

TOWN PLANNING BOARD

Minutes of 584th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 28.7.2017

Present

Director of Planning
Mr Raymond K.W. Lee

Chairman

Mr Ivan C.S. Fu

Dr F.C. Chan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Mr Stephen L.H. Liu

Miss Winnie W.M. Ng

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

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

Principal Environmental Protection Officer (Strategic Assessment),
Environmental Protection Department
Mr Steve T.S. Li

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

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

Secretary

Absent with Apologies

Mr H.W. Cheung

Professor K.C. Chau

Ms Janice W.M. Lai

Ms Christina M. Lee

Mr H.F. Leung

Dr C.H. Hau

Mr Alex T.H. Lai

Dr Lawrence K.C. Li

In Attendance

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

Chief Town Planner/Town Planning Board
Mr Kevin C.P. Ng

Town Planner/Town Planning Board
Mr Dennis C.C. Tsang

Agenda Item 1

Confirmation of the Draft Minutes of the 583rd RNTPC Meeting held on 14.7.2017

[Open Meeting]

1. The draft minutes of the 583rd RNTPC meeting held on 14.7.2017 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Sha Tin, Tai Po and North District

[Ms Jessica H.F. Chu, District Planning Officer/Shan Tin, Tai Po and North (DPO/STN), and Mr Kenny C.H. Lau, Senior Town Planner/Shan Tin, Tai Po and North (STP/STN), were invited to the meeting at this point.]

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/ST/35 Application for Amendment to the Draft Sha Tin Outline Zoning Plan No. S/ST/33, To rezone the application site from “Village Type Development” to “Government, Institution or Community”, Lots 356, 357 (Part) and 521 (Part) in D.D. 185 and Adjoining Government Land, 167 Pai Tau Village, Sha Tin, New Territories
(RNTPC Paper No. Y/ST/35A)

3. The Secretary reported that the application site was located in Sha Tin. The

following Members had declared interests on the item:

Professor K.C. Chau - co-owning with his spouse a flat in Fo Tan, Sha Tin;
and

Ms Christina M. Lee - her spouse owning a flat in Tai Wai, Sha Tin.

4. The Committee noted that both Professor K.C. Chau and Ms Christina M. Lee had tendered an apology for being unable to attend the meeting.

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

Ms Jessica H.F. Chu - District Planning Officer/Shan Tin, Tai Po and North
(DPO/STN)

Mr Kenny C.H. Lau - Senior Town Planner/Shan Tin, Tai Po and North
(STP/STN)

Mr Tang Sze-kin
Ms Tse Sze-nga } Applicant's Representatives

[Miss Winnie W.M. Ng arrived to join the meeting at this point.]

Presentation and Question Sessions

6. The Chairman extended a welcome and explained the procedure of the meeting. He then invited Ms Jessica H.F. Chu, DPO/STN, to brief Members on the background of the application.

7. With the aid of a PowerPoint presentation, Ms Jessica H.F. Chu presented the application and covered the following aspects as detailed in the Paper.

(a) background to the application;

- (b) the proposed rezoning of the application site from “Village Type Development” (“V”) to “Government, Institution or Community” (“G/IC”) for columbarium use;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The Secretary for Home Affairs (SHA) did not support the application as Tsing Lin Tsing She (TLTS) was not a charitable organisation registered under section 88 of the Inland Revenue Ordinance (IRO). The Commissioner for Transport (C for T) could not render support to the application as the applicant had not provided sufficient information to support the application. The Chief Architect/Central Management Division 2, Architectural Services Department commented that there was no vehicular access to the site and no car parking and loading/unloading bay were proposed; the applicant should clarify the Emergency Vehicular Access provision, public access and means of escape/evacuation from the site during emergency, the provision of fire safety measures and ventilation; and should provide slope impact assessment and possible diversion of existing channels. The Head of the Geotechnical Engineering Office, Civil Engineering and Development Department commented that there was insufficient information to demonstrate the geotechnical feasibility of the proposed use of the site. The District Officer (Sha Tin), Home Affairs Department conveyed the local concerns on the development of columbarium in the district. Other concerned bureaux/departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication periods, two comments from the adjacent lot owner and a private individual objecting to the application were received. The major objection grounds were set out in paragraph 9 of the Paper; and
- (e) PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 10 of the Paper. The site was located in an area zoned “V” which was primarily intended for development of Small

Houses by indigenous villagers. The proposed columbarium was not compatible with the general village setting of the area. As TLTS was not a charitable organisation registered under section 88 of the IRO or a temple registered under the Chinese Temples Ordinance, SHA could not provide policy support to the application. The applicant failed to provide traffic impact assessment and details of the proposed traffic arrangement to demonstrate that the proposal would not have adverse traffic impact on the surrounding road networks. The applicant also failed to provide a Geotechnical Planning Review Report or slope impact assessment to support the application. A similar application (No. Y/ST/13) to rezone the site to "G/IC" with 'Columbarium' included as a Column 2 use was partially agreed by the Committee in 2012. However, the subsequent s.16 application was rejected by the Board as the applicant failed to demonstrate that there would not be adverse traffic impact on the surrounding areas. Approval of the subject application would set an undesirable precedent for other similar rezoning applications in the area for the development of columbarium use.

8. The Chairman then invited the applicant's representatives to elaborate on the application. Mr S.K. Tang, the applicant's representative, tabled at meeting the applicant's response to the Planning Considerations and Assessments set out in paragraph 10 of the Paper. With the aid of a PowerPoint presentation, Mr Tang made the following main points:

- (a) TLTS was established at the site in 1942. It was recorded in the survey sheet prepared by the government in 1957 and the columbarium facility in Structure D was already shown in the aerial photo taken in 1972. The temple was an existing use before the gazettal of the first Sha Tin Outline Zoning Plan (OZP) in 1966;
- (b) the niches within the site were used/reserved only for the followers and were not for sale;
- (c) the application was submitted as planning permission was required before the land exchange could be processed by the Lands Department (LandsD);

- (d) the application would not involve any physical expansion of TLTS and as TLTS was an existing use, approval of the application would not adversely affect the village type development;
- (e) as there would be no proposal for car parking spaces and loading/unloading facilities, visitors to the columbarium were mainly on foot and no additional traffic would be generated by the development under application;
- (f) the columbarium development at Po Fook Hill was established in 1991. Its application and traffic impact assessment (TIA) should have already taken into account the traffic generated by TLTS and nearby columbaria;
- (g) the traffic impact to be generated by Small House developments would be greater than that arising from the 1,111 niches under application; and
- (h) the slope with geotechnical concern fell within a piece of government land outside the application site.

