface arrangement on the implementation of the temporary and permanent developments at the site as well as the mode of operation of the proposed commercial development compared to the approved temporary cross-boundary shopping centre.

[The meeting was adjourned for a five-minute break.]

Agenda Item 34

Section 16 Application

[Open Meeting]

A/YL-ST/498 Proposed Temporary Cross-Boundary Shopping Centre with Ancillary Car Park, Eating Place, Shop and Services (Fast Food Shop), Office and Storage of Consumer Goods for a Period of Three years in "Undetermined" Zone, Lot 372 S.D RP (Part) in D.D. 99 and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/498C)

118. The Committee noted that the applicant's representative requested on 14.9.2017 deferment of the consideration of the application for two months so as to allow time for the applicant to address further comments from Transport Department, Highways Department and the Hong Kong Police Force and to arrange meetings with them to consider the further information submitted on 14.9.2017. It was the fourth time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information including response-to-comments, revised Environmental Assessment, updated Sewerage Impact and Water Supply Analysis Report, revised Traffic Impact Assessment and responses to public comments. To response to further received departmental comments, the

applicant on 14.9.2017 submitted further response-to-comments and a revised Sewerage Impact and Water Supply Analysis Report.

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

Agenda Item 35

Section 16 Application

[Open Meeting]

A/YL-ST/507 Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of 2 Years in "Village Type Development" Zone, Lots 3071 S.A, 3071 RP, 3072, 3073 and 3076 in D.D. 102 and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/507)

120. The Committee noted that the applicant's representative requested on 6.9.2017 deferment of the consideration of the application for two months so as to allow time for preparation of further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

121. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its

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

Agenda Item 36

Section 16 Application

[Open Meeting]

A/YL-ST/508 Proposed Temporary Cold Storage for a Period of Three Years in "Residential (Group D)" Zone, Lots 16 S.B RP (Part), 19 (Part), 21 (Part), 23 (Part), 24 (Part), 25 (Part), 26 (Part), 42 (Part) and 44 (Part) in D.D. 105 and Adjoining Government Land, Castle Peak Road - San Tin, Mai Po Lung, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/508)

122. The Committee noted that the applicant's representative requested on 8.9.2017 deferment of the consideration of the application for two months so as to allow time for preparation of further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

circumstances.

[The Chairman thanked Ms Maggie M.Y. Chin, DPO/FSYLE, 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 37

Section 16 Application

[Open Meeting]

A/HSK/15 Proposed Religious Institution (Redevelopment of Seminary) in
"Village Type Development" Zone, Lots 171 (Part), 172 (Part), 173,
174 and 175 RP (Part) in D.D. 121, 130 Hung Uk, Yuen Long
(RNTPC Paper No. A/HSK/15)

124. The Secretary reported that Ramboll Environ Hong Kong Ltd. (Environ) was one of the consultants of the applicant and Mr Ivan C.S. Fu and Ms Janice W.M. Lai had declared interests on the item for having current business dealings with Environ. The Committee noted that the applicant had requested deferment of consideration of the application and Mr Fu had tendered apologies for being unable to attend the meeting and Ms Lai had already left the meeting.

125. The Committee noted that the applicant's representative requested on 7.9.2017 deferment of the consideration of the application for two months so as to allow time for preparation of further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

126. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its

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

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

Agenda Item 38

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/544 Temporary War Game Centre for a Period of Three years in
 "Recreation" and "Village Type Development" Zones, Lots 280 (Part),
 282 (Part), 284, 285, 286, 287 (Part), 320 (Part), 321 and 323 RP (Part)
 in D.D. 126, Fung Ka Wai, Yuen Long
 (RNTPC Paper No. A/YL-PS/544)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary war game centre for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 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, 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 period of three years based on the assessments set out in paragraph 12 of the Paper. The majority (about 90%) of the site fell within “Recreation” (“REC”) zone and the remaining part (about 10%) fell within the “Village Type Development” (“V”) zone. The war game centre was considered as a place of entertainment providing entertainment and recreation outlet to the public and generally in line with the planning intention for the “REC” zone. The District Lands Officer/Yuen Long, Lands Department advised that there was no Small House application received or under processing at and in the vicinity of the site. Approval of the application on a temporary basis for a period of three years would not jeopardise the long-term planning intention for the “V” zone. The site was mainly surrounded by vegetated hill slopes to the north and east, fallow agricultural land to the south and an open storage yard of new vehicles to the west and the development was not incompatible with the surrounding land uses. While the northern portion (about 41%) of the site fell within the Wetland Buffer Area, the application was for temporary approval and there was no fish pond within or in close proximity of the site. It was not envisaged that the applied use would have long-term or negative off-site disturbance on the ecological values of the fish ponds and the application was not in conflict with the Town Planning Board Guidelines No. 12C. Whilst the site was located near an area zoned “Conservation Area”, the Director of Agriculture, Fisheries and Conservation had no strong view on the application provided that the war game activities would be confined to the site and not encroached on the nearby “CA” zone. The applied use would unlikely create significant adverse impact, and relevant government departments had no objection to

