

TOWN PLANNING BOARD

Minutes of 561st Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 29.7.2016

Present

Director of Planning
Mr K.K. Ling

Chairman

Mr H.W. Cheung

Vice-chairman

Professor K.C. Chau

Mr Ivan C.S. Fu

Mr H.F. Leung

Dr F.C. Chan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Dr C.H. Hau

Mr Stephen L.H. Liu

Miss Winnie W.M. Ng

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

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

Principal Environmental Protection Officer (Strategic Assessment),
Environmental Protection Department
Mr C.F. Wong

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

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

Secretary

Absent with Apologies

Ms Janice W.M. Lai

Ms Christina M. Lee

Mr Philip S.L. Kan

Mr Alex T.H. Lai

Dr Lawrence K.C. Li

In Attendance

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

Chief Town Planner/Town Planning Board
Mr Louis K.H. Kau

Town Planner/Town Planning Board
Ms Anita M.Y. Wong

Agenda Item 1

Confirmation of the Draft Minutes of the 560th RNTPC Meeting held on 15.7.2016

[Open Meeting]

1. The draft minutes of the 560th RNTPC meeting held on 15.7.2016 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Fanling, Sheung Shui and Yuen Long East District

[Ms Maggie M.Y. Chin, District Planning Officer/Fanling, Sheung Shui and Yuen Long East (DPO/FSYLE), and Mr Kevin C.P. Ng, Senior Town Planner/Fanling, Sheung Shui and Yuen Long East (STP/FSYLE), were invited to the meeting at this point.]

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

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/6C)

3. The Secretary reported that the application was submitted by Base One Limited, which is a subsidiary of Sun Hung Kai Properties Limited (SHK) with Llewelyn-Davies Hong Kong Limited (LD), Ramboll Environ Hong Kong Limited (Environ) and MVA Hong Kong Limited (MVA) as three of the consultants of the applicant. The following Members had declared interests in the item:

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

Ms Janice W.M. Lai - having current business dealings with SHK and Environ;

Mr Stephen L.H. Liu - having current business dealings with SHK and LD;

Ms Christina M. Lee - being the Secretary-General of the Hong Kong Metropolitan Sports Events Association which has solicited sponsorship from SHK before;

Dr Lawrence K.C. Li - being a member of the Hong Kong Golf Club, which is

located to the southeast of the site; and

Miss Winnie W.M. Ng - Being a Director of the Kowloon Motor Bus Co. (1933) Ltd. and SHK was one of the shareholders.

4. The Committee noted that Ms Janice W.M. Lai, Ms Christina M. Lee and Dr Lawrence K.C. Li have tendered apologies for being unable to attend the meeting and Mr Ivan C.S. Fu had not yet arrived to join the meeting. As the interest of Mr Stephen L.H. Liu was direct, the Committee agreed that he should be invited to leave the meeting temporarily for the item. As the interest of Ms Winnie W.M. Ng was remote, the Committee agreed that she could stay in the meeting.

[Mr Stephen L.H. Liu left the meeting temporarily at this point.]

Presentation and Question Sessions

5. The following representatives from the Planning Department (PlanD) and the representatives of the applicant were invited to join the meeting at this point:

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| Ms Maggie M.Y. Chin | - District Planning Officer/Fanling, Sheung Shui and Yuen Long East (DPO/FSYLE) |
| Mr Kevin C. P. Ng | - Senior Town Planner/Fanling, Sheung Shui and Yuen Long East (STP/FSYLE) |
| Ms Winnie Wu | } applicant's representatives |
| Miss Vivian Wan | |
| Mr Arnold Koon | |
| Mr Gary Tsui | |
| Mr William Lee | |

6. The Chairman extended a welcome and explained the procedure of the hearing. He then invited Mr Kevin C. P. Ng, STP/FSYLE, to brief Members on the background of the application. With the aid of a PowerPoint presentation, Mr Ng presented the application and covered the following aspects as detailed in the Paper.

Background

- (a) the site was zoned “Recreation” (“REC”) on the draft Kwu Tung South (KTS) Outline Zoning Plan (OZP) No. S/NE-KTS/1 gazetted on 3.6.1994;
- (b) to partially meet the objection on the draft OZP, the Town Planning Board (the Board) proposed to rezone the site from “REC” to “Comprehensive Development Area” (“CDA”) with a maximum plot ratio (PR) of 0.4, a maximum site coverage (SC) of 20% and a maximum building height (BH) of 3 storeys including car park. The proposed amendments were subsequently incorporated in the draft KTS OZP No. S/NE-KTS/2 gazetted on 19.12.1997. The zoning and boundary of the subject “CDA” zone had remained unchanged since then;
- (c) according to the explanatory statement (ES) of the approved KTS OZP No. S/NE-KTS/14, a large orchard of about 1.56ha was located at the north-eastern part of the site and the area was vegetated with mature fruit trees of high amenity and landscape value. It was considered that the orchard should be preserved and any development at the site should not adversely affect the amenity and landscape value of the orchard;
- (d) there was no similar rezoning application for the site. However, the site was a subject of six previous s.16 applications (No. A/DPA/NE-KTS/125, A/NE-KTS/5, 6, 75, 220 and 267) for house development. The last approved application No. A/NE-KTS/267 for proposed 90 houses with a maximum PR of 0.4, SC of 20% and BH of 3 storeys including carpark was approved with conditions by the Committee on 19.12.2008;

The Proposal

- (e) the applicant proposed to rezone the site, with an area of 37,560m² (including about 3,000m² of government land), from “CDA” (about 96.6% of the site), “REC” (about 1.9% of the site), “Government Institution or Community” (“G/IC”) (about 0.9% of the site) and an area shown as ‘Road’ (about 0.6% of

the site) to “CDA(1)” for a proposed residential development at the site;

- (f) the major proposed development parameters of the notional development proposal were set out in paragraph 1.2 of the Paper;
- (g) the proposed development would be set back 20m from Fanling Highway to mitigate potential noise and air quality impacts and noise barriers of 2m to 8m in height were proposed along the northern and north-eastern boundary, while the remaining boundary would be fenced by a 3m boundary wall/fence;
- (h) according to the applicant’s submission, the existing orchard in the north-eastern part of the site would be largely preserved and turned into a landscape area. A total of 226 trees were found in the site, 85 were proposed to be felled, 7 would be transplanted, 134 would be retained, and 329 new trees would be planted;
- (i) the applicant has also proposed some traffic improvement works such as to widen Kam Hang Road westbound for an additional traffic lane between Kwu Tung Road and Hang Tau Road to improve junction capacity, to provide a cautionary crossing about 30m west of the site along Kam Hang Road to facilitate pedestrian movements and residential shuttle service to Sheung Shui or future Kwu Tung Rail Stations during peak hours;

Justifications from the Applicants

- (j) the justifications put forth by the applicant in support of the application were set out in paragraph 2 of the Paper;

Departmental Comments

- (k) departmental comments were set out in paragraph 10 and Appendix IV of the Paper, which were summarised as follows:
 - (i) the Commissioner for Transport (C for T) did not support the

application as the proposed transport service/facilities at Kam Hang Road and Kwu Tung Road would not be able to support the proposed residential development. The applicant had failed to provide assessment on whether existing public transport service could accommodate the demand of the development and the feasibility of the proposed shuttle service was in doubt. In addition, the proposed subway across Fanling Highway was subject to detailed design and its implementation programme had not been confirmed which might not tie in with that of the proposed development;

- (ii) the Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD considered that the proposed PR of 2.1 and BH of 14 storeys would result in a development substantially higher and larger in bulk than the surrounding existing developments making a significant departure from the character of the area;
- (iii) other relevant government departments had no objection to or adverse comments on the application;

Public Comments

- (1) during the first three weeks of the six statutory publication periods, a total of 990 public comments were received, with 260 supporting, 725 objecting and 4 offering views. Amongst them, submissions from ex-North District Council Member, the Sheung Shui District Rural Committee, 土地正義聯盟, Green Sense, Village Representative (VR) of KTS, Indigenous Inhabitant Representative (IIR) of Yin Kong objecting to the application were received. The supporting and objecting views were set out in paragraph 11 of the Paper and summarised as follows:

Supporting Views

- (i) the proposed development parameters were similar to the existing developments in the vicinity and the proposed residential development

was not incompatible with the existing and planned medium-density residential uses in the vicinity;

- (ii) the proposed development would be in close proximity to highways and the future Kwu Tung Rail Station, thus would not cause adverse traffic impact;
- (iii) the proposed development would not cause adverse environmental and visual impacts;
- (iv) the proposed development was in line with the government's housing policy and would help resolve the shortage of housing in Hong Kong and stabilise housing prices;

Objecting Views

- (v) the proposed residential development would be incompatible with the low-rise and low-density residential developments in KTS;
 - (vi) the existing road network would be overloaded. It would result in pedestrian-vehicular conflict and worsen the existing problem of traffic congestion in the area;
 - (vii) the proposed development would lead to adverse environmental and ecological impacts on the surrounding areas and would destroy agricultural land in rural areas and affect the tranquil living environment and *fung shui* of nearby villages;
- (m) the District Officer (North) had also received strong local objections against the application which were summarised in paragraph 10.1.19(b) of the Paper;

PlanD's View

- (n) PlanD did not support the application based on the assessments set out in

paragraph 12 of the Paper, which were summarised as follows:

