

TOWN PLANNING BOARD

Minutes of 563rd Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 26.8.2016

Present

Director of Planning
Mr K.K. Ling

Chairman

Mr H.W. Cheung

Vice-chairman

Professor K.C. Chau

Mr Ivan C.S. Fu

Ms Janice W.M. Lai

Mr H.F. Leung

Dr F.C. Chan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr Lawrence K.C. Li

Miss Winnie W.M. Ng

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

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

Principal Environmental Protection Officer (Strategic Assessment),
Environmental Protection Department
Mr 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 Christina M. Lee

Dr C.H. Hau

Mr Alex T.H. Lai

Mr Stephen L.H. Liu

In Attendance

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

Chief Town Planner/Town Planning Board
Ms Doris S.Y. Ting

Assistant Town Planner/Town Planning Board
Mr Harris K.C. Liu

Agenda Item 1

Confirmation of the Draft Minutes of the 562nd RNTPC Meeting held on 12.8.2016

[Open Meeting]

1. The draft minutes of the 562nd RNTPC meeting held on 12.8.2016 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Sai Kung and Islands District

[Mr Richard Y.L. Siu, District Planning Officer/Sai Kung and Islands (DPO/SKIs), and Mrs Alice K.F. Mak, Senior Town Planner/Sai Kung and Islands (STP/SKIs), were invited to the meeting at this point.]

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/TKO/3 Application for Amendment to the draft Tseung Kwan O Outline Zoning Plan No. S/TKO/23, To rezone the application site from “Green Belt” to “Residential (Group C) 2”, Lot 453 RP (Part) in D.D.401 and Adjoining Government Land, Po Lam Road, Tseung Kwan O
(RNTPC Paper No. Y/TKO/3)

3. The Secretary reported that Urbis Limited (Urbis) 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 Urbis
Ms Janice W.M. Lai]	

4. Since Mr Ivan C.S. Fu and Ms Janice W.M. Lai had no involvement in the application, the Committee agreed that they could stay in the meeting.

Presentation and Question Sessions

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

Mr Richard Y.L. Siu	-	District Planning Officer/Sai Kung and Islands (DPO/SKIs)
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Mrs Alice K.F. Mak	-	Senior Town Planner/Sai Kung and Islands (STP/SKIs)
Mr Ho Fu Min]	
Mr Chan Tat Choi]	
Mr Daniel Wei]	
Mr Vincent Wong]	
Ms Kattie Yau]	applicant's representatives
Mr Craig Doubleday]	
Mr Antony Wong]	
Ms Cleo Yip]	
Mr Ho Fu Yuen]	
Ms Jacqueline Ho]	

6. The Chairman extended a welcome and explained the procedure of the hearing. He then invited Mrs Alice K.F. Mak, STP/SKIs, to brief Members on the background of the application. With the aid of a PowerPoint presentation, Mrs Alice K.F. Mak presented the application and covered the following aspects as detailed in the Paper.

The Proposal

- (a) the applicant proposed to rezone the application site (the Site) to the south of Po Lam Road from “Green Belt” (“GB”) to “Residential (Group C) 2” (“R(C)2”) for a low-rise and low-density residential development with a maximum plot ratio (PR) of 0.4, a maximum site coverage (SC) of 22% and a maximum building height of 3 storeys including carport;
- (b) the Site, with an area of about 2,294.5m² and comprised 473.5m² (20.6%) of government land, had previously been used as an open storage yard and was currently left vacant. It was surrounded by vegetated hill slopes and was accessible to Po Lam Road via a narrow track falling on government land. The proposed residential development comprised six 3-storeys houses and the applicant proposed to widen the existing track to 6m wide to serve as an access road and emergency vehicular access of the proposed development. The major proposed development parameters of the

indicative development scheme were as follows:

Site Area	2,294.5 m ²
Total Floor Area	913.32m ²
PR	0.398 (approximate)
SC	21.65% (approximate)
Building Height	Not exceeding 8.8m (147.5mPD)
Number of Storeys	3 (including carport)
Number of Units	6 houses
Car Parking Spaces	7 for private cars (including 1 visitor parking space)
Loading/Unloading Spaces	1

Departmental Comments

- (c) departmental comments were set out in paragraph 8 of the Paper, which were summarised as follows:
- (i) the District Lands Officer/Sai Kung of Lands Department (DLO/SK, LandsD) advised that the lot was an agricultural lot and the proposed low-density residential development was considered not acceptable under the lease. Application for land exchange from the land owners was required. There was no guarantee that the Government would eventually approve the land exchange application and the proposed right-of-way (ROW) of the proposed development;
 - (ii) the Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD advised that no significant adverse visual impact on the surrounding was anticipated. However, he had reservation on the application from landscape planning perspective as the proposed rezoning of the Site within the densely vegetated “GB” zone was incompatible with the surrounding environment. The proposed 3m high fence along the site boundary might incur excavation outside the Site and the densely vegetated slopes in the immediate vicinity

would be affected. Also the proposal of reducing height of the vertical green wall could not alleviate the potential impact on the existing vegetation outside the Site;

- (iii) the Chief Architect/Central Management Division 2 of Architectural Services Department (CA/CMD2, ArchSD) commented that the tree survey submitted had not satisfactorily addressed the concern that no tree protruded into the Site;
- (iv) the Commissioner for Transport commented that agreement from the Transport Department (TD)/Highway Department (HyD) on the design and construction of Right of Way (ROW), widening of pedestrian footpath along Po Lam Road and the necessary improvement works should be sought;
- (v) other concerned departments including the Environmental Protection Department (EPD), Fire Services Department (FSD), Drainage Service Department (DSD) and Water Supplies Department (WSD) had no objection to or no adverse comment on the application;

Public Comments

- (d) during the first three weeks of the public publication period, two comments from Designing Hong Kong Limited and an individual were received. They objected to the application on the grounds that the proposed development was incompatible with the “GB” zone, there was no overriding need and no public gain from the rezoning application and approval of the application would set an undesirable precedent;

PlanD's View

- (e) PlanD did not support the application based on the assessments set out in paragraph 10 of the Paper, which were summarised as follows:

- (i) the applicant failed to provide strong justification to warrant a departure from the planning intention of the “GB” zone;
- (ii) notwithstanding the applicant’s claim that the Site had been paved since 1982, the site was located within and formed part of a large “GB” area. The proposed development surrounded by vegetated hill slopes within the “GB” zone was considered incompatible with the surrounding environment;
- (iii) both CTP/UD&L, PlanD and CA/CAM2, ArchSD concerned that the vegetation outside the Site would be affected by the proposed development. Insufficient information was provided to demonstrate there would be no adverse landscape impact arising from the proposed development. The approval of the application would set an undesirable precedent for similar applications, the cumulative effect of approving such applications would result in general degradation of the natural environment of the area; and
- (iv) the private lot of the Site was an agricultural lot with no building entitlement and the Site also comprised about 473.5m² of government land mainly for the provision of vehicular access/EVA for the proposed development. The applicant failed to provide any justification to support the land exchange application. Also, the proposed road widening on the adjoining government land was subject to the approval the relevant departments and there was no guarantee that the proposed access arrangement and ROW would be accepted.

7. The Chairman then invited the applicant’s representatives to elaborate on the application. With the aid of a PowerPoint presentation, Mr Ho Fu Min made the following main points:

- (a) the Site had been used for open storage yards/construction plants for more than 10 years. Since the demand for open storage /construction plants in

Tseung Kwan O area was gradually declining over the past years, and there were practical operational reasons not to continue using the Site for open storage due to the substandard run-in/out and narrow access track for use by large and heavy vehicles, his company was exploring alternative use for better utilisation of the site; and

- (b) given there was an acute keen housing demand in the society, his company proposed to rezone the Site for residential use with a view to meeting some of the housing demand.

8. With the aid of a PowerPoint presentation, Mr Chan Tat Choi made the following main points:

- (a) regarding the first recommended rejection reason in the Paper on failure to provide strong justification to warrant a departure from the planning intention of the “GB” zone, the applicant had provided strong justifications in support of the proposed rezoning in the submission, which were summarised as follows:

Unique Site Background and Characteristic

- (i) showing an aerial photo taken in 1982, the Site had already been paved and used as an open storage yard before the gazette of the first statutory plan covering Tseung Kwan O area in 1992. Though the Site was zoned “GB” on the OZP, the open storage use on the Site was regarded as an existing use and was tolerated under the prevailing planning regime. That unique site background denoted that the land use of the Site was different from those in the surrounding “GB” area;

No Adverse Impacts Arising from the Proposed Development

- (ii) there was sufficient buffer distance (approximate 2.2km) between the Site and the Country Park and no adverse visual or landscape

impacts on the Country Park was anticipated. The pedestrian footpath along Po Lam Road was proposed to be widened to facilitate the proposed development and provide more convenience for the residents nearby;

- (iii) the application would not involve destruction of vegetation and was not a suspected “destroy first, build later” case. On the contrary, the proposed residential development would phase out the incompatible use and increase greenery at the Site through landscaping, bringing environmental improvement to the area;
- (iv) various technical assessments had been conducted to demonstrate that there would be no unacceptable traffic, environmental, drainage, sewerage, landscape, visual and geotechnical impacts on the surrounding areas;

Compatible with the Surrounding Environment

- (v) the proposed development which comprised only six 3-storey houses at a PR of 0.4 and site coverage of 22% was a small-scale development. The proposed low-rise, low-density residential development was compatible with those low to medium-density residential developments along the section of Po Lam Road in the vicinity of the Site and the development intensity was in line with the development restrictions of the “GB” zone;
- (vi) the application complied with the Town Planning Board Guidelines No. 10 on “Application for Development within “GB” zone” in that the proposed development was small in scale, could phase out incompatible land use in “GB” zone, was compatible with the surrounding area, and had no insurmountable technical problems;

Departmental and Public Comments

- (vii) except CTP/UD&L, PlanD who had reservation on the application

with some minor comments on landscape aspects, other concerned departments had no objection to or no adverse comments on the application. The proposed development should not have adverse impact on the “GB” in that only two adverse public comments were received which was much fewer than other applications involving “GB” site. Moreover, none was submitted by green group; and

- (b) regarding the second recommended rejection reason in the Paper on setting an undesirable precedent, it was based on the consideration that the Site was surrounded by dense vegetation in the large “GB” zone and that the proposed development might have adverse landscape impact on trees outside the Site. The landscape consultant of his team would make responses to that ground.

9. With the aid of a PowerPoint presentation, Mr Craig Doubleday made the following main points:

- (a) regarding landscape compatibility, the Site was paved with concrete for more than 30 years and had no valuable landscape resources or vegetation. The submitted visual impact assessment concluded that there would be insubstantial visual impact. The scale and bulk of the proposed development were compatible with the surrounding developments and the greening elements of the proposed development would improve the aesthetic value of the Site and the surrounding area; and
- (b) regarding the potential landscape impact on trees outside the site, those existing trees which might be affected by the proposed development were mainly located along the western boundary with a few on the eastern boundary. The erection of a 3m high boundary wall as currently proposed only required minimal excavation (around 0.5 m outside the boundary) and would have minor or insignificant impacts on the root system of those trees. Tree branches overhanging the boundary wall would unlikely be affected or pruned. Moreover, appropriate construction technique could be adopted to minimize excavation to areas within the Site. It was anticipated that the

landscape impact on the trees outside the Site would be minimal. Furthermore, to minimise the potential impact on the existing trees adjacent to the Site, consideration might be given to replacing the concrete boundary wall by fence wall subject to detailed design, such that the requirement on the footing and excavation could be further reduced.

10. With the aid of a PowerPoint presentation, Mr Chan Tat Choi continued to make the following main points:

Undesirable Precedent

- (a) given the unique background, location and characteristics of the Site, no other similar “GB” sites could be found in the area. Approval of the current application would not set an undesirable precedent for similar applications within the “GB” zone;

Land Exchange and Access Arrangement

- (b) the applicant proposed to adopt an exchange ratio of 1:1 in the land exchange application. The area of private land to be surrendered would be equal to the area of government land to be re-granted and no additional government land would be involved. The modified boundary for both the regrant site and the government land would be rationalised for better utilisation of land resource;
- (c) besides, the applicant proposed shared use of the proposed access road with the adjoining government land to the east of the Site abutting Po Lam Road in order to minimise the potential traffic impact on the existing road. TD had no adverse comment on such arrangement;

Conclusion and Recommendations

- (d) in sum, the applicant considered that the Site was suitable for residential development and the proposed development was in line with the

government's policy to increase housing supply. Sufficient justifications in response to the departmental comments and in support the rezoning application had been provided;

- (e) taking into account the concerns on the proposed development on the "GB" zone raised by PlanD and the public comments, the following two proposals were put forth for the Committee's consideration:
 - (i) to partially agree the rezoning application by amending the Notes for the "R(C)" zone to incorporate the requirements for submission of a Master Layout Plan (MLP) for development on site zoned "R(C)2" so as to enable to Town Planning Board (the Board) to control the overall layout and design of the proposed development; and
 - (ii) to partially agree the rezoning application by amending the Notes for the "R(C)" zone to put residential use on site zoned "R(C)2" under column 2 such that future residential development on the Site would be subject to the scrutiny of the Board through planning application.

11. As the presentations from PlanD's representative and the applicant's representatives had been completed, the Chairman invited questions from Members.

12. A Member asked whether the previous open storage use on the Site within the "GB" zone had obtained any approval from concerned departments and what the access arrangement was for the Site. In response, Mr Chan Tat Choi said that since the open storage use existed before the gazette of the first statutory plan covering Tseung Kwan O area, such use was considered as an existing use which would be tolerated in accordance with the provision of the prevailing Outline Zoning Plan (OZP). Mrs Alice K.F. Mak, STP/SKIs, with reference to Plan Z-2 of the Paper, said that the Site was currently accessible from Po Lam Road via a narrow track on government land. The applicant proposed to widen the narrow track to 6m to serve as the access road and EVA for the future residential development on the Site.