9. As the presentations of PlanD's representative and the applicant's representative were completed, the Chairman invited questions from Members.

10. Some Members raised the following questions:

- (a) whether the "V" zoning of the area had taken note of the existence of the religious institution at the site;
- (b) whether the application was only for regularisation of the current uses which had existed since 1950s;
- (c) whether the columbarium at Structure D had already existed before the gazettal of the first Sha Tin OZP and if so, whether there was any extension since then; and
- (d) the occupancy of the niches.

11. Ms Jessica H.F. Chu, DPO/STN, made the following responses:

- (a) the “V” zoning of the area was to generally reflect the village type development in the area; and
- (b) as the temple and the adjoining Structures B and E had already existed at the site since the 1950s before the gazettal of the first Sha Tin OZP in 1966, they could be treated as an existing use. Structure D, which was the subject of the application, came into existence afterwards as shown in the aerial photo taken in 1972. There was no information to demonstrate that Structure D was developed before the gazettal of the first Sha Tin OZP and also no information on when the niches were accommodated in Structure D.

12. Mr S.K. Tang made the following response:

- (a) the columbarium had already existed based on the aerial photo taken in 1972. It was estimated that it had been in existence at the site for over 45 years.
- (b) TLTS had been operating as a religious institution. Among the five structures with the site, only Structure D was used for columbarium purpose and other structures were for religious use and its supporting purposes;
- (c) at present, 552 niches were already occupied, 245 were reserved for the followers and 314 were still available. The applicant had no intention to increase the number of niches.

13. In response to the Chairman’s enquiry on the Transport Department (TD)’s main concerns, Ms Jessica H.F. Chu, DPO/STN, said that there were a total of 14 columbaria in the vicinity of the site, providing at least 26,510 niches. While there were traffic management and crowd control schemes carried out by the police during the festival days and their shadow

periods, TD was of the view that a TIA would be required to ascertain that the proposed rezoning would not worsen the existing traffic condition.

14. A Member enquired about what steps the applicant could take in order to continue the operation of the columbaria. In response, Ms Jessica H.F. Chu, DPO/STN, said that since the Private Columbaria Ordinance (PCO) had come into effect on 30.6.2017, operators of private columbaria could apply for a licence from the Private Columbaria Licensing Board (PCLB) between 30.12.2017 and 29.3.2018, approval of which would be subject to fulfillment of relevant eligibility requirements prescribed under the PCO including, inter alia, compliance of the Town Planning Ordinance and other statutory requirements. Mr S.K. Tang supplemented that as the subject columbarium was in operation before 1990, it was eligible to apply for an exemption under the PCO. The applicant was in discussion with the relevant department on its claim for the above status.

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

Deliberation Session

16. The Chairman recapitulated that the application was a section 12A application to rezone the application site from "V" to "G/IC" for the religious and columbarium use at the site. While TLTS might have already existed at the site for a long time and the temple might be treated as an existing use, there was no information to demonstrate that the columbarium under the application had already existed before the gazettal of the first Sha Tin OZP. According to the application, all 1,111 niches were currently accommodated in Structure D and there was no intention to increase the number of niches.

17. On licensing of private columbaria, the Secretary said that as set out in paragraph 8.1.1 of the Paper, for columbaria which had commenced operation before 1990 and the operators had ceased to sell or newly let niches after 8:00 a.m. on 18.6.2014 when the Private

Columbaria Bill was published, they were eligible to seek an exemption from the licensing requirement. For those which were in operation after 1990 and before 8:00 a.m. on 18.6.2014, the operators could apply for a licence under the PCO, provided that the columbaria met the statutory planning requirements and lease conditions. They were also eligible to apply for a temporary exemption for a period of three years to enable them to fulfil the necessary requirements before a licence or exemption was granted.

18. A Member noted that with the recent introduction of the PCO, existing private columbaria would have an opportunity to be regularized if they obtained planning approval. The Member said consideration could be given to allowing columbarium uses at suitable locations for better control and management. With regards to the traffic concern on the application, the Member pointed out that visitors would usually walk to the existing columbarium in the vicinity of Po Fook Hill, and the police would carry out traffic control and crowd management during festival periods.

19. Some Members were sympathetic to the application as the applicant claimed that it had been operated for a long time and the site was in an area where a number of columbaria were in existence. Besides, should the subject rezoning application be agreed, the applicant would still need to meet the requirements of the concerned departments at the s.16 application stage. Some Members noted that there were traffic problems in the area and considered that there was a need to improve the traffic management and crowd management plan.

20. A Member said that the application should not be agreed as there was no evidence to demonstrate that it was an existing use and the applicant had not submitted a TIA to demonstrate that it would not have adverse traffic impacts. Some Members also considered that the relevant departments' concerns on the technical issues should be properly addressed before the rezoning application could be agreed. As there were a number of other columbaria in the area, Members were concerned that approval of the application would set an undesirable precedent for similar applications.

21. The Chairman pointed out that although a similar rezoning application (No. Y/ST/13) had been approved in 2012, its subsequent planning application (No. A/ST/816) was rejected at s.16 application and s.17 review stages. Similar applications for

columbarium use in the area had also been rejected between 2013 and 2015 mainly on traffic ground. There were technical issues that had to be resolved before the columbaria in the area could be permitted.

22. In response to a Member's queries on whether those existing columbaria which were subject of rejected planning applications could be regularized, the Chairman said that the applications for licence or exemption would be separately dealt with by PCLB under the PCO as appropriate.