- (i) as compared with the approved scheme under previous s.16 application No. A/NE-KTS/267, the development parameters proposed in the current application would represent a substantial increase in PR from 0.4 to 2.1 (+425%), SC from 20% to 37% (+85%) and BH from 3 storeys to 14 storeys over one basement carpark (+400%). Whilst there was a strong demand for housing land in Hong Kong, rezoning of land with a substantial increase in development parameters must need to take into account all relevant planning considerations including land use compatibility, sustainability in traffic, environmental and infrastructural provision;
- (ii) in terms of land use compatibility, the proposed development would represent a substantial increase in permitted development parameters which were also significantly higher than that of its surrounding areas CTP/UD&L, PlanD had raised concern that the proposed development intensity would make a significant departure from the character low-rise and low-density of the area;
- (iii) in terms of technical considerations, C for T did not support the application as the applicant had failed to demonstrate that the proposed rezoning for residential development would not cause adverse traffic impact on the surrounding;
- (iv) according to the ES of the OZP, the “CDA” zoning for the site under application was to encourage a comprehensive residential development with preservation of the existing orchard at the north-eastern part of the site. In view of the planning intention and other infrastructural constraints pertinent to the area, low-density residential development would be more appropriate. A similar rezoning application (No. Y/NE-KTS/9) with development parameters higher than those in the current application was not agreed by the Committee on 8.4.2016 on the grounds of land use compatibility and technical considerations. The

approval of the subject application would set an undesirable precedent for similar rezoning applications in the “CDA” zone in KTS.

7. The Chairman then invited the applicant’s representatives to elaborate on the application. With the aid of a PowerPoint presentation, Miss Winnie Wu made the following main points:

- (a) the proposed rezoning and the development parameters proposed were to optimise the development potential of the site and to tie in with the Kwu Tung North (KTN) New Development Area (NDA) which was located on the other side of Fanling Highway;
- (b) should the Committee agree to the proposed rezoning application, further section 16 application to the Board would still be required as the site would remain as a “CDA” zone. The Board and relevant departments could closely monitor the detailed design of the proposed development by imposing appropriate approval condition(s);
- (c) on the technical aspects, C for T’s comments were mainly from the operation perspective. At present, the KTS area was well served by public transport, it was anticipated that public transport services and pedestrian connections would be enhanced upon completion of the KTN NDA. Moreover, as public transport services were demand-driven, it would be enhanced when there was an increase in the population. The applicant was flexible in adjusting the year of population-intake to tie in with the completion of the KTN NDA. Regarding C for T’s concern on the proposed shuttle bus service as a major means of transport, such service was only one of the options, and flexibility had been included in the layout of the proposed development for connection with the existing and future public transport services;
- (d) in terms of compatibility with surrounding areas, the proposed development, which was a medium-density development located at the northern part of the KTS OZP and within the 1000m catchment area of the future Kwu Tung Station, would serve as a smooth transition from the high-rise and

high-density development in the KTN NDA to the low-rise and low-density residential neighbourhood in the KTS area; and

- (e) as regards to the concern on setting an undesirable precedent, there were other similar cases in New Territories sharing the same characteristics as that of the site. An example could be found in the Tuen Mun and Lam Tei area, where medium-density developments were found within the 1000m catchment area of Siu Hong Station as a transition between the high-rise and high-density developments near Siu Hong Station and the low-rise and low-density developments in the Lam Tei area. For the other two “CDA” sites in the KTS OZP, one was recently completed and located far away from Kwu Tung Station and the other was the remaining phase of an existing residential development. There were no other “CDA” sites in the area that possessed the same potential of increasing their PRs to 2.1. In addition, the applicant considered that the current application was different from the rezoning application (No. Y/NE-KTS/9) which was rejected by the Committee on 8.4.2016 due to technical considerations and the planning intentions of the two sites were also not the same.

Relationship with the Planning and Engineering Study for Kwu Tung South

8. Noting that the Planning and Engineering Study for KTS (KTS Study) was still in progress, a Member asked whether the proposed rezoning would pre-empt the results of the KTS Study as well as set a precedent for the area. In response, Miss Winnie Wu said that the site was not within the study area of the KTS Study. Having considered the site context and the technical feasibility, the current rezoning application would provide an opportunity to increase the development potential of the site.

9. In response to a Member’s enquiry on the relationship between KTS and KTN NDA and the long-term planning vision of the two areas, Ms Maggie M. Y. Chin, DPO/FSYLE said that according to the KTN NDA, areas within 500m catchment of the future Kwu Tung Station would be of high-rise and high-density residential developments. The southern part of the KTN NDA, i.e. the area along Fanling Highway, was planned for other uses such as business and technology park, which were intended to act as the noise

buffer to the heavy traffic along Fanling Highway. For KTS, it covered a vast area. While its northern part mainly comprised of residential developments, its southern part were rural areas with active farmland. Careful consideration was therefore required in the planning of KTN and KTS to take into account the unique character of the two areas. The KTS Study was currently in progress and it focused on areas zoned “REC” in the KTS with a total area of approximately 19 hectares. The KTS Study would examine the appropriate level of developments for those areas zone “REC”.

Traffic Aspect

10. A Member asked whether the traffic impact assessment (TIA) had taken into account the cumulative impact of intensifying the development potentials of other sites in the vicinity. In response, Miss Winnie Wu said that the TIA conducted in support of the rezoning application had considered all planned and committed developments in the area known to the applicant. Mr Gary Tsui supplemented that the TIA had included all the information made available to the public by the Government in assessing the future traffic flow in the area. Based on the TIA, road improvement works were proposed to the junction of Kam Hang Road and Kwu Tung Road to ensure that the future traffic flow would be within the design capacity of the junction. The applicant would further review the TIA at the s.16 application stage with the latest data available at that time.

11. The Chairman requested the applicant to further explain the assumptions adopted in the TIA and the proposed road improvement works. In response, Miss Winnie Wu said that apart from the planned/committed developments in the area and an assumed PR of 2.1 for the site, the development potential of other sites in the area were based on the development restrictions on the OZP. As for the proposed road improvement works, the TIA had proposed the provision of additional pedestrian crossings and the widening of the junction of Kam Hang Road and Kwu Tung Road. A cautionary crossing was also proposed at Kam Hang Road near the main entrance of the proposed development.

12. In response to a Member’s question on whether the TIA had taken into account the KTS Study, Miss Winnie Wu said that as no details of the KTS Study were available at this stage, it would not be possible to incorporate the findings in the TIA. Should the rezoning application be approved, a subsequent s.16 application would be submitted to the

Board for consideration. At that stage, if the findings of the KTS Study were made available, the technical assessments in support of the s.16 application would take into account such information for a more comprehensive assessment.

13. Mr Samson S.S. Lam, Chief Traffic Engineer/New Territories West, Transport Department asked whether assessment had been carried out on the required frequency of the public transport services in order to meet the demand of the proposed development, the walking distance and time required for pedestrians to reach public transport services if the proposed pedestrian connections to the KTN NDA could not be completed on time, and whether assessment had been made on the required width of the footpath to be widened. In response, Mr Gary Tsui said that realistic assessment on the public transport services could only be made upon completion of the Kwu Tung Station and the KTN NDA. The applicant would assess the provision of public transport services and the requirement for footpath widening at the s.16 application stage when more information would be available at that time. As for the walking distance and time to reach the future Kwu Tung Station, Mr Gary Tsui said that the proposed development was about 1000m from the Kwu Tung Station and it would take about 10 to 15 minutes to walk. It was anticipated that a comfortable walking environment to Kwu Tung Station would be provided in the KTN NDA.

Landscape Aspect

14. Noting that 85 trees within the site would be felled, a Member enquired about the location of those trees to be felled and what would be the implications on the proposed development should those 85 trees be retained. In response, Miss Winnie Wu said that a majority of the mature trees were located at the existing orchard and the north-western part of the site and they would be preserved. Those trees to be felled were largely located at the main entrance, along the site boundary and at areas where the trees were in conflict with the locations of residential blocks. Those trees would first be considered for transplanting and, if all alternatives were exhausted, then be felled. Compared with the approved scheme under previous approved s.16 application No. A/NE-KTS/267, there were no changes to the number of trees proposed to be felled in the current application.

15. Another Member noted that there were 107 trees with diameter breast height

(DBH) of over 1m within the site. Of which, 35 were proposed to be felled. While there were compensatory planting of 329 heavy standard trees, the total DBH of the compensatory trees were less than that of the trees to be felled. The same Member also opined that those 35 trees with DBH of over 1m would have the potential of being registered under the Old and Valuable Tree (OVT) Register and considered that the compensatory tree proposal was unsatisfactory. In response, Miss Winnie Wu said that CTP/UD&L, PlanD had no further comment on the current application from the landscape planning point of view. At the s.16 application stage, the applicant would review the landscape proposal as well as the disposition of the residential blocks with a view to retain as much trees as possible to address the Member's concern.

Environmental Aspect

16. In response to the Chairman's enquiry on the mitigation measures on traffic noise and the related visual impact, Miss Winnie Wu said that a building setback of not less than 20m from Fanling Highway and noise barriers fronting Fanling Highway with heights ranging from 2m to 8m were proposed. The applicant had made reference to the height and design of the noise barriers in the nearby residential developments in formulating the proposal. In addition, architectural fins and acoustic balconies were also proposed at the residential blocks to further mitigate traffic noise and minimise the height of the proposed noise barriers.