13. In response to the Chairman's enquiry about the area annotated as STT No. SX

4534 on Plan Z-2 of the Paper, Mrs Mak said that the government land under the subject Short Term Tenancy (STT) was currently let out for the purposes of landscape gardening, plant nursery or commercial gardening and the STT was still in force. However, as revealed in the previous site inspections, the STT site had remained vacant for quite some time.

14. In response to the same Member's enquiry on the access arrangement for the Site at the time when it was used for open storage, Mrs Mak said that according to LandsD, a Short Term Waiver (STW) for open storage and maintenance of plant equipment was granted for the Site during the period from 1991 to 2002 and the Site was no longer covered by any valid STW. It was likely that the open storage yard at the Site might have used the existing local access road. Mr Chan supplemented that the local track leading from Po Lam Road to the Site was previously under private ownership but subsequently resumed by the Government for the widening of Po Lam Road.

15. In response to a Member's enquiry, Mrs Mak said that the Site was left vacant at the time of site visit and there was no sign of unauthorised development thereat.

16. 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 informed 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

17. A Member said that although the Site had been used for open storage use in the past, there was no strong justification for using the Site for residential development. Another Member said that notwithstanding that the Site were used for open storage due to some historic reasons, the open storage use had ceased and the right for using the Site for open storage should have lapsed accordingly. The Member wondered if the applicant was required to reinstate the Site to a green area instead of continuing to put the Site into other uses.

18. In response to some Members' concern on the legality of the open storage use on the Site, the Chairman explained that from land administration point of view, the use of the Site, which was an agricultural lot, for open storage would not contravene the lease conditions unless unauthorised building structures were erected on the Site. From statutory planning perspective, the open storage use at the Site was in existence prior to the gazette of the first Tseung Kwan O OZP in 1992. Besides, no enforcement action on the Site could be taken by the Planning Authority since the Tsueng Kwan O area was not previously designated as a development permission area. Members should focus on the suitability of using the Site for residential development instead of its previous land use.

19. The Chairman invited Mr Edwin W.K. Chan, Assistant Director/Regional (3), LandsD, to advise whether the access arrangement to the Site which required passing through government land was acceptable from land administration point of view. Mr Chan said that the use of the Site for open storage purpose did not contravene the lease. The proposed access arrangement which required the construction of a vehicular access on government land might not be unacceptable provided that the concerned government land was not required for other uses.

20. While considering that there was no strong justification to approve the application, a Member enquired whether any similar rezoning applications involving "GB" site had previously been approved by the Board in other areas and if so, under what circumstances such applications would be approved. The Secretary reported that while no similar rezoning application was approved on the Tseung Kwan O OZP, there were some similar applications for rezoning "GB" to residential use in other areas which had previously been approved by the Board. Nevertheless, each application should be considered based on its own individual merits.

21. While concurring that the rezoning application should not be approved, another Member said that the technical issue concerning the provision of ROW over government land would still exist even if the Site was reverted to open storage use should the application be rejected.

22. Mr Edwin W.K. Chan said that whether ROW over government land should be given to individual site would depend on the circumstances of each case. Application for

ROW over government land on both sides of major road would normally be approved unless there were other special circumstances. For the current application, further information should be provided to demonstrate whether ROW along the local track was previously granted to the Site.

23. Having considered that the Site was not involved in any “destroy first, build later” case, no tree felling would be involved, similar applications were approved in other areas, and the access arrangement could be separately dealt with by LandsD, a Member considered that there was no strong ground to reject the current application. Nevertheless, the Member considered that the submitted landscaping proposed was inadequate to demonstrate that the proposed development would not cause adverse impacts on the surrounding area. Moreover, the scale of development and the layout could be further reviewed to provide more greenery space at the Site.

24. Another Member shared similar views and said that approval of the current application would not create significant precedent effect owing to the unique condition and background of the Site. Those technical concerns of the proposed residential development such as land exchange and ROW were not insurmountable and could be addressed at a later stage.

25. Despite the uncertainty on some technical issues relating to access arrangement and the legality for using the Site for open storage, a Member considered that the application could be supported from land use planning point of view in that proposed residential development at the Site could bring environmental improvement to the general area. Similar low-rise and low-density developments in the midst of some densely vegetated areas were not uncommon in the Clear Water Bay area. Nevertheless, the Member raised concern on setting of an undesirable precedent and considered that more information on whether sites of similar characteristics could be found in the area should be provided.

26. A Member echoed the view that there were insufficient grounds to reject the application and approval of the application would facilitate a better utilisation of land, bringing environmental improvement to the Site and the area. The Member, however, considered that the issue of granting of ROW over government land for accessing the Site should be resolved before the approval of the application. Moreover, since the submitted

landscape proposal failed to address relevant departmental comments and could be further enhanced, the Member suggested that the applicant should be requested to revise the landscape proposal.

27. At the request of the Chairman, Mr Edwin W.K. Chan said that for the subject case, part of the proposed access road for the proposed development fell on government land currently under a STT granted to others. It was not uncommon for the Government to take back a portion of government land from the STT tenant and grant the concerned area to another applicant if situations warranted.

28. Another Member held a different view and considered that the proposed residential development was incompatible with the surrounding densely vegetated area and the proposed six houses could not relieve the acute housing demand as claimed by the applicant. The Member was not convinced that the proposed residential development on the Site would improve the general environment of the area, and was more concerned that the approval of the application would set an undesirable precedent given that there were a lot of small “GB” sites which were already paved in other parts of the territory.

29. Given that the subject “GB” zone covered a large area where a number of private lots might be found, the Vice-chairman said that the approval of the current application would attract other landowners in the subject “GB” zone to submit similar rezoning applications. The implications of approving the subject application on preserving the valuable landscape resources of the “GB” zone should be duly considered.

30. A Member inclined to support the application for better utilization of land resources, taking into account that the Site would not be reinstated to green area after the cessation of the open storage use and would remain paved, and that the proposed residential development on the Site would unlikely become a precedent for other similar applications due to the unique site background.

31. To address the concern on insufficient greenery in the proposed development, a Member said that a number of measures and technology could be used to increase the greening ratio for the proposed development.

32. Based on the above discussion, the Chairman summed up that more Members considered that the proposed residential development on the Site was acceptable in-principle subject to satisfactory resolution of the technical concerns on landscape and access arrangement. Some Members considered that the proposed zoning boundary of the Site as currently submitted was not satisfactory and consideration should be given to incorporating part/whole of the adjoining government land near Po Lam Road currently under STT in order to rationalise the zoning boundary. A revised site boundary with an improved access arrangement and to enhance the development potential of the Site and its adjoining area should be considered.

33. The Secretary drew Members' attention that two revised proposals were presented by the applicant's representative at the meeting i.e. to incorporate into the Notes of "R(C)" zone the requirement for MLP submission or putting 'house' development under Column 2 for "R(C)2" zone, and that there was provision for house development within "GB" zone through s.16 planning application.

34. The Chairman summarised the following options and invited Members' views on them:

- (a) to agree to the rezoning application on the terms as submitted;
- (b) to partially agree to the rezoning application on the terms as originally submitted subject to the incorporation of the latest proposal submitted by the applicant at the meeting which were set out in paragraph 10(e) above;
- (c) not to agree to the rezoning application but to request PlanD to review the zoning of the Site and work out the suitable land use zoning, zoning boundary and development parameters, taking into account Members' concerns; and
- (d) not to agree to the rezoning application and advise the applicant to resubmit a fresh s.12A application with Members' concern on the technical issues duly addressed or to submit a s.16 application.

35. Given that the landscape proposal currently submitted by the applicant had failed to demonstrate that the proposed development would not have adverse impact on the surrounding and there was scope to refine the layout of the proposed development, a Member considered that the applicant's revised proposal of submitting a s.16 application after rezoning might allow the Committee to have better control on the future development scheme. In response, the Chairman said that it was not the usual practice for the Committee to require the applicant to submit further planning application for small-scale residential development within a residential zone.

36. Another Member said that while having no in-principle objection to the proposed residential development on the Site, the proposals currently submitted could not satisfactorily address the concerns on landscaping and access arrangement. The Member considered it more appropriate for PlanD to review the zoning of the Site in a comprehensive manner taking into account Members' concerns. The proposed zoning boundary of the Site should also be suitably revised to improve the access arrangement and increase the development potential of the Site and its adjoining area.

37. A Member said that the applicant's revised proposal to partially agree the rezoning application but required the future submission of s.16 application for proposed residential development was inconsistent with the usual practice. It was also undesirable to advise the applicant to pursue the residential development within "GB" through s.16 application which would contravene the planning intention of the zone. While expressing in-principle support to the proposed residential development on the Site, the Member considered that the application as submitted should not be agreed at the moment having regarded that the current submission was unable to satisfactorily address the concern of potential impact on the landscape resources of the area. The applicant should be advised to resubmit a fresh s.12A application with revised proposal to address the departmental and the Committee's concerns.

38. The Chairman concluded that Members generally considered that the proposed residential development on the Site at the scale as proposed by the applicant acceptable. Given that the landscape proposal currently submitted by the applicant had failed to demonstrate that the proposed development would not have adverse impact on the landscape resources of the surrounding and there was scope to refine the zoning boundary of the Site to

enhance the development potential, Members therefore considered it premature to approve the rezoning application at the moment. The Committee then went through PlanD's recommended rejection reasons as set out in paragraph 11.1 of the Paper and considered that revisions should be made.

39. A Member considered that the recommended rejection reason on setting of undesirable precedent for other similar applications within the "GB" zone was applicable with regard to the local area. Some Members however noted that the Board had in recent years agreed to the rezoning of some "GB" sites in Sai Kung area and hence the recommended rejection reason on setting an undesirable precedent might not be appropriate.

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

- “(a) the Site forms an integral part of the “Green Belt” zone. The applicant failed to demonstrate that the rezoning application would not cause adverse impact on the existing landscape resources of the surrounding area and that the proposed development would bring significant environmental improvement to the area; and
- (b) the proposed zoning boundary of the proposed “Residential (Group C) 2” zone would affect the optimal utilisation of land resources.”

Agenda Items 4 and 5

Section 12A Applications

[Open Meeting]

Y/I-DB/2 Application for Amendment to the Approved Discovery Bay Outline Zoning Plan No. S/I-DB/4, To rezone the application site from “Other Specified Uses” annotated “Staff Quarters (5)” to “Residential (Group C) 12”, Area 6f, Lot 385 RP & Ext. (Part) in D.D. 352, Discovery Bay, Lantau Island
(RNTPC Paper No. Y/I-DB/2)

Y/I-DB/3 Application for Amendment to the Approved Discovery Bay Outline Zoning Plan No. S/I-DB/4, To rezone the application site from “Other Specified Uses” annotated “Staff Quarters (1)”, “Other Specified Uses” annotated “Service Area”, “Other Specified Uses” annotated “Dangerous Goods Store/Liquefied Petroleum Gas Store”, “Other Specified Uses” annotated “Pier (3)”, “Other Specified Uses” annotated “Petrol Filling Station”, “Other Specified Uses” annotated “Marina” and “Government, Institution or Community” to “Residential (Group C) 13”, “Government, Institution or Community”, “Other Specified Uses” annotated “Residential Above Service Area” and “Other Specified Uses” annotated “Promenade” and to extend the Outline Zoning Plan boundary beyond the existing seawall and zone it as “Residential (Group C) 13” and “Other Specified Uses” annotated “Promenade”, Area 10b, Lot 385 RP & Ext. (Part) in D.D. 352, Discovery Bay, Lantau Island
(RNTPC Paper No. Y/I-DB/3)

41. The Committee noted that the two s.12A applications were submitted by the same applicant, and agreed that the applications could be considered together.

42. The Secretary reported that the applications were submitted by Hong Kong Resort Company Limited (HKRCL). Masterplan Limited (Masterplan), Urbis Limited (Urbis) and Ove Arup & Partners Hong Kong Limited (Arup) were the three consultants of the applicant. The following Members had declared interests in the items:

- Mr K.K. Ling
(the Chairman) - owned a property in Discovery Bay area
- Mr Stephen L.H. Liu - having current business dealings with HKRCL
- Mr Ivan C.S. Fu - having current business dealings with HKRCL, Masterplan, Urbis and Arup
- Ms Janice W.M. Lai - having current business dealings with Urbis
- Mr Alex T.H. Lai - his firm having current business dealings with Arup
- Dr Lawrence K.C. Li - co-owned with spouse a flat in Discovery Bay area

43. The Committee noted that Mr Stephen L.H. Liu and Mr Alex T.H. Lai had tendered apologies for being unable to attend the meeting. The Committee also noted that the applicant had requested for deferral of consideration of the two applications, and agreed that since Ms Janice W.M. Lai had no involvement in the applications and the properties of Mr K.K. Ling and Dr Lawrence K.C. Li did not have a direct view of the sites, they could stay in the meeting. Since the interest of Mr Ivan C.S. Fu was direct, the Committee agreed that he could stay in the meeting but should refrain from participating in the discussion.

44. The Committee noted that the applicant requested on 5.8.2016 for deferment of the consideration of the two applications for two months so as to allow time for reviewing and responding to the latest departmental comments. It was the second time that the applicant requested for deferment of the applications. Since the last deferment, the applicant had submitted a revised Landscape Master Plan, traffic study, environmental study and additional photomontages for the two applications.

45. After deliberation, the Committee decided to defer decisions on the applications as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the applications 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 applications could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information. Since it was the second deferment and a total of four months had been allowed for preparation of submission of further information, no further deferment would be granted unless under very special circumstances.

[The following part of the meeting was recorded under confidential cover.]

Sha Tin, Tai Po and North District

Agenda Item 6

Section 12A Application

[Open Meeting]

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

46. The Committee noted that the applicant requested on 28.7.2016 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 various government departments. It was the first time that the applicant requested for deferment of the application.

47. 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.