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

- “(a) the columbarium development is in close proximity to the existing village dwellings. It is not compatible with the general village setting of the area. There is no strong planning justification for rezoning the site from “Village Type Development” (“V”) to “Government, Institution or Community” zone to make provision for columbarium use;
- (b) the current “V” zone is considered appropriate for the site. Rezoning the site for columbarium use will further reduce the area of “V” zone for Small House development;
- (c) the applicant fails to demonstrate that the development would not pose adverse traffic and geotechnical impacts and cause nuisance to nearby residents particularly during peak hours of festival days; and
- (d) the approval of the application would set an undesirable precedent for other similar rezoning applications for the development of columbarium use. The cumulative effect of approving such similar applications would lead to general degradation of the rural environment of the area, proliferation of columbarium use into the village neighbourhood and general degradation of the traffic condition of the area.”

Fanling, Sheung Shui and Yuen Long East District

Agenda Item 4

Section 12A Application

[Open Meeting]

Y/FSS/12 Application for Amendment to the Approved Fanling/Sheung Shui Outline Zoning Plan No. S/FSS/22, To rezone the application site from “Comprehensive Development Area” to “Comprehensive Development Area (1)”, Sheung Shui Lot 2 RP and Adjoining Government Land, New Territories

(RNTPC Paper No. Y/FSS/12)

24. The Secretary reported that Ove Arup & Partners Hong Kong Limited (Arup), Ramboll Environ Hong Kong Limited (Environ), Dennis Lau & Ng Chun Man Architects (DLN), ADI Limited (ADI), AIM Group Limited (AIM) were five of the consultants of the applicant. The following Members had declared interests on the item:

Mr Ivan C.S. Fu	}	having current business dealings with Arup, Environ and ADI;
Ms Janice W.M. Lai		
Mr Alex T.H. Lai	-	his firm having current business dealings with Arup and AIM; and
Mr Stephen L.H. Liu	-	having past business dealings with DLN.

25. Miss Winnie W.M. Ng also declared an interest in the item as she was a friend of the applicant.

26. The Committee noted that Ms Janice W.M. Lai and Mr Alex T.H. Lai had tendered apologies for being unable to attend the meeting. The Committee noted that the applicant had requested deferment of consideration of the application and agreed that as Mr

Ivan C.S. Fu, Mr Stephen L.H. Liu and Miss Winnie W.M. Ng had no involvement in the application, they could stay in the meeting.

27. The Committee also noted that the applicant's representative requested on 20.7.2017 deferment of the consideration of the application for one month in order to address comments from government departments. It was the third time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information to address departmental comments.

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

Sai Kung and Islands District

Agenda Item 5

[Open Meeting]

Proposed Amendments to the Approved Tseung Kwan O Outline Zoning Plan No. S/TKO/24
(RNTPC Paper No. 6/17)

29. The Secretary reported that five of the proposed amendments involved rezoning of sites for public housing development by the Housing Department (HD) which was the executive arm of the Hong Kong Housing Authority (HKHA). Ove Arup & Partners Hong

Kong Limited (Arup) was the consultant for the Preliminary Feasibility Study (FS) and technical assessments to support the proposed public housing developments conducted by the Civil Engineering and Development Department (CEDD). The following Members had declared interests on the item:

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|--|---|--|
| Mr Raymond K.W. Lee
(the Chairman)
<i>as the Director of Planning</i> | - | being a member of the Strategic Planning Committee (SPC) and Building Committee of HKHA; |
| Mr Martin W.C. Kwan
<i>as the Chief Engineer (Works),
Home Affairs Department</i> | - | being an alternate representative for the Director of Home Affairs who was a member of SPC and Subsidised Housing Committee of HKHA; |
| Mr H.F. Leung | - | being a member of Tender Committee of HKHA; |
| Ms Janice W.M. Lai | - | having current business dealings with HKHA and Arup; |
| Dr C.H. Hau | - | having current business dealings with HKHA; |
| Mr Alex T.H. Lai | - | his firm having current business dealings with HKHA and Arup; |
| Mr Ivan C.S. Fu | - | having current business dealings with Arup and past business dealings with HKHA; |
| Mr Stephen L.H. Liu | - | having past business dealings with HKHA; and |
| Mr Patrick K.H. Ho | - | owning a flat in Tseung Kwan O (TKO). |

*Chief Traffic Engineer/New
Territories West, Transport
Department*

30. The Committee noted that Ms Janice W.M. Lai, Dr C.H. Hau, Mr H.F. Leung and Mr Alex T.H. Lai had tendered apologies for being unable to attend the meeting. According to the procedure and practice adopted by the Board, as the proposed public housing developments by HD in relation to the rezoning sites were subjects of amendments to the Outline Zoning Plan (OZP) proposed by the Planning Department (PlanD), the interests of the Members in relation to HKHA would only need to be recorded and they should be allowed to stay in the meeting.

Presentation and Question Session

31. The following government representatives were invited to the meeting:

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|-----------------------|---|
| Ms Donna Y.P. Tam | - District Planning Officer/Sai Kung and Islands, (DPO/SKIs), PlanD |
| Ms Kitty T.S. Lam | - Senior Town Planner/Sai Kung and Islands (STP/SKIs), PlanD |
| Mr Kenneth P.C. Wong | - Town Planner/Sai Kung and Islands (TP/SKIs), PlanD |
| Mr Eric N.T. Chiang | - Chief Engineer/New Territories East 1 (CE/NTE1), CEDD |
| Mr Bruce L.C. Cheung, | - Senior Engineer/7 (New Territories East), CEDD
, |
| Mr Samuel C.C. Fung | - Engineer 10 (New Territories East), CEDD |

32. The Chairman extended a welcome and invited Ms Donna Y.P. Tam, DPO/SKIs, to brief Members on the Paper. With the aid of a PowerPoint presentation, Ms Donna Y.P.