or no adverse comment on the application. As the last application (No. A/YL-PS/470) was revoked on 16.6.2017 due to non-compliance with approval conditions on provision of boundary fencing and implementation of revised landscape and tree preservation proposal, despite the current application was submitted by a different applicant for the same use, shorter compliance periods were recommended for close monitoring of the progress on compliance with the approval conditions. Regarding the public comments received, the comments of government departments and the planning assessments above were relevant.

128. Members had no question on the application.

Deliberation Session

129. After deliberation, the Committee decided to approve the application on a temporary basis for a period of three years until 22.9.2020, 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 vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (c) the maintenance of existing drainage facilities at all times during the planning approval period;
- (d) the submission of record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.12.2017;
- (e) the submission of a tree preservation and landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.12.2017;

- (f) in relation to (e) above, the implementation of the 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 22.3.2018;
- (g) 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 22.12.2017;
- (h) in relation to (g) 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 22.3.2018;
- (i) the provision of boundary fencing within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.12.2017;
- (j) if any of the above planning conditions (a), (b) or (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (k) if any of the above planning conditions (d), (e), (f), (g), (h) or (i) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (l) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 39

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/12 Proposed Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles Only) for a Period of Three years in “Village Type Development” Zone, Lots 3217 S.B, 3217 RP and 3218 (Part) in D.D. 129, Fung Kong Tsuen, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/HSK/12)

131. The Committee noted that a set of replacement pages (Appendix IV of the Paper), rectifying editorial errors in the recommended advisory clauses, was dispatched to Members before the meeting.

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

Presentation and Question Sessions

133. Mr Kris W.K. Leung, TP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary public vehicle park (private cars and light goods vehicles only) 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, one public

comment was received from an individual objecting to the application. Major objection grounds were set out in paragraph 10 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Whilst the applied use was not entirely in line with the planning intention for the “Village Type Development” (“V”) zone, the use could provide parking facilities to meet such demand in the area. Despite there was a Small House application under processing at the site, the District Lands Officer/Yuen Long, Lands Department advised that the application was still in preliminary stage. Temporary approval for a period of three years would not jeopardise the long-term planning intention for the “V” zone. The proposed development was considered not incompatible with the surrounding land uses which mainly comprised rural residential dwellings/structures, vehicle parks and unused/vacant land. Relevant government departments had no objection to or no adverse comment on the application, and approval conditions had been recommended to minimise any possible nuisances or to address the technical requirements of the concerned departments. Regarding the public comment received, the comments of government departments and the planning assessments above were relevant.

134. Members had no question on the application.

Deliberation Session

135. After deliberation, the Committee decided to approve the application on a temporary basis for a period of three years until 22.9.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to enter/be parked on the Site at all times during the planning approval period;

- (b) a notice should be posted at a prominent location of the Site to indicate that no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or entre/exit the Site at any time during the planning approval period;
- (c) no vehicle without valid licences issued under the Road Traffic Ordinance is allowed to be parked/stored on the Site at any time during the planning approval period;
- (d) no vehicle dismantling, vehicle repairing, car washing, motor beauty services or other workshop activity, as proposed by the applicant, is allowed on the Site 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 submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.3.2018;
- (g) in relation to (f) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.6.2018;
- (h) in relation to (g) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (i) the submission of a tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.3.2018;
- (j) in relation to (i) above, the implementation of the tree preservation and

landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.6.2018;

- (k) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.3.2018;
- (l) in relation to (k) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.6.2018;
- (m) the provision of fencing of the Site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.3.2018;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e) or (h) 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;
- (o) if any of the above planning conditions (f), (g), (i), (j), (k), (l) or (m) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (p) upon expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 40

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/13 Temporary Shop and Services (Real Estate Agency) for a Period of Three years in “Village Type Development” Zone, Lots 1119 (Part), 1120 (Part) and 1121 RP (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/HSK/13)

137. The Committee noted that a set of replacement pages (Appendix V of the Paper), rectifying editorial errors in the recommended advisory clauses, was dispatched to Members before the meeting.