17. The Chairman further asked why a 8m high noise barrier was proposed near the orchard area. In response, Miss Winnie Wu said that as the orchard was an open area, a higher noise barrier was required to ensure that the noise level at the noise sensitive receivers within the site would be acceptable.

18. Another Member asked in determining the height of the noise barriers, whether considerations were given to the future developments at KTN on the opposite side of Fanling Highway and how it would affect the proposed development. In response, Miss Winnie Wu said that the noise barriers proposed at the site were assessed based on the need of the proposed development.

19. In response to a Member's concern on the height of the fence walls around the

site, Miss Winnie Wu said that the height of the fence walls was only 3m and reference had been made to that of the existing residential developments in the KTS area. The applicant would further review the design and height of the fence walls during the detailed design stage.

20. In response to the Chairman's query on the arrangement for sewage treatment at the proposed development, Miss Winnie Wu said that the on-site sewage treatment plant was an interim measure only. The proposed development would be connected to public sewer upon completion of the upgrading works of the Shek Wu Hui Sewage Treatment Works (STW). Upon connection to the public sewer, the on-site sewage treatment plant would be decommissioned. As regards to the drainage arrangement of the proposed development, Miss Winnie Wu said that the site was largely paved, there would be no significant change to the paved area after completion of the proposed development. Peripheral drains were proposed and adverse drainage impact was not anticipated.

21. Mr C.F. Wong, Principal Environmental Protection Officer (Strategic Assessment), Environmental Protection Department, asked for further information about the on-site sewage treatment plant at the site. In response, Miss Winnie Wu said that the proposed development would be connected to public sewer upon completion of the upgrading works at the Shek Wu Hui STW. An approval condition could be imposed at the s.16 application stage on the detailed design of the sewage connection to public sewer as well as the timing of its implementation. If necessary, the applicant was prepared to accept an approval condition on restricting the population intake of the proposed development after the provision of the infrastructure.

Anticipated Completion Year and Population Intake

22. In response to a Member's enquiry on the completion year of the proposed development, Miss Winnie Wu said that the completion year of the proposed development was flexible and the applicant would liaise with relevant government departments at the s.16 application stage on any refinements to the completion year and timing for population in-take. Should relevant government departments consider it necessary during the s.16 stage, the applicant would be willing to accept an approval condition relating to timing for population intake.

23. As the applicant's representatives had no further points to raise and there were no further questions from Members, the Chairman informed the applicant's representatives that the hearing procedure for the application had been completed and the Committee would deliberate on the application in their absence and inform the applicant of the Committee's decision in due course. The Chairman thanked the applicant's representatives and PlanD's representatives for attending the meeting. They left the meeting at this point.

Deliberation Session

24. The Vice-chairman considered that the site was located close to Fanling Highway but away from the future railway station. Traffic noise and public transport services were two main issues to be addressed. He considered that a comprehensive and holistic traffic assessment for the area was necessary to determine whether the site was capable of accommodating an intensified development. As regards to the preservation of trees and orchard at the site, he considered that fewer trees would be felled if the proposed development intensity was lower. As the orchard and a number of trees were located near Fanling Highway, the landscape amenity of the area would be improved should those trees be retained. Moreover, the proposed noise barriers were excessively high with the highest ones to be located near the orchard. That would affect not only the orchard but also have adverse visual impacts. Although the applicant had committed to review the number of trees to be felled and the height of the noise barriers, the current proposal was not satisfactory and he did not support the rezoning application.

25. A Member concurred with the views of the Vice-chairman and said that the approval of the rezoning application would create a precedent effect, especially for the sites in the vicinity. In terms of traffic, without a comprehensive review, this Member considered it difficult to accept the current rezoning application at this stage.

26. Another Member considered that the approval of the application might have a precedent effect as it would affect the overall long-term planning intention of the KTN and KTS area. This Member considered that there were concerns on the BH, noise barriers and fence walls of the proposed development. As a similar application (No. Y/NE-KTS/9) adjacent to the site was not agreed by the Committee, this Member considered that the current

application should not be approved.

27. With regards to the overall long-term planning intention of the KTN and KTS area, the Secretary said that KTN would be a NDA while KTS would be mainly for rural developments with some existing and proposed residential developments near Fanling Highway. The KTS Study was to investigate the development potential of the area immediately south of the site, which was zoned “REC”. There was a difference in the spatial context and planning intention between the KTN and KTS areas.

28. Members generally did not support the application. Although the site might have some development potential, whether that development potential under the current application could be realised was subject to infrastructural provision in the area. The Chairman remarked that there might be potential to increase the development intensity at suitable sites in KTS so as to make better use of the land resources and the planned infrastructure.

29. The Chairman invited Members to go through the rejection reasons as stated in paragraph 13 of the Paper. Members considered that the provision of public transport services was an operational issue. In considering a rezoning application, the focus should be on the capacity of the road network. In the subject rezoning application, the main concern was on the cumulative traffic impact and infrastructure provisions in KTS area. Members then agreed to delete the rejection reason (b) recommended in paragraph 13.1 of the Paper.

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

- “(a) the proposed development parameters including plot ratio and building height are significantly higher than the surrounding areas and incompatible with the present low-rise and low-density character of Kwu Tung South area; and
- (b) approval of the rezoning application would set an undesirable precedent for similar rezoning applications. The cumulative effect of approving such similar applications would result in adverse traffic impact on the

surrounding areas, as well as infrastructure provisions in the Kwu Tung South area.”

[The meeting was adjourned a short break of 5 minutes.]

[Mr Ivan C.S. Fu arrived and Mr Stephen L.H. Liu returned to join the meeting at this point.]

Sai Kung and Islands District

Agenda Item 4

Section 12A Application

[Open Meeting]

Y/SK-PK/6

Application for Amendment to the Approved Pak Kong and Sha Kok Mei Outline Zoning Plan No. S/SK-PK/11, To rezone the application site from “Conservation Area” to “Other Specified Uses” annotated “Columbarium”, Lots 169 S.A, 169 S.B, 169 S.C, 169 S.D, 169 S.E, 169 S.F, 169 S.G, 169 S.H, 169 S. I, 169 S.J, 169 S.K, 169 S.L, 169 S.M and 169 RP in D.D. 219 and adjoining government land, Kei Pik Shan, Sai Kung
(RNTPC Paper No. Y/SK-PK/6)

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

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

Ms Janice W.M. Lai - having current business dealings with Landes.

32. The Committed noted that Ms Janice W. M. Lai had tendered apology for being

unable to attend the meeting. The Committee also noted that the applicant had requested for a deferral of consideration of the application and agreed that Mr Ivan C.S. Fu could stay in the meeting as he had no involvement in the application.

33. The Committee noted that the applicant requested on 12.7.2016 for deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the comments of relevant government departments. It was the first time that the applicant requested for deferment of the application.

34. 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.

Tuen Mun & Yuen Long West District

Agenda Item 5

Section 12A Application

[Open Meeting]

Y/YL-PS/2

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

35. The Secretary reported that Ove Arup & Partners Hong Kong Limited (OAP) was the consultant of the applicant. The following Members had declared interests in this item:

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

Mr Alex T.H. Lai - his firm had current business dealings with OAP.

36. The Committee noted that Mr Alex T.H. Lai had tendered apology for being unable to attend the meeting. The Committee also noted that the applicant had requested for a deferral of consideration of the application and agreed that Mr Ivan C.S. Fu could stay in the meeting as he had no involvement in the application.

37. The Committee noted that the applicant requested on 15.7.2016 for deferment of the application for two months to allow time to liaise with various government departments to discuss and resolve their further comments. It was the third time that the applicant requested for deferment of the application. Since the last deferment, the applicant had submitted further information including revised technical assessments in support of the application.

38. 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 and a total of six months had been allowed for preparation of the submission of the further information, no further deferment would be granted unless under very special circumstances.

Agenda Item 6

Section 12A Application

[Open Meeting]

Y/TM/18 Application for Amendment to the Approved Tuen Mun Outline Zoning Plan No. S/TM/33, To rezone the application site from "Open Space" to "Government, Institution or Community", Lots 491 (part), 492 (part), 495R.P. (part), 498 R.P., 500 (part), 501 (part), 502 R.P. (part), 503, 717 R.P. in D.D. 374 and Adjoining Government Land, So Kwun Wat, Tuen Mun
(RNTPC Paper No. Y/TM/18)

39. The Secretary reported that MVA Hong Kong Limited (MVA) and Kenneth Ng and Associates Limited (KNA) were two of the consultants of the applicant. The following Members had declared interests in this item:

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

Ms Janice W.M. Lai - having current business dealings with KNA.

40. The Committee noted that Ms Janice W.M. Lai had tendered apology for being unable to attend the meeting. The Committee also noted that the applicant had requested deferral of consideration of the application and agreed that Mr Ivan C.S. Fu could stay in the meeting as he had no involvement in the application.

41. The Committed noted that the applicant requested on 11.7.2016 for deferment of the consideration of the application for two months so as to allow time to prepare supplementary information to address the comments of relevant government departments. It was the first time that the applicant requested for deferment of the application.

42. 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.

