

## **TOWN PLANNING BOARD**

### **Minutes of 546<sup>th</sup> Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 4.12.2015**

#### **Present**

Director of Planning  
Mr K.K. Ling

Chairman

Professor S.C. Wong

Vice-chairman

Professor Eddie C.M. Hui

Ms Anita W.T. Ma

Professor K.C. Chau

Mr Ivan C.S. Fu

Mr Lincoln L.H. Huang

Mr H.F. Leung

Mr F.C. Chan

Mr Philip S.L. Kan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Chief Traffic Engineer/New Territories West,  
Transport Department  
Mr Kelvin K.M. Siu

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

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

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

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

Secretary

**Absent with Apologies**

Dr C.P. Lau

Dr W.K. Yau

Ms Janice W.M. Lai

Ms Christina M. Lee

**In Attendance**

Assistant Director of Planning/Board  
Ms Lily Y.M. Yam

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

**Agenda Item 1**

Confirmation of the Draft Minutes of the 545<sup>th</sup> RNTPC Meeting held on 20.11.2015

[Open Meeting]

1. The draft minutes of the 545<sup>th</sup> RNTPC meeting held on 20.11.2015 were confirmed without amendments.

[Mr Edwin W.K. Chan arrived to join the meeting at this point.]

**Agenda Item 2**

Matters Arising

[Open Meeting]

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

## **Sai Kung and Islands District**

[Ms S.H. Lam, Senior Town Planner/Sai Kung and Islands (STP/SKIs), was invited to the meeting at this point.]

### **Agenda Item 3**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/I-LWKS/1            Proposed 8 Houses (New Territories Exempted Houses) in  
                                 “Agriculture” zone, Lot 129 in D.D. 311, Lower Keung Shan Village,  
                                 Lantau Island  
                                 (RNTPC Paper No. A/I-LWKS/1)

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

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

- (a)    background to the application;
- (b)    the proposed eight houses (New Territories Exempted Houses) (NTEHs);
- (c)    departmental comments – departmental comments were set out in paragraph 8 of the Paper which were summarized as follows:
  - (i)    the District Lands Officer/Island, Lands Department (DLO/Is, Lands D) objected to the application as the site fell outside the village ‘environs’ (‘VE’) of recognized village Lower Keung Shan Village and an application for land exchange to permit the proposed NTEHs, which fell outside Small House Policy, would not be entertained;

- (ii) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural development point of view as part of the site was used for agricultural activities and part of the site was overgrown with vegetation and possessed potential for agricultural rehabilitation. DAFC had reservation on the application from nature conservation perspective as the site was near a watercourse and access to the site needed to go through a vegetated area. However, there was no information on the potential impacts on the watercourse and trees due to the proposed development;

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

- (iii) 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 be greatly incompatible with the rural environment of the area. Moreover, the provision of vehicular access for the proposed development might generate adverse landscape impact beyond the site;
  - (iv) the Commissioner for Transport (C for T) had reservation on the application and advised that such type of house development should be confined within the “Village Type Development” (“V”) zone as far as possible. Approval of the application would set an undesirable precedent for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial. However, the construction of eight NTEHs could be tolerated; and
  - (v) other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, 15 public comments were received from an Islands District Council Member Mr. Yu Hon-kwan, Tai O Rural Committee, Kadoorie Farm and Botanic Garden

Corporation, Association for Tai O Environment and Development, the Conservancy Association, World Wide Fund for Nature Hong Kong, Hong Kong Bird Watching Society, Designing Hong Kong Limited and individuals. Except Mr. Yu Hon-kwan who stated that clarifications should be obtained from the applicant on the details of the development and requested to extend the consultation period, the remaining 14 public comments objected to the application mainly on the grounds of departure from the planning intention of the “Agriculture” (“AGR”) zone and the adverse impact on nearby stream and the surrounding natural environment; the development would lead to a direct loss of arable land; the construction works and the provision of access road and water pipes needed to go through the “AGR” or “Green Belt” zone, which would cause damage to the surrounding landscape; the proposed development was incompatible with the environment of the area for Buddhist and prayers; and the approval of the application would set an undesirable precedent for similar applications. No local objection/view was received by the District Officer (Islands); and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 10 of the Paper. The proposed development of eight NTEHs was not in line with the planning intention of the “AGR” zone. Part of the site was used for agricultural activities and part of it processed potential for agricultural rehabilitation. DAFC did not support, while CTP/UD&L, PlanD and C for T had some reservations on the application. The proposed development would be greatly incompatible with the character of the area and the provision of vehicular access from the proposed development might generate adverse landscape impact beyond the site. DLO/Is, LandsD did not support the application as the site fell entirely outside the ‘VE’ of Lower Keung Shan Village and was located away from the village cluster. There was no similar application approved in the vicinity of the site. Approval of the application would set an undesirable precedent and encourage other similar applications for NTEH spreading into the “AGR” zone. The cumulative effect of approving such similar applications would

result in reduction of agricultural land and a general degradation of the rural environment of the area. Regarding the public comments, the planning assessment and government departments' comments above were relevant.

4. Members had no question on the application.

#### Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is primarily to retain and safeguard good quality agricultural land/farm for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No planning justification has been provided in the submission for a departure from the planning intention;
- (b) there is no information in the submission to demonstrate that the proposed development would not generate adverse landscape impacts on the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would result in reduction of agricultural land and a general degradation of the rural environment of the area.”

[The Chairman thanked Ms S.H. Lam, STP/SKIs, for her attendance to answer Members' enquiries. Ms Lam left the meeting at this point.]

**Agenda Item 4**

**Section 16 Application**

[Open Meeting]

A/SK-HC/248                      Temporary Film Studio for a Period of 3 Years in “Green Belt” and “Recreation” zones, Lots 287 (Part), 288 (Part), 289S.A, 289RP, 295, 299, 309(Part), 815(Part) in D.D. 247 and adjoining Government land, Ho Chung, Sai Kung  
(RNTPC Paper No. A/SK-HC/248)

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6.            The Secretary reported that the site was located at Ho Chung, Sai Kung. Ms Janice W.M. Lai had declared an interest on the item as her spouse owned a shop in Sai Kung. The Committee noted that Ms Janice W.M. Lai had tendered apologies for being unable to attend the meeting.

7.            The Committee noted that on 26.11.2015, the applicant’s representative requested for deferment of the consideration of the application for one month so as to allow time for preparation of further information to address the comments of relevant government departments. This was the first time that the applicant requested for deferment of the application.

8.            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.

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

**Agenda Items 5 and 6**

Section 16 Applications

[Open Meeting]

A/DPA/NE-TT/56 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lot 457 S.B in D.D. 289, Ko Tong, Tai Po

A/DPA/NE-TT/57 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 456 S.A and 457 S.A in D.D. 289, Ko Tong, Tai Po  
(RNTPC Paper No. A/DPA/NE-TT/56 and 57B)

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9. The Secretary reported that the two section 16 applications for proposed house (New Territories Exempted House - Small House) were similar in nature and the application sites were located in close proximity to each other and within the same “Unspecified Use” area and presented in one paper. The Committee agreed that the applications should be considered together.

10. The Committee noted that the applicants’ representative requested on 20.11.2015 for further deferment of the consideration of the applications for two months to prepare further information in response to the comments of the relevant government departments. This was the applicants’ third request for deferment.

11. 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. Since it was the third deferment of the applicaitons, the Committee agreed to

advise the applicants that the Committee had allowed a total of six months including the previous deferments for preparation of submission of further information and this was the last deferment and no further deferment would be granted.

[Mr Lincoln L.H. Huang arrived to join the meeting at this point.]

### **Agenda Item 7**

#### **Section 16 Application**

[Open Meeting]

A/DPA/NE-TT/59      Proposed House (New Territories Exempted House - Small House) in  
“Unspecified Use” Area, Lot 476 S.B ss.3 in D.D. 289, Ko Tong, Tai  
Po  
(RNTPC Paper No. A/DPA/NE-TT/59)

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12.            The Committee noted that the applicant’s representative requested on 18.11.2015 for further deferment of the consideration of the application for two months due to the need of additional time for preparation of further information in response to the comments and concerns of the Chief Town Planner/Urban Design and Landscape, Planning Department. This was the applicant’s third request for deferment.

13.            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 of the applicaiton, the Committee agreed to advise the applicant that the Committee had allowed a total of six months including the previous deferments for preparation of submission of further information and this was the last deferment and no further deferment would be granted.

**Agenda Items 8 and 9**

**Section 16 Applications**

[Open Meeting]

A/DPA/NE-TT/67 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 79 S.F, 80 S.A, 82 S.A and 83 S.A in D.D. 292, Tai Tan, Tai Po

A/DPA/NE-TT/68 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 79 S.D, 82 S.C and 83 S.B in D.D. 292, Tai Tan, Tai Po

(RNTPC Paper No. A/DPA/NE-TT/67 and 68)

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14. The Secretary reported that the two section 16 applications for proposed house (New Territories Exempted House - Small House) were similar in nature and the application sites were located in close proximity to each other and within the same “Unspecified Use” area and presented in one paper. The Committee agreed that the applications should be considered together.

15. The Committee noted that the applicants’ representative requested on 17.11.2015 for deferment of the consideration of the applications for two months so as to allow time for preparation of further information (including plans and reports) to address the comments of relevant government departments. This was the first time that the applicants requested for deferment of the applications.

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

circumstances.

[Mr C.T. Lau, Senior Town Planner/Shan Tin, Tai Po and North (STP/STN), was invited to the meeting at this point.]

### **Agenda Item 10**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/544            Proposed Temporary Private Vehicle Park (Private Cars and Light Goods Vehicles only) for a Period of 3 Years in “Agriculture” and Village Type Development” zones, Lot 701 RP (Part) in D.D. 19, She Shan Tsuen, Tai Po  
  
(RNTPC Paper No. A/NE-LT/544)

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17.            The Committee noted that replacement page 6 of the Paper had been dispatched to Members on 3.12.2015.