Agenda Item 7

Section 12A Application

[Open Meeting]

Y/ST/33 Application for Amendment to the Approved Sha Tin Outline Zoning Plan No. S/ST/32, To rezone the application site from "Residential (Group B)" and "Green Belt" to "Other Specified Uses" annotated "Religious Institution with Columbarium", Lots 2, 671 and 819 RP in D.D. 181, Tai Wai, Sha Tin
(RNTPC Paper No. Y/ST/33)

48. The Secretary reported that the site was located in Tai Wai, Sha Tin. The following Members had declared interests in the item:

- | | |
|---------------------|---|
| Ms Christina M. Lee | - her spouse owned a flat in Tai Wai |
| Professor K.C. Chau | - co-owned with spouse a flat in Fo Tan |
| Mr Samson S.S. Lam | - owned a flat and two car parking spaces in Fo Tan |

49. The Committee noted that Ms Christina M. Lee had tendered apology for being unable to attend the meeting. The Committee also noted that the applicant had requested for deferral of consideration of the application, and agreed that Professor K.C. Chau and Mr Samson S.S. Lam could stay in the meeting as their properties did not have a direct view of the site.

50. The Committee noted that the applicant requested on 11.8.2016 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.

51. 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.

Fanling, Sheung Shui and Yuen Long East District

Agenda Item 8

Section 12A Application

[Open Meeting]

Y/NE-KTS/10 Application for Amendment to the Approved Kwu Tung South Outline Zoning Plan No. S/NE-KTS/14, To rezone the application site from "Agriculture" to "Residential (Group C) 6", Lots 1435, 1436 RP, 1442 S.A RP, 1584 S.B ss.3, 1585 S.B RP, 1592 S.B ss.2, 1592 S.B RP, 1593 S.A, 1594 S.A, 1594 RP, 1601 S.A RP, 1601 S.B RP, 1602, 1603, 1604 S.A RP, 1604 RP, 1605 RP, 1606 and 1607 in D.D. 100, Fan Kam Road, Kwu Tung South
(RNTPC Paper No. Y/NE-KTS/10A)

52. The Secretary reported that the application was submitted by Sanyear Investments Limited, which was a subsidiary of New World Development Company Limited

(New World). MLA and Associates (MLA), MVA Hong Kong Limited (MVA), Ramboll Environ Hong Kong Limited (Environ) and AECOM Asia Company Limited (AECOM) were four of the consultants of the applicant. The following Members had declared interests in the item:

- | | |
|---------------------|---|
| Mr Ivan C.S. Fu | - having current business dealings with New World, MVA, Environ and AECOM |
| Ms Janice W.M. Lai | - having current business dealings with New World, MLA, Environ and AECOM |
| Mr Stephen L.H. Liu | - having current business dealings with New World |
| Dr C.H. Hau | - having current business dealings with AECOM |

53. The Committee noted that Mr Stephen L.H. Liu and Dr C.H. Hau had tendered apologies for being unable to attend the meeting. The Committee also noted that the applicant had requested for deferral of consideration of the application, and agreed that Mr Ivan C.S. Fu and Ms Janice W.M. Lai whose interests were direct could stay in the meeting but should refrain from participating in the discussion.

54. The Committee noted that the applicant requested on 11.8.2016 for deferment of the consideration of the application for two months in order to allow time to prepare visual impact assessment and sewerage impact assessment to address departmental comments. It was the second time that the applicant requested for a deferment of the application. Since the first deferment on 19.2.2016, the applicant had submitted further information to address departmental comments on 11.4.2016, 20.4.2016 and 30.5.2016.

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

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

Tuen Mun and Yuen Long West District

Agenda Item 9

Section 12A Application

[Open Meeting]

Y/YL-LFS/8 Application for Amendment to the Approved Lau Fau Shan & Tsim Bei Tsui Outline Zoning Plan No. S/YL-LFS/7, To rezone the application site from "Recreation" to "Government, Institution or Community (1)", Lot 1862 (Part) in D.D. 129, Lau Fau Shan, Yuen Long

(RNTPC Paper No. Y/YL-LFS/8A)

56. The Secretary reported that the application was submitted by Chun Wo Construction and Engineering Company Limited, which was a subsidiary of Chun Wo Development Holdings Limited (Chun Wo). Ramboll Environ Hong Kong Limited (Environ) was one of the consultants of the applicant. The following Members had declared interests in the item:

Mr H.F. Leung	-	having current business dealings with Chun Wo
Mr Ivan C.S. Fu]	having current business dealings with Environ
Ms Janice W.M. Lai]	

Ms Christina M. Lee - being the Secretary-General of the Hong Kong Metropolitan Sports Events Association, which obtained sponsorship from Chun Wo before

57. The Committee noted that Ms Christina M. Lee had tendered apology for being unable to attend the meeting. The Committee also noted that the applicant had requested for deferral of consideration of the application, and agreed that Mr H.F. Leung whose interest was direct could stay in the meeting but should refrain from participating in the discussion while Mr Ivan C.S. Fu and Ms Janice W.M. Lai could stay in the meeting as they had no involvement in the application.

58. The Committee noted that the applicant requested on 12.8.2016 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. It was the second time that the applicant requested for deferment of the application. Since the first deferment on 18.3.2016, the applicant had submitted further information to address departmental comments on 11.5.2016, 8.6.2016 and 9.8.2016.

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

Agenda Item 10

Section 12A Application

[Open Meeting]

Y/YL/11 Application for Amendment to the Draft Yuen Long Outline Zoning Plan No. S/YL/22, To rezone the application site from “Open Space” to “Other Specified Uses” annotated “Art Storage and Public Open Space”, Lots 2281 S.A, 2282 RP, 2283 RP, 2960 RP and 2964 S.B in D.D. 120 and Adjoining Government Land, Yuen Long
(RNTPC Paper No. Y/YL/11A)

60. The Secretary reported that the application was submitted by Winpo Development Limited, which was a subsidiary of New World Development Company Limited (New World). Ove Arup & Partners Hong Kong Limited (Arup) was the consultant of the applicant. The following Members had declared interests in the item:

- | | | |
|---------------------|---|--|
| Mr Ivan C.S. Fu | - | having current business dealings with New World and Arup |
| Ms Janice W.M. Lai |] | having current business dealings with New World |
| Mr Stephen L.H. Liu |] | |
| Mr Alex T.H. Lai | - | his firm having current business dealings with Arup |

61. The Committee noted that Mr Stephen L.H. Liu and Mr Alex T.H. Lai had tendered apologies for being unable to attend the meeting. The Committee also noted that the applicant had requested for deferral of consideration of the application, and agreed that Mr Ivan C.S. Fu and Ms Janice W.M. Lai whose interests were direct could stay in the meeting but should refrain from participating in the discussion. It was the second time that the applicant requested for deferment of the application. Since the first deferment on 5.2.2016, the applicant had submitted further information on 5.4.2016 and 30.5.2016.

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

stay in the meeting.

[Mr K.K. Ling left the meeting temporarily and Mr H.W. Cheung, the Vice-chairman, took over the Chairmanship at this point.]

Presentation and Question Sessions

65. With the aid of a PowerPoint presentation, Mr Richard Y.L. Siu, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH));
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The District Lands Officer/Islands of Lands Department (DLO/Is, LandsD) objected to the application in that the site did not fall within the village ‘environs’ of any recognized village. The Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L, PlanD) had some reservation on the application from landscape planning perspective as the proposed NTEH development might involve works outside the site to form access road, and might involve tree felling due to site formation. However, no information was provided by the applicant to address the potential landscape impact arising from the proposed development. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments from members of the public were received. The commenters disagreed/raised objection to the application mainly on the grounds of adverse environmental impacts, being not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone, affecting the natural coastal environment and community benefit, insufficient justifications for developing a NTEH outside “Village Type Development”

zone and setting of undesirable precedent; 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 within the site, which was currently vacant with no existing structure, was not in line with the planning intention of the “R(D)” zone, which was primarily for redevelopment of individual buildings/structures into permanent buildings, and not for low-rise, low-density residential developments. There was no justification provided by the applicant for a departure from such planning intention. DLO/Is, LandsD objected to and CTP/UD&L, PlanD had reservation on the application. Approval of the application would set an undesirable precedent and encourage other similar applications for new development spreading in “R(D)” zone, thereby defeating its planning intention and resulting in a general degradation of the rural character of the area. Although the applicant cited five similar applications that had been previously approved by the Committee in Sai Kung and Yuen Long areas, those applications was approved based on different planning considerations. It was considered inappropriate to make direct comparison between the proposed development and those applications cited by the applicant. Regarding the public comments, the assessments above were relevant.

66. Members had no question on the application.

Deliberation Session

67. 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 D)” (“R(D)”) zone which is primarily for improvement and upgrading of existing temporary structures through redevelopment of existing temporary structures into permanent buildings. No planning justification has been provided in the submission for a departure from the

Presentation and Question Sessions

70. Ms Amy M.Y. Wu, STP/SKIs, drew Members' attention that a letter submitted by the applicant's representative on 25.8.2016 providing responses to the Planning Department's (PlanD's) views on the application was tabled at the meeting. With the aid of a PowerPoint presentation, she presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed minor relaxation of non-domestic plot ratio restriction for permitted commercial development;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The District Lands Officer/Islands of Lands Department (DLO/Is, LandsD) advised that according to the lease, the applicant was required to provide a 24-hour segregated public pedestrian walkway (the pedestrian walkway) and such gross floor area (GFA) might be exempted. While an area of 612m² for the pedestrian walkway was excluded from the GFA calculation by DLO/Is, LandsD under the latest approved building plans, there was no guarantee that the proposed exemption of 790m² under application would be approved by his office. The Chief Building Surveyor/New Territories East 1 & Licensing Section of Buildings Department (CBS/NTE1&L, BD) advised that the pedestrian walkway was GFA accountable under the Buildings Ordinance (BO) unless exempted in accordance with the requirements stipulated in Practice Notes for Authorized Persons No. APP-108 (PNAP 108), and the pedestrian walkway was GFA accountable under the latest approved building plan. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, 19 comments were received from individuals. A total of 17 commenters

supported the application on the grounds that the 24-hour pedestrian walkway would enhance connectivity to the surroundings and benefit both pedestrians and drivers, the additional 20 hotels room would have insignificant effect on the development intensity and would benefit the tourism industry, and the commercial complex would create local employment. The remaining two comments objected to the application for the reasons that the application was for the benefit of the developer instead of public good, no urgent need to provide additional pedestrian access, and causing adverse environmental impact; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. According to the Notes of the Outline Zoning Plan (OZP), minor relaxation of the plot ratio (PR) restriction within the “Commercial (1)” (“C(1)”) zone was to provide flexibility for innovative design adapted to the characteristics of particular sites. The current application was for minor relaxation of PR from 5 to not more than 5.079 (equivalent to an increase in GFA of not more than 790m²) for the provision for pedestrian walkway. CBS/NTE1&L, BD advised that the GFA for the walkway was accountable under BO and PlanD would normally follow BD's practice in granting GFA exemption. Since it was a requirement under the lease for the provision of the pedestrian walkway and the pedestrian walkway could be implemented under the approved building plans without the need for GFA exemption, there was no planning merit nor strong justification for the application for minor relaxation. Regarding the approved application No. A/MOS/82 as quoted by the applicant, the situation of that application was different from the current one in that the walkway had been included in the first approved Master Layout Plan (MLP), the GFA for the walkway was exempted under lease, that was only a technical revision to the approved MLP, and the total GFA for commercial uses or building bulk of development remained the same. Regarding the public comments, the assessments above were relevant.

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

71. Noting that the pedestrian walkway might be exempted from GFA calculation under the lease and that it had been included in GFA calculation under the latest approved building plans, the Chairman enquired whether it was the original planning intention to include the GFA of pedestrian walkway into the PR of 5 when the development restrictions of the “C(1)” zone was formulated. Ms Amy M.Y. Wu, STP/SKIs, said that the Notes of the OZP only specified that the floor space of public transport interchange (PTI) should be included in GFA calculation in determining the maximum PR of development on “C(1)” zone. There was no indication on the Notes that the pedestrian walkway could be disregarded from PR calculation. In response to the Chairman’s further enquiry, Mr Wu said that the Notes did not specify the minimum GFA for the PTI.

72. Compared to the approved application quoted by the applicant, a Member asked for the rationale for not supporting the current application. In response, Ms Wu said that according to the explanatory statement of the OZP, minor relaxation of PR was to provide flexibility for innovative design adapted to the characteristics of particular sites. Since the pedestrian walkway for the proposed development had been included in GFA calculation under the latest building plans approved by the Building Authority and the provision of the pedestrian walkway could be implemented even if no GFA exemption was granted, there was no planning merit nor strong justification for approving the current application for minor relaxation of PR.

73. In response to the Chairman’s question on the departmental comments on the provision of the subject pedestrian walkway, Ms Wu said that concerned departments, including the Transport Department, had no adverse comment on the alignment as shown on the application and the approved building plans.

74. In response to a Member’s question on whether the requirement to provide a pedestrian walkway was stipulated in the land sale conditions, the Chairman replied in the affirmative and requested PlanD to advise whether the detailed requirement, such as alignment and scale, of the pedestrian walkway was specified in the lease conditions. Ms Wu said that according to the lease conditions, the grantee was required to provide a 24-hour segregated public pedestrian walkway with a minimum width of 6m and to connect to the future footbridge to the planned town hall. The area of the 24-hour segregated public

pedestrian walkway might be excluded from GFA calculation under the lease.

75. In response to the Chairman's enquiries on the criteria of GFA exemption for the proposed pedestrian walkway and whether the GFA of the subject pedestrian walkway could be exempted under the lease, Mr Edwin W.K. Chan, Assistant Director/Regional 3, LandsD, explained that the granting of GFA exemption would depend on whether the scale and design of the proposed pedestrian walkway were reasonable. According to the building plans approved by DLO/Is, LandsD, the proposed pedestrian walkway with an area of 612m² was excluded from GFA calculation. Ms Wu supplemented that while the GFA of 612m² was previously exempted by LandsD, the GFA of the proposed pedestrian walkway as submitted under the current application amounting to 790m² was yet to be exempted by LandsD.