Sai Kung and Islands District

Agenda Item 7

Section 16 Application

[Open Meeting]

A/I-PC/10 Proposed Eating Place in "Other Specified Uses" annotated "Pier" zone, Shop No. PC2, Peng Chau Ferry Pier, Lo Peng Street, Peng Chau
(RNTPC Paper No. A/I-PC/10)

43. The Committee noted that the applicant requested on 14.7.2016 for deferment of

the consideration for two months so as to allow time for preparation of further information to address the comments of relevant government departments. It was the first time that the applicant requested for deferment of the application.

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

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

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-CWBN/40 Proposed Public Utility Installation (Micro Cell Base Station and Antenna) and Excavation of Land in "Conservation Area" zone, Government Land in D.D. 238, Clear Water Bay Road, Sai Kung (RNTPC Paper No. A/SK-CWBN/40)

Presentation and Question Sessions

45. The Secretary reported the application is submitted by Hong Kong Telecommunication (HKT) Limited, which is a subsidiary of PCCW Limited (PCCW). The following Members had declared interests in this item:

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

Mr David Y.T. Lui - co-owning with spouse two houses in the Clearwater Bay area.

46. As Mr Ivan C.S. Fu's interest is direct, the Committee agreed that he should be invited to leave the meeting temporarily for this item. As Mr Lui's properties had no direct view of the site, the Committee agreed that he could stay in the meeting.

[Mr Ivan C.S. Fu left the meeting temporarily at this point.]

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

- (a) background to the application;
- (b) the proposed public utility installation (micro-cell base station (MCBS) and antenna) and excavation of land;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the paper. Relevant 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 (Sai Kung); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the paper. The proposed MCBS was for enhancement of the mobile phone coverage of the area and the Director-General of Communications, Office of Communications Authority supported the application. It was small in scale and no tree felling would be involved. All concerned departments had no objection to or no adverse comment on the application.

48. Members had no question on the application.

Deliberation Session

49. 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 29.7.2020, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition:

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

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

[Mr Ivan C.S. Fu returned to join the meeting at this point.]

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HC/257 Proposed Public Utility Installation (Underground Cables), Excavation of Land in “Conservation Area” and “Village Type Development” zones, Government Land in D.D.223, Mok Tse Che, Sai Kung
(RNTPC Paper No. A/SK-HC/257)

Presentation and Question Sessions

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

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

52. The Committee noted that Mr Alex T.H. Lai and Ms Christina M. Lee had tendered apologies for being unable to attend the meeting. As the interest of Mr Stephen L.H. Liu was direct, the Committee agreed that he should be invited to leave the meeting temporarily for this item.

[Mr Stephen L.H. Liu temporarily left the meeting at this point.]

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

- (a) background to the application;
- (b) the proposed public utility installation (underground cables) and excavation of land;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Relevant 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 (Sai Kung); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. The proposed underground cables and associated excavation of land were

essential for supplying electricity to meet the power demand of the residential developments of Mok Tse Che and no tree felling were involved in the proposal. No adverse ecological, environmental, geotechnical, drainage, traffic and landscape impacts were anticipated.

54. Members had no question on the application.

Deliberation Session

55. 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 29.7.2020, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed.

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

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-TLS/48 Proposed Public Utility Installation (Underground Cables) and
Excavation of Land in “Conservation Area” zone, Government Land in
D.D. 228, Pak Fa Lam Road, Pak Kung Au, Sai Kung
(RNTPC Paper No. A/SK-TLS/48)

Presentation and Question Sessions

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

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

58. The Committee noted that Mr Alex T.H. Lai and Ms Christina M. Lee had tendered apologies for being unable to attend the meeting and Mr Stephen L.H. Liu had already left the meeting temporarily.

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

- (a) background to the application;
- (b) the proposed public utility installation (underground cables) and excavation of land;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Relevant government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received which objected mainly on environmental and ecological grounds; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. The proposed underground cables and associated excavation of land were essential installation for providing stable and reliable electricity supply to meet the future development in Fei Ngo Shan and all concerned government departments had no adverse comment on or objection to the

application. Regarding the public comment, the planning assessments above were relevant.

60. Members had no question on the application.

Deliberation Session

61. 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 29.7.2020, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed.

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

[Mr Stephen L.H. Liu returned to join the meeting at this point.]

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-PK/230 Temporary Eating Place and Outside Seating Accommodation of Restaurant for a Period of 3 Years in an area shown as 'Road', Shop 10D and open area in front of the Shop, G/F, Po Tung Road, Lot 1827 (Part) in D.D. 221 and adjoining government land, Sai Kung
(RNTPC Paper No. A/SK-PK/230)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary eating place with outside seating accommodation (OSA) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Relevant government departments have 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 objecting to the application as there would be noise nuisance to residents nearby; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. The proposed temporary eating place with OSA on a temporary basis for three years up to August 2019 would not affect the implementation of the road improvement works. The proposed use was considered compatible with the existing commercial uses on ground level of nearby houses. Regarding the public concern on potential nuisance to the nearby houses, the proposed eating place was mainly accommodated within the existing building and the operator had to observe the requirements under relevant environmental legislation.

64. Members had no question on the application.

Deliberation Session

65. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 29.7.2016 to 29.7.2019, on the terms of the application as submitted to the Town Planning Board.

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

Agenda Item 12

Section 16 Application

[Open Meeting]

A/SK-SKT/14 Proposed Flat and Proposed Minor Relaxation of Plot Ratio (from 2 to 2.036) in “Residential (Group E)1” zone and an area shown as ‘Road’ , Nos. 7-9 Hong Ting Road, Sai Kung, New Territories (Lots 963 (Part), Ext.to 963 (Part) and 991 (Part) in D.D. 215)
(RNTPC Paper No. A/SK-SKT/14)

67. The Secretary reported that Ramboll Environ Hong Kong Limited (Environ) was one of the consultants of the applicant. The following Members had declared interests in the item:

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

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

68. The Committee noted that Ms Janice W.M. Lai had tendered apology for being unable to attend the meeting. The Committee noted that the applicant had requested for deferment of consideration of the application and agreed that Mr Ivan C.S. Fu could stay in the meeting as he had no involvement in the application.

69. The Committee noted that the applicant requested on 14.7.2016 for deferment of the consideration for two months so as to allow time for preparation of further information to address the comments of relevant government departments. It was the first time that the applicant requested for deferment of the application.

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

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

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

Sha Tin, Tai Po and North District

[Ms Channy C. Yang, Mr Wallace W.K. Tang and Mr C.T. Lau, Senior Town Planners/Shan Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

Agenda Items 13 and 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/DPA/NE-TT/93 Proposed House (New Territories Exempted House - Small House) in
"Unspecified Use" Area, Government Land in D.D. 289, Ko Tong, Tai
Po
(RNTPC Paper No. A/DPA/NE-TT/93)

A/DPA/NE-TT/94 Proposed House (New Territories Exempted House - Small House) in
"Unspecified Use" Area, Government Land in D.D. 289, Ko Tong, Tai
Po
(RNTPC Paper No. A/DPA/NE-TT/94)

Presentation and Question Sessions

71. The Committee noted that the two applications for proposed houses (New

Territories Exempted Houses (NTEH) – Small House) were similar in nature and the sites were located in close proximity to one another and within the same “Unspecified Use” area. The Committee agreed that the applications could be considered together.

72. Four replacement pages (i.e. pages 5 and 12 of the Paper and Plans A-1 and A-2) of the Paper for each of the applications were tabled at the meeting. Ms Channy C. Yang, STP/STN, presented the applications and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed house ((NTEH) – Small House) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 11 and Appendix IV of the Papers which were summarised as follows:
 - (i) the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) had reservation on the applications as the sites were previously accessible by an unauthorised track, which was under land control action and the subject of on-going complaint;
 - (ii) the Commissioner for Transport (C for T) had reservation on the applications and considered that such type of development should be confined within the “Village Type Development” zone as far as possible;
 - (iii) the Director of Agriculture, Fisheries and Conservation (DAFC) has reservation on the applications as the sites are government land that had been degraded by unauthorised activities. It was more appropriate from nature conservation point of view to allow natural regeneration to take place to facilitate ecological restoration. In addition, the approval of the application would set an undesirable precedent for similar illegal acts of environmental damage on government land and encourage

further destruction of an otherwise intact woodland; and

- (iv) the Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD had objection to the applications as vegetation clearance had taken place within the sites and the surrounding area and further tree removal would be anticipated for construction of future access. Approval of the applications would set an undesirable precedent and the cumulative effect of approving similar applications would result in a general degradation of woodland and cause significant adverse impacts on the landscape resources and character of the area;
- (d) during the first three weeks of the statutory publication period, 17 public comments were received on each of the applications from the green/concern group and individuals, objecting to the applications mainly on the grounds that the proposed developments were not in line with the planning intention of the Development Permission Area (DPA) Plan / “Unspecified Use” area; would pre-determine the land use zonings of the Outline Zoning Plan (OZP); would cause adverse ecological, landscape, environmental and cumulative impacts; the area was subject to suspected “destroy first, build later” activities; no relevant technical assessments were submitted; insufficient provision of supporting facilities for the additional houses; no proper access; no development should be approved prior to the detailed planning of the OZP; not in accordance to the Convention on Biological Diversity; and exploitation of ‘ding’ rights;
- (e) PlanD’s views – PlanD did not support the applications based on the assessments set out in paragraph 13 of the Papers. The applications did not meet the Interim Criteria for Consideration of Application for NTEH/Small House Development in the New Territories in that the proposed developments would cause adverse landscape impact on the surrounding area. Relevant departments including CTP/UD&L, DAFC, DLO/TP and C for T did not support or had reservations on the applications. The approval of the applications would set an undesirable precedent for similar applications in the area, the cumulative effect of which would result

in adverse impacts on the natural environment and landscape character of the area. In view of the large number of planning applications for Small House developments received and in anticipation of more forthcoming planning applications, the cumulative effect of approving similar applications would pre-determine the land use zonings of the OZP under preparation.