Tam presented the proposed amendments as detailed in the Paper and covered the following main points:

Background

- (a) the government had identified nine potential sites in TKO for public housing development. The Preliminary FS concluded that there was no insurmountable technical problem for public housing development in five of these sites;
- (b) the five sites were expected to provide a total of about 11,260 public housing units to accommodate about 31,530 people;

Proposed Amendments

- (c) it was proposed to rezone the five sites mainly from “Green Belt” to “R(A)7” with a maximum plot ratio (PR) of 6.5 and maximum building heights of 180mPD, 170mPD, 130mPD, 140mPD and 210mPD respectively for Amendment Items A (Site 1), B (Site 2), C1 (Site 3), D (Site 4) and E (Site 5) on the Approved TKO OZP No. S/TKO/24; and
- (d) Amendment Item C2 involved the rezoning of an area at Tin Ha Wan Village from “Government, Institution or Community” to “Village Type Development” to reflect the existing village development;

Land Use Compatibility

- (e) the five proposed housing sites were generally compatible with the surrounding land uses;

Technical Assessments

- (f) the overall visual impact of the five housing sites would be moderately adverse. Mitigation measures would be further explored at the detailed design stage to reduce the potential visual impact;

- (g) according to the preliminary environmental study, the Air Ventilation Assessment (Expert Evaluation) and the preliminary assessments, there was no insurmountable environmental and air ventilation impact arising from those housing developments;
- (h) a total of about 15,250 existing trees would be affected, most of them were common species. Among them, 15,090 and 160 trees were proposed to be felled and transplanted respectively. The residual landscape impacts of the proposed housing sites were considered acceptable with mitigation measures;
- (i) the Preliminary Traffic and Transport Impact Assessment (TTIA) concluded that the development of the five sites for residential use was technically feasible and would not pose adverse traffic impact to the area.

Departmental Consultation

- (j) relevant government departments had no objection to or no adverse comment on the proposed amendments; and

Consultation with the Sai Kung District Council (SKDC)

- (k) on 19.4.2017, the SKDC was consulted on the findings of the Preliminary FS on the five proposed housing sites and proposed amendments to the TKO OZP. The SKDC would be consulted during the exhibition period of the draft TKO OZP No. S/TKO/25 for public inspection.

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

Traffic Issue

33. Some Members raised the following questions:

- (a) what the population in TKO would be upon completion of the five public

housing developments;

- (b) the time-table for completion of the TKO-Lam Tin Tunnel (TKO-LTT);
- (c) whether the proposed public housing developments would aggravate the cross-district traffic problem; and
- (d) whether there were any proposals to divert the traffic from TKO to Kwun Tong.

34. Ms Donna Y.P. Tam, DPO/SKIs, made the following responses:

- (a) upon completion of the five housing sites, the population of TKO would be about 480,000; and
- (b) the land use for TKO was mainly for residential development and most local residents would need to commute to other districts for work. However, employment opportunities were planned in the TKO town centre, including the new government offices and hotel developments. Other job opportunities were also available in the TKO industrial area.

35. Mr Eric N.T. Chiang, CE/NTE1, CEDD, supplemented that:

- (a) according to the TTIA, which was based on the current mode of travel and employment in TKO as well as the population intake of the five public housing sites in 2024, it was expected that about 70% of the commuting public transport trips would be outbound trips leaving TKO. The construction works of the TKO-LTT were commenced in July 2016. After the completion of the TKO-LTT in 2021, it was anticipated that some traffic could be diverted to Kwun Tong via the new TKO-LTT. As a result, more vehicles were expected to use both the TKO Tunnel and TKO-LTT in 2029 and the volume to capacity ratio would be less than 1. The anticipated traffic volume was considered acceptable to the Transport Department;

- (b) to alleviate the local traffic problem near Site 2, widening of a section of Ying Yip Road from two to three lanes and transformation of the existing roundabout between Ying Yip Road/Po Ning Road/Sheung Ning Road to a signal-control junction were proposed.

Development Intensity

36. A Member enquired whether there was any scope to increase the development intensity with a view to producing more public housing units to meet the pressing need. Ms Donna Y.P. Tam, DPO/SKIs and Mr Eric N.T. Chiang, CE/NTE1, CEDD, responded that the proposed PR had already assumed a domestic PR of 6 and a PR of 0.5 for commercial and government, institution or community facilities, after taking into account the traffic, infrastructure and urban design considerations. It was also comparable to the development intensity in other new towns. Mr Eric N.T. Chiang, CE/NTE1, CEDD, supplemented that the proposed PR was adopted in the Preliminary FS for the housing sites.

Proposed Housing Types

37. In response to a Member's question, Ms Donna Y.P. Tam, DPO/SKIs, said that the five housing sites would be developed for public housing but whether they would be developed for public rental housing or home ownership scheme was yet to be decided by the Housing Authority.

Site 1

38. A Member noted that the scale of the site formation work at Site 1 was quite large and asked if it would have significant adverse visual and environmental impacts.

39. In response, Ms Donna Y.P. Tam, DPO/SKIs, showed the conceptual layout of the proposed housing development at Site 1 and said that the site would comprise two development platforms. Mitigation measures including building layout, façade design and greening would be proposed in the detailed design stage to mitigate the visual and environmental impacts. It was expected that the development at Site 1 would not have

insurmountable adverse visual and environmental impacts.

Local Concerns

40. A Member noted that SKDC had raised objection to the proposed amendments in April 2017 and enquired what follow-up actions the government had taken to address the local concerns.

41. Ms Donna Y.P. Tam, DPO/SKIs, responded that SKDC's concerns were mainly related to the impacts of the proposed housing sites on traffic, air quality, environmental, ecological impacts and provision of community facilities. CEDD had carried out the Preliminary FS to address these technical issues and the assessments and findings of the Preliminary FS were subsequently explained to DC members.

42. Mr Eric N.T. Chiang, CE/NTE1, CEDD, supplemented that on 2.5.2017, the Executive Summary of the Preliminary FS was passed to SKDC. The Executive Summary had provided information on the air quality assessment, traffic data and road widening proposals.

43. After deliberation, the Committee decided to :

- “(a) agree that the proposed amendments to the approved Tseung Kwan O Outline Zoning Plan (OZP) No. S/TKO/24 as shown on the draft Tseung Kwan O OZP No. S/TKO/24A at Appendix II of the Paper (to be renumbered as S/TKO/25 upon exhibition) and the draft Notes at Appendix III of the Paper are suitable for exhibition for public inspection under section 5 of the Town Planning Ordinance; and
- (b) adopt the revised Explanatory Statement (ES) at Appendix IV of the Paper for the draft Tseung Kwan O OZP No. S/TKO/24A (to be renumbered as S/TKO/25) as an expression of the planning intention and objectives of the Board for various land use zonings on the OZP and agree that the revised ES is suitable for exhibition together with the draft OZP.”