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

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

- (a) background to the application;
- (b) the proposed temporary private 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 which were summarised as follows:
  - (i) the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) did not support the application as the proposed

run-in/run-out of the car park would encroach onto the adjoining lot, namely Lot No. 696 RP in D.D. 19 and part of the allocation site, namely STLA No. 1380 allocated to Chief Engineer/Project Management, Drainage Services Department (CE/PM of DSD) up to 28.8.2017 for a drainage project, i.e. PWP Item No. 4332DS – Lam Tsuen Valley Sewerage Village Sewerage at She Shan (Remaining Part), San Tong, Wo Liu, Chak Kek & Ng Tung Chai, Tai Po. The applicants had no right to use other private lot and DSD's STLA site as run-in/run-out;

- (ii) the Commissioner for Transport (C for T) did not support the application from traffic engineering point of view. The proposed access connecting the site and She Shan Road was an unplanned one. As the proposed access encroached onto government land, the procedure under Cap. 370 Roads (Works, Use and Compensation) Ordinance might need to be considered. The proposed access was located at an existing passing-bay and rendered it not desirable from traffic engineering point of view. The DSD's contractor was currently using part of the applicant's proposed vehicular access for construction of the pumping station and CE/PM of DSD had been alerted that such arrangement, even for a temporary access, was undesirable and should be rectified to the satisfaction of the Transport Department;
- (iii) the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE of HyD) commented that the proposal affected slope feature No. 7NW-A/F100 and Lamppost no. EB5954 maintained by HyD. Moreover, the vehicular access encroached onto a passing-bay which might affect the operation of She Shan Road maintained by HyD;
- (iv) 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 as the car park

encroached upon the subject “Agriculture” (“AGR”) zone which was of good landscape quality. Approval of the application might set an undesirable precedent and encourage more development into “AGR” zone, altering the landscape character of the “AGR” zone. The car park should be confined within the “Village Type Development” zone; and

- (v) 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 itself had high potential for rehabilitation of agricultural activities. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication periods, eight public comments were received. One public comment from Lam Tsuen Valley Committee supported the application mainly for lack of parking spaces in the village. Seven public comments, including two from World Wide Fund For Nature Hong Kong, Green Power, two from Designing Hong Kong Limited and two individuals objected to the application mainly on the grounds of being not in line with the planning intention of “Village Type Development” (“V”) and “AGR” zones; adverse impacts on traffic, landscape, ecology and environment, flood risk management and integrity of the Site of Special Scientific Interest; vegetation clearance and suspected ‘destroy first, build later’ situation; and setting an undesirable precedent for similar applications. No local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The site was partly zoned “V” (about 93%) and partly zoned “AGR” (about 7%). The proposed development was not in line with the planning intention of the “V” zone and that of the “AGR” zone. DLO/TP, LandsD and DAFC did not support, while CTP/UD&L, PlanD had reservation on

the application. C for T did not support the application from traffic engineering point of view and the drainage proposal submitted had not been accepted by CE/MN of DSD. A similar application (No. A/NE-LT/511) for a private vehicle park within the same “V” zone located to the south of the site across She Shan Road was rejected by the Committee on 8.8.2014. Approval of the application would set an undesirable precedent and encourage more development into the “AGR” zone altering the landscape character of the area. There was no strong planning justification in the submission for a departure for the planning intentions, even on a temporary basis. Regarding the public comments, the planning assessment and comments of government departments above were relevant.

19. The Chairman asked whether there were any justifications provided by the applicant for including a small portion of area zoned “AGR” in the application site. In response, Mr C.T. Lau, STP/STN said that the applicant had not provided any such information. That small piece of land was likely to be owned by ‘Tso Tong’.

20. The Chairman asked whether the main concern of departments was on the run-in/run-out of the proposed car park and whether approval condition could be imposed to address the concern. Mr C.T. Lau said that the proposed access of the car park would encroach upon an existing passing-bay and render it not desirable from traffic engineering point of view. In addition, DSD’s contractor was currently using part of the applicant’s proposed vehicular access for construction of the pumping station adjacent to the site. TD, whilst noting that the current access arrangement for the construction site of the pumping station was temporary in nature, considered it undesirable from traffic perspective to have two accesses located in close proximity to each other if the application was approved by the Committee. Mr Lau said that the technical concern with regard to the run-in/out of the proposed car park could be addressed upon the completion of the DSD’s sewerage project in 2016 when the traffic situation in the area could be ascertained at that time.

#### Deliberation Session

21. The Chairman was concerned that there were unauthorized parking spaces along

She Shan Road as shown on the aerial photo. He considered that if the traffic issue could be addressed, the proposed temporary car park could relieve the car parking problem. Members generally concurred with the Chairman's view and agreed that Planning Department could relay to the applicant that sympathetic consideration might be given to the application if the technical concern of the run-in/out of the proposed car park could be addressed and the small area zoned "AGR" be excluded from the application site.

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

- “(a) the proposed temporary private car park is not in line with the planning intention of the “Village Type Development” zone for the area which is primarily intended for development of Small Houses by indigenous villagers. It is also not in line with the planning intention of the “Agriculture” zone for the 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 such planning intentions, even on a temporary basis; and
- (b) the proposed vehicular access for the car park located at the existing passing-bay at She Shan Road is not acceptable from traffic engineering point of view.”

### **Agenda Item 11**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/554                      Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” zone, Lots 298 S.B ss.1 RP and 298 S.B ss.2 in D.D. 8,  
Tai Mong Che Village, Tai Po  
(RNTPC Paper No. A/NE-LT/554)

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23. The Committee noted that replacement pages 8 and 9 of the Paper had been dispatched to Members on 3.12.2015.

#### Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V 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 at the site and in its vicinity. The Commissioner for Transport (C for T) had reservation on the application and advised that Small House development should be confined within the “Village Type Development” (“V”) zone as far as possible. Approval of the application would set an undesirable precedent for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial. However, the construction of one Small House could be tolerated. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservations on the application as there was a tendency for village house development spreading outside the “V” zone of Tai Mong Che and approval of the application might encourage more similar applications resulting in the change of landscape character in the surrounding area. Significant impact on landscape was anticipated. Other concerned departments had no objection to or no adverse comments on the application;

- (d) during the first three weeks of the statutory publication period, three public comments were received. Green Sense, Designing Hong Kong Limited and an individual objected to the application mainly on the grounds of being not in line with the planning intention of “Agriculture” (“AGR”) zone; no impact assessment had been submitted; land was still available within the “V” zone in the vicinity; and adverse traffic, visual, landscape and environmental impacts. No local objection/view was received by the District Officer (Tai Po); and
  
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed development was not in line with the planning intention of the “AGR” zone. Land was still available within the “V” zone of Tai Mong Che and Ma Po Mei for Small House development and capable to meet the outstanding Small House applications. It was considered more appropriate to concentrate the proposed Small House development within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services. DAFC did not support, while CTP/UD&L, PlanD and C for T had reservation on the application. The site fell within the upper indirect water gathering ground. Both Chief Engineer/Construction of Water Supplies Department and Director of Environmental Protection had no objection to the application provided that the applicant would connect the proposed Small House to the public sewer. The previous application No. (A/NE-LT/536) for the same use was rejected by the Committee on 8.5.2015, and nine similar applications within the same “AGR” zone were rejected by the Committee/the Town Planning Board upon review since the first promulgation of the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in 2000. Approval of the application might encourage more similar applications resulting in the change of landscape character in the surrounding area. Regarding the public comments, the planning assessments and comments of government departments above were relevant.

25. Members had no question on the application.

### Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone for the area which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification provided in the submission for a departure from the planning intention; and
- (b) land is still available within the “Village Type Development” (“V”) zone of Tai Mong Che and Ma Po Mei 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 12

#### Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/555      Proposed Public Vehicle Park (Excluding Container Vehicle) in “Government, Institution or Community” and “Green Belt” zones, Government Land abutting Lam Tsuen Heung Kung Sho Road in D.D. 16, Fong Ma Po Village, Lam Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/555)

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27. The Secretary reported that the application was submitted by the Home Affairs

Department (HAD). AECOM Asia Co. Ltd. (AECOM) and MVA Hong Kong Ltd. (MVA) were two of the consultants of the applicant. The following Members had declared interests on the item:

- |                     |   |   |
|---------------------|---|---|
| Mr Martin W.C. Kwan | - | being the Chief Engineer (Works) of HAD   |
| Mr Ivan C.S. Fu     | - | having current business dealings with AECOM and MVA   |
| Ms Janice W.M. Lai  | - | having current business dealings with AECOM   |
| Professor S.C. Wong | - | having current business dealings with AECOM and being the Chair Professor and Head of Department of Civil Engineering of the University of Hong Kong where AECOM had sponsored some activities of the Department before |

28. The Committee noted that Ms Janice W.M. Lai had tendered apologies for being unable to attend the meeting. Since the interest of Mr Martin W.C. Kwan was direct, the Committee agreed that he should be invited to leave the meeting temporarily for the item. As Mr Ivan C.S. Fu and Professor S.C. Wong had no involvement in the application, Members agreed that they should be allowed to stay in the meeting.

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

#### Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed public vehicle park (excluding container vehicle);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. Concerned departments had no

objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, five public comments were received from the individuals. They objected to the application mainly on the grounds of being not in line with the planning intention of “Green Belt” (“GB”) zone; adverse traffic impact; and setting an undesirable precedent for other developments in the “GB” zone; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The site was partly zoned “Government, Institution or Community” (“G/IC”) (about 65%) and partly zoned “GB” (about 35%). Although the proposed public car park was not in line with the planning intention of the “GB” zone, it was considered compatible with the rural character of the surrounding area. It would help facilitate the Signature Project Scheme (SPS) by Tai Po District Council to further improve the tourist facilities at Lam Tsuen Wishing Square by accommodating an anticipated increase of traffic and visitors influx. The proposed public vehicle park would serve local residents, and visitors to the area and the recreational facilities nearby. The application was generally in line with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ (TPB PG-No. 10) in that the proposed development would not involve extensive clearance of existing natural vegetation, and would not overstrain the capacity of existing and planned infrastructure such as sewerage, road and water supply. Part of the site was the subject of a previous application (No. A/NE-LT/384) submitted by the same applicant for the same use approved by the Committee in 2008. There was no major change in planning circumstances since the approval of the application. Regarding the public comments, the planning assessment and comments of government departments above were relevant.

30. A Member asked whether enforcement action could be taken if there were container vehicles parked in the car park, should planning permission be granted. In

response, Mr C.T. Lau, STP/STN said that the Home Affairs Department (HAD) would take charge of and monitor the operation of the public vehicle park if the application was approved by the Committee. By referring to Drawing A-2 of the Paper, Mr C.T. Lau said that the applicant had submitted a layout indicating that there would be around 100 parking spaces for private vehicles which would nearly occupy the entire site leaving no room for parking of heavy vehicles. To address the concern of the Member, the Chairman said that when granting the short term tenancy to the applicant for public vehicle park, District Lands Officer/Tai Po, Lands Department could clearly indicate in the terms of condition that no container vehicles should be parked at the site. Mr Edwin W.K. Chan, Assistant Director/Regional 3, Lands Department supplemented that the restriction on parking of container vehicles could be clearly reflected in the land allocation to HAD.

31. A Member asked what the views of the local residents and community towards the proposed car park were, having noted that there were a lot of cultural events and activities throughout the years in Lam Tsuen as shown on Table 2 in Appendix I of the Paper. Mr C.T. Lau said that Tai Po District Council (TPDC) was consulted on the proposal and gave its support as the public vehicle park would further improve tourist facilities at Lam Tsuen Wishing Square. In response to the Chairman's enquiry on the public comments received, Mr C.T. Lau said that the commenters were not locals living in Lam Tsuen. The Chairman remarked that a proper public vehicle park could help support the local functions and facilitate traffic management in the area.

32. In response to a Member's question, Mr C.T. Lau clarified that the area to the immediate north of the site was currently used for parking of vehicles while land to its further north was densely vegetated.