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

Presentation and Question Sessions

139. Mr Kris W.K. Leung, TP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary shop and services (real estate agency) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. 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 local residents objecting to the application. Major objection grounds were set out in paragraph 10 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Although the temporary shop and services use (real estate agency) was not entirely in line with the planning intention for the “Village Type Development” (“V”) zone, it could provide real estate agency service to meet any such demand in the area. The District Lands Officer/Yuen Long, Lands Department advised that no Small House application had been received for the site. Approval of the application on a temporary basis of three years would not jeopardise the long-term development of the area. The proposed temporary use was not incompatible with the existing land use for the area, which was predominantly occupied by village houses and residential developments. Relevant government departments had no objection to or no adverse comment on the application, and approval conditions had been recommended to minimise any possible nuisances or to address the technical requirements of the concerned departments. Regarding the public comments received, the comments of government departments and the planning assessments above were relevant.

140. Members had no question on the application.

Deliberation Session

141. After deliberation, the Committee decided to approve the application on a temporary basis for a period of three years until 22.9.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 8:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no vehicle is allowed to queue back to public road or reverse onto/from the

public road at all times during the planning approval period;

- (c) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.3.2018;
- (d) in relation to (c) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.6.2018;
- (e) in relation to (d) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (f) the submission of a tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.3.2018;
- (g) in relation to (f) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.6.2018;
- (h) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.3.2018;
- (i) in relation to (h) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.6.2018;
- (j) if any of the above planning conditions (a), (b) 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;
- (k) if any of the above planning conditions (c), (d), (f), (g), (h) or (i) is not

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

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

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

Agenda Item 41

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/14 Proposed Temporary Open Storage of Construction Materials and Warehouse for a Period of Three years in “Other Specified Uses” annotated “Port Back-up, Storage and Workshop Uses” Zones and an area shown as ‘Road’, Lots 192 S.A, 192 S.B and 193 in D.D. 125, Fung Kong Tsuen, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/HSK/14)

143. The Committee noted that a set of replacement pages (Appendix VI of the Paper), rectifying editorial errors in the recommended advisory clauses, was dispatched to Members before the meeting.

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

Presentation and Question Sessions

145. Mr Kris W.K. Leung, TP/TMYLW, presented the application and covered the

following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary open storage of construction materials and warehouse 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 along the access 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, 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 site fell within Category 4 areas under the Town Planning Board Guidelines No. 13E where applications would normally be rejected except under exceptional circumstances. Although the site fell partly within an area shown as 'Road', the implementation programme for this part of the Hung Shui Kiu New Development Area was still being formulated and Project Manager (New Territories West), Civil Engineering and Development Department had no objection to the proposed temporary use for three years on the site. In this regard, approval of the application on a temporary basis of three years would not jeopardise the long-term development of the site. The site was located in an area occupied by open storage yards and vehicle parks to the south and west. The applied use was not incompatible with the surrounding land uses. There was no major adverse comment from concerned Government departments, except DEP. DEP did not support the application because there were sensitive uses along the access road and

environmental nuisance was expected. However, there was no substantiated environmental complaint pertaining to the site in the past three years. Relevant approval conditions had been recommended to address the concerns on the possible environmental nuisances or the technical requirements of other concerned Government departments. Whilst the site fell within Category 4 areas which were intended to encourage the phasing out of non-conforming uses, it should be noted that the planning circumstances of the area had been changed and part of the site was now intended for port back-up, storage and workshop uses. For the portion of the site fell within area shown as 'Road', approval of the application would not jeopardise the long term development of the area. Taking into account the specific circumstances pertaining to the case, sympathetic consideration might be given to the current application.

146. In response to a Member's enquiry, Mr Kris W.K. Leung, TP/TMYLW, said that the site would be fenced off and would not encroach onto the pond located to the southwest of the site.

Deliberation Session

147. A Member noted that one of the recommended advisory clauses for the applicant to follow the relevant mitigation measures and requirements in the 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' (COP) issued by the Environmental Protection Department (EPD) was included to address EPD's concern on the application. Mr C.F. Wong, Assistant Director (Environmental Assessment), EPD, said that to minimise the potential nuisances generated by heavy vehicle accessing the site, the applicant was advised to follow the COP.