73. Members had no question on the applications.

Deliberation Session

74. After deliberation, the Committee decided to reject the applications. The reasons for each of the applications were:

- “(a) the application does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the proposed development would cause adverse landscape impact on the surrounding area;
- (b) the approval of the application would set an undesirable precedent for similar applications in the area. The cumulative effect of approving such applications would result in adverse impacts on the natural environment and landscape character of the area; and
- (c) the cumulative effect of approving similar applications would pre-determine the land use zonings of the Outline Zoning Plan under preparation.”

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/598 Proposed Temporary Public Vehicle Park for a Period of 3 Years in
“Agriculture” zone, Lots 1571 (Part) and 1572 (Part) in D.D.83, Lung
Yeuk Tau, New Territories
(RNTPC Paper No. A/NE-LYT/598)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary public vehicle park for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application as the site was well served by road access and farming activities were observed in its immediate south. DAFC considered that the site could be used for agricultural uses such as plant nursery and greenhouse. Other relevant departments had no objection to or adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, seven public comments were received. A North District Council member supported the application as it could provide convenience to the villagers, whereas the Chairmen of the Fanling District Rural Committee (FDRC) and Sheung Shui District Rural Committee indicated no comment on the application. Four individuals objected to the application mainly on the grounds that some of the approval conditions of the previous application (No. A/NE-LYT/577) had not been met; adverse traffic conditions and road

safety impacts; affecting the tranquillity of the area; and the setting of undesirable precedent for similar application. The District Officer (North) had received supporting comments from two of the Indigenous Inhabitant Representatives of Lung Yeuk Tau and the Chairman of FDRC indicated no comment on the application; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Given the small scale and temporary nature of the development, it was considered that the temporary approval of the application would not frustrate the long-term planning of the area. The site was being used as car park with planning approval (application No. A/NE-LYT/577) granted by the Committee in November 2015 and there were other similar applications in the vicinity of the site approved by the Committee. Regarding the adverse public comments, the planning assessments above were relevant.

76. Members had no question on the application.

Deliberation Session

77. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 29.7.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no vehicle without valid licence issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations is allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (b) only private car and motorcycle as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit 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 car and motorcycle as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the site at all times during the planning approval period;

- (d) no car washing, vehicle repair, dismantling, paint spraying or other workshop activities is allowed on the site at any time during the planning approval period;
- (e) the boundary fence on the site shall be maintained at all times during the planning approval period;
- (f) 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 29.1.2017;
- (g) in relation to (f) 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 29.4.2017;
- (h) 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 29.1.2017;
- (i) in relation to (h) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 29.4.2017;
- (j) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (k) if any of the above planning conditions (f), (g), (h) or (i) is not complied with by the specified date, the approval hereby given shall cease to have

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

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

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

Agenda Item 16

Section 16 Application

[Open Meeting]

A/NE-PK/88 Temporary Place of Recreation, Sports or Culture (Hobby Farm and Ancillary Barbecue Site) for a Period of 3 Years in “Agriculture” and “Green Belt” zones, Lots 2120 and 2122 S.A & S.B in D.D. 91 and adjoining Government Land, Ping Kong, Sheung Shui
(RNTPC Paper No. A/NE-PK/88)

79. The Committee noted that the applicant requested on 15.7.2016 for deferment of the consideration for two months so as to allow time for preparation of further information to address the comments of relevant government departments. It was the first time that the applicant requested for deferment of the application.

80. 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 (Presentation and Question Sessions Only)]

A/NE-TK/582 Proposed House (New Territories Exempted House - Small House) in
 “Green Belt” zone, Lots 598 S.A and 598 RP in D.D. 28, Tai Mei Tuk
 Village, Tai Po
 (RNTPC Paper No. A/NE-TK/582)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. Relevant departments had no objection to or no adverse comment on the application;
- (d) during the statutory publication periods of the application, six public comments were received from World Wide Fund for Hong Kong, Designing Hong Kong Limited and individuals objecting to the application mainly on the grounds of not in line with the planning intention of the “Green Belt” (“GB”) zone; affecting existing natural landscape and slope stability; setting undesirable precedent for similar applications; land was still available within the “Village Type Development” (“V”) zone of Tai Mei Tuk Village; and no impact assessments had been submitted; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper.

The proposed development generally complied with the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories in that more than 50% of the proposed Small House footprint fell within the village ‘environs’; and there was a general shortage of land to meet the demand for Small House development in the “V” zone of Tai Mei Tuk Village. The site is located in close proximity to the existing village cluster and existing village houses and the sites of some approved Small House cases were found in its immediate vicinity. Moreover, the site was subject of a previous approved application (No. A/NE-TK/419) for a Small House development which was approved by the Committee on 21.12.2012. Regarding the adverse public comments, the planning assessments above were relevant.

82. In response to a Member’s question, Mr C.T. Lau said that the application site of application No. A/NE-TK/577 was situated on a slope and that application was rejected mainly due to its adverse geotechnical and landscape impacts.

83. In response to another Member’s query on the difference between the current application and the previous application (No. A/NE-TK/419), Mr Lau said the site boundary had been revised to replace the government land at the northwest of the site by a piece of private land at the southwest. Instead of extending the site to the east, which was a slope, the western side of the site was mainly flat land and therefore there would be no adverse landscape impact.

Deliberation Session

84. A Member had no objection to the current application and opined that consideration of future applications in the area should take into account the natural feature to the east of the site. The Committee agreed.

85. 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 29.7.2020, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the

permission was renewed. The permission was subject to the following conditions:

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

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

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/584 Renewal of Planning Approval for Temporary “Eating Place (Outside Seating Accommodation of a Restaurant)” for a Period of 3 Years in “Village Type Development” zone, Government Land adjoining Lot 882 in D.D. 28, 69B Tai Mei Tuk Village, Tai Po
(RNTPC Paper No. A/NE-TK/584)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary eating place (outside seating accommodation (OSA) of a restaurant) under previous planning

application No. A/NE-TK/447 for a period of three years;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Relevant 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 (Tai Po); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the proposed temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. The proposal including the approval period sought was the same as the previously approved scheme (application No. A/NE-TK/447). The application was 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) and Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34B) in that all the previous approval conditions had been complied with and there had been no material change in planning circumstances in the area since the previous temporary approval was granted.

88. Members had no question on the application.

Deliberation Session

89. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 24.8.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) the setback of the development by 1.6m from the existing village road to its

south shall be maintained at all times during the planning approval period;

- (b) the drainage connection works completed on site shall be maintained at all times during the planning approval period;
- (c) 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 29.1.2017;
- (d) in relation to (c) above, the provision of FSIs within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.4.2017;
- (e) if any of the above planning conditions (a) or (b) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (f) if any of the above planning conditions (c) or (d) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (g) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

[The Chairman thanked Ms Channy C. Yang, Mr Wallace W.K. Tang and Mr C.T. Lau, STPs/STN, for their attendance to answer Members’ enquiries. They left the meeting at this point.]

Fanling, Sheung Shui and Yuen Long East District

[Ms Maggie M. Y. Chin, District Planning Officer/Fanling, Sheung Shui and Yuen Long East (DPO/FSYLE), Dr Rowena M.F. Lee and Miss Yvonne Y.T. Leong, Senior Town Planners/Fanling, Sheung Shui and Yuen Long East (STPs/FSYLE), were invited to the meeting at this point.]

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/530 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lots 943 S.A ss.2 and 944 S.A ss.1 S.A in
D.D.109, Tai Kong Po Tsuen, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTN/530)

Presentation and Question Sessions

91. Dr Rowena M.F. Lee, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. Relevant government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments were received from a member of the public and Designing Hong Kong Limited objecting to the application mainly on the grounds that the

Small House development was not in line with the planning intention of the “Agriculture” (“AGR”) zone and there was no strong justification for departure from the planning intention; the approval of the application would set an undesirable precedent for similar applications; adequate “Village Type Development” (“V”) zone had been provided and the cumulative impact of existing and future Small House development should be considered; no technical assessment had been conducted; and the proposed development would generate adverse impact; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The application met the Interim Criteria for Assessing Planning Applications for NTEH/Small House Development in the New Territories (Interim Criteria) in that the site was located entirely within the village ‘environs’ (‘VE’) and there was no “V” zone in Tai Kong Po to meet the outstanding applications and 10-year demand for Small Houses. Approval of the current application would be in line with the Committee’s decision on similar applications in Tai Kong Po. Regarding the adverse public comments, the planning assessments above were relevant.

92. Members had no question on the application.

Deliberation Session

93. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 29.7.2020, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- “(a) the provision of septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the TPB; and
- (b) the submission and implementation of a tree preservation proposal 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 VI of the Paper.