#### Deliberation Session

33. 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 4.12.2019, 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 design and provision of vehicular ingress/egress and car parking and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (d) the submission and implementation of preventive measures against water pollution within the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB; and
- (e) should pollution be detected due to the vehicle park use, the vehicle park shall immediately be closed pending implementation of remedial measures by the applicant to the satisfaction of the Director of Water Supplies.”

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

[Mr Martin W.C. Kwan returned to join the meeting at this point.]

### **Agenda Items 13 and 14**

#### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/561            Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lots 672 S.G RP, 672 S.H ss.1, 673 S.A RP, 673 S.B, 674 S.A ss.1 and 674 S.A ss.2 in D.D.15, Shan Liu Village, Tai Po (RNTPC Paper No. A/NE-TK/561)

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A/NE-TK/562 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lots 672 S.F ss.1, 672 S.G ss.1, 672 S.J, 673 S.A ss.1 in D.D.15 and adjoining Government Land, Shan Liu Village, Tai Po  
(RNTPC Paper No. A/NE-TK/562)

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35. The Secretary reported that the two section 16 applications for proposed house (New Territories Exempted House - Small House) were similar in nature and the application sites were located adjacent to each other and within the same “Agriculture” (“AGR”) zone, the Committee agreed that they could be considered together.

#### Presentation and Question Sessions

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

- (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 V of the Papers. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the two applications from agricultural point of view as the sites had high potential for rehabilitation of agricultural activities. The Commissioner for Transport (C for T) had reservation on the two applications and considered that Small House developments should be confined within the “Village Type Development (“V”) zone as far as possible. Nonetheless, the construction of the two Small Houses could be tolerated. Other concerned departments had no objection to or no adverse comments on the applications;
- (d) during the first three weeks of the statutory publication period, three public comments were received for each application. Designing Hong Kong

Limited, World Wide Fund for Nature Hong Kong and an individual objected to the applications mainly for reasons of being not in line with the planning intention of the “Agriculture” (“AGR”) zone; vegetation clearance and suspected ‘develop first, build later’ situation; no impact assessments had been conducted; and adverse traffic, fire safety, drainage, landscape, sewerage and environmental impacts. No local objection/view was received by the District Officer (Tai Po); and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments set out in paragraph 11 of the Papers. Although there was sufficient land available within the “V” zone of Shan Liu to meet the outstanding Small House applications, it could not fully meet the future Small House demand. The applications generally met the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria) in that more than 50% of the footprint of each of the proposed Small Houses fell within the village ‘environs’ (‘VE’) of Shan Liu and the proposed Small Houses within water gathering ground (WGG) would be able to be connected to the planned sewerage system in the area. The sites situated at the eastern fringe of the ‘VE’ of Shan Liu were abandoned agricultural land covered with weeds and had no significant vegetation. Since the approval of three previous planning applications (No. A/NE-TK/423, 463 and 474) by the Committee in 2013, there was no major change in circumstances of the sites. Also, given that 22 similar applications in the same “AGR” zone in the vicinity of the sites were approved by the Committee between 2010 and 2015, approval of the applications would be in line with the Committee’s previous decisions. Regarding the public comments, the planning assessment and comments of government departments above were relevant.

37. The Chairman asked DPO to brief Members on the “V” zone extension of Shan Liu and the planning considerations for drawing up the boundary of the expanded “V” zone, which did not coincide with that of the ‘VE’ of Shan Liu. Mr C. T. Lau, STP/STN, said that the amendment for extending the “V” zone of Shan Liu was gazetted about a year ago. The extension was up to the demarcation line between the upper/lower indirect water

gathering ground (WGG) as the Water Supplies Department (WSD) did not support any extension of the “V” zone into the lower indirect WGG due to the concern on water quality in the WGG. However, WSD had no objection to consider proposed Small House developments within the lower indirect WGG on a case by case basis through the planning application mechanism. In the concerned strip of “AGR” zone sandwiched between the “V” zone and ‘VE’, quite a number of Small House applications had been approved by the Committee before.

38. A Member asked why approved Small House applications shown on Plan A-2b could not be identified on the aerial photo (i.e. Plan A-3) of the Paper. Mr C.T. Lau explained that whilst many Small House applications had been approved by the Committee in the area before, no Small House had been developed yet as the Lands Department is still processing the Small House grant applications.

39. In response to a Member’s question, Mr C.T. Lau, by referring to the aerial photo of the Paper, said that the vegetation to the south of the site had previously been removed but had gradually grown again. No land filling was however found at the sites.

#### Deliberation Session

40. The Chairman expressed concern that the “V” zone of Shan Liu had been expanded. There was land available within the “V” zone for Small House developments. Notwithstanding this, Small House applications outside the “V” zone were submitted for the Committee’s consideration. Members noted that there were Small House grant applications within and outside the “V” zone under processing by the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD). Some of them had obtained planning permissions granted by the Committee while some were not supported by LandsD under the New Territories Small House Policy as they were outside the ‘VE’ of Shan Liu.

41. A Member expressed concern that approval of the applications might set a precedent for similar applications in the “AGR” zone. By referring to Plan A-2b of the Paper, the Chairman drew Members’ attention that the Committee had previously approved quite a number of Small House applications in the vicinity of the current applications.

42. A Member wondered whether application No. A/NE-TK/561 should be approved as it appeared that a substantial portion of the Small House footprint fell outside the 'VE'. It was explained that more than 50% of the proposed Small House footprint would fall within the 'VE'.

43. A Member said that there might not be strong justification to reject the subject applications as they were in line with the Interim Criteria and there were a lot of similar applications approved in the vicinity of the sites. However, those Small House applications were approved when there was insufficient land available within the then "V" zone of Shan Liu to meet the Small House demand. With the expansion of the subject "V" zone, the Member cast doubts on whether the two applications outside the "V" zone should be approved. The Chairman recapitulated that during the hearing of representations in respect of the Ting Kok Outline Zoning Plan (OZP), the Village Representative of Shan Liu Village had requested the Town Planning Board (the Board) to expand the boundary of "V" zone to coincide with the 'VE' of Shan Liu. Having taken into account WSD's objection to the expansion of "V" zone into the lower indirect WGG and WSD's views that the impact of each application on the WGG would be assessed on a case-by-case basis, the Board considered that no amendment should be made to the draft OZP to meet the representations.

44. The Chairman continued to say that the outstanding Small House applications for Shan Liu Village was 43 and the 10-year Small House demand forecast was 250 while land available within the "V" zone could accommodate about 54 Small House sites but would not be able to meet the long-term Small House demand. In considering the applications, Members might focus on whether the applications, which fell within the narrow strip of "AGR" land sandwiched between the "V" zone and the 'VE' of Shan Liu and would literally form a village expansion area, was acceptable and whether the Small Houses could be connected to the public sewerage system.

45. The Secretary supplemented for Members' information that the draft Ting Kok OZP No. S/NE-TK/18, incorporating amendments to extend the "V" zone of Shan Liu, was exhibited for public inspection under section 5 of the Town Planning Ordinance on 9.1.2015. Apart from the subject planning applications which were received on 17.8.2015, the last planning applications for Small House development was considered by the Committee on 2.1.2015.

46. A Member had no objection to approve the two planning applications as only a small strip of “AGR” land would be left in between the “V” zone and ‘VE’ for future similar applications. However, he cautioned that no further planning approval should be granted for Small House applications within the larger “AGR” zone. The Chairman remarked that planning applications for Small House development totally falling outside the ‘VE’ would not be supported in accordance with the Interim Criteria.

47. Two other Members were concerned about the precedent effect of approving the applications, given that the “V” zone of Shan Liu had been expanded to accommodate Small House developments. The Vice-chairman, having noted that the two previous applications No. A/NE-TK/423 and 463 covering the current applications were still valid until 2017, considered that the two applications could be approved. However, future applications within the larger “AGR” zone beyond the ‘VE’ of Shan Liu should not be approved. The Chairman said that Planning Department could be requested to convey Members’ view of not approving similar applications within the larger “AGR” zone to the prospective applicants, where opportunity arises.

48. 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 4.12.2019, 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 submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and

- (d) the provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.”

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

### **Agenda Item 15**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/566            Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years in “Village Type Development” zone, Government Land to the South of Lots 944 and 945 in D.D. 28, Wong Chu Tsuen, Tai Mei Tuk, Tai Po  
(RNTPC Paper No. A/NE-TK/566)

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

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

- (a) background to the application;
- (b) the temporary eating place (outside seating accommodation of a restaurant) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or no adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by

the District Officer (Tai Po); and

- (e) the Planning Department (PlanD)'s views – PlanD 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 temporary use was not in line with the planning intention of the “Village Type Development” (“V”) zone, it would not frustrate the long-term planning intention of the “V” zone and not adversely affect the land availability for village type development. District Lands Officer/Tai Po, Lands Department advised that there was at present no Small House application at the site. The applied temporary use was considered not incompatible with its surrounding uses which mainly comprised recreational facilities and village houses, where some of the ground floor had been used for restaurant use and the adjacent open areas for Outside Seating Accommodations (OSA). The OSA under application with an area of about 99.5m<sup>2</sup> was relatively small in scale and was not anticipated to cause significant adverse impacts on the surrounding areas. Concerned departments had no objection to or no adverse comments on the application. The technical concerns raised by concerned government departments could be addressed by approval conditions as recommended. The OSA under application was generally in line with the Town Planning Board Guidelines for ‘Application for Eating Place within “V” zone in Rural Areas under section 16 of the Town Planning Ordinance’ (TPB PG-No. 15A). Since the last planning approval under application No. A/NE-TK/532 was revoked due to non compliance with approval condition on the submission of proposal for fire service installation, shorter compliance periods were recommended to closely monitor the situation. There were a number of similar approved applications in the vicinity of the site.

50. Members had no question on the application.

#### Deliberation Session

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

temporary basis for a period of 3 years until 4.12.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 10:00pm and 11:00am, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) the provision of a clearance of 1.5m from the edge of the drainage channel;
- (c) no structure or support for any structure shall be erected within the area of drainage reserve;
- (d) the submission of drainage proposal within 3 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.3.2016;
- (e) in relation to (d) above, the implementation of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.6.2016;
- (f) the submission of proposal for fire service installations (FSIs) within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.3.2016;
- (g) in relation to (f) above, the provision of FSIs within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.6.2016;
- (h) if any of the above planning conditions (a), (b) or (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (i) if any of the above planning conditions (d), (e), (f) or (g) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and

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

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

[The Chairman thanked Mr C.T. Lau, STP/STN, for his attendance to answer Members’ enquiries. Mr Lau left the meeting at this point.]

### **Agenda Item 16**

#### **Section 16 Application**

[Open Meeting]

A/NE-LYT/582 Proposed School (International School) in “Government, Institution or Community” and “Green Belt” zones, Lots 2122RP (Part) and 1671 in D.D.83 and adjoining Government land in D.D.51 and D.D.83, Fanling (RNTPC Paper No. A/NE-LYT/582)

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53. The Secretary reported that Spence Robinson Lt Ltd. (SRLT) and Urbis Ltd. (Urbis) were two of the consultants of the applicant. Mr Ivan C.S. Fu and Ms Janice W.M. Lai had declared interests on the item as Mr Fu had current business dealings with Urbis while Ms Lai had current business dealings with SRLT and Urbis. The Committee noted that Ms Janice W.M. Lai had tendered apologies for being unable to attend the meeting. The Committee also noted that the applicant had requested for deferral of consideration of the application and agreed that Mr Ivan C.S. Fu should be allowed to stay in the meeting.