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 7

Section 16 Application

[Open Meeting]

A/SLC/146 Proposed Temporary Holiday Camp (Caravan Holiday Camp) for a Period of 3 Years in “Coastal Protection Area” Zone, Lots 62, 63, 64, 65, 66 S.B, 66 RP and 67 in D.D. 331 and Adjoining Government Land, Cheung Sha, Lantau Island, New Territories
(RNTPC Paper No. A/SLC/146A)

46. The Secretary reported that the site was located in South Lantau Coast. Ms Christina M. Lee had declared an interest on the item as she was the director of a company which owned several lots in Lantau Island. The Committee noted that the applicant had requested deferment of consideration of the application and Ms Lee had tendered an apology for being unable to attend the meeting.

47. The Committee noted that the applicant’s representative requested on 10.7.2017 deferment of the consideration of the application for two months in order to allow time to address departmental comments. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted a new sewage collection plan, a revised drainage proposal and responses to departmental comments.

48. 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.

Sha Tin, Tai Po and North District

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

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/926 Renewal of Planning Approval for Temporary “Shop and Services (Real Estate Agency)” for a Period of 3 Years in “Industrial” Zone, Portion of Unit C4, G/F, Block 1, Kin Ho Industrial Building, 14-24 Au Pui Wan Street, Fo Tan, Sha Tin, New Territories
(RNTPC Paper No. A/ST/926)

49. The Secretary reported that the application site was located in Fo Tan, Sha Tin. The following Members had declared interests on the item:

Professor K.C. Chau - co-owning with his spouse a flat in Fo Tan; and

Ms Christina M. Lee - her spouse owning a flat in Tai Wai.

50. The Committee noted that Professor K.C. Chau and Ms Christina Lee had tendered apologies for being unable to attend the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary shop and services (real estate agency) for a period of three years;
- (c) departmental comments – department comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; 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 renewal application complied with the Town Planning Board Guidelines No.34B (TPB PG-No. 34B) for renewal of planning approval as the applicant had complied with all the approval conditions and the current application was the same as the previously approved application in terms of use and area of the subject premises and there had been no material change in planning circumstances. The use under application was considered not incompatible with the industrial and industrial-related uses in the subject industrial building and the surrounding developments. The aggregate commercial floor area would be within the maximum permissible limit of 460m² and generally complied with the relevant considerations set out in the TPB PG-No. 25D including the fire safety and traffic aspects.

52. Members had no question on the application.

Deliberation Session

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

temporary basis for a period of 3 years from 9.8.2017 to 8.8.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the provision of the fire service installations and equipment 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 9.2.2018; and
- (b) if the above planning condition (a) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

Agenda Item 9

Section 16 Application

[Open Meeting]

A/ST/927

Proposed Comprehensive Development with Government, Institution or Community Facilities and Public Transport Interchange in “Comprehensive Development Area (1)” Zone, East Rail Fo Tan Station and its adjoining area at Au Pui Wan Street and Lok King Street, Sha Tin, New Territories

(RNTPC Paper No. A/ST/927)

55. The Secretary reported that the site was located in Fo Tan, Sha Tin. Masterplan Limited (Masterplan), Ove Arup & Partners Hong Kong Limited (Arup), MVA Hong Kong Limited (MVA), Ramboll Environ Hong Kong Limited (Environ) and Dennis Lau & Ng Chun Man Architects (DLN) were five of the consultants of the applicant. The following Members had declared interests on the item:

Mr Ivan C.S. Fu	-	having current business dealings with Masterplan, Arup, MVA and Environ;
Ms Janice W.M. Lai	-	having current business dealings with Arup and Environ;
Mr Alex T.H. Lai	-	his firm having current business dealings with Arup;
Mr Stephen L.H. Liu	-	having past business dealings with DLN;
Professor K.C. Chau	-	co-owning with his spouse a flat in Fo Tan; and
Ms Christina M. Lee	-	her spouse owning a flat in Tai Wai.

56. The Committee noted that Professor K.C. Chau, Ms Janice W.M. Lai, Ms Christina M. Lee and Mr Alex T.H. Lai had tendered apologies for being unable to attend the meeting. The Committee noted that the applicant had requested deferment of consideration of the application and agreed that as Mr Ivan C.S. Fu and Mr Stephen L.H. Liu had no involvement in the application, they could stay in the meeting.

57. The Committee also noted that the applicant's representative requested on 21.7.2017 deferment of the consideration of the application for two months in order to prepare responses to the departmental comments. It was the first time that the applicant requested deferment of the application.

58. 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 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/929 Shop and Services (Fast Food Shop) in "Industrial" Zone, Part of
Workshop R3, G/F, Valiant Industrial Centre, 2-12 Au Pui Wan Street,
Fo Tan, Sha Tin, New Territories
(RNTPC Paper No. A/ST/929)

59. The Secretary reported that the application site was located in Fo Tan, Sha Tin. The following Members had declared interests on the item:

Professor K.C. Chau - co-owning with his spouse a flat in Fo Tan; and

Ms Christina M. Lee - her spouse owning a flat in Tai Wai.

60. The Committee noted that Professor K.C. Chau and Ms Christina Lee had tendered apologies for being unable to attend the meeting.

Presentation and Question Sessions

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

(a) background to the application;

(b) the shop and services (fast food shop);

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; 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 use under application was small in scale and considered not incompatible with the industrial and industrial-related uses in the subject industrial building and the surrounding developments. The maximum permissible limit of 460m² for aggregate commercial floor area on the ground floor did not apply to the subject fast food counter at street level without seating accommodation and licensed as food factory. The use under application generally complied with the relevant considerations set out in the Town Planning Board Guidelines No. 25D including the fire safety and traffic aspects. A temporary approval of three years was recommended in order not to jeopardise the long term planning intention of industrial use for the subject premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area.

62. Members had no question on the application.

Deliberation Session

63. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 28.7.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission of the fire service installations proposal for firefighting within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.1.2018;

- (b) in relation to (a), the implementation of the fire service installations for firefighting within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.4.2018; and
- (c) if any of the above planning conditions (a) or (b) 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.”