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/531 Proposed Temporary Shop and Services (Pet Shop with Ancillary Office and Guard Room) for a Period of 3 Years in “Agriculture” zone, Lots 1037 S.A (Part), 1037 S.B (Part), 1037 S.C (Part) in D.D.109 and adjoining Government Land, Tai Kong Po, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTN/531)

Presentation and Question Sessions

95. Dr Rowena M.F. Lee, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed temporary shop and services (pet shop) with ancillary office and guard room for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as active agricultural activities could be found in the vicinity and the site could be used for plant nursery or greenhouse. The Chief Town Planning/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) required the applicant to submit landscape proposal. The Chief Engineering/Mainland North, Drainage Services Department (CE/MN, DSD) also required the

applicant to submit a revised drainage proposal for consideration. Other relevant government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, three public comments were received from the Residential Representative (RR) of Tai Kong Po and two members of the public objecting to or raised concerns on the application mainly on the grounds that the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone; the application appeared to make way for Small House development and would eventually create adverse environmental (including noise and land contamination) impacts; the site was in lack of infrastructure such as emergency vehicular access, refuse collection and toilets to support such business in the area; the proposed development would cause environmental hygiene, pollution and fire safety problems; concern on lack of regulations for pet business; and approval of the application for temporary use would set an undesirable precedent to encourage further encroachment onto “AGR” zone; and

- (e) 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. DAFC did not support the application as agricultural life in the vicinity of the site was active and the site could be used as plant nursery or greenhouse. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis. There was insufficient information to demonstrate that the pet shop would serve merely villages in the surrounding and not generate vehicular trips nor to justify the demand of pets by local residents and the need of a pet shop in that particular area. Although four similar applications within the same “AGR” zone were approved for temporary shop and services (plant showroom), they were more akin to plant nursery use and DAFC had no adverse comment on those applications. The approval of the current application for pet shop without agricultural element would set an

undesirable precedent for similar applications within this part of the “AGR” zone and the cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

96. Members had no question on the application.

Deliberation Session

97. A Member noted that the application fell within the “AGR” zone on the same Outline Zoning Plan as the last item (application No. A/YL-KTN/530) and enquired about the difference in consideration of those two applications. The Chairman said that the proposed pet shop was not in line with the planning intention of the “AGR” zone and relevant government departments were concerned that the scale of the proposed pet shop would attract other shoppers to the area. As for application No. A/YL-KTN/530 which was for a proposed Small House, that application site was located within a village ‘environs’ and sympathetic consideration was therefore given when considering that application.

98. The Secretary supplemented that DAFC had advised that there was active farmland in the vicinity of the current application site but the agricultural rehabilitation potential of the site under application No. A/YL-KTN/530 was low. The site context of the two applications was different from each other.

99. A Member asked whether there were only very few previous applications for pet shops approved by the Committee due to possible nuisance to the nearby residents. In response, the Chairman said that those applications were kennels with outdoor activity areas for dogs while the proposed pet shop would be located indoors in the current application.

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

“(a) the development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and also to retain fallow arable land with good potential for rehabilitation for

cultivation and other agricultural purposes. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis; and

- (b) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within this part of the “AGR” zone. The cumulative effect of approving such applications would result in the encroachment of good agricultural land, causing a general degradation of the rural environment of the area.”

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/698 Proposed Temporary Open Storage of Construction Materials with Ancillary Site Office for a Period of 3 Years in “Agriculture” zone, Lots No. 1023 (Part) and 1024 in D.D. 113, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/698A)

Presentation and Question Sessions

101. The Secretary reported that the site was located at Kam Tin South. Ms Janice W.M. Lai had declared an interest in the item as her family member owned a house at Cheung Po Tsuen, Kam Tin South. The Committee noted that Ms Janice W.M. Lai had tendered apology for being unable to attend the meeting.

102. Miss Yvonne Y.T. Leong, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed temporary open storage of construction materials with ancillary site office for a period of three years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper, which were summarised as follows:
 - (i) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view as active agricultural activities were found in the vicinity of the site and the site had high potential for agricultural rehabilitation and could be used as plant nursery or greenhouse; and
 - (ii) the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers (i.e. residential dwellings) located to the north of the site and environmental nuisance was expected;
- (d) during the first three weeks of the statutory publication period, three public comments were received. The VR of Ho Pui Tsuen did not object to the application as part of the site was covered by previous planning approvals. A member of the public and Designing Hong Kong Limited objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone; no strong planning justification had been given for a departure from the planning intention; the approval of the application would set an undesirable precedent for similar applications; and no traffic impact assessment had been provided in the application; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “AGR” zone. No strong planning justification had been given in the submission to justify for a departure from the planning intention, even on a temporary basis. The proposed development was also not in line with Town Planning Board Guidelines No. 13E for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13E) in that more than half

of the site (59%) was not covered by any previous planning approval. The site fell within Category 3 areas under TPB PG-No. 13E. There were adverse departmental comments on the application and the application did not warrant sympathetic consideration. Approval of the application would set an undesirable precedent for similar applications within the same “AGR” zone and the cumulative effect would result in a general degradation of the rural environment of the area.

103. Members had no question on the application.

Deliberation Session

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

- “(a) the development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is to retain and safeguard good agricultural land for agricultural purposes. This zone is also intended to retain fallow arable land with good potential for rehabilitation. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the application does not comply with the Town Planning Board PG-No. 13E in that the development is not compatible with the surrounding land uses which are predominantly rural in character, there is no previous approval granted at the major part of the site and there are adverse departmental comments on the application;
- (c) the applicant fails to demonstrate that the development would not generate adverse environmental and drainage impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would result in a

general degradation of the rural environment of the area.”

Agenda Item 22

Section 16 Application

[Open Meeting]

A/YL-KTS/700 Temporary Open Storage of Containers (for Storage of Goods, Old Furniture, Office Records) and Ancillary Parking for Tractor/ Trailers and Private Cars for a Period of 3 Years in “Agriculture” zone, Lot 1542 RP (Part) in D.D.106, Yuen Kong San Tsuen, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTS/700A)

105. The Secretary reported that the site was located at Kam Tin South. Ms Janice W.M. Lai had declared an interest in the item as her family member owned a house at Cheung Po Tsuen, Kam Tin South. The Committee noted that Ms Janice W.M. Lai had tendered apology for being unable to attend the meeting.

106. The Committee noted that the applicant requested on 13.7.2016 for deferment of the consideration for two months so as to allow time to commission relevant professionals or engineers to prepare further information to address the comments of relevant departments. It was the second time that the applicant requested for deferment of the application.

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

granted unless under special circumstances.

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/711 Proposed Temporary Public Vehicle Park (excluding container vehicle) for a Period of 3 Years in “Residential (Group C)” zone, Lots 341 (Part), 342 (Part), 344 (Part), 348 (Part) in D.D.109, Kam Sheung Road, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/711)

Presentation and Question Sessions

108. The Secretary reported that the site was located at Kam Tin South. Ms Janice W.M. Lai had declared an interest in the item as her family member owned a house at Cheung Po Tsuen, Kam Tin South. The Committee noted that Ms Janice W.M. Lai had tendered apology for being unable to attend the meeting.

109. Miss Yvonne Y.T. Leong, STP/FSYLE, 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 (excluding container vehicle) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservations on the application from the landscape planning point of view as the submitted landscape proposal was considered not acceptable and considered that the proposed vehicle park would set an undesirable precedent for similar uses

which would degrade the rural character of the “Residential (Group C)” Zone (“R(C)”). Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, two public comments were received from World Wide Fund-Hong Kong and an individual objecting to the application mainly on the grounds that the proposed development was not in line with the planning intention of the “R(C)” zone, the approval of the application would set an undesirable precedent and the site was associated with a previous unauthorised development of the same land use; and
- (e) PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed temporary public vehicle park was not in line with the planning intention of the “R(C)” zone and no strong justifications had been given in the submission for a departure from the planning intention, even on a temporary basis. The proposed public vehicle park at the site operating on a 24-hour daily basis would cause adverse environmental impacts to the local residents. No mitigation measures to address the potential environmental impacts were submitted by the applicant. Compared with the last previous rejected application (No. A/YL-KTS/662), although the current application involved reduction in site area and number of car parking spaces, there was no major change in planning circumstances that warranted a departure from the Committee’s previous decision.

110. Members had no question on the application.

Deliberation Session

111. 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 “Residential (Group C)” (“R(C)”) zone which is intended primarily for low-rise, low-density residential developments. There is no strong justification in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the site is located within a cluster of residential settlements. The applicant fails to demonstrate that the development would not have adverse environmental and landscape impacts on the adjacent residential structures/dwellings; and
- (c) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar uses to proliferate into the “R(C)” zone. The cumulative effect of approving such similar application would result in a general degradation of the environment and the rural character of the area.”

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/712 Proposed Temporary Public Vehicle Park (Private Car and Van) for a Period of 3 Years in “Village Type Development” and “Agriculture” zones, Lots 1448 (Part), 1476 (Part), 1477 S.A (Part) and 1478 RP (Part) in D.D. 106, Kam Sheung Road, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/712)

Presentation and Question Sessions

112. The Secretary reported that the site was located at Kam Tin South. Ms Janice W.M. Lai had declared an interest in the item as her family member owned a house at Cheung Po Tsuen, Kam Tin South. The Committee noted that Ms Janice W.M. Lai had tendered apology for being unable to attend the meeting.