54. The Committee noted that on 18.11.2015, the applicant’s representative requested for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments of relevant government departments. This was the first time that the applicant requested for deferment of the application.

55. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that 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 17**

Section 16 Application

[Open Meeting]

A/NE-TKL/514 Proposed Temporary Open Storage (Construction Materials and Equipments and Tools) for a Period of 3 Years in "Agriculture" zone, Lot 1097 in D.D. 82, Ta Kwu Ling  
(RNTPC Paper No. A/NE-TKL/514)

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56. The Committee noted that the applicant's representative requested on 18.11.2015 for deferment of the consideration of the application for two months to allow time for the applicant to address the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department. This was the applicant's second request for deferment.

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

information. Since it was the second deferment of the application, the Committee agreed to advise the applicant that the Committee had allowed a total of four months for preparation of further submission, and no further deferment would be granted unless under very special circumstances.

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

**Agenda Item 18**

**Section 12A Application**

[Open Meeting]

Y/NE-KTS/6

Application for Amendment to the Approved Kwu Tung South Outline Zoning Plan No. S/NE-KTS/14, To rezone the application site from “Comprehensive Development Area”, “Recreation”, “Government, Institution or Community” and an area shown as ‘Road’ to “Comprehensive Development Area (1)”, Lots 884 RP, 887 S.C RP (Part), 888, 889 (Part), 891, 892, 893, 894, 895, 896, 897 RP (Part), 898 RP, 899, 900, 901 S.A RP, 901 RP, 929 S.C RP (Part), 930 RP, 931 (Part), 934 (Part), 935 S.A (Part) and 936 RP (Part) in D.D. 92 and Adjoining Government Land, Sheung Shui  
(RNTPC Paper No. Y/NE-KTS/6A)

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58. The Sectary reported that the application was submitted by Base One Limited, which was a subsidiary of Sun Hung Kai Properties Ltd. (SHK). Environ Hong Kong Ltd. (Environ) and MVA Hong Kong Ltd. (MVA) were two of the consultants of the applicant. The following Members had declared interests on the item:

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|--------------------|--|
| Mr Ivan C.S. Fu    | - having current business dealings with SHK, Environ and MVA |
| Ms Janice W.M. Lai | - having current business dealings with SHK and Environ      |

- Professor S.C. Wong - being the Chair Professor and Head of Department of Civil Engineering of the University of Hong Kong where SHK had sponsored some activities of the Department before
- Dr W.K. Yau - being an operation agent of a community building lighting and energy improvement project which had obtained sponsorship from SHK before
- Ms Christina M. Lee - being the Secretary - General of the Hong Kong Metropolitan Sports Events Association which had obtained sponsorship from SHK before

59. The Committee noted that Ms Janice W.M. Lai, Dr W.K. Yau and Christina M. Lee had tendered apologies for being unable to attend the meeting. The Committee also noted that the applicant had requested for deferral of consideration of the application. Since the interest of Mr Ivan C.S. Fu was direct, the Committee agreed that he could stay in the meeting but should refrain from participating in the discussion. As the interest of Professor S.C. Wong was indirect, the Committee agreed that he should be allowed to stay in the meeting.

60. The Committee noted that the applicant's representative requested on 26.11.2015 for further deferment of the consideration of the application for two months in order to allow time for preparing further information to address the comments of the Transport Department, Drainage Services Department and Environmental Protection Department on the revised Traffic Impact Assessment and Sewerage Impact Assessment respectively. This was the applicant's second request for deferment.

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

applicant that two months were allowed for preparation of the submission of the further information. Since it was the second deferment of the applicaiton, the Committee agreed to advise the applicant that the Committee had allowed a total of four months for preparation of further submission, and no further deferment would be granted unless under very special circumstances.

**Agenda Item 19**

**Section 12A Application**

[Open Meeting]

Y/YL-MP/3

Application for Amendment to the Approved Mai Po & Fairview Park Outline Zoning Plan No. S/YL-MP/6, To rezone the application site from “Recreation” and “Residential (Group C)” to Option 1 – “Residential (Group C) 1”, or Option 2 – “Other Specified Uses” annotated “Bike Kiosk and Eating Place” and “Residential (Group C) 1”, or Option 3 – “Residential (Group D)”., Lots 3054 S.A RP (Part), 3200 RP (Part), 3200 S.A RP, 3201 RP (Part), 3202 (Part), 3203 RP, 3204 RP, 3205 RP, 3156 RP, 3211 RP, 3212 RP, 3213 RP, 3214 S.A, 3214 S.B, 3215, 3216, 3217, 3218 RP (Part), 3250 S.B ss.23 RP (Part), 3250 S.B ss.33 RP (Part) in D.D. 104, and adjoining Government Land, Yuen Long  
(RNTPC Paper No. Y/YL-MP/3B)

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62. The application was submitted by Capital Chance Limited, which was a subsidiary of Sun Hung Kai Properties Ltd. (SHK). AECOM Asia Co. Ltd. (AECOM), Environ Hong Kong Ltd. (Environ) and Urbis Ltd. (Urbis) were three of the consultants of the applicant. The following Members had declared interests on the item:

Mr Ivan C.S. Fu

Ms Janice W.M. Lai

} having current business dealings with SHK, AECOM, Environ and Urbis

- Professor S.C. Wong
- having current business dealings with AECOM; and being the Chair Professor and Head of Department of Civil Engineering of the University of Hong Kong where SHK and AECOM had sponsored some activities of the Department before
- Dr W.K. Yau
- being an operation agent of a community building lighting and energy improvement project which had obtained sponsorship from SHK before
- Ms Christina M. Lee
- being the Secretary - General of the Hong Kong Metropolitan Sports Events Association which had obtained sponsorship from SHK before

63. The Committee noted that Ms Janice W.M. Lai, Dr W.K. Yau and Ms Christina M. Lee had tendered apologies for being unable to attend the meeting. The Committee also noted that the applicant had requested for deferral of consideration of the application. Since the interest of Mr Ivan C.S. Fu was direct, the Committee agreed that he could stay in the meeting but should refrain from participating in the discussion. As the interest of Professor S.C. Wong was indirect, the Committee agreed that he should be allowed to stay in the meeting.

64. The Committee noted that the applicant's representative requested on 5.11.2015 for further deferment of the consideration of the application for two months so as to allow time for preparation of responses to address the comments of the Civil Engineering and Development Department and Lands Department. This was the applicant's third request for deferment.

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

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

## **Agenda Item 20**

### **Section 16 Application**

[Open Meeting]

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

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66. The Secretary reported that Environ Hong Kong Ltd. (Environ) was one of the consultants of the applicant. Mr Ivan C.S. Fu and Ms Janice W.M. Lai had declared interests on the item as Mr Fu and Ms Lai had current business dealings with Environ. The Committee noted that Ms Janice W.M. Lai had tendered apologies for being unable to attend the meeting. The Committee also noted that the applicant had requested for deferral of consideration of the application and agreed that Mr Ivan C.S. Fu should be allowed to stay in the meeting.

67. The Committee noted that the applicant’s representative requested on 12.11.2015 for further deferment of the consideration of the application for two months in order to allow time for preparation of an updated traffic impact assessment taking into account of the traffic survey on, before and after Chung Yeung Festival to address the comments of the Transport Department and Environmental Protection Department. This was the applicant’s second request for deferment.

68. 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 of the application, the Committee agreed to advise the applicant that the Committee had allowed a total of four months for preparation of further submission, and no further deferment would be granted unless under very special circumstances.

[Mr Kevin C.P. Ng, Mr Kepler S.Y. Yuen and Mr K.T. Ng, Senior Town Planners/Fanling, Sheung Shui and Yuen Long East (STPs/FSYLE), were invited to the meeting at this point.]

## **Agenda Item 21**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/406      Temporary Social Welfare Facility (Private Residential Care Home for Persons with Disabilities) for a Period of 3 Years in "Agriculture" and "Village Type Development" zones, Lots 382 S.A, 382 S.B, 382 S.C, 382 S.D and 382 RP in D.D. 94, No. 752, 753 and 755 Hang Tau, Sheung Shui  
(RNTPC Paper No. A/NE-KTS/406)

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### **Presentation and Question Sessions**

69.      Mr Kevin C.P. Ng, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a)    background to the application;
- (b)    the temporary social welfare facility (private residential care home for persons with disabilities) for a period of 3 years;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, a total of two public comments were received from a villager of Hang Tau and a member of the general public. While the member of the general public offered views that the development could be approved on a permanent basis provided the development was not subject to local objections, the villager of Hang Tau objected to the application as there was doubt on the management of the development as residents of the residential care homes for persons with disabilities (RCHDs) had caused noise nuisances to surrounding villagers in the mid-night. The operator should ensure that the development would not cause safety concerns to the nearby villagers. There was also doubt if one of the village houses within the site was a legal structure, and there was insufficient provision of outdoor sitting-out area and shadings for residents of RCHDs;
- (e) the District Officer (North), Home Affairs Department (DO(N), HAD) had consulted the locals. The incumbent North District Council member had no comment on the application. The two Indigenous Inhabitant Representatives (IIRs) of Hang Tau had no comment on the application but provided additional views that some villagers had raised concerns on noise nuisances caused by the residents of RCHD on nearby villagers. The Chairman of the Sheung Shui District Rural Committee supported the application with additional view that the applicant should liaise with the village representatives and village office and be aware on the provision of sewerage and traffic arrangements, environmental hygiene and minimize nuisances to villagers; and
- (f) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set in paragraph 11 of the Paper. Although the applied use

was not in line with the planning intentions of the “Agriculture” (“AGR”) and “Village Type Development” (“V”) zones and there might not be sufficient land within the “V” zone to meet the Small House demand in Hang Tau Village, the applied use could nevertheless provide residential care home services to persons with disabilities. The RCHD with 75 beds within the existing New Territories Exempted Houses (NTEHs) was not incompatible with the surrounding areas which were predominantly rural in nature with domestic structures, active and fallow agricultural land and plant nurseries in the vicinity. As advised by Director of Social Welfare, the RCHD had been in service since March 2011. A licence or certificate of exemption (CoE) had been issued by Social Welfare Department to the applicant on 1.10.2014 while the planning permission was part of the conditions of CoE in order to allow the RCHD to continue providing services to persons with disabilities. The RCHD would not have significant adverse traffic, environmental, drainage, sewerage, fire safety and landscape impacts on the surrounding areas. Concerned government departments had no adverse comment on nor objection to the application. The technical concerns raised by concerned government departments could be addressed by approval conditions as recommended. As the previously approved application (No. A/NE-KTS/344) for the same applied use was revoked due to non-compliance with the approval condition on the implementation of proposal of emergency vehicular access arrangement, water supplies for fire fighting and fire service installations, shorter compliance periods were recommended to closely monitor the progress on compliance with approval conditions. Regarding the public comment, the planning assessment and comments of government departments above were relevant.