148. After deliberation, the Committee decided to approve the application on a temporary basis for a period of three years until 22.9.2020, 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) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.3.2018;
- (d) in relation to (c) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.6.2018;
- (e) in relation to (d) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (f) the submission of a tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.3.2018;
- (g) in relation to (f) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.6.2018;
- (h) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.11.2017;
- (i) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.3.2018;
- (j) in relation to (i) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the

satisfaction of the Director of Fire Services or of the TPB by 22.6.2018;

- (k) 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 22.3.2018;
- (l) if any of the above planning conditions (a), (b) 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;
- (m) if any of the above planning conditions (c), (d), (f), (g), (h), (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (n) upon expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 42

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/16 Temporary Open Storage of Trucks and Goods Compartments of Dump Trucks for a Period of Three years in “Residential (Group A) 3” Zone, Lots 799 (Part) and 800 (Part) in D.D. 125, Lot 3300 (Part) in D.D. 129, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/HSK/16)

150. The Committee noted that a set of replacement pages (page 5 and Appendix VI of the Paper), rectifying editorial errors in paragraph 10.1.1 and the recommended advisory

clauses was dispatched to Members before the meeting.

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

Presentation and Question Sessions

152. Mr Kris W.K. Leung, TP/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 trucks and goods compartments of dump trucks 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 (the nearest being about 54m away) and along the access 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, 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. Whilst the development was not in line with the planning intention for the “Residential (Group A)3” zone, the implementation programme for this part of Hung Shui Kiu New Development Area was still being formulated and Project Manager (New Territories West), Civil Engineering and Development Department had no

objection to the proposed temporary use for three years on the site. Approval of the application on a temporary basis of three years would not jeopardise the long-term development of the site. The site was located in an area predominantly occupied by open storage yards, workshops, warehouse and logistics centres. The applied use was not incompatible with the surrounding land uses. While DEP did not support the application because there were sensitive users in the vicinity and along the access road and environmental nuisance was expected, there was no substantiated environmental complaint pertaining to the site in the past three years. Other relevant government departments had no objection to or no adverse comment on the application. Relevant approval conditions had been recommended to address the concerns on the possible environmental nuisances or the technical requirements of other concerned Government departments. The proposed development was generally in line with the 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 uses, relevant proposals had been submitted to demonstrate that the proposed use would not generate adverse impacts, and technical concerns of relevant Government departments could be addressed through the implementation of approval conditions.

153. Members had no question on the application.

Deliberation Session

154. After deliberation, the Committee decided to approve the application on a temporary basis for a period of three years until 22.9.2020, 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 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 repair and workshop activity, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (d) no public vehicle park, as proposed by the applicant, is allowed on the Site at any time during the planning approval period;
- (e) the existing boundary fencing on Site shall be maintained at all times during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;
- (g) the landscape planting on the Site shall be maintained at all time during the approval period;
- (h) the existing drainage facilities on Site shall be maintained at all times during the planning approval period;
- (i) 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 22.12.2017;
- (j) the provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.11.2017;
- (k) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.3.2018;
- (l) in relation to (k) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.6.2018;

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

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

Agenda Item 43

Section 16 Application

[Open Meeting]

A/YL-TYST/852 Temporary Warehouse for Storage of Clothes and Household Products for a Period of Three years in “Undetermined” Zone, Lots 749 (Part), 753 (Part), 754 (Part), 757 (Part), 758 (Part), 759 (Part), 760 S.A (Part), 760 S.B (Part), 761, 762, 763, 771 (Part) and 796 (Part) in D.D 117, Kung Um Road, Yuen Long
(RNTPC Paper No. A/YL-TYST/852)

156. The Committee noted that the applicant’s representative requested on 11.9.2017 deferment of the consideration of the application for two months so as to allow time for preparation of a drainage proposal to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

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

Agenda Item 44

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/853 Renewal of Planning Approval for Temporary “Open Storage of Construction Machinery and Material” for a Period of Three years in “Undetermined” Zone, Lots 2423 RP (Part), 2426 RP (Part), 2427, 2428 RP (Part), 2429 S.A, 2429 S.B, 2429 S.C, 2429 S.D (Part), 2429 RP, 2430, 2431 (Part), 2432 (Part), 2433 (Part), 2434 (Part), 2688 (Part), 2690 (Part), 2691, 2692 (Part), 2693 (Part), 2694, 2695, 2696 (Part), 2697, 2698 S.A (Part), 2698 S.B (Part), 2699 (Part), 2700 (Part) and 2701 (Part) in D.D. 120 and Adjoining Government Land, Shan Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/853)