76. The Chairman asked why there was an increase in the GFA for the proposed pedestrian walkway as compared with the previous submission. In response, Ms Wu said that according to the further information submitted by the applicant, the detailed design for the public walkway was not complete. The increase in GFA of the pedestrian walkway was due to the inclusion of area of Means of Escape (MOE), lifting platform and structural wall serving exclusively the pedestrian walkway under the latest design.

77. Noting that the approval of the application would result in the provision of additional hotel rooms for the proposed development, a Member asked whether additional land premium would be incurred given there would be an increase in development intensity of the site. The Chairman said that land premium issue, which was under the regime of LandsD, was not a planning consideration and should not be taken into account by the Board in considering the planning application.

78. The Vice-chairman asked whether the provision of the 6m wide pedestrian walkway within the proposed development was stated in the planning intention of the "C(1)" zone and whether the provision of facilities such as MOE, lifting platform and structural wall was essential to and served exclusively the proposed pedestrian walkway. In response, Ms Wu said that while the OZP did not set out any requirement related to the pedestrian walkway, the provision of a 6m wide pedestrian walkway was specified under the lease conditions. According to the applicant's submission, the proposed pedestrian walkway under application had included a GFA of 612m² previously exempted by LandsD plus areas for MOE, lifting

platform and structural wall, which served exclusively the proposed pedestrian walkway. There was no information from the concerned departments on whether the provision of such facilities was considered essential for the proposed pedestrian walkway.

79. A Member asked whether the pedestrian walkway with an area of 612m² was sufficient and whether it had already included the essential facilities. In response, Ms Wu said that since the building plans incorporated with the pedestrian walkway was already approved by both LandsD and BD, the provision of the pedestrian walkway in terms of alignment and design should be deemed as adequate and be able to comply with the fire safety and various technical requirements of other concerned departments. Ms Wu further said that having regarded that the provision of the pedestrian walkway was feasible under the approved building plan where no GFA exemption was granted by the Building Authority, there was no planning merit nor strong justification to approve the current application for minor relaxation of non-domestic PR restriction.

Deliberation Session

80. To facilitate Members' consideration of the application, the Chairman summarised the background of the current application as follows :

- (a) there was no explicit requirement under the OZP for the provision of a pedestrian walkway within the "C(1)" zone;
- (b) the need for the provision of a pedestrian walkway was incorporated in the lease conditions and it was specified under the lease that the GFA of such walkway might be exempted. According to the building plans approved by LandsD, the pedestrian walkway with an area of 612m² was exempted from GFA calculation;
- (c) given that the maximum permissible PR for the site was 15 under the Building (Planning) Regulations, there was no need for BD to exercise its discretion to exempt the GFA of the pedestrian walkway in the previously approved building plans; and

- (d) as PlanD would normally follow BD's practice in GFA exemption, the GFA of the proposed pedestrian walkway was thus GFA accountable and the applicant applied for minor relaxation of PR restriction to cater for the GFA not exempted under the BO.

81. The Vice-chairman remarked that while BD, LandsD and PlanD might have different treatment in GFA exemption for the proposed pedestrian walkway under their respective regime, the core issue in the subject application was to ascertain whether it was the original planning intention of the subject "C(1)" zone to require the developer to provide the pedestrian walkway and if so, whether such GFA could be disregarded from PR calculation under the OZP. Given that the provision of pedestrian walkway for the site was not clearly specified in the Notes of the OZP, consideration might be given to making reference to the lease conditions which were normally prepared in such manner to reflect the planning intention and incorporate the planning requirements as appropriate. In this regard, it was reasonable to assume that the provision of pedestrian walkway within the proposed development was generally in line with the original planning intention and hence the associated GFA could be exempted. While it was understood that a GFA of 612m² was previously exempted by LandsD, there was insufficient information for the Committee to assess whether the granting of additional GFA of 790m² under the current application was fully justified notwithstanding that the applicant had claimed that the increase in GFA for the proposed pedestrian walkway was due to the inclusion of MOE, lifting platform and structural wall which were essential to the provision of pedestrian walkway.

82. The Chairman said that the development restriction of a maximum PR of 5 for the "C(1)" zone on the OZP was to cater for a commercial cum PTI development. The requirement on provision of pedestrian walkway was incorporated into the lease conditions as concerned departments subsequently considered that the pedestrian walkway would bring more public benefit. Given that the provision of such pedestrian walkway within the commercial development was required by the Government as reflected in the lease conditions and it could bring about public benefits, Members might consider whether the current application to provide additional GFA on top of the maximum PR of 5 should be given favourable consideration and whether the design and provision of the walkway was acceptable.

83. In response to a Member's query on whether the application could be approved with a reduced scale of minor relaxation, say for 612m² instead of 790m² as currently sought, the Secretary said that the Committee should consider the application based on the terms as submitted by the applicant.

84. Having regard that the pedestrian walkway could provide convenience to the public, Members generally agreed that such provision was a planning gain and thus warrant favourable consideration. Nevertheless, the extent of minor relaxation to be granted would need to be further assessed in consultation with the concerned departments. The Chairman therefore suggested that the application should be deferred pending further comments from relevant departments on whether the design of the proposed pedestrian walkway was reasonable and that the GFA of 790m² as currently sought was justified.

85. On consideration that there were many different options in the design of the proposed pedestrian walkway to meet the lease requirement, a Member agreed to defer consideration of the application pending the provision of further information from the concerned departments.

86. Another Member, while agreeing to defer consideration of the application, considered that the provision of pedestrian walkway was itself a planning merit and would provide a sufficient ground for favourable consideration of the application. The lease requirements regarding the provision and possible GFA exemption of the pedestrian walkway should not be a major consideration. Consideration of the application should not merely base on whether GFA exemption was granted by the relevant departments, but also take into account the planning merits of the application.

87. Another Member said that while the proposed pedestrian walkway with a GFA of 612m² was already approved, further advice from concerned departments on the increasing the GFA to 790m² for the pedestrian walkway, as submitted by the applicant, should be sought.

88. After deliberation, the Committee decided to defer a decision on the application pending further comments from concerned departments on whether the design and provision of the public pedestrian walkway including the MOE, lifting platform and structural wall, as

currently proposed by the applicant, was reasonable. The Committee agreed that the application should be submitted for its consideration within two months after the receipt of further comments from the concerned departments.

[The Chairman thanked Mr Richard Y.L. Siu and Ms Amy M.Y. Wu, STPs/SKIs, for their attendance to answer Members' enquiries. They left the meeting at this point.]

[The meeting was adjourned for a break of five minutes.]

[Ms Janice W.M. Lai and Mr H.F. Leung left the meeting and Mr Ivan C.S. Fu returned to join the meeting at this point.]

Agenda Item 13

Section 16 Application

[Open Meeting]

A/SK-SKT/9 Proposed Comprehensive Residential Development in “Comprehensive Development Area (1)” zone, Various Lots in D.D. 221 and Adjoining Government Land, Sha Ha, Sai Kung
(RNTPC Paper No. A/SK-SKT/9B)

89. The Committee noted that the replacement page (page 2 of the Paper) incorporating the revised paragraph 3.3 of the Paper was tabled at the meeting.

90. The Secretary reported that one of the applicants was Boxwin Limited, which was a subsidiary of New World Development Company Limited (New World). Ramboll Environ Hong Kong Limited (Environ) and MVA Hong Kong Limited (MVA) were two of the consultants of the applicants. The following Members had declared interests in the item:

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

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

Mr Stephen L.H. Liu - having current business dealings with New World

91. The Committee noted that Mr Stephen L.H. Liu had tendered apology for being unable to attend the meeting and Ms Janice W.M. Lai had already left the meeting. The Committee also noted that the applicants had requested for deferral of consideration of the application, and agreed that Mr Ivan C.S. Fu whose interest was direct could stay in the meeting but should refrain from participating in the discussion.

92. The Committee noted that the applicants requested on 12.8.2016 for deferment of the consideration of the application for two months so as to allow more time for preparation of further information to address relevant departmental comments. It was the third time that the applicants requested for deferment of the application. Since the last deferment on 19.6.2015, the applicants had submitted further information in response to comments from relevant government departments from 12.8.2015 to 13.7.2016.

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

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-SKT/15 Proposed Shop and Services (Fast Food Shop) in “Village Type Development” zone, Shop No. 6 (Rear Portion), G/F, 66 Yi Chun Street, Sai Kung
(RNTPC Paper No. A/SK-SKT/15)

94. The Secretary reported that the site was located in Sai Kung Town. Ms Janice W.M. Lai had declared interest in the item as her spouse owned a property in Sai Kung Town. The Committee noted that Ms Lai had already left the meeting.

Presentation and Question Sessions

95. 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 shop and services (fast food shop);
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment from an individual was received raising objection to the application as it would affect the environment; 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 fast food shop at the ground floor of an existing two-storey building was generally in line with the planning intention of the “Village

Type Development” zone. The proposed use was considered not incompatible with the land uses in the vicinity, where commercial uses were commonly found on the ground floor of other village houses in the vicinity. Given its small scale, the proposed use would not cause significant adverse impacts on pedestrian flow, drainage and sewerage aspects. Concerned government departments had no objection to or no adverse comment on the application. The proposed fast food shop would be subject to control by the licensing authority. Regarding the public comment, the assessments above were relevant.

96. Members had no question on the application.

Deliberation Session

97. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 26.8.2020, 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 and water supplies for firefighting to the satisfaction of the Director of Fire Services or the TPB.”

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

Agenda Item 15

Section 16 Application

[Open Meeting]

A/SK-SKT/16 Proposed 19 Houses and Minor Relaxation of Plot Ratio Restriction (from 0.75 to 0.756) in “Green Belt” and “Residential (Group E)2” zones, Lots 8 S.B, 9 S.A and 9 S.B in D.D. 212 and Adjoining Government Land, Hong Kin Road, Sai Kung
(RNTPC Paper No. A/SK-SKT/16)

99. The Secretary reported that the site was located in Sai Kung Town. Ms Janice W.M. Lai had declared interest in the item as her spouse owned a property in Sai Kung Town. The Committee noted that Ms Lai had already left the meeting.

100. The Committee noted that the applicant requested on 15.8.2016 for deferment of the consideration of the application for two months to allow time for preparation of further information to address relevant departmental comments. It was the first time that the applicant requested for deferment of the application.

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

Sha Tin, Tai Po and North District

Agenda Items 16 to 24

Section 16 Applications

[Open Meeting]

- A/NE-KLH/510 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 111 S.B ss. 1 in D.D. 7, Tai Wo Village, Tai Po
- A/NE-KLH/511 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 111 S.B ss. 2 in D.D. 7, Tai Wo Village, Tai Po
- A/NE-KLH/512 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lots 111 S.B ss. 3 and 111 S.B ss. 10 in D.D. 7, Tai Wo Village, Tai Po
- A/NE-KLH/513 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 111 S.B ss. 4 in D.D. 7, Tai Wo Village, Tai Po
- A/NE-KLH/514 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 111 S.B ss. 5 in D.D. 7, Tai Wo Village, Tai Po
- A/NE-KLH/515 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 111 S.B ss. 6 in D.D. 7, Tai Wo Village, Tai Po
- A/NE-KLH/516 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 111 S.B ss. 7 S.A in D.D. 7, Tai Wo Village, Tai Po

- A/NE-KLH/517 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 111 S.B ss. 8 S.A in D.D. 7, Tai Wo Village, Tai Po
- A/NE-KLH/518 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lots 111 S.B ss. 8 RP and 111 S.B ss. 9 RP in D.D. 7, Tai Wo Village, Tai Po
(RNTPC Paper No. A/NE-KLH/510 to 518)
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102. The Committee noted that the nine applications for proposed house (New Territories Exempted House (NTEH) – Small House) were similar in nature and the sites were located in close proximity to each other and within the same “Agriculture” zone. The Committee agreed that the applications could be considered together.

103. The Committee noted that the applicants requested on 16.8.2016 for deferment of the consideration of the nine applications for two months to allow time for preparation of further information to address the noise issue raised by the Environmental Protection Department. It was the first time that the applicants requested for deferment of the applications.

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

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

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/519 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 315 S.D RP in D.D. 9, Kau Lung Hang
Village, Tai Po
(RNTPC Paper No. A/NE-KLH/519)

105. The Committee noted two replacement pages (page 9 of the Paper and page 1 of Appendix VI of the Paper) incorporating additional approval condition (d) and advisory clause (c) were tabled at the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site had high potential for rehabilitation of agricultural activities. Other concerned 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 received raising objection to the application mainly for the reasons of being not in line with the planning intention of “Agriculture” (“AGR”) zone and setting of undesirable precedent; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed development was not in line with the planning intention of “AGR” zone and DACF did not support the application from agricultural development point of view. The site located to the west of Kau Lung Hang San Wai was not incompatible with the surrounding rural characters predominated by village houses, fallow and active agricultural land. More than 50% of the footprint of the proposed Small House fell within the village ‘environs’ and the proposed development would be able to be connected to planned sewerage system. While land available within the “Village Type Development” (“V”) zone was insufficient to fully meet the Small House demand, sufficient land was still available within the “V” zone to meet the outstanding Small House applications. It was considered more appropriate to concentrate the proposed Small House development within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructure and services. Although three similar applications No. A/NE-KLH/471 to 473 located to the immediate east of the site were approved by the Committee in 2014 on sympathetic consideration that the application sites were the subject of previously approved applications, their circumstances were different from the current application. Regarding the public comment, the assessments above were relevant.

107. Members had no question on the application.

Deliberation Session

108. A Member remarked that the planning assessment of the current application was in line with the prudent approach adopted by the Committee when considering Small House applications in recent years in that Small House developments should more appropriately be concentrated within the “V” zone for orderly development pattern if land was still available in the zone to meet outstanding Small House applications. The Member, however, considered that sympathetic consideration might be given to the current application having

regard that three Small House applications at sites adjoining the eastern boundary of the site were approved by the Committee and several Small House developments were also approved in the area to the west of the “V” zone of Kau Lung Hang San Wai in the vicinity of the site. The Member further said that even if the subject application was approved, the above prudent approach should continue to be adopted in the area unless there were special circumstances which warranted a different consideration. Members agreed.

109. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 26.8.2020, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- “(a) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (d) the provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.”

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

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/579 Proposed House (New Territories Exempted House - Small House) in
 “Agriculture” zone, Lot 720 in D.D. 10, Ng Tung Chai Village, Tai Po
 (RNTPC Paper No. A/NE-LT/579)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as there were active agricultural activities in the vicinity and the site had high potential for rehabilitation of agricultural activities. The Chief Town Planner/Urban Design and Landscape of Planning Department, (CTP/UD&L, PlanD) also had reservation on the application as the young fruit trees within the site and the mature fruit trees along the site boundary would be affected. No landscape proposal on mitigation measure was submitted and the proposed development might cause adverse landscape impact. Approval of the application might set an undesirable precedent encouraging similar use to encroach into the “Agriculture” (“AGR”) zone. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during statutory publication periods of the application and the further

information, three public comments were received, two from Designing Hong Kong Limited and one from an individual. They objected to the application mainly for the reasons of being no line with the planning intention of “AGR” zone, losing of good quality agricultural land, having adverse environmental impact and setting of undesirable precedent;

- (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 and DAFC did not support the application. Although more than 50% of the footprint of the proposed Small House fell within the village ‘environs’ of Ng Tung Chai and the proposed Small House was able to connect to the existing sewerage system, the application did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House Development in New Territories (Interim Criteria) in that there was no general shortage of land in the “Village Type Development” zone to meet the demand for Small House development. The approval of the application would set an undesirable precedent and encourage more village house development in the “AGR” zone. It was considered more appropriate to concentrate the proposed Small House development within the “V” zone. Regarding the public comments, the assessments above were relevant.

112. Members had no question on the application.

Deliberation Session

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

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

for cultivation and other agricultural purposes. There is no strong planning justification in the current submission for a departure from the planning intention;

- (b) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that there is no general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of Ng Tung Chai; and
- (c) land is still available within the “V” zone of Ng Tung Chai which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.”

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/586 Proposed Temporary Hobby Farm for a Period of 3 Years in
“Agriculture” zone and an Area shown as ‘Road’, Lot 1000 S.B RP in
D.D. 8, Ping Long, Tai Po
(RNTPC Paper No. A/NE-LT/586)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary hobby farm for a period of three years;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L, PlanD) had some reservation on the application as the proposed structures under application were in direct conflict with the mature trees and no information was provided on the proposed treatment of the existing trees. Adverse landscape impact arising from the proposed development could not be fully assessed. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of statutory publication period, two public comments from individuals were received raising objection to the application mainly on the grounds of being not in line with the planning intention of “Agriculture” (“AGR”) zone, losing of good quality agricultural land and having adverse impacts on living environment; and
- (e) PlanD’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. The site fell mainly within the “AGR” zone (about 86.4%) and the Director of Agriculture, Fisheries and Conservation had no strong view on the application as majority of the site was for cultivation and plantation purposes. As for the remaining part of the site (about 13.6%) within an area shown as ‘Road’, the Commissioner for Transport advised that the proposed use could be tolerated from traffic engineering viewpoint. The proposed temporary use was considered not incompatible with the surrounding environment which was rural in character consisting of agricultural land and scattered domestic/temporary structures. Regarding the comments of CTP/UD&L, PlanD, the applicant clarified that the two trees would be preserved and not in conflict with the proposed structures. Relevant approval condition was also recommended to address the comments of CTP/UD&L, PlanD. Although the site was located within water gathering ground and adjacent to a stream, concerned departments, including Environmental Protection Department and Water

Supplies Department, had no objection to or no adverse comment on the application provided that suitable mitigation measures as proposed by the applicant were properly implemented. Regarding the public comments, the assessments above were relevant.

115. Members had no question on the application.

Deliberation Session

116. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 26.8.2019, 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. from Mondays to Sundays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no parking of vehicle and loading/unloading activities, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no permanent structure or support for any structure shall be erected within the area shown as ‘Road’ on the Outline Zoning Plan and within 3m buffer areas, as proposed by the applicant, during the planning approval period;
- (d) the submission of landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 26.2.2017;
- (e) in relation to (d) above, the implementation of landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 26.5.2017;
- (f) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services

or of the TPB by 26.2.2017;

- (g) in relation to (f) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 26.5.2017;
- (h) the submission of proposal of water supplies for fire fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.2.2017;
- (i) in relation to (h) above, the implementation of water supplies for fire fighting and fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.5.2017;
- (j) if above planning conditions (a), (b) or (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (k) if any of the above planning conditions (d), (e), (f), (g), (h) or (i) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall 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.”

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

Agenda Item 28

Section 16 Application

[Open Meeting]

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

118. The Secretary reported that the site was located in Tai Po. Mr H.W. Cheung, the Vice-chairman, had declared interest in the item as he owned a flat in Tai Po Market. The Committee noted that the applicants had requested for deferral of consideration of the application, and agreed that Mr Cheung could stay in the meeting as his property did not have a direct view of the site.

119. The Committee noted that the applicants requested on 15.8.2016 for deferment of the consideration of the application for two months to allow time for preparation of further information to address relevant departmental comments. It was the first time that the applicants requested for deferment of the application.

120. After deliberation, the Committee decided to defer a decision on the application as requested by the applicants pending the submission of further information from the applicants. 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 applicants. If the further information submitted by the applicants 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 applicants that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/599 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 690 S.A in D.D. 83, Kwan Tei, North District,
New Territories
(RNTPC Paper No. A/NE-LYT/599)

Presentation and Question Sessions

121. 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 house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as there were active agricultural activities in the vicinity and the site possessed potential for agricultural rehabilitation. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of statutory publication period, seven public comments were received. A North District Council (NDC) member supported the application as the development could provide convenience to the villagers whereas the Chairmen of Fanling District Rural Committee and Sheung Shui District Rural Committee indicated no comment. The other four comments from Green Sense, Designing Hong Kong Limited and individuals objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of

“Agriculture” (“AGR”) zone; agricultural land should be retained for agricultural use; no technical assessments had been submitted to support the application; and approval of the application would set an undesirable precedent for similar applications in the area. The District Officer (North) of Home Affairs Department conveyed that the two Indigenous Inhabitant Representatives of Kwan Tei Village had no comment on the application; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed development was not in line with the planning intention of “AGR” zone and DAFC did not support the application from agricultural development point of view. However, the proposed Small House was not incompatible with the rural character of the area predominated by village houses and active/fallow agricultural land. Other concerned departments had no objection to or no adverse comment on the application. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House Development in New Territories, more than 50% of the footprint of the proposed Small House fell within the village ‘environs’ of Kwan Tei Village. While land was still available within the “Village Type Development” zone to meet the outstanding Small House applications, the site was situated at the southern fringe of Kwan Tei Village and bounded by existing village houses and approved Small House applications, which were forming a new village cluster in the locality. Regarding the adverse public comments, the assessments above were relevant.

122. Members had no question on the application.

Deliberation Session

123. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 26.8.2020, 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;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Items 30 to 32

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-MUP/121 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lots 613 S.E ss.2 and 613 S.F ss.1 in D.D. 37, Man Uk Pin Village, Sha Tau Kok

A/NE-MUP/122 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lots 613 S.E ss.3 and 613 S.F RP in D.D. 37, Man Uk Pin Village, Sha Tau Kok

A/NE-MUP/123 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Government, Institution or Community” zones, Lots 614 S.A ss.1 and 614 S.B RP in D.D. 37, Man Uk Pin Village, Sha Tau Kok
(RNTPC Paper No. A/NE-MUP/121 to 123)

125. The Committee noted that the three applications for proposed house (New Territories Exempted House (NTEH) – Small House) were similar in nature and the sites

were located in close proximity to each other and within or partly within the same “Agriculture” (“AGR”) zone. The Committee agreed that the applications could be considered together.

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) the proposed house (NTEH - Small House) on each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications as active agricultural activities were found in the vicinity and the sites possessed potential for agricultural rehabilitation. The Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L, PlanD) had reservation on the applications as the Sites were situated in an area of rural agriculture landscape character and immediately surrounded by active farmlands. Approval of the applications would set undesirable precedents for extending village development into the “AGR” zone resulting in gradual modification and degradation of the rural agriculture landscape. Other concerned departments had no objection to or no adverse comment on the applications;
- (d) during the first three weeks of statutory publication periods, eight comments on each application were received. A North District Council member supported all the applications as they could provide convenience to the villagers whereas the Chairman of the Sheung Shui District Rural Committee (RC) indicated no comment. The remaining six comments from Kadoorie Farm and Botanic Garden Corporation, World Wide Fund for Nature Hong Kong, Hong Kong Bird Watching Society, Green Sense,

Designing Hong Kong Limited and an individual objected to or raised concerns on the applications mainly on the grounds of being not in line with the planning intention of “AGR” zone, resulting in adverse impact on the watercourse and agricultural land, vegetation clearance, land was still available within the “Village Type Development” (“V”) zone, lack of impact assessment and setting of undesirable precedents. The District Officer(North) of Home Affairs Department conveyed that the Chairman of Sha Tau Kok District RC and the indigenous Inhabitant Representative and Resident Representative of Man Uk Pin had no comment on the applications; and

- (e) PlanD’s views – PlanD did not support the applications based on the assessments set out in paragraph 12 of the Paper. The proposed developments were not in line with the planning intention of the “AGR” zone and DAFC did not support the applications from agricultural development point of view. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, more than 50% of the footprint of the proposed Small Houses fell within village ‘environs’ of Man Uk Pin Village. While land within the “V” zone was insufficient to fully meet the future demand, land was still available within the “V” zone for Small House development and was capable to meet the outstanding Small House applications. It was considered more appropriate to concentrate proposed Small Houses close to the existing village cluster within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services. Approved Small House applications within the same “AGR” zone were mostly located to the west of Man Uk Pin Village while all except one applications at the eastern side of Man Uk Pin Village were rejected by the Committee on similar grounds as the current applications. CTP/UD&L, PlanD had reservation on the applications. Approval of the applications would set undesirable precedents degrading the rural agriculture landscape character in the area. Regarding the adverse public comments, the assessments above were relevant.

127. Members had no question on the applications.

Deliberation Session

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

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

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/551 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” zones, Lot 709 S.B in D.D. 82, Lei Uk Tsuen, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/551)

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

The Committee noted that Mr Lai had tendered apology for being unable to attend the meeting.

Presentation and Question Sessions

130. 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 house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as active agricultural activities were found in the vicinity and the site possessed potential for agricultural rehabilitation. The Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L, PlanD) also had reservation on the application as land was available within the “Village Type Development” (“V”) zone. Approval of the application would set undesirable precedents for extending village development into the “Agriculture” (“AGR”) zone resulting in gradual modification and degradation of the rural agriculture landscape. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of statutory publication period, 24 public comments were received. A North District Council member supported the application as it could provide convenience to the villagers whereas the Chairman of the Sheung Shui District Rural Committee indicated no comment. Another 16 comments also supported the application on the grounds that the site was highly accessible, infrastructure were available to serve the proposed development, the applicant had the right under the

Small House Policy to build Small House and there were difficulties for villagers to acquire land within the “V” zone. The remaining six comments from the Green Sense, Designing Hong Kong Limited, World Wide Fund for Nature Hong Kong, Kadoorie Farm and Botanic Garden Corporation, Hong Kong Bird Watching Society and an individual objected to the application mainly on the grounds of being not in line with the planning intention of “AGR” zone, adverse ecological impact, land was still available in the “V” zone, lack of technical assessments and setting of undesirable precedent. The District Officer (North) conveyed that Ta Kwu Ling District Rural Committee and the Resident Representative of Lei Uk supported the application and the Indigenous Inhabitant Representative of Lei Uk had no comment on the application; 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 “AGR” zone and DAFC did not support the application from agricultural development point of view. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, more than 50% of the footprint of the proposed Small House fell within village ‘environs’ of Lei Uk Tsuen. While land within the “V” zone was insufficient to fully meet the future demand, land was still available within the “V” zone for Small House development and was capable to meet the outstanding Small House applications. It was considered more appropriate to concentrate proposed Small House close to the existing village cluster within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services. CTP/UD&L, PlanD had reservation on the application. Approval of the application would set an undesirable precedent degrading the rural agriculture landscape character in the area. While there were 12 approved similar applications on sites located to the east of Lei Uk Tsuen, all the similar applications to the west of Lei Uk Tsuen in the vicinity of the site were rejected on similar grounds as the current application. Regarding the adverse public comments, the assessments above were relevant.

131. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone in the Ping Che and Ta Kwu Ling area which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the current submission for a departure from the planning intention; and
- (b) land is still available within the “Village Type Development” zone of Lei Uk Tsuen which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructures and services.”

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

Fanling, Sheung Shui and Yuen Long East District

Agenda Item 34

Section 16 Application

[Open Meeting]

A/FLN/9 Temporary Private Car Park (Private Cars, Light Goods Vehicles and Medium Goods Vehicles) and Storage of Clothes and Computers Accessories for a Period of 3 Years in “Government, Institution or Community”, “Green Belt” and “Other Specified Uses” annotated “Port Back-up Uses” zones and an Area shown as ‘Road’, Lots 168 RP (Part), 170 RP (Part) and 181 RP (Part) in D.D. 52 and Adjoining Government Land, Wa Shan, Sheung Shui
(RNTPC Paper No. A/FLN/9A)

133. The Committee noted that the applicant requested on 9.8.2016 for deferment of the consideration of the application for two months to allow time for preparation of further information to address further departmental comments. It was the second time that the applicant requested for deferment of the application. Since the first deferment on 27.5.2016, the applicant submitted further information to address departmental comments on 4.7.2016.

134. 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 very special circumstances.