70. Members had no question on the application.

#### Deliberation Session

71. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.12.2018, on the terms of the application as

submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the implementation of accepted drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.6.2016;
- (b) the submission of tree preservation and landscape proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.3.2016;
- (c) in relation to (b) above, the implementation of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.6.2016;
- (d) the submission of proposals of emergency vehicular access arrangement, water supplies for fire fighting and fire service installations within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.3.2016;
- (e) in relation to (d) above, the implementation of proposals of emergency vehicular access arrangement, water supplies for fire fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.6.2016; and
- (f) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

**Agenda Item 22**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/492      Renewal of Planning Approval for Temporary Private Car Park for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 3307 RP (Part), 3308 RP (Part) , 3312 RP, 3313 RP, 4202 RP (Part) in D.D. 104 and Adjoining Government Land, Long Ha, San Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/492)

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**Presentation and Question Sessions**

73.      Mr Kepler S.Y. Yuen, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the renewal of planning approval for temporary private car park under previous application No. A/YL-KTN/393 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) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a further period of three years based on the assessments set out in paragraph 12 of the Paper. Since there was no known programme to implement the “Comprehensive Development Area” (“CDA”) zone, approval of the application on a temporary basis

would not frustrate the planning intention of the “CDA” zone. The development was considered not incompatible with the existing surrounding land uses which was rural in character and mixed with open storage/storage yards, parking lot, workshops, electrical tower, cultivated agricultural land, residential structures/dwellings and vacant/unused land. According to the applicant, the temporary private car park was for use of the applicant’s staff. The development was not expected to cause any significant adverse environmental impact on the surrounding area. The application was in line with the Town Planning Board Guidelines for ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’ (the TPB PG-No. 34B) in that there had been no major change in planning circumstance since the last planning approval under Application No. A/YL-KTN/393 for the same applied use in 2012 and all the approval conditions under the previous approval had been complied with. Concerned departments had no objection to or no adverse comment on the application. Sympathetic consideration could be given to the application.

74. Members had no question on the application.

#### Deliberation Session

75. After deliberation, the Committee decided to approve the application on a temporary basis for a further period of 3 years, and be renewed from 22.12.2015 until 21.12.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no vehicles without valid licences issued under the Road Traffic Ordinance is allowed to be parked/stored on the site at any time during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes as defined in the Road Traffic Ordinance or container trailers/tractors are allowed to be parked/stored on or enter/exit the site at any time during the planning

approval period;

- (c) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicles exceeding 5.5 tonnes as defined in the Road Traffic Ordinance or container trailers/tractors are allowed to be parked/stored on or enter/exit the site at all times during the planning approval period;
- (d) no vehicle 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) all existing trees and landscape plantings on the site shall be maintained at all times during the planning approval period;
- (f) the maintenance of the existing mitigation measures to minimize any possible nuisance of noise and artificial lighting on-site to the residents nearby at all times during the planning approval period;
- (g) the drainage facilities implemented on the site under Application No. A/YL-KTN/393 shall be maintained at all times during the planning approval period;
- (h) the submission of a record of the existing drainage facilities on the site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.3.2016;
- (i) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.6.2016;
- (j) in relation to (i) above, the provision of fire service installations within 9 months from the date of commencement of the renewed planning

approval to the satisfaction of the Director of Fire Services or of the TPB by 22.9.2016;

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

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

### **Agenda Item 23**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/326      Temporary Container Vehicle Park with Ancillary Facilities (Including Site Offices and Staff Rest Rooms) for a Period of 3 Years in “Open Storage” zone, Lots 2790 (Part), 2798 RP (Part), 2799 (Part), 2800, 2801 and Adjoining Government Land in D.D. 102, Kwu Tung Road, Ngau Tam Mei, Yuen Long  
(RNTPC Paper No. A/YL-NTM/326A)

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

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

- (a) background to the application;
- (b) the temporary container vehicle park with ancillary facilities (including site offices and staff rest rooms) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site (the closest one being about 30m away) and environmental nuisance was expected. The applicant was advised to follow the latest “Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses” (CoP) issued by the DEP. There was no complaint pertaining to the site received in the past three years. Other concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The applied use was generally in line with the planning intention of the “Open Storage” “OS” zone. The development was not incompatible with the surrounding uses in the “OS” zone which was predominantly occupied by container vehicle park and open storage yards. The site fell within Category 1 areas under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). The development was in line with the TPB PG-No. 13E in that there was generally no adverse comment from most of the concerned government departments. Although DEP did not support the application, no environmental complaint was received in the past 3 years and the environmental concern could be addressed by the

imposition of relevant approval conditions. Other concerned departments had no objection to or no adverse comment on the application. Part of the site was subject of a previous planning application (No. A/DPA/YL-NTM/26) for open storage of plywood approved by the Committee on 5.8.1994 and four similar applications for container vehicle parking within the same “OS” zone were approved by the Committee in 2014. Approval of the subject application was in line with the Committee’s previous decisions.

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 3 years until 4.12.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 7:00 p.m. and 7:00 a.m. on Mondays and Saturdays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operations on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no cutting, dismantling, cleaning, repairing, compacting, vehicle repair and workshop activity, is allowed on site at any time during the planning approval period ;
- (d) the existing fencing on the site shall be maintained at all times during the planning approval period;
- (e) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.6.2016;

- (f) in relation to (e) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.9.2016;
- (g) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.6.2016;
- (h) in relation to (g) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.9.2016;
- (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 4.6.2016;
- (j) in relation to (j) above, the provision of fire service installations proposed within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.9.2016;
- (k) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (l) if any of the above planning conditions (e), (f), (g), (h), (i) or (j) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

[The Chairman thanked Mr Kevin C.P. Ng, Mr Kepler S.Y. Yuen and Mr K.T. Ng, STPs/FSYLE, for their attendance to answer Members' enquiries. Messrs Ng and Yuen left the meeting at this point.]

**Tuen Mun and Yuen Long West District**

**Agenda Item 24**

**Section 12A Application**

[Open Meeting]

Y/YL/10                      Application for Amendment to the Approved Yuen Long Outline Zoning Plan No. S/YL/21, To rezone the application site from "Government, Institution or Community" to "Residential (Group A)1", Lots 2231 RP, 2232, 2233, 2235, 2236, 2237, 2238, 2239 (Part), 2240 (Part), 2241 (Part), 2296 (Part), 2297 (Part), 2300 (Part), 2302 (Part), 2303 (Part), 2304 RP, 2305 (Part), 2306 RP (Part) and 2497 RP(Part) in D.D. 120 and adjoining Government Land, Yuen Long  
(RNTPC Paper No. Y/YL/10)

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81.            The Secretary reported that Ove Arup & Partners Hong Kong Ltd. (Arup) was the consultant of the applicant. The following Members had declared interests on the item:

- |                     |   |  |
|---------------------|---|--|
| Mr Ivan C.S. Fu     | - | having current business dealings with Arup |
| Professor S.C. Wong | - | being a traffic consultant of Arup         |

82.            The Committee noted that the applicant had requested for deferral of consideration of the application. As Mr Ivan C.S. Fu and Professor S.C. Wong had no involvement in the application, the Committee agreed that they should be allowed to stay in the meeting.

83.            The Committee noted that on 19.11.2015, the applicant's representative requested for deferment of the consideration of the application for two months so as to allow time to prepare supplementary information to respond to departmental and public comments received

on the application. This was the first time that the applicant requested for deferment of the application.

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

[Ms Bonita K.K. Ho, Mr Vincent T.K. Lai and Mr K.C. Kan, Senior Town Planners/Tuen Mun and Yuen Long West (STPs/TMYLW), were invited to the meeting at this point.]

## **Agenda Item 25**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/365            Temporary Warehouse for Storage of Vehicle Parts for a Period of 3 Years in "Other Specified Uses" annotated "Rural Use" zone, Lots 3586 S.A (Part), 3586 S.B RP, 3587 (Part) and 3588 (Part) in D.D.116 and Adjoining Government Land, Yuen Long  
(RNTPC Paper No. A/YL-TT/365)

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### **Presentation and Question Sessions**

85. Ms Bonita K.K. Ho, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the temporary warehouse for storage of vehicle parts for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential use in the vicinity (with the nearest ones located about 20m west of the site), and environmental nuisance was expected. There was no environmental complaint concerning the site received in the past 3 years. 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. The site was in an area of rural landscape character dominated by active and fallow farmlands, temporary structures, tree groups and village houses. Although open storage and godown were found within the vicinity, most of them were suspected unauthorized development. When comparing the aerial photo dated 30.6.2013 and 2.1.2015, the existing tree group and vegetation within the site had been removed and replaced by hard paving. Significant impact to the existing landscape resources and character had taken place. Approval of the application would likely encourage similar site modification prior to the submission of planning application, the cumulative impact of which would lead to general degradation of existing landscape resources and landscape character. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from a Yuen Long District Council Member stating that he had no comment on the application and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set in paragraph 12 of the Paper. The applied use was considered not in line with the planning intention of

the “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) zone which was primarily for the preservation of the character of the rural area. The development was considered not compatible with the surrounding land uses which were mainly rural in character comprising a mix of residential structures, agricultural land, vacant land/structures and orchards. The applied use was not in line with the Town Planning Board Guidelines for ‘Designation of “OU(RU)” Zone and Application for Development within “OU(RU)” Zone’ (TPB PG-No. 38) in that there were adverse departmental comments on the application on the environmental and landscape perspectives. In that regard, DEP did not support the application and CTP/UD&L of PlanD had reservation on the application. Since there was no previous planning approval granted for warehouse use at the site and there had not been any planning approval for similar use in the subject “OU(RU)” zone, the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications to proliferate into the “OU(RU)” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

86. A Member asked whether there was any enforcement action taken by the Planning Authority against the current warehouse use at the site and whether the applicant was also the land owner. Ms Bonita K.K. Ho, STP/TMYLW, said that an Enforcement Notice was issued to the concerned parties, and the applicant was not the current land owner.

#### Deliberation Session

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

- “(a) the development is not in line with the planning intention of the “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) zone which is intended primarily for the preservation of the character of the rural area. No strong planning justifications have been given in the submission for a departure from the planning intention, even on a temporary basis;

- (b) the applied use is not in line with the Town Planning Board (TPB) Guidelines for ‘Designation of “OU(RU)” Zone and Application for Development within “OU(RU)” Zone’ (TPB PG-No. 38). The applicant fails to demonstrate that the development would not generate adverse environmental and landscape impacts on the surrounding areas; and
- (c) approval of the application would set an undesirable precedent for other similar uses to proliferate into the “OU(RU)” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.”