Presentation and Question Sessions

158. 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 renewal of planning approval for temporary “open storage of

construction machinery and material” 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 along the access track 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 applied use was not in conflict with the planning intention for the “Undetermined” (“U”) zone. Whilst the site fell within the boundary of Yuen Long South Development, Chief Engineer/Cross-boundary Infrastructure and Development, PlanD and Project Manager (New Territories West), Civil Engineering and Development Department had no adverse comment on the application. Approval of the application on a temporary basis of three years would not jeopardise the long-term development of the area. The development was not incompatible with the surrounding uses in the “U” zone including open storage yards and vehicle parks. While DEP did not support the application as there were sensitive receivers along the access track and environmental nuisance was expected, there had been no environmental complaint concerning the site received in the past three years. Suitable approval conditions were recommended to address the concerns and technical requirements of concerned government departments. The application was generally in line with the Town Planning Board Guidelines No. 34B in that there had been no material change in planning circumstances since the granting of the previous approval under application No. A/YL-TYST/696, the approval conditions had been complied with, and the three-year approval period sought was of the same timeframe as the

previous approval. The application was also generally in line with the 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, relevant proposals had been submitted to demonstrate that the proposed use would not generate adverse impacts, and the technical concerns of relevant government departments could be addressed through implementation of approval conditions.

159. Members had no question on the application.

Deliberation Session

160. After deliberation, the Committee decided to approve the application on a temporary basis for a period of three years from 27.9.2017 to 26.9.2020, 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 heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, 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;
- (d) no dismantling, cleaning, repairing, spraying or other workshop activities, as proposed by the applicant, is allowed on the Site at any time during the planning approval period;
- (e) no storage or handling (including loading and unloading) of electrical/electronic appliances, computer/electronic parts (including

cathode-ray tubes), as proposed by the applicant, is allowed on the Site at any time during the planning approval period;

- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) the existing trees and landscape plantings on the Site shall be maintained at all times during the planning approval period;
- (h) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (i) the submission of records of the existing drainage facilities on the Site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.12.2017;
- (j) the provision of fire extinguisher(s) with valid fire certificate (FS 251) within 6 weeks from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.11.2017;
- (k) the submission of a 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 27.3.2018;
- (l) in relation to (k) above, the implementation of the 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 27.6.2018;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without

further notice;

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

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

Agenda Item 45

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/855 Temporary Public Vehicle Park for Private Car and Light Goods Vehicle and Shop and Services (Real Estate Agency) for a Period of Three years in “Village Type Development” Zone, Lots 1567 RP (Part), 1568 (Part) and 1570 (Part) in D.D. 121, Shan Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/855)

Presentation and Question Sessions

162. 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 public vehicle park for private car and light goods vehicle and shop and services (real estate agency) for a period of three years;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. 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 objecting to the application. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Whilst the applied use was not entirely in line with the planning intention for the “Village Type Development” (“V”) zone, it could provide parking and real estate agency services to meet any such demand in the area. According to the District Lands Officer/Yuen Long, Lands Department, there was currently no Small House application approved or under processing at the site. Approval of the application on a temporary basis would not frustrate the long-term planning intention for the “V” zone. The applied use was considered not incompatible with the surrounding land uses mainly comprising a mix of village houses, open storage yards, vehicle parks and unused/vacant land. 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.

163. In response to a Member's enquiry, Mr Alan Y.L. Au, STP/TMYLW, said that there was a government water mains maintained by the Water Supplies Department within the site and the applicant would be reminded to avoid damaging the said water mains.

Deliberation Session

164. The Secretary reported that an individual had submitted a comment outside the statutory publication period, raising queries on whether the site notice for the subject

application was properly posted at the village notice board and expressed concerns on the lack of land for festive and other events if the application was approved. The Committee agreed that public comment submitted outside the statutory publication period should be treated as not having been made, however, the issues raised by the individual on village/local matters should be referred to the relevant District Officer for follow-up, as appropriate.