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

Agenda Items 35 and 36

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/420 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 641 S.E in D.D. 100, Tsiu Keng, Sheung Shui (RNTPC Paper No. A/NE-KTS/420)

A/NE-KTS/421 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lots 641 S.F ss.1, 641 S.G ss.2 and 641 S.H ss.2 in D.D. 100, Tsiu Keng, Sheung Shui (RNTPC Paper No. A/NE-KTS/421)

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

136. The Committee also noted that the replacement pages (pages 5 and 8 of the Paper and pages 1 and 4 of Appendix IV of Application No. A/NE-KTS/420 and pages 5 and 9 of the Paper and pages 1 and 4 of Appendix V of Application No. A/NE-KTS/421) incorporating the revised land availability with the “Village Type Development” (“V”) zone for the two applications were tabled at the meeting.

Presentation and Question Sessions

137. With the aid of PowerPoint presentation, Mr Kevin C.P. Ng, STP/FSYLE, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;

- (b) the proposed house (NTEH - Small House) on each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper for application No. A/NE-KTS/420 and paragraph 10 and Appendix V of the Paper for application No. A/NE-KTS/421. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications as the potential for agricultural rehabilitation of the sites was high. Other concerned departments had no objection to or no adverse comment on the applications;
- (d) during the first three weeks of statutory publication periods, five comments were received on both applications. A North District Council member supported both applications as they could provide convenience to the villagers whereas the Chairman of the Sheung Shui District Rural Committee indicated no comment. The remaining three comments from Designing Hong Kong Limited and individuals objected to the applications mainly on the grounds of being not in line with the planning intention of the “Agriculture” (“AGR”) zone, the sites should be reserved for farming and cultivation purposes, lack of technical assessments, land was still available within the “V” zone and setting of undesirable precedents. The District Officer (North) of Home Affairs Department conveyed that the Indigenous Inhabitant Representative and Resident Representative of Tsiu Keng Village had no comment on both applications; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments set out in paragraph 12 of the Papers. The proposed developments were not in line with the planning intention of “AGR” zone and DAFC did not support the applications from agricultural development point of view. However, the proposed developments were not incompatible with the surrounding land uses which were predominantly rural in nature with approved Small House developments and vacant Small Houses. The sites were located less than 75m to the east of Tsiu Keng Lo Wai cluster. Similar applications, which were also close to Tsiu Keng

Road, were approved by the Committee. The applications generally met the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that the footprint of the proposed Small Houses fell entirely within the village ‘environs’ of Tsiu Keng Village and there might not be sufficient land in the “V” zone to meet the Small House demand. Sympathetic consideration could be given to the applications. Other concerned departments had no objection to or no adverse comment on the applications. It was not anticipated that the proposed developments would cause adverse traffic, drainage, environmental and landscape impacts on the surrounding areas. Regarding the adverse public comments, the assessments above were relevant.

138. Members had no question on the applications.

Deliberation Session

139. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permissions should be valid until 26.8.2020, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. The permission of each applications was subject to the following conditions :

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

140. The Committee also agreed to advise the applicants to note the advisory clauses as set out at Appendix VI of the Paper for Application No.A/NE-KTS/420 and Appendix VII

of the Paper for Application No. A/NE-KTS/421 respectively.

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

Agenda Item 37

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/534 Proposed Temporary Open Storage of Tail Lift for a Period of 3 Years
in “Other Specified Uses” annotated “Railway Reserve” zone, Lots
382, 418 RP, 419 S.A ss.1 RP and 420 S.B RP (Part) in D.D.107, Fung
Kat Heung Road, Yuen Long
(RNTPC Paper No. A/YL-KTN/534)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary open storage of tail lift for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were residential dwellings located to the north-east of the site and environmental nuisance from the proposed development was expected. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of statutory publication period, three public comments from a District Council (DC) member, World Wide Fund for Nature Hong Kong and an individual were received. They objected to the

application or raised concerns mainly on the grounds that approval of the application might aggravate the already heavy traffic and jeopardize the safety of nearby villagers, the applicant might deliberately change the use of land without prior approval, setting of undesirable precedent and the site was a suspected 'destroy first and build later' case; and

- (e) the Planning Department (PlanD)'s views – PlanD considered the temporary use under application could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The proposed use was not in line with the planning intention of the "Other Specified Uses" annotated "Railway Reserve" zone. However, the exact alignment and development programme of the Northern Link was yet to be finalised. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the zone. The proposed use was considered not incompatible with the surrounding land uses predominated by open storage yards, warehouses, scattered residential structures and workshops. The application was generally in line with Town Planning Board Guidelines No. 13E on Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that the site fell within Category 2 area under TPB PG-No. 13E, no adverse impact was anticipated and concerned departments had no objection to or no adverse comment, except DEP and some public comments were received. Although DEP did not support the application, there was no environmental complaint for the site in the past three years. To address DEP's concern, approval conditions restricting the operation hours and prohibiting the use of medium or heavy goods vehicles; stacking of materials; dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities were recommended. Similar applications for various temporary open storage uses were previously approved by the Committee on similar considerations within the same zone. Regarding the public comments, the assessments above were relevant.

142. Members had no question on the application.

Deliberation Session

143. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 26.8.2019, 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 stacking of materials is allowed on the site at any time during the planning approval period;
- (d) no dismantling, maintenance, repairing, cleansing, paint spraying or 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 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;
- (f) no reversing of vehicles into or out from the site is allowed at any time during the planning approval period;
- (g) the submission of tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction to the Director of Planning or the TPB by 26.2.2017;
- (h) in relation to (g) above, the implementation of tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction to the Director of Planning or the TPB by 26.5.2017;
- (i) the submission of a revised drainage proposal within 6 months from the

date of planning approval to the satisfaction to the Director of Drainage Services or the TPB by 26.2.2017;

- (j) in relation to (i) above, the implementation of the revised drainage proposal within 9 months from the date of the planning approval to the satisfaction to the Director of Drainage Services or the TPB by 26.5.2017;
- (k) the submission of fire service installations (FSIs) proposal within 6 months from the date of planning approval to the satisfaction to the Director of Fire Services or the TPB by 26.2.2017;
- (l) in relation to (k) above, the implementation of the FSIs proposal within 9 months from the date of planning approval to the satisfaction to the Director of Fire Services or the TPB by 26.5.2017;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (g), (h), (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (o) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

[Dr F.C. Chan left the meeting at this point.]

Agenda Item 38

Section 16 Application

[Open Meeting]

A/YL-PH/727 Proposed Temporary Place of Recreation, Sports or Culture (including Agricultural Shed, Farms and Area for Pets) for a Period of 3 Years in “Residential (Group D)” zone, Lots 3037 S.A, 3037 RP (Part), 3039 and 3040 (Part) in D.D. 111 and Adjoining Government Land, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/727B)

145. The Secretary reported that the site was in Pat Heung. Ms Janice W.M. Lai had declared interest in the item as her family member owned a property in Pat Heung and the Committee noted that Ms Lai had already left the meeting.

146. The Committee noted that the applicant requested on 10.8.2016 for deferment of the consideration of the application for two months to allow time for preparation of further information to address the comments of the Transport Department. It was the third time that the applicant requested for deferment of the application. Since the last deferment on 27.5.2016, the applicant submitted further information on 30.6.2016 and 26.7.2016 to address departmental comments.

147. 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 very special circumstances.

Agenda Item 39

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/215 Proposed Temporary Shop and Services (Real Estate Agency) for a
Period of 3 Years in “Agriculture” Zone, Lot 361 S.B RP (Part) in D.D.
112, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-SK/215A)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary shop and services (real estate agency) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as agricultural activities in the vicinity of the site were active and the site had potential for agricultural uses such as plant nursery or greenhouse. The Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L, PlanD) had reservation on the application in that the proposed use was considered incompatible with the existing rural setting comprising mainly of active and fallow agricultural land. Moreover, vegetation cover on the site had been removed and the site was formed since January 2015. Approval of the application would encourage similar site modification within the “Agriculture” (“AGR”) zone prior to application, thus resulting in piecemeal developments destroying the tranquil nature of the rural area. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, three public comments from Kadoorie Farm & Botanic Garden Corporation and individuals were received. They objected to the application mainly on the grounds of being not in line with the planning intention of the “AGR” zone; contradicting to the Government’s new agricultural policy, setting of undesirable precedent, an excuse for illegal use of the site, adverse traffic impact and suspected ‘destroy first and develop later’ case. They also considered that real estate agency should be provided on main road or on the ground floor of village house; 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 use was not in line the planning intention of “AGR” zone and DAFC did not support the application agricultural development point of view. No strong planning justification had been given to justify for a departure from the planning intention, even on a temporary basis. The proposed temporary use was considered not compatible with the surrounding land uses predominated by active and fallow agricultural land, village houses and vacant/unused land. CTP/UD&L, PlanD had reservation on the application and had concern that approval of the application would encourage similar site modification prior to application thus destroying the tranquil nature of the rural area. Although a similar application was approved within the same “AGR” zone, the said application was different from the current application in that that site was abutting a major local distributor conveniently serving the villagers, the use was not incompatible with the surrounding land uses and similar shop and services uses could be found in the vicinity. Regarding the public comments, the assessments above were relevant.

149. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is intended to retain and safeguard good quality agricultural land for agricultural purposes. It is also intended 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 to justify for a departure from the planning intention, even on a temporary basis;
- (b) the proposed development is not compatible with the surroundings which are predominantly rural in character; and
- (c) the approval of the application 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 a general degradation of the rural environment of the area.”

Agenda Item 40

Section 16 Application

[Open Meeting]

A/YL-NTM/338 Proposed Government Refuse Collection Point and Minor Relaxation of Plot Ratio Restriction in “Residential (Group C)” zone, Government Land in D.D. 105, Maple Garden 1st Street, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/338)

151. The Committee noted that the applicant requested on 24.8.2016 for deferment of the consideration of the application for two months to allow time for preparation of further information to address public comments. It was the first time that the applicant requested for deferment of the application.

152. 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 41

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/488 Proposed Temporary Shop and Services (Retail Shops, Laundry, Pharmacy and Convenience Store) for a Period of 3 Years in "Village Type Development" zone, Lots 3048 S.B, 3048 RP, 3049 RP (Part) and 3050 RP (Part) in D.D. 102 and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/488A)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary shop and services (retail shops, laundry, pharmacy and convenience store) for a period of three years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received objecting to the application mainly on the ground of inappropriate use of the site; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The proposed temporary use was not entirely in line with the planning intention of “Village Type Development” (“V”) zone, however it could meet some of the local demand on shop and services use in the vicinity. Although a Small House application was received within the site, the Small House applicants submitted letters supporting the application and undertaking that the construction of Small House would not commence within the planning approval period. As such, approval of the application for a temporary period of three years would not frustrate the long-term planning intention of the “V” zone. The site fell within the Wetland Buffer Area of the Town Planning Board Guidelines No. 12C on Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance. The Guidelines specified that planning applications for temporary uses were exempted from the requirement of Ecological Impact Assessment and the Director of Agriculture, Fisheries and Conservation had no comment on the application from nature conservation point of view. Significant negative off-site disturbance impact on wetlands and fish ponds was not envisaged. Besides, the proposed temporary use was not incompatible with the surrounding land uses and would not cause adverse impact on the surrounding areas. Concerned departments had no objection to or no adverse comment on the application and relevant approval conditions were recommended to address the technical concerns and minimize the potential environmental impact on the surroundings. Regarding the public comment, the assessments above

were relevant.

154. Members had no question on the application.

Deliberation Session

155. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 26.8.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 8:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) 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 26.2.2017;
- (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 26.2.2017;
- (d) in relation to (c) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.5.2017;
- (e) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 26.2.2017;
- (f) in relation to (e) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 26.5.2017;
- (g) in relation to (f) above, the implemented drainage facilities shall be

maintained at all times during the planning approval period;

- (h) the submission of landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 26.2.2017;
- (i) in relation to (h) above, the implementation of landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 26.5.2017;
- (j) the submission of proposal on provision of buffer zone at the entrance of the site to avoid queuing on Tung Wing On Road within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 26.2.2017;
- (k) in relation to (j) above, the implementation of proposal on provision of buffer zone at the entrance of the site to avoid queuing on Tung Wing On Road within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 26.5.2017;
- (l) if any of the above planning conditions (a) 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; and
- (m) if any of the above planning conditions (b), (c), (d), (e), (f), (h), (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

Agenda Item 42

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/493 Temporary Open Storage and Retail Sale of Construction Machinery for a Period of 3 Years in “Residential (Group D)” zone, Lots 16 S.B RP (Part) and 19 (Part) in D.D. 105 and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/493)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage and retail sale of construction machinery for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were residential dwellings within 100m from the boundary of the site or heavy vehicle traffic was expected to travel along access road within 50m from residential dwellings. 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 the World Wide Fund for Nature Hong Kong and an individual. They objected to the application mainly on the grounds of inappropriate land use, changing the land use without prior permission, and setting of 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 12 of the Paper. Although the applied use was not in line with the planning intention of “Residential (Group D)” (“R(D)”) zone, there was no immediate development proposal for the site. The applied use was considered not incompatible with the surrounding land uses. Approval of the application on a temporary basis would not frustrate the long-term planning intention of “R(D)” zone. The application was considered in line with the Town Planning Board Guidelines No. 13E on Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance in that the site fell within the Category 3 areas with several previous planning approvals for the same use granted since 1998 and concerned departments had no adverse comment on the application, except DEP. Though DEP did not support the application, there was no substantiated environmental complaint related to the site in the past three years and DEP's concern could be addressed by imposing approval conditions restricting the operation hours and activities on-site. Regarding the public comments, the assessments above were relevant.