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

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

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-SSH/106 Proposed Temporary Private Car Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years in “Village Type Development” Zone, Lots 452 (Part), 453 (Part), 454 (Part), 461 S.A (Part), 461 S.B (Part), 462 (Part) and 810 (Part) in D.D. 209, Shap Sz Heung, New Territories
(RNTPC Paper No. A/NE-SSH/106)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary private car park (private car and light goods vehicle) for a period of three years;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Commissioner for Transport (C for T) had reservation on the application as approval of the application would set a precedent for similar applications, the cumulative adverse traffic impact could be substantial. However, as the application only involved car parking spaces of a temporary nature, the application could be tolerated. 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 individuals were received. They objected to the application. Major objection grounds were set out in paragraph 10 of the Paper; and

- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. The temporary private car park under application was to serve the residents of Kei Ling Ha San Wai and approval of the application would not frustrate the planning intention of the site. The use was considered not incompatible with the surrounding village setting. C for T had reservation on the application, but considered that the applied use could be tolerated. A similar application was approved by the Committee in July 2017 mainly on considerations that the proposed temporary use would not frustrate the long term planning intention of the “Village Type Development” zone and it would unlikely cause adverse traffic, environmental, drainage, landscape and sewage impacts on the surrounding area. Regarding the public comments, the comments of government departments and the assessments above were relevant.

66. Members had no question on the application.

67. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 28.7.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no vehicles other than private car and light good vehicle are allowed to be parked within the application site at any time during the planning approval period;
- (b) no vehicle repairing, car washing/fuelling, vehicle dismantling and workshop activities shall be permitted within the site at any time during the planning approval period;
- (c) the submission of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 28.1.2018;
- (d) in relation to (c) above, the implementation of a landscape proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 28.4.2018;
- (e) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 28.1.2018;
- (f) in relation to (e) above, the implementation of a 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 28.4.2018;
- (g) the submission of water supplies for fire fighting and fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.1.2018;

- (h) in relation to (g) 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 28.4.2018;
- (i) if any of the above planning conditions (a) or (b) is not complied with at any time during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (j) if any of the above planning conditions (c), (d), (e), (f), (g) or (h) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall be revoked on the same date without further notice; and
- (k) 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.”

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

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-SSH/107 Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years in “Village Type Development” Zone, Lots 1046, 1047 and 1051 (Part) in D.D. 165 and Adjoining Government Land, Tseng Tau Village, Sai Sha Road, Shap Sz Heung, Sai Kung, New Territories
(RNTPC Paper No. A/NE-SSH/107)

Presentation and Question Sessions

69. Mr C.T. Lau, STP/STN, drew Members' attention that one replacement page (page 12 of the Paper) was dispatched to Members before the meeting. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary eating place (outside seating accommodation of a restaurant) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (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 on a temporary basis for three years would not frustrate the long-term planning intention of the subject "Village Type Development" zone or adversely affect the land availability for village type development. The use under application was considered not incompatible with its immediate surrounding areas. It was not anticipated to cause significant adverse traffic, drainage, sewerage, landscape and fire safety impacts on the surrounding areas and was generally in line with the Town Planning Board Guidelines No. 15A. Sympathetic consideration could be given to the application.

70. Members had no question on the application.

Deliberation Session

71. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 28.7.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) the existing trees and landscape planting on the application site shall be maintained at all times during planning approval period;
- (c) the drainage facilities on the application site shall be maintained at all times during the planning approval period;
- (d) the submission of water supplies for fire fighting and fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.1.2018;
- (e) in relation to (d) 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 28.4.2018;
- (f) if any of the above planning conditions (a), (b) or (c) is not complied with at any time during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (g) if any of the above planning conditions (d) or (e) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (h) 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.”

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

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/617 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” Zones, Lot 1034 S.A
ss.1 in D.D. 23, Po Sam Pai Village, Tai Po, New Territories
(RNTPC Paper No. A/NE-TK/617)

73. The Committee noted that a replacement page (page 2 of the Paper) with revision in paragraph 4 had been tabled for Members’ reference.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation did not support the application from nature conservation point of view as there were active agricultural activities in the vicinity of the site. Other concerned government departments had no objection to or no adverse comments on the application;

- (d) during the first three weeks of the statutory publication period, two public comments from the village representatives and an individual were received objecting to the application. Major objection grounds were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The development under application was not in line with the planning intention of the “Agriculture” zone. Although there was no vegetation within the site and land within the “Village Type Development” (“V”) zone was insufficient to fully meet the future Small House demand, land was still available within the “V” zone for Small House development. It was considered more appropriate to concentrate the proposed Small House developments within the “V” zone. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

75. Members had no question on the application.

Deliberation Session

76. A Member noted that the subject application was a ‘destroy first, build later’ case and opined that the application should not be supported. In view of the extensive alteration of the landscape in the area, the Member suggested that more stringent enforcement actions should be taken.

77. In response to a Member’s enquiry, the Chairman said that the Lands Department would process Small House grant applications for sites falling within the “V” zone, though the applicant would not be required to go through the planning application process.

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

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

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

Agenda Item 14

Section 16 Application

[Open Meeting]

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

79. The Secretary reported that the site was located in Tai Po. Mr H.W. Cheung had declared an interest on the item as he owned a flat in Tai Po Market. The Committee noted that the applicant had requested deferment of consideration of the application and Mr Cheung tendered an apology for being unable to attend the meeting.

80. The Committee also noted that the applicant’s representative requested on 12.7.2017 deferment of the consideration of the application for one month so as to allow time

for preparation of further information to address the comments of relevant government departments. It was the first time that the applicant requested deferment of the application.