165. After deliberation, the Committee decided to approve the application on a temporary basis for a period of three years until 22.9.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation for the real estate agency between 8:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no vehicle without valid licences issued under the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on the Site at any time during the planning approval period;
- (c) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (d) a notice should be posted at a prominent location of the Site at all times to indicate that only private car and light goods vehicles not exceeding 5.5 tonnes, as defined in the Road Traffic Ordinance, is allowed to be parked on the Site, as proposed by the applicant, at any time during the planning approval period;
- (e) no open storage activity, as proposed by the applicant, is allowed on the Site at any time during the planning approval period;
- (f) no vehicle repairing, dismantling, or other workshop activities, as proposed by the applicant, is allowed on the Site at any time during the planning approval period;

approval period;

- (g) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (h) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (i) the submission of records of the existing drainage facilities on the Site and the existing natural stream course within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.12.2017;
- (j) the implementation of the accepted 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 22.3.2018;
- (k) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.3.2018;
- (l) in relation to (k) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.6.2018;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (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.”

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

Agenda Item 46

Section 16 Application

[Open Meeting]

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

167. The Secretary reported that T.K. Tsui & Associates Ltd. (TKT) was one of the consultants of the applicant and Mr Alex T.H. Lai had declared an interest on the item for his firm having current business dealings with TKT. The Committee noted that Mr Lai had already left the meeting.

168. The Committee noted that the applicant’s representative requested on 14.9.2017 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 third time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information including revised development schedule, revised Traffic Impact Assessment and carparking and loading/unloading space, and revised landscape and floor plans to address departmental comments.

169. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its

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

Agenda Item 47

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL/233 Proposed Temporary Shop and Services (Real Estate Agency, Book Shop and Ancillary Site Office) for a Period of Six Years in "Open Space" Zone, Lots 4581 S.A (Part) and 4581 RP (Part) in D.D. 116, Tai Kei Leng, Yuen Long

(RNTPC Paper No. A/YL/233)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the proposed temporary shop and services (real estate agency, book shop and ancillary site office) for a period of six years;

- (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 was received from an individual objecting to the application. Major objection grounds 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 the proposed temporary shop and services use was not in line with the planning intention for the “Open Space” (“O”) zone, it could provide real estate agency and book shop services to serve any such demand in the area. The Director of Leisure and Cultural Services advised that there was no plan to develop the site into public open space at the moment. Approval of the application on a temporary basis would not jeopardise the long-term planning intention for the subject “O” zone. The applied use and the development scale were not incompatible with the surrounding uses which were predominantly residential uses intermixed with open storage/storage yards, vehicle parks, car services and property agency. Other concerned government departments had no objection to or no adverse comment on the application. Regarding the public comment, comments of concerned department and the planning assessments above were relevant.

171. In response to a Member's enquiry, the Secretary explained that the proposed shop and services use was a Column 2 use in the “O” zone. Although permanent use of the site for shop and services use might be permitted by the Committee upon application, the applicant only sought a temporary approval of 6 years.

Deliberation Session

172. After deliberation, the Committee decided to approve the application on a temporary basis for a period of six years until 22.9.2023, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 8:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;

- (b) the submission of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.3.2018;
- (c) in relation to (b) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.6.2018;
- (d) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.3.2018;
- (e) in relation to (d) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.6.2018;
- (f) in relation to (e) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (g) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.3.2018;
- (h) in relation to (g) above, the implementation of the fire service installation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.6.2018;
- (i) if any of the above planning conditions (a) 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;
- (j) if any of the above planning conditions (b), (c), (d), (e), (g) or (h) is not complied with by the specified date, the approval hereby given shall cease

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

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

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

[The Chairman thanked Ms Stella Y. Ng and Mr Alan Y.L. Au, STPs/TMYLW, and Mr Kris W.K. Leung, TP/TMYLW, for their attendance to answer Members’ enquiries. They left the meeting at this point.]

Agenda Item 48

Any Other Business

174. The Secretary reported that a Member had made suggestions on the following aspects:

- (a) to explore the possibility of using artificial intelligence to aid the approval process; and
- (b) to consider adopting measures to discourage repeated applications that were non-conforming with the ‘Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories’.

175. The Committee noted the suggestions and the Chairman remarked that views and suggestions on measures that could facilitate the Committee to conduct its business were welcomed.

176. A Member suggested that for deferral cases, the number of times that the applicant had sought deferment should be indicated on the agenda for easy reference. The Secretary said that currently the relevant information was indicated in the papers and the suggestion from the Member would be followed up by the Secretariat.

177. There being no other business, the meeting closed at 6:30 p.m..