## **Agenda Item 26**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/366            Temporary Eating Place for a Period of 3 Years in “Village Type Development” zone, Lots 1184 S.A ss.4 (Part), 1184 S.A RP (Part), 1186 (Part), 1187 S.F (Part), 1187 S.J, 1187 S.K, 1187 S.L, 1187 S.M, 1187 S.N, 1187 RP (Part), 1200 RP (Part), 1298 RP (Part), and 2146 in D.D. 117 and Adjoining Government Land, Tai Tong, Yuen Long  
(RNTPC Paper No. A/YL-TT/366)

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### **Presentation and Question Sessions**

88.            Ms Bonita K.K. Ho, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a)    background to the application;
- (b)    the temporary eating place for a period of three years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Commissioner for Transport (C for T) commented that according to the further information, the applicant did not address his comments: (i) based on the information provided by the applicant, it appeared that some car parking spaces would be provided by the sites adjacent to the application site. However, such car parking provision could not be guaranteed. The applicant should clarify the parking provision within the site in case the adjacent car parking sites were not in operation; (ii) the applicant should submit information to demonstrate that the applicant had already obtained consent from the owners of the adjacent car parking sites for parking of vehicles at their sites. Other concerned departments had no objection to or no adverse comment on the application;
  
- (d) during the first three weeks of the statutory publication period, 7 public comments in standard letter format were received from Shap Pat Heung Rural Committee, Shap Pat Heung District Resident Association, Village Representative of Tai Tong Tsuen, New Territories Warehouse and Logistic Business Association, Hong Kong Excellent Youth of Agriculture and Fisheries Development Association and two Yuen Long District Council Members. All the commenters supported the application for reasons that there was a demand for local eatery in the Tai Tong area and the proposed eating place, which was located in a convenient location, could provide catering services and a place for organizing events for the local residents, workers and visitors and no local objection/view was received by the District Officer (Yuen Long); and
  
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper and highlighted as follows:
  - (i) the eating place could provide catering services for serving the needs of the nearby villagers and workers from the adjoining “Open Storage” zone. It was also considered not incompatible with the surrounding land uses which were predominantly rural in character

mixed with village houses, vehicle repairing workshop, car parks, warehouse, eating places, shops and vacant structures/land and unused land. However, according to The District Lands Officer/Yuen Long, Lands Department, there were 2 approved Small House applications and 4 Small House applications under processing by his office at the site. No strong planning justification had been given in the submission for a departure from the planning intention of the “Village Type Development” (“V”) zone, even on a temporary basis;

- (ii) although the applicant had submitted relevant proposals under the current submission, all the proposals, including drainage and fire services installations, had yet to be accepted by the concerned departments. On the traffic aspect, C for T had raised concerns over the parking provision for the site. The application did not meet the Town Planning Board Guidelines for ‘Application for Eating Place within “V” Zone in Rural Areas under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 15A) as the applicant failed to demonstrate that the requirements of relevant departments would be satisfactorily complied with and that the development would not cause adverse traffic, drainage and fire safety impacts on the surrounding areas; and
- (iii) the site was subject to 2 previous applications (No. A/YL-TT/272 and 321) for the same use on slightly larger sites which were revoked on 10.2.2013 and 23.5.2015 due to non-compliance with approval conditions on the drainage and fire safety aspects. It was considered that further approval of the application with repeated non-compliances would set an undesirable precedent for other similar planning permissions for temporary uses, thus nullifying statutory planning control.

89. Members had no question on the application.

Deliberation Session

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

- “(a) the planning intention of the “Village Type Development” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the applicant fails to demonstrate that the development would not cause adverse traffic, drainage and fire safety impacts on the surrounding area; and
- (c) previous planning permissions granted under Applications No. A/YL-TT/272 and 321 were revoked due to non-compliance with the approval conditions. Approval of the application with repeated non-compliances with approval conditions would set an undesirable precedent for other similar applications, thus nullifying the statutory planning control mechanism.”

**Agenda Item 27**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/764 Proposed Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years in “Residential (Group C)” zone, Lots 1308 (Part), 1312 (Part), 1314 (Part) and 1315 in D.D. 119 and Adjoining Government Land, Pak Sha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/764)

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Presentation and Question Sessions

91. Ms Bonita K.K. Ho, STP/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 for private cars and light goods vehicles for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, a public comment was received from a member of the public. The commenter was of the view that the site could house many residences and approval of the application would set an undesirable precedent. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Although the applied use was not entirely in line with the planning intention of the “Residential (Group C)” (“R(C)”) zone, it could serve some of the parking needs in the area. Since there was not yet any known programme for residential development on the site, approval of the application on a temporary basis would not frustrate the long-term planning intention of the “R(C)” zone. The proposed development was considered not incompatible with the surrounding land uses comprising residential dwellings/structures and some open storage/storage yards, warehouses, workshops, metal/repair workshops, agricultural/unused land and vacant land/structures. In view of the small scale of the development, the proposed development would unlikely generate significant adverse environmental, traffic or landscape

impacts on the surrounding areas. Part of the site was involved in a previously approved application (No. A/YL-TYST/687) submitted by the same applicant for the same use. Approval of the application was in line with the Committee's previous decision. Although the previous planning approval was revoked due to non-compliance with the approval conditions on the provision of boundary fence and the implementation of landscape and drainage proposals, concerned departments had no objection to or no adverse comments on the application and sympathetic consideration might be given to the application. Regarding the public comment, the planning considerations and assessments in the above paragraphs 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 3 years until 4.12.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no vehicle without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations is allowed to be parked/stored on the site at any time during the planning approval period;
- (c) no medium and heavy goods vehicle 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;
- (d) a notice shall be posted at a prominent location of the site to indicate that no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, are

allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;

- (e) no vehicle repairing, dismantling or other workshop activities, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (f) no open storage activity is allowed on the site at any time during the planning approval period;
- (g) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (h) the provision of boundary fence on the site, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.6.2016;
- (i) the implementation of the accepted landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.6.2016;
- (j) the submission of a revised drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.6.2016;
- (k) in relation to (j) 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 4.9.2016;
- (l) in relation to (k) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (m) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire

Services or of the TPB by 4.6.2016;

- (n) in relation to (m) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.9.2016;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (l) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (p) if any of the above planning conditions (h), (i), (j), (k), (m) or (n) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (q) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

[Ms Anita W.T. Ma left the meeting at this point.]

## **Agenda Item 28**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/765 Temporary Warehouse for Storage of Construction Materials for a Period of 3 Years in “Undetermined” zone, Lots 784 S.A, S.B & S.C (Part) and 785 (Part) in D.D.119, Pak Sha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/765)

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Presentation and Question Sessions

95. Ms Bonita K.K. Ho, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary warehouse for storage of construction materials for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses in the vicinity of the site (with the nearest one about 40m away to the southeast) and environmental nuisance was expected. There was no environmental complaint concerning the site received in the past 3 years. Other concerned departments had no objection to or no adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. The applied use was not in conflict with the planning intention of the “Undetermined” (“U”) zone. Although the use of the area was now being reviewed under the Planning and Engineering Study for Housing Sites in Yuen Long South, the study had yet to be completed. Approval of the application on a temporary basis would not frustrate the long-term use of the area. The development was not incompatible with the surrounding uses in the subject “U” zone comprising similar warehouse uses. Although DEP did not support the application, no environmental complaint was received in the past 3 years

and the environmental concern could be addressed by the imposition of relevant approval conditions. Other concerned departments consulted had no adverse comment on the application. Given that the Committee had also approved similar applications for warehouse use in the vicinity of the site, approval of the application was in line with the Committee's previous decisions.

96. Members had no question on the application.

### Deliberation Session

97. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.12.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

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

- (f) no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, is allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (g) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (h) the implementation of the accepted landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.6.2016;
- (i) the submission of a revised drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.6.2016;
- (j) in relation to (i) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.9.2016;
- (k) in relation to (j) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (l) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.6.2016;
- (m) in relation to (l) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.9.2016;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (k) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without

further notice;

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

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

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

## **Agenda Item 29**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/766 Temporary Open Storage of Construction Materials with Ancillary Facilities (Including Site Office, Staff Restroom and Workshop) for a Period of 3 Years in “Undetermined” zone, Lots 1159 (Part), 1160 (Part), 1161, 1163 S.B (Part), 1164 RP (Part), 1174 (Part), 1175 (Part), 1181, 1182 and 1183 (Part) in D.D. 119, Kung Um Road, Yuen Long (RNTPC Paper No. A/YL-TYST/766)

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### **Presentation and Question Sessions**

99. Ms Bonita K.K. Ho, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the temporary open storage of construction materials with ancillary facilities (including site office, staff restroom and workshop) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential use in the vicinity (with the nearest one located about 30m southwest of the site), and environmental nuisance was expected. There was no environmental complaint concerning the site received in the past 3 years. Other concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The applied use was not in conflict with the planning intention of the “Undetermined” (“U”) zone. Although the use of the area was now being reviewed under the Planning and Engineering Study for Housing Sites in Yuen Long South, the study had yet to be completed. Approval of the application on a temporary basis would not frustrate the long-term use of the area. The development was not incompatible with the surrounding uses in the “U” zone comprising similar uses. The application was generally in line with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No.13E) in that the site fell within Category 1 areas which were considered suitable for open storage and port back-up uses, and the concerns of relevant government departments were technical in nature which could be addressed through the implementation of approval conditions. Although DEP did not support the application, no environmental complaint was received in the past 3 years and the

environmental concern could be addressed by the imposition of relevant approval conditions. Other concerned departments consulted had no adverse comment on the application. Part of the site was involved in 3 previously approved applications for temporary warehouse and/or open storage uses. All the approval conditions under the last application (No. A/YL-TYST/593) had been complied with and there had been no major change in the planning circumstances since the last approval. Given that the Committee had approved similar applications in the vicinity of the site, approval of the application was in line with the Committee's previous decisions.

100. Members had no question on the application.

#### Deliberation Session

101. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.12.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no workshop activities, except in the specified structure of the site, as proposed by the applicant, are allowed at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the provision of boundary fence on the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the

TPB by 4.6.2016;

- (f) the submission of run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 4.6.2016;
- (g) in relation to (f) above, the implementation of run-in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 4.9.2016;
- (h) the submission of tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.6.2016;
- (i) in relation to (h) above, the implementation of tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.9.2016;
- (j) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.6.2016;
- (k) in relation to (j) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.9.2016;
- (l) in relation to (k) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (m) the provision of fire extinguisher(s) with valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.1.2016;

- (n) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.6.2016;
- (o) in relation to (n) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.9.2016;
- (p) if any of the above planning conditions (a), (b), (c), (d) or (l) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (q) if any of the above planning conditions (e), (f), (g), (h), (i), (j), (k), (m), (n) or (o) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (r) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

**Agenda Item 30**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/982            Temporary Open Storage of Vehicles (Private Car, Light Goods Vehicle, Container Vehicle and Container Trailer) for a Period of 3 Years in “Undetermined” zone, Lots 1922 RP (Part), 1923 (Part), 1925 (Part), 1926 (Part), 1928 (Part), 1929 (Part), 1930 (Part), 1931 RP (Part), 1932 (Part) and 1933 (Part) in D.D. 125, Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-HT/982)

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103.            The Secretary reported that Ms Janice W.M. Lai had declared an interest on the item as her spouse was a shareholder of a company which owned two pieces of land in D.D.125, Ha Tsuen.    The Committee noted that Ms Janice W.M. Lai had tendered apologies for being unable to attend the meeting.