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

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/173 Proposed Temporary Logistic Yard, Open Storage of Containers and Tyre Repair Workshop for a Period of 3 Years in "Agriculture" Zone, Lots 537 S.A RP (Part) and 514 RP in D.D. 89, Sha Ling, Sheung Shui, New Territories
(RNTPC Paper No. A/NE-FTA/173)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary logistic yard, open storage of containers and tyre repair workshop for a period of three years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Commissioner for Transport (C for T) did not support the application as the applicants had not carried out a traffic impact assessment and there was no information on the location and width of the ingress and egress of the site to demonstrate the satisfactory manoeuvring of vehicles entering and exiting the site and no reversing on the local roads. The Director of Environmental Protection did not support the application as there were domestic structures in the vicinity of the site and there was one non-substantiated environmental complaint relating to waste disposal during the past three years. The Director of Agriculture, Fisheries and Conservation did not support the application as the site was partly occupied by a plant nursery and a watercourse was located near the southern boundary of the site. The Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) had reservation on the application as approval of the application would set an undesirable precedent to encourage similar applications and the cumulative adverse impact would lead to further degradation of the landscape character of the “Agriculture” (“AGR”) zone. The District Officer (North) advised that the Vice-Chairman of Ta Kwu Ling District Rural Committee, the Indigenous Inhabitant Representative and Resident Representative (RR) of San Uk Ling, the RR of Lo Wu, 打鼓嶺沙嶺村居民福利會 and a group of Sha Ling villagers raised objection to the application mainly on the grounds of traffic problem, environmental pollution and pedestrian safety. The incumbent North District Council (NDC) member of subject constituency had no comment on the application. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, ten public comments were received. Two comments from a NDC member and the Chairman of Sheung Shui District Rural Committee indicated no comment on the application. Eight comments submitted by 打鼓嶺沙嶺村居民福利會, a group of Sha Ling villagers, the Kadoorie Farm and Botanic

Garden Corporation and five individuals raised objection to the application. Major grounds of objection were set out in paragraph 11 of the Paper; and

- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed temporary use under application was not in line with the planning intention of the “AGR” zone. The site was partly occupied by a plant nursery. Approval of the application would set a precedent for similar applications and the cumulative impacts would lead to further degradation of the landscape character of the “AGR” zone and there was no proposal for screen planting. The proposed development might have adverse traffic impacts on the surrounding road networks and cause environmental nuisance to nearby residents. The application did not comply with the Town Planning Board Guidelines No.13E in that the site was not the subject of any previous planning permission; there were adverse departmental comments on the application; and the applicants failed to demonstrate that the development would have no adverse traffic, environmental and landscape impacts on the surrounding areas. Regarding the public comments, the comments of government departments and the assessments above were relevant.

83. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed temporary use under application is not in line with the planning intention of the “Agriculture” (“AGR”) zone for the Fu Tei Au and Sha Ling area, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong justification in the

submission for a departure from such planning intention, even on a temporary basis;

- (b) the application does not comply with the Town Planning Board Guidelines No. 13E in that there is no previous approval of open storage use granted for the site and no exceptional circumstance to justify sympathetic consideration of the application; there are adverse departmental comments on the application; and the applicants fail to demonstrate that the proposed development would not cause adverse traffic, environmental and landscape impacts on the surrounding areas; and
- (c) the approval of the application will set an undesirable precedent for similar applications within the same “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.”

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/174 Proposed Temporary Vehicle Repair Workshop for Medium Goods Vehicle, Heavy Goods Vehicle, Coach and Container Tractor for a Period of 3 Years in “Agriculture” Zone, Lots 558 RP (Part), 559 RP (Part), 561 RP (Part), 562 S.F (Part), 563 (Part) and 564 S.B (Part) in D.D. 89, Sha Ling, New Territories
(RNTPC Paper No. A/NE-FTA/174)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the proposed temporary vehicle repair workshop for medium goods vehicle, heavy goods vehicle, coach and container tractor for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Commissioner for Transport did not support the application as the applicant had not submitted a traffic impact assessment (TIA) and not demonstrated the satisfactory manoeuvring of vehicles entering or exiting the site and no reversing on the local roads. The Director of Environmental Protection did not support the application as there were domestic structures in the vicinity of the site and there were five substantiated environmental complaints and one non-substantiated complaint mainly relating to the waste aspect. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as some 30 trees within the site had been felled since 2015. Approval of the application would encourage similar applications to destroy the landscape resources prior to obtaining a planning permission. The Director of Agriculture, Fisheries and Conservation did not support the application as the site possessed potential for agricultural rehabilitation. The District Officer (North) advised that the Vice-Chairman of Ta Kwu Ling District Rural Committee, the Indigenous Inhabitant Representative of San Uk Ling, the Resident Representative (RR) of Lo Wu and 打鼓嶺沙嶺村居民福利會 raised objection to the application while the incumbent North District Council (NDC) member of subject constituency and the RR of San Uk Ling had no comment. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, 33 public comments were received. A NDC member and the Chairman of the Sheung Shui District Rural Committee had no comment on the application. The remaining 31 public comments from 打鼓嶺沙嶺村居民福利會, Designing Hong Kong Limited, Kadoorie Farm and Botanic Garden Corporation, World Wide Fund for Nature Hong Kong and 27 individuals

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

- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed temporary use under application was not in line with the planning intention of the “Agriculture” (“AGR”) zone. The site possessed potential for agricultural rehabilitation and it was noted that removal of vegetation had taken place prior to the application. Approval of the application would encourage similar application to destroy the landscape resources, prior to obtaining planning permission. The application did not comply with the Town Planning Board Guidelines No.13E in that the site was not the subject of any previous planning permission; there were adverse departmental comments on the application; and the applicant failed to demonstrate that the development would have no adverse traffic, environmental and landscape impacts on the surrounding areas. Approval of the application would set an undesirable precedent for similar applications in the “AGR” zone. Regarding the public comments, the comments of government bureau/departments and the planning assessments above were relevant.

86. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed temporary use under application is not in line with the planning intention of the “Agriculture” (“AGR”) zone for the Fu Tei Au and Sha Ling area, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong justification in the

submission for a departure from such planning intention, even on a temporary basis;

- (b) the application does not comply with the Town Planning Board Guidelines No. 13E in that there is no previous approval of open storage and port back-up uses granted for the site and no exceptional circumstance to justify sympathetic consideration of the application; there are adverse departmental comments on the application; and the applicant fails to demonstrate that the proposed development would not cause adverse traffic, environmental and landscape impacts on the surrounding areas; and
- (c) the approval of the application will set an undesirable precedent for similar applications within the same “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.”

Agenda Item 17

Section 16 Application

[Open Meeting]

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

88. The Committee noted that the applicant’s representative requested on 14.7.2017 deferment of the consideration of the application for two months so as to allow time to prepare further information to address the comments of the Environmental Protection Department. It was the first time that the applicant requested deferment of the application.