158. Members had no question on the application.

Deliberation Session

159. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 26.8.2019, 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 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;

- (c) no washing, dismantling, repairing or workshop activity including metal cutting, drilling, hammering, paint spraying, and oil/lubricant changing is allowed on the site at any time during the planning approval period;
- (d) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (e) the submission of an as-built drainage plan and photographic records of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 26.11.2016;
- (f) the provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.10.2016;
- (g) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.2.2017;
- (h) in relation to (g) above, the implementation of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.5.2017;
- (i) the submission of landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 26.2.2017;
- (j) in relation to (i) above, the implementation of landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 26.5.2017;
- (k) the provision of boundary fencing within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the

TPB by 26.2.2017;

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

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

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

Tuen Mun and Yuen Long West District

Agenda Item 43

Section 16 Application

[Open Meeting]

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

161. The Committee noted that the applicant requested on 11.8.2016 for deferment of

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

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

Agenda Item 44

Section 16 Application

[Open Meeting]

A/TM/488 Proposed Columbarium in "Government, Institution or Community" zone, Lots 813 RP and 814 RP in D.D. 131 and Adjoining Government Land, Tuen Mun
(RNTPC Paper No. A/TM/488A)

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

Mr Ivan C.S. Fu]	having current business dealings with Landes
Ms Janice W.M. Lai]	

164. The Committee noted that Ms Janice W.M. Lai had already left the meeting. The Committee also noted that the applicant had requested for deferral of consideration of the application, and agreed that Mr Ivan C.S. Fu could stay in the meeting as he had no

involvement in the application.

165. The Committee noted that the applicant requested on 11.8.2016 for deferment of the consideration of the application for two months to allow time for preparation of supplementary information to address the comments of the Transport Department. It was the second time that the applicant requested for deferment of the application. Since the first deferment on 27.5.2016, the applicant submitted a proposal to provide temporary footpath during construction stage, a landscape section plan, a geotechnical report, a revised environmental assessment and a revised traffic impact assessment to address departmental comments.

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

Agenda Item 45

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/490A)
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167. 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]	

168. The Committee noted Ms Janice W.M. Lai had already left the meeting. The Committee also noted that the applicant had requested for deferral of consideration of the application, and agreed that Mr Ivan C.S. Fu could stay in the meeting as he had no involvement in the application.

169. The Committee noted that the applicant requested on 15.8.2016 for deferment of the consideration of the application for two months to allow time for preparation of necessary technical assessments and response to various departmental comments. It was the second time that the applicant requested for deferment of the application. Since the first deferment on 29.7.2016, according to the applicant, they had discussions with relevant departments and more time was required to prepare further information and assessments, such as Geotechnical Planning Review Report, in response to departmental comments.

170. 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 three months had been allowed including the previous deferment for preparation of submission of further information, no further deferment would be granted unless under very special circumstances.

[Mr Vincent T.K. Lai 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 46

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TSW/65 Proposed Comprehensive Residential and Commercial Development with Eating Place, Shop and Services and Public Vehicle Park in “Comprehensive Development Area” zone, Tin Shui Wai Planning Area 112 (Tin Shui Wai Town Lot 33), New Territories
(RNTPC Paper No. A/TSW/65B)

171. The Secretary reported that the application was submitted by Jet Group Limited, which was a subsidiary of Sun Hung Kai Properties Limited (SHK). Llewelyn-Davies Hong Kong Limited (LD), MVA Hong Kong Limited (MVA) and Ramboll Environ Hong Kong Limited (Environ) were three of the consultants of the applicant. The Mass Transit Railway Corporation Limited (MTRCL), a commenter of the application, expressed views on the application. The following Members had declared interests in the item:

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

172. The Committee noted that Mr Stephen L.H. Liu and Ms Christina M. Lee had tendered apologies for being unable to attend the meeting and Ms Janice W.M. Lai had already left the meeting. As the interests of Mr Ivan C.S. Fu and Miss Winnie W.M. Ng were direct, the Committee agreed that they should leave the meeting temporarily for the item.

[Mr Ivan C.S. Fu and Miss Winnie W.M. Ng left the meeting temporarily at this point.]

Presentation and Question Sessions

173. With the aid of PowerPoint presentation, 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 comprehensive residential and commercial development with eating place, shop and services and public vehicle park;
- (c) departmental comments – departmental comments were set out in paragraph 11 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication periods, a total of 8 comments were received. Two comments received from a District Council (DC) member raised objection to the application mainly on the grounds that public market should be built on the site. Other six comments received from another DC member, MTRCL and individuals expressed views including that more information on traffic measures should be provided; the proposed development should include a public transport interchange as well as open air and sheltered rest areas, playgrounds and exercise facilities; approval conditions on the provision of noise mitigation measures and outdoor recreational facilities should be imposed and the non-building area (NBA) did not serve ventilation purpose; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 13 of the Paper. The proposed development was generally in line with the planning intention and complied with the development restrictions of the “Comprehensive Development Area” (“CDA”) zone. It was also not incompatible with the surrounding areas having regard to the land uses and building height of neighbouring developments, and generally complied with the major development parameters and design criteria set out in the endorsed planning brief (PB) including avoiding adverse impacts on the Hong Kong Wetland Park (HKWP), providing visual transition between the new town and wetland area, enhancing air ventilation, maximising greening and landscaping opportunities, ameliorating traffic noise nuisance, and providing pedestrian connection. The site was located within the Wetland Buffer Area and ecological mitigation measures and monitoring programme were recommended in the Ecological Impact Assessment (EcoIA) for mitigating potential off-site impacts on the surrounding ecologically sensitive area, in particular the HKWP. The Director of Agriculture, Fisheries and Conservation (DAFC) had no objection to the application from ecological point of view and appropriate approval conditions were recommended to ensure that there would not be any significant negative off-site disturbance impact on the surrounding wetland area. As such, the proposed development was considered in line with the Town Planning Board Guidelines No. 12C on Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance. Other concerned departments had no objection to or no adverse comment on the application and approval conditions were imposed to address their technical concerns. Regarding the public comments, the assessments above were relevant.

174. A Member enquired whether an underground vehicle park was proposed in the current application. In response, Mr Vincent T.K. Lai, STP/TMYLW, with reference to Drawing A-1 of the Paper, said that an open-air public vehicle park was proposed at the southern part of the site. Suitable noise mitigation measures including noise barrier would

be proposed to the satisfaction of the Director of Environmental Protection to ensure that there would not be unacceptable noise impact on the surrounding area.

175. In response to the Chairman's enquiry, Mr Lai said that the area to the south of the site was zoned "Government, Institution or Community" and planned for school development.

176. In response to a Member's enquiry, Mr Lai said that the proposed development was not a designated project under the Environmental Impact Assessment Ordinance.

177. A Member asked who would be the target users of the proposed vehicle park within the site. In response, Mr Lai said that the provision of a public vehicle park within the proposed development was a requirement under PB and the proposed vehicle park was intended to serve the visitors of the HKWP in the vicinity. The residential carpark of the development would be provided at the basement.

178. In response to the Chairman's enquiry, Mr Lai confirmed that the proposed development complied with the major development parameters and design criteria set out in the PB.

179. A Member asked about the provision and design of boundary wall of the proposed development, in particular the interface with the adjacent HKWP. In response, Mr Lai said that the HKWP which was located to the east and south of the site would be separated from the proposed development by a 30m landscaped non-building area along the eastern boundary and the proposed public vehicle park as well as the planned school development to the south. With the aid of visualise, Mr Lai showed the landscape section plan of the proposed development and the landscape buffer along the eastern boundary, and said that the applicant had not submitted any details on the provision and design of the boundary wall. To minimise the potential impact of the proposed development on the HKWP, relevant approval conditions regarding the submission of design and provision of 30m NBA as well as the detailed planting plan were recommended.

180. In response to the same Member's question on whether the ground level of proposed development would be mostly at a level of 8mPD as shown on the landscape

section plan, Mr Lai said that the ground level would vary from 6.8mPD to 8mPD depending on the site topography.

Deliberation Session

181. Having regard to the pressing need for more housing supply, a Member considered it acceptable to use the site located closed to an ecologically sensitive area for residential development. Nevertheless, more stringent requirements on environmental protection aspects should be imposed to protect the stream to the north of the site as well as HKWP. Firstly, the applicant should explore the feasibility of widening the NBA to more than 30m and of planting suitable wetland plants at the outermost area beyond the NBA serving as an additional barrier to prevent contamination of the stream and the HKWP. Secondly, a detailed overland drainage plan should be provided to demonstrate that the surface runoff of the proposed development would be properly intercepted to avoid affecting the ecological sensitive wetland.

182. The Chairman said that the Member's concerns could be addressed by the recommended approval conditions (e) and (f) on the design and provision of as well as the submission of detailed planting plan at the 30m NBA and condition (p) on the submission of drainage impact assessment respectively. Relevant departments, including the Environmental Protection Department, Agriculture, Fisheries and Conservation Department and Drainage Services Department, should be reminded to take into account the Member's concerns when assessing the applicant's submissions for compliance with the said approval conditions. The Member further said that consideration might be given to providing a waterbody beyond the NBA, or planting suitable wetland vegetation within the NBA or the setback area, so as to provide an additional barrier apart from the BNA and setback to achieve zero discharge of nutrients to the nearby stream and ecologically sensitive area. The Chairman suggested that the Member's concern would be included as an advisory clause for the applicant's attention and be conveyed to concerned departments for consideration should the application be approved. Members agreed.

183. The same Member also raised concern on the glare impact on the birds. The Chairman said that the applicant had indicated that the use of reflective grass/materials would be avoided and there would not be any curtain wall in the buildings to reduce the impacts on

flying birds. Moreover, an approval condition (i) on the control of colour and materials of the building surface had been recommended to address the concern.

184. After deliberation, the Committee decided to approve the application and the MLP under sections 16 and 4A of the Ordinance, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 26.8.2020, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission and implementation of a revised Master Layout Plan, taking into account the approval conditions (c), (e), (f), (g), (j), (m) to (p) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a development and phasing programme for the proposed development to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission and implementation of a revised Landscape Master Plan including a tree preservation scheme to the satisfaction of the Director of Planning or of the TPB;
- (d) no construction works including site formation works and piling works should commence before obtaining agreement on the methodology and programme of the construction works from the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (e) the design and provision of a 30m wide non-building area and 5m setback area along site boundary with the Hong Kong Wetland Park to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (f) the submission of detailed planting (including transplanting) plan at the proposed 30m wide non-building area and 5m setback area along site

boundary with the Hong Kong Wetland Park at least three months before the commencement of any planting works at the site, and the implementation of the planting proposal to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;

- (g) the submission of a revised ecological assessment and implementation of the ecological mitigation measures and noise monitoring requirements identified in the revised ecological assessment to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (h) the submission of an ecological monitoring and audit plan at least three months before the commencement of any construction works at the site, including site formation works and piling works, and the implementation of the proposed ecological monitoring and audit plan to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (i) the submission of proposal on colour and materials of the building surface of the proposed development before the commencement of any construction works at the site, and implementation of the aforesaid proposal to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (j) the submission of a revised Environmental Assessment before commencement of the construction works, including site formation works and piling works, and the implementation of the mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the TPB;
- (k) the submission of an environmental monitoring and audit (EM&A) plan before commencement of the construction works, including site formation works and piling works, and the implementation of the EM&A requirements identified therein to the satisfaction of the Director of Environmental Protection or of the TPB;

- (l) the submission of a revised Sewerage Impact Assessment and the implementation of the mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the TPB;
- (m) the submission of a revised traffic impact assessment and the implementation of the traffic mitigation measures identified therein to the satisfaction of the Commissioner of Transport or of the TPB;
- (n) the design and provision of vehicular ingress and egress points to the site to the satisfaction of the Commissioner for Transport or of the TPB;
- (o) the design and provision of parking facilities, loading/unloading spaces and lay-bys for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (p) the submission of a revised drainage impact assessment and the implementation of the drainage mitigation measures identified therein to the satisfaction of the Director of Drainage Services or of the TPB; and
- (q) the provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.”

185. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix VIII of the Paper, and the following additional advisory clause :

“to note the comments of TPB that the applicant should explore the feasibility of extending the NBA and setback area such as by providing a waterbody beyond the NBA, or planting suitable wetland vegetation within/beyond the NBA or the 5m setback, in order to provide an additional buffer to prevent contamination of the surrounding ecologically sensitive areas.”

[Mr Ivan C.S. Fu and Miss Winnie W.M. Ng returned to join the meeting at this point.]

Agenda Item 47

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/1042 Renewal of Planning Approval under Application No. A/YL-HT/855 for Temporary “Open Storage of Containers and Container Repairing Area” for a Period of 3 Years in “Recreation” zone, Lots 365 (Part), 370 S.B(Part), 383 (Part), 386 (Part), 387, 388 (Part), 389, 390, 391, 392 (Part), 393, 394 (Part), 395 (Part), 396 (Part), 399 (Part), 400 (Part), 401 (Part), 402 (Part), 403, 404, 405, 406 (Part), 407 (Part), 408, 410, 411, 412 S.A, 412 RP, 413, 416 (Part), 423 (Part), 424 (Part), 425, 426, 427 (Part), 428 (Part), 430 (Part), 447 (Part), 450 (Part), 451 (Part), 452 (Part), 453 (Part), 454 (Part), 455, 456, 457 (Part), 458 S.A (Part), 458 S.B (Part), 458 S.C (Part), 459 S.A, 459 S.B, 460, 461, 462, 463, 464, 465, 466, 467, 468 S.A (Part), 468 S.B (Part), 472 (Part), 488 (Part) and 489 (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/1042)

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

Presentation and Question Sessions

187. 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 renewal of planning approval for temporary “open storage of containers and container repairing area” under planning application No. A/YL-HT/855 for a period of three years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses along the access road and environmental nuisance was expected. Other concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Although the applied use was not in line with the planning intention of the “Recreation” (“REC”) zone, there was not yet any programme to implement the zoned use. Approval of the application on a temporary basis would not jeopardise the long-term development of the area. The applied use was not incompatible with the surrounding uses which were predominately occupied by open storage yards and warehouses. The application was in line with the Town Planning Board Guidelines No. 34B on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development in that there had not been any material change in planning circumstances since the previous planning approval; there was no adverse planning implication arising from the renewal of the planning approval and all the approval conditions for the last planning application had been complied with. The application also generally complied with the Town Planning Board Guidelines No. 13E on Application for Open Storage and Port Back-up Uses in that there was previous planning approval for the same use and no major adverse departmental comments on or local objection to the application, except DEP. Although DEP did not support the application, there was no environmental complaint for the site in the past three years. To address DEP’s concern, relevant approval conditions were recommended to mitigate any potential environmental impacts.