**Presentation and Question Sessions**

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

- (a)    background to the application;
- (b)    the temporary open storage of vehicles (private car, light goods vehicle, container vehicle and container trailer) for a period of three years;
- (c)    departmental comments – departmental comments were set out in paragraph 10 of the Paper.    The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses along the access road (Ping Ha Road) and environmental nuisance was expected.    No environmental complaint pertaining to the site had been received in the past 3 years.    Other concerned departments had no objection to or no adverse comment on the application;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
  
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set in paragraph 12 of the Paper. The planning intention of the “Undetermined” (“U”) zone would be reviewed upon completion of the Planning and Engineering Study on the Hung Shui Kiu New Development Area (HSK NDA). Whilst the site fell within the HSK NDA, the development programme was being formulated. Approval of the applied use for a period of 3 years would not jeopardize the long-term development of the area. The proposed development was considered not incompatible with the surrounding uses which were predominately occupied by various open storage, workshop and logistics uses. The site fell within Category 1 area under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). The development was in line with the TPB PG-No. 13E in that there was no adverse comment from concerned government departments and the technical concerns raised by the concerned departments could be addressed by approval conditions as recommended. Although DEP did not support the application, no environmental complaint was received in the past 3 years and the environmental concern could be addressed by the imposition of relevant approval conditions. The Town Planning Board had approved one previous application (No. A/YL-HT/7) involving the site for open storage of containers in 1996. Given that the Committee had also approved 28 similar applications for various temporary open storage uses within the same “U” zone since the promulgation of TPB PG-No. 13E on 17.10.2008, approval of the application was in line with the Committee's previous decisions.

105. Members had no question on the application.

Deliberation Session

106. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.12.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation from 8:00 p.m. to 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 cutting, dismantling, repairing, melting, compaction, unpacking, re-packing, cleansing and other workshop activity is allowed at any time on the site during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;
- (e) no material is allowed to be stored/dumped or vehicles parked within 1m of any tree on the site at any time during the planning approval period;
- (f) the implementation of the proposed drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.6.2016;
- (g) in relation to (f) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (h) the submission of 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 4.6.2016;

- (i) in relation to (h) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.9.2016;
- (j) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.1.2016;
- (k) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.6.2016;
- (l) in relation to (k) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.9.2016;
- (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 4.6.2016;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (o) if any of the above planning conditions (f), (h), (i), (j), (k), (l) or (m) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;  
and
- (p) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

[Mr H.F. Leung returned to join and Mr Peter K.T. Yuen left the meeting temporarily at this point.]

### **Agenda Item 31**

#### **Section 16 Application**

[Open Meeting]

A/YL-HT/983 Proposed Temporary Open Storage of Building Materials with Ancillary Temporary Warehouse and Parking Facilities for Privates Cars and Lorries for a Period of 3 Years in “Residential (Group C)” and “Residential (Group D)” and “Village Type Development” zones, Lots 1024 S.A RP, 1026 S.A RP, 1027, 1031, 1035, 1036 S.A, 1036 S.B, 1037, 1078, 1079, 1080, 1081 RP, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1103, 1104, 1105, 1107, 1108, 1109, 1123 and 1124 in D.D.124, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/983)

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108. The Secretary reported that Ms Janice W.M. Lai had declared an interest on the item as her spouse was a shareholder of a company which owned two pieces of land in D.D.125, Ha Tsuen. The Committee noted that Ms Janice W.M. Lai had tendered apologies for being unable to attend the meeting.

109. The Committee noted that on 14.11.2015, the applicant’s representative requested for deferment of the consideration of the application for two months to allow time to respond to Transport Department’s comments. This was the first time that the applicant requested for deferment of the application.

110. 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 32**

#### **Section 16 Application**

[Open Meeting]

A/YL-HT/984

Proposed Temporary Warehouse for Storage of Construction Material and Open Storage of Construction Material with Ancillary Site Office for a Period of 3 Years in "Open Storage" and "Recreation" zones, Lots 1141 RP (Part), 1143 RP (Part), 1144 (Part), 1145 (Part), 1146 (Part), 1149 (Part), 1152, 1153 (Part), 1155 (Part), 1156 (Part), 1157 (Part), 1158 (Part), 1159 (Part), 1160 (Part), 1161 (Part), 1162 (Part), 1163 (Part), 1164 (Part), 1197 (Part), 1198 (Part), 1199 S.B (Part), 1200 and 1201 (Part) in D.D.125, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/984)

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111. The Secretary reported that Ms Janice W.M. Lai had declared an interest on the item as her spouse was a shareholder of a company which owned two pieces of land in D.D.125, Ha Tsuen. The Committee noted that Ms Janice W.M. Lai had tendered apologies for being unable to attend the meeting.

112. The Committee noted that on 9.10.2015, the applicant's representative requested for deferment of the consideration of the application for one month to allow time to address the concerns of government departments. This was the first time that the applicant requested for deferment of the application.

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

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

### **Agenda Item 33**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/985      Temporary Warehouse for Storage for a Period of 3 Years in  
"Comprehensive Development Area" zone, Lot 3323 S.B ss.1 in  
D.D.129, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/985)

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114. The Secretary reported that Ms Janice W.M. Lai had declared an interest on the item as her spouse was a shareholder of a company which owned two pieces of land in D.D.125, Ha Tsuen. The Committee noted that Ms Janice W.M. Lai had tendered apologies for being unable to attend the meeting.

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

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

- (a) background to the application;

- (b) the temporary warehouse for storage for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive users in vicinity of the site (the closest residential dwelling about 9m away) and along the access road (Ping Ha Road) and environmental nuisance was expected. No complaint case related to the site had been received in the past 3 years. Other concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. The applied use was not in line with the planning intention of the “Comprehensive Development Area” (“CDA”) zone. However, there was not yet any programme/known intention to implement the zoned uses on the Outline Zoning Plan. Whilst the site fell within the Hung Shui Kiu New Development Area, the development programme was being formulated. Approval of the application on a temporary basis of 3 years would not jeopardise the long-term development of the area. The applied use was not incompatible with the surrounding uses within the “CDA” zone which was predominantly occupied for warehouse, open storage yards, logistics centres and laboratory uses. Although DEP did not support the application, no environmental complaint was received in the past 3 years and the environmental concern could be addressed by the imposition of relevant approval conditions. Other concerned departments had no adverse comment on the application and the technical concerns raised by the concerned departments could be addressed by approval conditions as recommended. Since the granting of the previous planning approval

(Application No. A/YL-HT/870) in 2014, there had been no material change in the planning circumstances. Given that the Committee had also approved 10 similar applications in the vicinity of the site for various warehouse uses, approval of the application was in line with the Committee's previous decisions.

116. Members had no question on the application.

#### Deliberation Session

117. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.12.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation from 8:00 p.m. to 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 workshop activity and open storage use is allowed on the site at any time during the planning approval period;
- (d) only private cars and goods vehicles with valid licence issued under the Road Traffic Ordinance, and not exceeding 24 tonnes as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked or stored on the application site during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from the public road at all times during the planning approval period;
- (f) the existing drainage facilities shall be maintained at all times during the planning approval period;

- (g) the submission of a condition record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.3.2016;
- (h) the implementation of the accepted tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.6.2016;
- (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 4.6.2016;
- (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 4.9.2016;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (l) if any of the above planning conditions (g), (h), (i) & (j) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (m) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

**Agenda Item 34**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/986            Temporary Open Storage of Used Paper Product with Ancillary Packaging Workshop for a Period of 3 Years in “Comprehensive Development Area” and “Residential (Group D)” zones, Lots 48 S.A (Part), 48 S.B (Part) and 49 (Part) in D.D. 128 and Adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/986)

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119.            The Secretary reported that Ms Janice W.M. Lai had declared an interest on the item as her spouse was a shareholder of a company which owned two pieces of land in D.D.125, Ha Tsuen. The Committee noted that Ms Janice W.M. Lai had tendered apologies for being unable to attend the meeting.

**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary open storage of used paper product with ancillary packaging workshop for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application because there were sensitive users nearby (the nearest was about 35m away) and along the Kai Pak Ling Road and Fung Kong Tsuen Road and environmental nuisance was expected. No environmental complaint pertaining to the site had been received in the past three years. Other concerned departments had no objection to or no adverse comment on the application;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
  
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The development was not in line with the planning intention of the “Comprehensive Development Area” (“CDA”) and “Residential (Group D)” zones. However, there was not yet any programme/known intention to implement the zoned uses on the Outline Zoning Plan. Whilst the site fell within the Hung Shui Kiu New Development Area, the development programme was being formulated. Approval of the application on a temporary basis would not jeopardize the long-term development of the area. The applied use was not incompatible with the surrounding uses which were predominantly occupied for warehouses and open storage yards. The site fell mainly within Category 1 areas and Category 3 areas under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). The development was in line with the TPB PG-No. 13E in that there was no adverse comment from concerned government departments, and the technical concerns raised by concerned departments could be addressed by approval conditions as recommended. Although DEP did not support the application, no environmental complaint was received in the past 3 years and the environmental concern could be addressed by the imposition of relevant approval conditions. Since the granting of the previous planning approval (Application No. A/YL-HT/372, 529, 642 and 807), there had been no material change in the planning circumstances. Given that the Committee had also approved 17 similar applications within the same “CDA” zone, approval of the application was in line with the Committee's previous decisions.

121. Members had no question on the application.

Deliberation Session

122. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.12.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 8:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no heavy goods vehicles (i.e. over 24 tonnes) including container trailer and tractor, as proposed by the applicant, are allowed to enter the site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from the public road 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) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (g) 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 4.3.2016;
- (h) 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 4.6.2016;

- (i) in relation to (h) above, the implementation of the tree preservation proposal and accepted landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.9.2016;
- (j) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.1.2016;
- (k) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.6.2016;
- (l) in relation to (k) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.9.2016;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (g), (h), (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (o) upon 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.”

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

**Agenda Item 35**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/988            Temporary Logistic Centre and Open Storage of Containers for a Period of 3 Years in “Recreation” zone, Lots 490 (Part), 492 (Part), 493 and 494 (Part) in D.D. 125 and adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/988)

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124.            The Secretary reported that Ms Janice W.M. Lai had declared an interest on the item as her spouse was a shareholder of a company which owned two pieces of land in D.D.125, Ha Tsuen. The Committee noted that Ms Janice W.M. Lai had tendered apologies for being unable to attend the meeting.