113. Miss Yvonne Y.T. Leong, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed temporary public vehicle park (private car and van) 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 Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application as the site still possessed potential to be used for plant nursery and green house;
 - (ii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from landscape planning perspective as the approval of the application would set an undesirable precedent which would encourage similar car park applications in the area, thus defeating the purpose of the “Village Type Development” (“V”) and “Agriculture” (“AGR”) zones and leading to further degradation of the existing landscape resources; and
 - (iii) other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, three public comments were received from Yuen Kong Tsuen Village Office, Designing Hong Kong Limited and an individual objecting to the application mainly on the grounds of not in line with the planning intentions of “V” and “AGR” zones; adverse impact on road safety, ‘fung shui’, traffic and/or drainage aspects; approval of the application contradicted the government’s

new agricultural policy; the approval of the application would make it more difficult for the site to be converted into other more suitable uses; and the previous application (No. A/YL-KTS/681) for the same applied use was rejected by the Committee and the current application should be rejected on the same grounds; and

- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. A major portion of the proposed temporary public car park fell within the “AGR” zone and the proposed use was not in line with the planning intention of the “AGR” zone. No strong planning justification had been given in the submission for departure from the planning intentions of the “AGR” and “V”, even on a temporary basis. There had been no major change in planning circumstances nor exceptional grounds to depart from the Committee's previous decisions.

114. Members had no question on the application.

Deliberation Session

115. After deliberation, the Committee decided to reject the application. The reason was:

“the proposed development is not in line with the planning intention of the “Agriculture” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and also to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. It is also not in line with the planning intention of the “Village Type Development” zone which is to reflect existing recognized and other villages and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. There is no strong planning justification in the submission for departure from such planning intentions, even on a temporary basis.”

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/713 Temporary Open Storage of Construction Materials and Machinery, Office, Staff Restroom and Store Room for a Period of 3 Years in “Agriculture” zone, Lot 133 RP (Part) in D.D.113 and Adjoining Government Land, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/713)

Presentation and Question Sessions

116. The Secretary reported that the site was located at Kam Tin South. Ms Janice W.M. Lai had declared an interest in the item as her family member owned a house at Cheung Po Tsuen, Kam Tin South. The Committee noted that Ms Janice W.M. Lai had tendered apology for being unable to attend the meeting.

117. Miss Yvonne Y.T. Leong, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed temporary open storage of construction materials and machinery, office, staff restroom and store room for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper, which were summarised as follows:
 - (i) the Director of Agriculture, Fisheries and Conservation did not support the application as the site was well served with road access and possessed potential for agricultural uses such as plant nursery or green house; and
 - (ii) the Director of Environmental Protection did not support the application

as there were sensitive receivers, i.e. residential dwellings located to the north and south of the site, and environmental nuisance was expected;

- (d) during the first three weeks of the statutory publication period, three public comments were received from World Wide Fund-Hong Kong, Designing Hong Kong limited and an individual objecting to the application mainly on the grounds that the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone; no traffic impact assessment had been provided and the expansion and operation of the temporary open storage would generate huge traffic flow in the area; approval of the application contradicted the government’s new agricultural policy; and the site was associated with a previous unauthorised development and there was concern that ‘destroy first and development later’ might have taken place at the site; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “AGR” zone and no strong planning justification had been given in the submission to justify for a departure from the planning intention, even on a temporary basis. The proposed development was also not in line with the Town Planning Board Guidelines No. 13E for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13E) in that the site was not covered by any previous planning approval. There were adverse departmental comments on the application. There was one similar application (No. A/YL-KTS/599) within the same “AGR” zone which was rejected by the Town Planning Board (the Board) upon review on 17.8.2012. Rejection of the current application was in line with the previous decision of the Board on the similar application.

118. Members had no question on the application.

Deliberation Session

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

- “(a) the development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is to retain and safeguard good agricultural land for agricultural purposes. This zone is also intended to retain fallow arable land with good potential for rehabilitation. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the application does not comply with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that there is no previous approval granted at the site and there are adverse departmental comments on the application;
- (c) the applicant fails to demonstrate that the development would not generate adverse environmental and drainage impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.”

Agenda Item 26

Section 16 Application

[Open Meeting]

A/YL-ST/489 Temporary Public Vehicle Park (for Private Cars Only) for a Period of 3 Years in “Undetermined” zone, Lots 205 (Part) and 206 in D.D. 99 and adjoining Government Land, Lok Ma Chau Road, San Tin, Yuen Long

(RNTPC Paper No. A/YL-ST/489)

120. The Committee noted that the applicant requested on 6.7.2016 for deferment of the consideration for two months so as to allow time for preparation of further information to address the comments of relevant government departments. It was the first time that the applicant requested for deferment of the application.

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

[The Chairman thanked Ms Maggie M.Y. Chin, DPO/FSYLE, Dr Rowena M.F. Lee and Miss Yvonne Y.T. Leong, STPs/FSYLE, for their attendance to answer Members' enquiries. They left the meeting at this point.]

Tuen Mun and Yuen Long West District

Agenda Item 27

Section 16 Application

[Open Meeting]

A/TM/490 Proposed Place of Recreation, Sports or Culture (Shooting Range),
Utility Installation for Private Project (Water Pump and Transformer
Houses) in "Green Belt" zone, Pillar Point Valley Landfill, Tuen Mun
(RNTPC Paper No. A/TM/490)

122. The Secretary reported that Ramboll Environ Hong Kong Limited (Environ) was

one of the consultants of the applicant. The following Members had declared interests in the item:

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

Ms Janice W.M. Lai - having current business dealings with Environ.

123. The Committee noted that Ms Janice W.M. Lai had tendered apology for being unable to attend the meeting. The Committee noted that the applicant had requested for deferment of consideration of the application and agreed that Mr Ivan C.S. Fu could stay in the meeting as he had no involvement in the application.

124. The Committee noted that the application requested on 13.7.2016 for a deferment of the consideration of the application for a period of one month so as to allow more time to resolve comments from various departments. It was the first time that the applicant requested for deferment of the application.

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

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TSW/67 Proposed School (Tutorial School) in “Residential (Group B)” zone,
Shop B20, 1/F, Kingswood Richly Plaza, 1 Tin Wu Road, Tin Shui
Wai, Yuen Long

(RNTPC Paper No. A/TSW/67)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed school (tutorial school);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Relevant government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment from a District Council member was received objecting to the application without providing any reason; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed development serving the public including the nearby residents was generally in line with the planning intention. The application was considered in line with the Town Planning Board Guidelines No. TPB PG-No. 40 in that the proposed school was located on the first floor of a commercial complex which was separated from Locwood Court. It was therefore not expected to create any disturbance

to the residents and would unlikely cause any significant adverse impacts on the surroundings.

127. Members had no question on the application.

Deliberation Session

128. 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 29.7.2020, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition:

“the provision of fire service installations for the proposed school to the satisfaction of the Director of Fire Services or of the TPB.”

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

Agenda Item 29

Section 16 Application

[Open Meeting]

A/YL-PS/507 Proposed 2 Houses (New Territories Exempted Houses) in “Residential (Group E)2” zone, Lot 581 (Part) in D.D. 122, Yung Yuen Road, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/507B)

130. The Committee noted that the applicant requested on 13.7.2016 for deferment of the consideration for two months so as to allow sufficient time to address the further comments from relevant government departments. It was the third time that the applicant requested for deferment of the application. Since the last deferment, the applicant submitted revised layout plan and landscape plan on 8.6.2016.

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

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/515 Temporary Rural Communal Public Vehicle Park for Private Cars, 5.5 Tonnes Goods Vehicles, Coaches and 24 Tonnes Goods Vehicles for a Period of 3 Years in "Village Type Development" zone, Lots 429, 430 (Part), 431 (Part), 436 (Part), 437 (Part), 438 S.A, 438 R.P.(Part), 446 (Part), 447 (Part) and 449 R.P.(Part) in D.D. 122, Hang Mei Tsuen, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/515A)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary rural communal public vehicle park for private cars,

5.5 tonnes good vehicles, coaches and 24 tonnes good vehicles 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 air sensitive receivers and traffic was expected to travel along the access road which was located near residential dwelling. Environmental nuisance was expected. Other relevant government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, two public comments were received objecting to the application mainly on the grounds of road safety, noise pollution, environmental nuisance and that the site was more suitable for housing or other uses for better land utilisation; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Although the proposed development was not entirely in line with the planning intention of the “Village Type Development” (“V”) zone, the development could provide vehicle parking spaces to meet the parking demands in the area. Approval of the application on a temporary basis would not jeopardise the long-term planning intention of the “V” zone. Although DEP did not support the application, there was no environmental complaint received for the site in the past three years. To address DEP's concern on possible environmental nuisance, approval conditions were recommended. Regarding the public comments, the planning assessments above were relevant.

133. Members had no question on the application.

Deliberation Session

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

temporary basis for a period of 3 years until 29.7.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (c) a notice shall be posted at a prominent location of the site to indicate that no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site 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) no vehicle washing, vehicle repair, dismantling, paint spraying or other workshop activity is allowed on the site at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) the existing drainage facilities on site shall be maintained at all times during the planning approval period;
- (h) the submission of condition record of the existing drainage facilities within 3 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 29.10.2016;

- (i) the submission of fire service installations proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.1.2017;
- (j) in relation to (i) above, the implementation of fire service installations proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.4.2017;
- (k) the submission of landscape and tree preservation proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 29.1.2017;
- (l) in relation to (k) above, the implementation of landscape and tree preservation proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 29.4.2017;
- (m) the provision of boundary fencing on the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 29.1.2017;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (o) if any of the above planning conditions (h), (i), (j), (k), (l) or (m) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (p) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the

TPB.”