188. Members had no question on the application.

Deliberation Session

189. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 7.9.2016 to 6.9.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation from 6:00 p.m. to 9:00 a.m. on Mondays to Saturdays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) in relation to (a) above, no operation on Saturdays between 2:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (d) no stacking of containers within 6m from the boundary of the site is allowed, as proposed by the applicant, at any time during the planning approval period;
- (e) the stacking height of containers stored on the site shall not exceed 8 units, as proposed by the applicant, at all times during the planning approval period;
- (f) no vehicle is allowed to queue back to public road or reverse onto/from the public road at any times during the planning approval period;
- (g) no left turn of container vehicles into Ha Tsuen Road upon leaving the site, as proposed by the applicant, at any time during the planning approval period;

period;

- (h) the existing trees and the landscape planting on the site shall be maintained at all times during the planning approval period;
- (i) the existing fencing on the site shall be maintained at all times during the planning approval period;
- (j) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (k) the submission of a condition record of the existing drainage facilities within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.3.2017;
- (l) the submission of a fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.3.2017;
- (m) in relation to (l) above, the implementation of the fire service installations proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.6.2017;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h), (i) or (j) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (o) if any of the above planning conditions (k), (l) or (m) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and

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

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

Agenda Item 48

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/290 Proposed Temporary Logistics Centre with Ancillary Canteen and Site Office for a Period of 3 Years in “Residential (Group E)” zone, Lots 2177 (Part), 2178 (Part), 2193 (Part), 2194 (Part), 2195, 2196, 2197, 2198, 2199 (Part), 2200, 2201 (Part), 2203, 2204 S.A (Part), 2219 RP (Part), 2225 (Part), 2228 S.A (Part), 2228 S.B (Part), 2334 (Part), 2336 S.A (Part), 2336 S.B (Part), 2337 (Part), 2338, 2339 S.A (Part), 2340, 2341, 2342, 2343, 2344 S.A (Part), 2344 S.B (Part), 2344 S.C, 2349 (Part), 2350, 2351 (Part), 2352 (Part), 2353 (Part), 2364 (Part), 2365 (Part), 2366 S.A (Part), 2366 RP (Part), 2367, 2368, 2369, 2370, 2371, 2373 S.A, 2373 RP (Part), 2374, 2375, 2376 S.A, 2376 S.B (Part), 2376 S.C (Part), 2377, 2378 RP (Part) and 3450 (Part) in D.D. 129, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/290)

191. The Committee noted that the replacement pages (page 7 of the Paper and page 1 of Appendix VII of the Paper) incorporating revised private lots number were tabled at the meeting.

Presentation and Question Sessions

192. 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 temporary logistics centre with ancillary canteen and site office for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity and along Lau Fau Shan Road and environmental nuisance was expected. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication, one public comment was received from an individual objecting to the application on the ground of adverse environmental impacts; and
- (e) the Planning Department (PlanD)'s views – PlanD considered the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Although the applied use was not in line with the planning intention of “Residential (Group E)” (“R(E)”), there was no known development proposal for the site and the applied use which was temporary in nature could be tolerated. The proposed development was not incompatible with the surrounding uses which were predominantly occupied by vehicle parks, workshops and open storage yards. The application generally complied with the Town Planning Board Guidelines No. 13E on Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance in that there were previous planning approvals at the site and no major adverse departmental comments on the application, except DEP. Although DEP did not support the application, there was no environmental complaint for the site in the past three years. To address DEP's concerns, relevant approval conditions restricting the operation hours, the stacking height of materials, prohibition of workshop activities and provision of

fencing on site were recommended to mitigate any potential environmental impacts. Regarding the public comment, the assessments above were relevant.

193. Members had no question on the application.

Deliberation Session

194. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 26.8.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation between 8:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no storage of recyclable material, dismantling, assembling, repairing or other workshop activities, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (d) no structure shall be erected over the Waterworks Reserve and such area shall not be used for storage purposes at all times during the planning approval period;
- (e) no vehicle is allowed to queue back to public road or reverse onto/from the public road at any time during the planning approval period;
- (f) the existing drainage facilities implemented shall be maintained at all times during the planning approval period;
- (g) the submission of a condition record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of

the Director of Drainage Services or of the TPB by 26.11.2016;

- (h) the provision of fencing within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 26.2.2017;
- (i) 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 26.2.2017;
- (j) in relation to (i) 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 26.5.2017;
- (k) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.2.2017;
- (l) in relation to (k) above, the provision of fire service installations proposed within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.5.2017;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (g), (h), (i), (j), (k) or (l) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (o) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of

the TPB.”

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

Agenda Item 49

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/386 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” zones, Lot 168 S.A in
D.D. 118, Nam Hang Tsuen, Shap Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-TT/386)

Presentation and Question Sessions

196. 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 house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the application as the site was well connected with road access and possessed potential for agricultural rehabilitation. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, four comments were received. The Village Representative of Nam Hang

Tsuen supported the application as the applicant was an indigenous villager of the village and he had no other land for Small House development. The other three comments from a Yuen Long District Council member, Designing Hong Kong Limited and an individual objected to the application mainly on the grounds of being not in line with the planning intention of “Agriculture” (“AGR”) zone, non-compliance with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (Interim Criteria), failure to demonstrate no adverse impacts, and cumulative impacts on the surrounding areas; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. Although the proposed Small House was not in line with the planning intention of “AGR” zone and DAFC did not favour the application from agricultural development point of view. The site located at the southern fringe of Nam Hang Tsuen and was not incompatible with the surrounding environment mainly comprising residential structures and follow/cultivated agricultural land. Concerned departments had no objection to or no adverse comment on the application. The application generally met the Interim Criteria in that more than 50% of the proposed Small House footprint fell within the “Village Type Development” (“V”) zone and there was insufficient land in the “V” zone to meet the long-term Small House demand. Regarding the adverse public comments, the assessments above were relevant.

197. Members had no question on the application.

Deliberation Session

198. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 26.8.2020, 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;
- (b) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (c) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB.”

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

Agenda Item 50

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/801 Proposed Temporary Warehouse for Storage of Furniture for a Period of 3 Years in “Undetermined” zone, Lot 1198 S.A and S.C-G (Part) in D.D. 119, Kung Um Road, Yuen Long
(RNTPC Paper No. A/YL-TYST/801)

Presentation and Question Sessions

200. 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 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 (DEP) did not support the application as there were residential structures located to the southwest and in the vicinity of the site and environmental nuisance was expected. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, one public comment was received from an individual who raised concern that warehouse use should be conducted in designated areas and approval of the current 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. The applied use was not in conflict with the planning intention of “Undetermined” zone which was generally intended for open storage use. The proposed use was not incompatible with the surrounding uses mainly comprising warehouses, storage/open storage yards, workshops and similar uses. Concerned departments had no objection to or no adverse comment on the application, except DEP. Although DEP did not support the application, there was no environmental complaint concerning the site in the past three years and relevant approval conditions were recommended to address DEP's concern on possible environmental nuisance. Regarding the public comment, the assessments above were relevant.

201. Members had no question on the application.

Deliberation Session

202. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 26.8.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant,

is allowed on the site during the planning approval period;

- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no repairing, dismantling, paint-spraying or any other workshop activities, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (d) no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance 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;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the 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 26.2.2017;
- (g) 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 26.2.2017;
- (h) in relation to (g) 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 26.5.2017;
- (i) 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 26.2.2017;
- (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 26.5.2017;

- (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 26.2.2017;
- (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 26.5.2017;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e) 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 (f), (g), (h), (i), (j), (l) or (m) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (p) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 51

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/802 Proposed Temporary Rural Workshop and Open Storage of Building Materials for a Period of 3 Years in “Undetermined” zone, Lots 381 RP (Part), 382 RP, 383 RP, 384, 385, 386 (Part), 389 RP (Part), 390 RP (Part), 391 RP, 449 (Part), 451 (Part) and 452 (Part) in D.D. 119, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/802)

Presentation and Question Sessions

204. 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 rural workshop and open storage of building materials for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers along the access road and environmental nuisance was expected. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from a private company which objected to the application on the grounds that relevant consent from the registered land owner to use the site had not been obtained. No local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The applied use was not in conflict with the planning intention of the “Undetermined” zone which was generally intended for open storage use. The applied use was not incompatible with the surrounding uses mainly comprising open storage yards and similar uses. The application was generally in line with the Town Planning Board Guidelines No. 13E on Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that the site fell within Category 1 areas under TPB PG-No. 13E, no adverse impact was anticipated and concerned departments had no major adverse comment, except DEP. Although DEP did not support the application, there was no environmental complaint concerning the site in the past three years and relevant approval conditions were recommended to address DEP's concerns on possible environmental nuisance. Regarding the public comment, the applicant had complied with the “Owners' Consent/Notification” Requirements and submitted a copy of tenancy agreement to demonstrate the right to use a majority of the site.

205. Members had no question on the application.

Deliberation Session

206. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 26.8.2019, 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 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 workshop activities, except within enclosed structures No. 1 and No. 2, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the existing trees and landscape plantings on the site shall be maintained at all times during the planning approval period;
- (g) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (h) the submission of records of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 26.11.2016;
- (i) 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 26.2.2017;
- (j) the provision of fire extinguisher(s) with valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.10.2016;
- (k) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.2.2017;
- (l) in relation to (k) above, the implementation of the fire service installations

proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.5.2017;

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

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

Agenda Item 52

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/803 Renewal of Planning Approval under Application No. A/YL-TYST/643 for Temporary “Warehouse for Storage of Construction Materials with Ancillary Workshop and Site Office” for a Period of 3 Years in “Undetermined” zone, Lots 1018 S.B, 1156, 1157 S.A, 1157 S.B and 1158 S.A & B in D.D. 119, Kung Um Road, Yuen Long
(RNTPC Paper No. A/YL-TYST/803)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary “warehouse for storage of construction materials with ancillary workshop and site office” under planning application No. A/YL-TYST/643 for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive residential uses in the vicinity and environmental nuisance was expected. Other concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The applied use was not in conflict with the planning intention of the “Undetermined” zone which was generally intended for open storage use. The applied use was not incompatible with the surrounding uses mainly comprising warehouses/storages and open storage yards. The application was generally in line with the Town Planning Board Guidelines No. 34B on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development in that there had not been any material change in planning circumstances since the previous planning approval, all the approval conditions for the last planning application had been complied with and the 3-year approval period sought was of the same timeframe as the previous approval. Concerned

departments had no objection to or no major adverse comment on the application, except DEP. Although DEP did not support the application, there was no environmental complaint concerning the site in the past three years and relevant approval conditions were recommended to address DEP's concerns on possible environmental nuisance.

209. Members had no question on the application.

Deliberation Session

210. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 7.9.2016 to 6.9.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 6:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no dismantling, repairing, cleansing or other workshop activities, except cutting of materials within the warehouse, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (d) no workshop activities, as proposed by the applicant, is allowed in the open area of the site at any time during the planning approval period;
- (e) no storage at the open area of the site, as proposed by the applicant, is allowed at any time during the planning approval period;
- (f) 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;

- (g) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (h) the existing trees and landscape plantings on the site shall be maintained at all times during the planning approval period;
- (i) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (j) the submission of records of the existing drainage facilities on the site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.12.2016;
- (k) the provision of boundary fence on the site within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 7.3.2017;
- (l) the submission of a run in/out proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Highways or of the TPB by 7.3.2017;
- (m) in relation to (l) above, the implementation of the run-in/out proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Highways or of the TPB by 7.6.2017;
- (n) the submission of a fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.3.2017;
- (o) in relation to (n) above, the implementation of the fire service installations

proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.6.2017;

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

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

Agenda Item 53

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/804 Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years in “Village Type Development” zone, Lots 2672 (Part) and 2675 (Part) in D.D. 120, Lam Hau Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/804)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary public vehicle park for private cars and light goods vehicles for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received raising objection to the application for the reason of inefficient use of land. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. The applied use was not entirely in line with the planning intention of “Village Type Development” (“V”) zone, however it could provide parking facilities to meet any such demand in the area and there was no Small House application approved/under processing at the site. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “V” zone. The applied use was considered not incompatible with the surrounding land uses which mainly comprised rural residential dwellings/structures and unused/vacant land, and would unlikely cause significant adverse impacts on the surrounding areas. Concerned departments had no objection to or no adverse comment on the application. Although the site was subject to a substantiated environmental complaint regarding construction and demolition waste dumping, the temporary use was not the subject of complaint. Regarding the public comments, the assessments above were relevant.

213. Members had no question on the application.

Deliberation Session

214. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 26.8.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) only private cars and light goods vehicles not exceeding 5.5 tonnes, as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to enter/be parked on the site at all times during the planning approval period;
- (b) a notice should be posted at a prominent location of the site at all times to indicate that only private cars and light goods vehicles not exceeding 5.5 tonnes, as defined in the Road Traffic Ordinance, are allowed to enter/be parked on the site during the planning approval period;
- (c) no vehicle without valid licences issued under the Road Traffic Ordinance is allowed to be parked/stored on the site at any time during the planning approval period;
- (d) no open storage activity, vehicle repairing, dismantling or other workshop activities, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the provision of boundary fence on the site, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 26.2.2017;

- (g) 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 26.2.2017;
- (h) in relation to (g) 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 26.5.2017;
- (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 26.2.2017;
- (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 26.5.2017;
- (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 26.2.2017;
- (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 26.5.2017;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), 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 (f), (g), (h), (i), (j), (l) or (m) is not complied with by the specified date, the approval hereby given shall cease

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

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

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

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

Agenda Item 54

Any Other Business

216. There being no other business, the meeting closed at 6:15 p.m..