**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary logistic centre and open storage of containers for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application because there were sensitive users along the Ha Tsuen Road and environmental nuisance was expected. No environmental complaint pertaining to the site had been received in the past three years. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, one public comment was received. The commenter considered that the storage facilities should be provided in compact tower and the land should be used for recreational purposes. No local objection/view was received by the District Officer (Yuen Long); and
  
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The proposed use was not in line with the planning intention of the “Recreation” (“REC”) zone. However, there was not yet any programme/known intention to implement the zoned use on the Outline Zoning Plan. Whilst the site fell within the Hung Shui Kiu New Development Area, the development programme was being formulated. Approval of the application on a temporary basis of 3 years would not jeopardise the long-term development of the area. The applied use was not incompatible with the surrounding land uses which were mostly occupied by logistics centres, open storage yards, parking of vehicles and warehouse uses. The site fell within Category 2 areas under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). The development was in line with the TPB PG-No. 13E in that there was no adverse comment from concerned government departments. The technical concerns raised by concerned government departments could be addressed by approval conditions as recommended. Although DEP did not support the application, no environmental complaint was received in the past 3 years and the environmental concern could be addressed by the imposition of relevant approval conditions. The site was the subject of a previous application (No. A/YL-HT/757) for similar use approved by the Committee on 2.12.2011. All the approval conditions under the previous application had been complied with. Since granting the previous approval (No. A/YL-HT/757), there had been no material change in the planning circumstances. Given that the Committee had approved 19 similar applications for various temporary open storage and port back-up uses since the promulgation of TPB PG-No. 13E on 17.10.2008, approval of the

application was in line with the Committee's previous decisions. Regarding the public comment, the Director of Leisure, Cultural and Services had no comment on the application as the site was not reserved for use of the department and there was no plan to acquire the site for any use. The approval of the application on a temporary basis of 3 years would not jeopardise the long-term development of the area.

126. Members had no question on the application.

### Deliberation Session

127. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.12.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 8:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no cutting, dismantling, cleaning, repairing, compacting, vehicle repair and other workshop activity, is allowed on site at any time during the planning approval period;
- (d) no left turn of container vehicles into Ha Tsuen Road eastbound, as proposed by the applicant, upon leaving the site is allowed at any time during the planning approval period;
- (e) the erection of a ‘Turn Right’ traffic sign at the junction of the access road with Ha Tsuen Road, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB during the planning approval period;

- (f) the existing boundary fencing on site shall be maintained at all times during the planning approval period;
- (g) the stacking height of containers stored on the site shall not exceed 8 units at all times during the planning approval period;
- (h) the stacking height of containers within 5m of the periphery of the site should not exceed the height of the boundary fence at any times during the planning approval period;
- (i) no vehicle is allowed to queue back to or reverse onto/from the public road at any times during the planning approval period;
- (j) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (k) the submission of a condition record of existing drainage facilities within 3 months from the date of planning approval to the satisfaction of Director of Drainage Services or of the TPB by 4.3.2016;
- (l) the submission of a tree preservation and replanting proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.6.2016;
- (m) in relation to (l) above, the implementation of the tree preservation and replanting proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.9.2016;
- (n) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.1.2016;
- (o) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of Director of Fire Services

or of the TPB by 4.6.2016;

- (p) in relation to (o) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 4.9.2016;
- (q) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h), (i) or (j) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (r) if any of the above planning conditions (k), (l), (m), (n), (o) or (p) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (s) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

**Agenda Item 36**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/482            Proposed Temporary Warehouse (Storage of Electronic Products and Daily Necessities) for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 139 (Part), 140 (Part), 141 (Part), 145 (Part), 146, 147, 148 (Part), 149 (Part), 151, 152, 155 (Part), 159, 160 (Part), 164 (Part), 165 (Part), 166 (Part), 167, 168 (Part), 169, 170, 177, 178 (Part), 179 (Part) in D.D. 122 and Adjoining Government Land, Ping Shan, Yuen Long  
(RNTPC Paper No. A/YL-PS/482A)

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**Presentation and Question Sessions**

129.            Mr K.C. Kan, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary warehouse (storage of electronic products and daily necessities) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application because there were sensitive users in the vicinity of the site (the closest residential dwelling about 4m away) and along the local track connecting the site to Ha Mei San Tsuen Road and environmental nuisance was expected. There was no environmental complaint related to the site from 2012 to April 2015. Other concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by

the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. The development was not in line with the planning intention of the “Comprehensive Development Area” (“CDA”) zone. However, there was no permanent development proposal at the site. Approval of the application on a temporary basis for 3 years would not jeopardize the long-term planning intention of the “CDA” zone. The proposed development was not incompatible with the surrounding uses which were predominantly open storage yards, storage uses, logistics centre, vehicle parks and vacant land. Although DEP did not support the application, no environmental complaint was received from 2012 to April 2015 and the environmental concern could be addressed by the imposition of relevant approval conditions. Other concerned government departments had no objection to or no adverse comments on the application. Their technical concerns on traffic, drainage, water supply, fire safety and landscape and tree preservation aspects could be addressed by imposing approval conditions. The site was related to 6 previous applications. Applications No. A/YL-PS/55 and 80 were approved while applications No. A/YL-PS/126, 160, 169 and 228 were rejected by the Committee/Town Planning Appeal Board upon review. The application was for storage use within enclosed structures and potential nuisance to the surrounding areas should not be substantial. Given that there was one similar application (No. A/YL-PS/393) for proposed temporary warehouse approved by the Committee in 2013, approval of the application was in line with the previous decision of the Committee.

130. Members had no question on the application.

#### Deliberation Session

131. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.12.2018, on the terms of the application as

submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no repairing, dismantling or other workshop activity, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the submission of a Drainage Impact Assessment within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.6.2016;
- (f) in relation to (e) above, the implementation of drainage mitigation measures identified in the Drainage Impact Assessment within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.9.2016;
- (g) in relation to (f) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (h) the submission of diversion proposal of existing water mains affected by the proposed development within 6 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the TPB by 4.6.2016;
- (i) in relation to (h) above, the implementation of diversion proposal of existing water mains affected by the proposed development within

9 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the TPB by 4.9.2016;

- (j) in relation to (i) above, a 3m wide water works reserve within 1.5 metres from the centreline of the water mains within the boundary of the site shall be provided at all times during the planning approval period;
- (k) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.6.2016;
- (l) in relation to (k) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.9.2016;
- (m) the submission of landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.6.2016;
- (n) in relation to (m) above, the implementation of landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.9.2016;
- (o) the provision of boundary fencing on the site, as proposed by the applicant, within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.3.2016;
- (p) if any of the above planning conditions (a), (b), (c), (d), (g) or (j) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (q) if any of the above planning conditions (e), (f), (h), (i), (k), (l), (m), (n) or (o) is not complied with by the specified date, the approval hereby given

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

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

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

### **Agenda Item 37**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/501            Temporary Public Vehicle Park (Private Cars) for a Period of 3 Years  
in “Village Type Development” zone, Lots 477 (Part) and 483 RP  
(Part) in D.D. 123, Tai Tseng Wai, Ping Shan, Yuen Long  
(RNTPC Paper No. A/YL-PS/501)

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

133. Mr K.C. Kan, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary public vehicle park (private cars) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by

the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The development was not entirely in line with the planning intention of the “Village Type Development” (“V”) zone. However, the District Lands Officer/Yuen Long, Lands Department advised that there was no Small House application at the site. Approval of the application on a temporary basis for 3 years would not frustrate the long-term planning intention of the “V” zone. The development could serve some of the parking demand of residents in nearby villages. The development was also not incompatible with the surrounding land uses with residential dwellings, site for parking of vehicles, agricultural lands, unused lands and industrial factories. Whilst the site fell within the Wetland Buffer Area of the Town Planning Board Guidelines for Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance (TPB PG-No. 12C) which specified that planning applications for local and minor uses (including temporary uses) were exempted from the requirement of an ecological impact assessment, adverse ecological impacts were not envisaged. Concerned departments consulted had no objection to or adverse comment on the application. Their concerns/requirements on traffic, drainage, fire safety and landscape could be addressed through imposing approval conditions. Given that three applications for temporary vehicle park for private cars and/or light vans were approved by the Committee since 2007, approval of the application was in line with the previous decisions of the Committee.

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 3 years until 4.12.2018, on the terms of the application as

submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) only private cars as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to enter/be parked on the site at all times during the planning approval period;
- (c) a notice shall be posted at a prominent location of the site to indicate that only private cars as defined in the Road Traffic Ordinance are allowed to enter/be parked on the site at all times during the planning approval period;
- (d) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the site at any time during the planning approval period;
- (e) a notice shall be posted at a prominent location of the site to remind drivers on pedestrian safety on the access road to the site at all times during the planning approval period;
- (f) no vehicle washing, vehicle repair, dismantling, paint spraying or other workshop activity is allowed on the site at any time during the planning approval period;
- (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 implementation of the accepted drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.6.2016;
- (i) in relation to (h) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;

- (j) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.6.2016;
- (k) in relation to (j) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.9.2016;
- (l) the submission of landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.6.2016;
- (m) in relation to (l) above, the implementation of landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.9.2016;
- (n) the provision of boundary fencing on the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.3.2016;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (i) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (p) if any of the above planning conditions (h), (j), (k), (l), (m) or (n) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;  
and
- (q) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

[The Chairman thanked Ms Bonita K.K. Ho, Mr Vincent T.K. Lai and Mr K.C. Kan, STPs/TMYLW, for their attendance to answer Members' enquiries. Ms Ho, Mr Lai and Mr Kan left the meeting at this point.]

### **Agenda Item 38**

#### **Any Other Business (i)**

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

[Open Meeting]

A/YL/208-5            Application for Extension of Time for Compliance with Planning Conditions, Government Land in D.D. 116, Tai Kei Leng, Shap Pat Heung Road, Yuen Long, New Territories (Open Meeting)

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137. The Secretary reported that a paper on the item was tabled at the meeting for Members' consideration. He said that an application for extension of time (EOT) for compliance with approval conditions (d), (e) and (g) by three months under application No. A/YL/208 was received on 2.12.2015. The subject application was approved with conditions by the Rural and New Town Planning Committee on 12.9.2014 for a period of five years up to 12.9.2019. The applicant was required to comply with the approval condition (d) on the submission of fire service installations (FSIs) proposal, approval condition (e) on the implementation of FSIs proposal and approval condition (g) on the implementation of tree preservation proposal by 12.12.2015.

138. The current EOT application was received on 2.12.2015, which was eight working days before the expiry of the specified time limit for the aforesaid conditions. According to the Town Planning Board Guidelines No. 34B for Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development, an application submitted less than six weeks before the expiry of the specified time might not be processed for consideration of the Town Planning Board, as there was insufficient time to obtain departmental comments before the expiry of the specified time

limit for compliance with the condition, which were essential for the consideration of the application. Hence, the Committee was recommended not to consider the application as there was insufficient time to process the application before the expiry of the specified time limits for compliance with the conditions (d), (e) and (g) which was essential for the consideration of the application.

139. After deliberation, the Committee agreed that the application for EOT for compliance with planning conditions could not be considered for reason that there was insufficient time to process the application before the expiry of the specified time limits for compliance with the conditions (d), (e) and (g) which was essential for the consideration of the application, and the planning approval for the subject application would cease to have effect and would on the same date be revoked.

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