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

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/521 Temporary Public Vehicle Park (Private Cars, Light Goods Vehicles and Light Buses) for a Period of 3 Years in “Comprehensive Development Area” and “Residential (Group B) 1” and “Residential (Group E)2” and “Village Type Development” zones, Lots 568 (Part), 569 RP (Part), 585 (Part), 586, 590 (Part) and 591 (Part) in D.D. 122 and adjoining Government Land, Ping Hing Lane, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/521)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary public vehicle park (private cars, light goods vehicles and light buses) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Relevant government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public

comments were received from two individuals objecting to the application mainly on the grounds of inefficient use of land, the site should be developed for housing or Government, Institution or Community uses, and the site and its adjoining government land were suspected of unauthorised parking of medium and heavy vehicles leading to environmental nuisance; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of one year. Although the applied use was not entirely in line with the planning intentions of the “Village Type Development” (“V”), “Residential (Group E) 2” (“R(E)2”), “Residential (Group B)1” (“R(B)1”) and “Comprehensive Development Area” (“CDA”) zones, the proposed development could provide vehicle parking spaces to meet the parking demands in the area. Approval of the application on a temporary basis would not jeopardise the long-term planning intention of the “V”, “R(E)2”, “R(B)1” and “CDA” zones. However, the previous application (No. A/YL-PS/458) was revoked on 19.8.2015 due to non-compliance with condition concerning operating hours. Although the current application was submitted by a different applicant, the operation had not ceased and a shorter approval period of one year instead of three years sought was recommended to closely monitor the operation of the vehicle park. Regarding the adverse public comments, the planning assessments above were relevant.

137. In response to the Chairman's query, Ms Stella Y. Ng said that the environmental concerns at the “R(E)2” zone were mainly due to the industrial operations nearby.

Deliberation Session

138. The Committee noted that the proposed granting of a temporary approval of one year only was due to the non-compliance with the operating hours of the previous application (No. A/YL-PS/458) which had been revoked in response to a substantiated complaint. As such, PlanD considered close monitoring of the operation of the proposed temporary public vehicle park would be required. The Chairman considered that as the revocation clause was

included as an approval condition, the application could be revoked at any time if non-compliance with any of the approval condition(s) were found. There might not be the need to reduce the approval period from 3 years to 1 year for the purpose of closely monitoring the operation of the vehicle park.

139. A Member considered that as the previous planning approval was revoked due to non-compliance with approval conditions, a shorter approval period could allow close monitoring of the proposed development. In response, the Chairman said that the same could be done through the revocation clause.

140. Another Member said that in the past, a shorter approval period would be granted if there were expected changes in the planning circumstances and a shorter compliance period of the approval condition(s) would be imposed if previous applications were revoked due to non-compliance with the approval conditions. This Member considered that a shorter approval period was not necessary for the current application. The Committee agreed.

141. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 29.7.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (c) a notice shall be posted at a prominent location of the site to indicate that no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site at all time during the planning approval period;

- (d) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the site at any time during the planning approval period;
- (e) no vehicle washing, vehicle repair, dismantling, paint spraying or other workshop activity is allowed on the site at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) the peripheral fencing on the site shall be maintained at all times during the planning approval period;
- (h) the existing drainage facilities on site shall be maintained at all times during the planning approval period;
- (i) the submission of condition record of the existing drainage facilities within 3 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 29.10.2016;
- (j) the submission of fire service installations proposal within 3 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.10.2016;
- (k) in relation to (j) above, the implementation of fire service installations proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.1.2017;
- (l) the submission of landscape and tree preservation proposal within 3 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 29.10.2016;
- (m) in relation to (l) above, the implementation of landscape and tree

preservation proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 29.1.2017;

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

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

- “(c) shorter compliance period is granted in order to monitor the operation of the car park. Sympathetic consideration may not be given by the Committee to any further planning application should the applicant fail to comply with approval condition(s) resulting in the revocation of the planning permission again.”

Agenda Item 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/384 Proposed Temporary Shop and Services (Local Provision Store with Ancillary Storage Area and Real Estate Agency) for a Period of 3 Years in “Village Type Development” zone, Lots 266 RP (Part) and 268 (Part) in D.D. 117 and Adjoining Government Land, Tai Tong, Yuen Long
(RNTPC Paper No. A/YL-TT/384)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary shop and services (local provision store with ancillary storage area and real estate agency) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Relevant government departments have 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 who raised objection to the application with no reason provided; 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 “Village Type Development” (“V”) zone, the proposed shop and services use could

provide services to meet the demand in the area. The approval of the development on a temporary basis would not frustrate the long-term planning intention of the “V” zone. Regarding the adverse public comment, the planning assessments above were relevant.

144. Members had no question on the application.

Deliberation Session

145. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 29.7.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 10:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no vehicle 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;
- (c) the submission of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 29.1.2017;
- (d) in relation to (c) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 29.4.2017;
- (e) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 29.1.2017;
- (f) in relation to (e) 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 29.4.2017;

- (g) in relation to (f) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (h) the submission of a 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 29.1.2017;
- (i) in relation to (h) above, the implementation of the fire service installation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.4.2017;
- (j) if any of the above planning conditions (a), (b) 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;
- (k) if any of the above planning conditions (c), (d), (e), (f), (h) or (i) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;
and
- (l) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/385 Proposed Utility Installation for Private Project (Electricity Transformer Room) and Excavation of Land in “Village Type Development” zone, Lot 1827 S.H (Part) in D.D. 119, Pak Sha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TT/385)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed utility installation for private project (electricity transformer room) and excavation of land;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Relevant 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 had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed utility installation was required for the provision of necessary electricity supply to support the nearby New Territories Exempted House/Small House developments and was in line with the planning intention of the “Village Type Development” (“V”) zone. The associated

excavation of land and back-filling would not cause any significant adverse impacts on the surrounding areas.

148. Members had no question on the application.

Deliberation Session

149. 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 29.7.2020, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition:

“the submission and implementation of water supplies for firefighting and fire service installations proposal to the satisfaction of the Director of Fire Services or of the TPB.”

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

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/784 Proposed Temporary Dog Kennel cum Dog Recreation Centre for a Period of 3 Years in “Residential (Group D)” zone, Lots 702 RP (Part), 705 RP (Part), 706 RP (Part), 707, 708, 709, 710, 711, 712, 713, 714 (Part), 715, 716, 717, 718, 719 (Part), 720 (Part), 752 (Part), 753 (Part), 754 RP (Part) and 757 RP in D.D. 121 and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/784A)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary dog kennel cum dog recreation centre for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Relevant departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from an individual expressing concern that the proposed development was not in line with the planning intention and approval of the application would set an undesirable precedent; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Although the proposed development was not in line with the planning intention of the “Residential (Group D)” zone, there was no known programme for permanent development on the site. The proposed development could provide service to meet any such demand. Approval of the application on a temporary basis would not frustrate the long-term development of the area. Regarding the adverse public comment, the planning assessments above were relevant.

152. Members had no question on the application.

Deliberation Session

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

temporary basis for a period of 3 years until 29.7.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 7:00 p.m. and 9:00 a.m., except for the overnight dog kennel, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) all dogs shall be kept inside the enclosed boarding facilities after operation hours on the site during the planning approval period;
- (c) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, 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) 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 29.1.2017;
- (f) the submission of a 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 29.1.2017;
- (g) in relation to (f) above, the implementation of the 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 29.4.2017;
- (h) the submission of a revised drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 29.1.2017;

- (i) in relation to (h) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 29.4.2017;
- (j) in relation to (i) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (k) the 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 29.1.2017;
- (l) in relation to (k) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.4.2017;
- (m) if any of the above planning conditions (a), (b), (c), (d) 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;
- (n) if any of the above planning conditions (e), (f), (g), (h), (i), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (o) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/798 Temporary Warehouse for Storage of Construction Material and Furniture for a Period of 3 Years in “Undetermined” zone, Lots 1250 (Part), 1256 (Part), 1259 (Part), 1260, 1261 (Part) and 1267 (Part) in D.D.119, Pak Sha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/798)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary warehouse for storage of construction material and furniture 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 did not support the application as there were sensitive receivers, i.e. residential structures located to the east of the site and environmental nuisance was expected. However, no environmental complaint concerning the site was received in the past three years. Other relevant departments had no objection to or no adverse comments 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 who raised objection with no reason provided; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the

assessments set out in paragraph 11 of the Paper. The proposed development was not in conflict with the planning intention of the “Undetermined” zone. The proposed development was not incompatible with the surrounding uses in the subject “U” zone. Regarding the adverse public comment, the planning assessments above were relevant.

156. Members had no question on the application.

Deliberation Session

157. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 29.7.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 7:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (d) no repairing, dismantling, spraying or any other workshop activities, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (e) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;

- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) all existing trees and landscape plantings on the site shall be maintained at all times during the planning approval period;
- (h) 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 29.1.2017;
- (i) the submission of a revised drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 29.1.2017;
- (j) in relation to (i) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 29.4.2017;
- (k) in relation to (j) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (l) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.1.2017;
- (m) in relation to (l) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.4.2017;
- (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 the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 36

Any Other Business

159. There being no other business, the meeting closed at 6:00 p.m.