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

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

Agenda Item 18

Section 16 Application

[Open Meeting]

A/NE-TKL/568 Temporary Vehicle Repair Workshop for Lorry, Coach and Container Vehicle with Ancillary Office & Electricity Transformer Station for a Period of 3 Years in "Open Storage" and "Agriculture" Zones, Lots 783 and 784 in D.D. 77 and Adjoining Government Land, Ping Che, New Territories
(RNTPC Paper No. A/NE-TKL/568)

90. The Secretary reported that the site was located in Ping Che. Mr Alex T.H. Lai had declared an interest on the item as his father co-owned with another person two lots in Ping Che. The Committee noted that the applicant had requested deferment of consideration of the application and Mr Alex T.H. Lai had tendered an apology for being unable to attend the meeting.

91. The Committee also noted that the applicant requested on 19.7.2017 deferment of the consideration of the application for two months so as to allow time to prepare further information to address the comments of the Transport Department. It was the first time that the applicant requested deferment of the application.

92. 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 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKLN/6 Temporary Retail Shop, Canteen and Ancillary Office for a Period of 3 Years in "Recreation" and "Green Belt" Zones, Lot 387 S.B RP (Part) in D.D. 78, Tsung Yuen Ha, Ta Kwu Ling, New Territories
(RNTPC Paper No. A/NE-TKLN/6A)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary retail shop, canteen and ancillary office for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Commissioner for Transport (C for T) did not support the application had not carried out a traffic impact assessment (TIA) and no justification was given for not providing any parking and loading/unloading spaces within the site. The Director of Environmental Protection (DEP) commented that the applicant had not fully addressed his

concern on the potential water quality impact caused by the development under application. The District Officer (North) advised that the Vice-Chairman of Ta Kwu Ling District Rural Committee and one of the two Indigenous Inhabitant Representatives (IIRs) of Tsung Yuen Ha supported the development and the incumbent North District Council (NDC) member, the other IIR of Tsung Yuen Ha and the Resident Representative of Tsung Yuen Ha had no comment on the application;

- (d) during the first three weeks of the statutory publication period, four public comments from a NDC member and the Chairman of the Sheung Shui District Rural Committee (SSDRC), World Wide Fund for Nature Hong Kong (WWF) and an individual were received. The NDC member and the Chairman of SSDRC had no comment on the application. WWF and the individual raised objections to the application. Major comments and objection grounds on the application were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The development under application was not in line with the planning intentions of the “Recreation” and “Green Belt” zones. The application was not in line the Town Planning Board Guidelines No. 10 in that there was no information on the treatment of effluent. The applicant had not provided any justifications to merit a departure from the planning intentions of the two zones, even on a temporary basis. The applicant had not submitted a TIA nor provided information to justify that no parking and loading/unloading space would be provided in the site. In this regard, C for T did not support the application. DEP had raised concern on the potential water quality impact from the wastewater generated from the subject site. Although a similar application (No. A/NE-TKLN/4) for temporary canteen and ancillary offices was approved, the planning circumstance of the subject application was different from the approved application. Regarding the public comments, the comments of government bureau/departments and the planning assessments above were

relevant.

94. In response to the Chairman's enquiry on the major differences between the subject application and the similar application approved in the vicinity, Ms Cindy K.F. Wong, STP/STN, said that both applications were for temporary canteen and ancillary office but the subject application also included a retail shop. In terms of the scale of development, the subject site was smaller with an area of 270m² while that of the similar application was about 460m². C for T did not raise objection to the similar application but did not support the subject application. Mr Patrick K.H. Ho, Chief Traffic Engineer/New Territories West, Transport Department (CTE/NTW, TD), supplemented that, in view of the recent traffic situation in the area, the subject application was not supported as the applicant had not submitted a TIA to demonstrate that there would be no adverse traffic impact.

Deliberation Session

95. The Committee noted that TIA was not required by TD for the similar application (No. A/TKLN/4). For the subject application, TD required the applicant to submit a TIA to ensure that the applied use would not cause adverse traffic impact on the surrounding area. The Committee also noted that the applicant of the similar application had complied with all the approval conditions and the canteen was in operation.

96. Noting the small scale of the subject development, the canteen was to serve nearby construction site workers and a similar application without a TIA had been approved, a Member had doubt on the requirement of a TIA for the subject application. Another Member shared the same view.

97. In response, Mr Patrick K.H. Ho, CTE/NTW, TD, said that the applied use would involve loading/unloading of goods, but the applicant had not provided any basic information such as the frequency of loading/unloading activities. Without such information, TD would not be able to assess the traffic impact.

98. The Committee noted that the applicant had already responded to departmental comments on transport arrangements and sewerage aspects, as well as the seating capacity of the canteen under application. However, some Members considered that the application

should not be supported as the applicant had failed to provide information to address TD's concern.

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

- “(a) the development is not in line with the planning intention of the “Recreation” zone which is primarily for low-density recreational developments for the use of the general public and encourages the development of active and/or passive recreation and tourism/eco-tourism. It is also not in line with the planning intention of “Green Belt” zone which is primarily for defining the limits of urban and sub-urban development areas as well as to provide passive recreational outlets and there is a general presumption against development within this zone. There is no strong planning justification provided in the submission to justify a departure from the planning intentions, even on a temporary basis; and
- (b) the applicant fails to demonstrate in the submission that the development would have no adverse traffic impact on the surrounding areas.”

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

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

Fanling, Sheung Shui and Yuen Long East District

Agenda Item 20

Section 16 Application

[Open Meeting]

A/KTN/32 Social Welfare Facility (Residential Care Home for Persons with Disabilities) in “Village Type Development” Zone, Lots 1386 RP (Part), 1387 S.A, 1387 S.B (Part), 1387 RP (Part), 1388 S.A (Part), 1388 RP (Part) in D.D. 95 and Adjoining Government Land, Ho Sheung Heung, Sheung Shui, New Territories
(RNTPC Paper No. A/KTN/32A)

100. The Secretary reported that the site was located in Kwu Tung North. Dr C.H. Hau had declared an interest on the item as he owned a property in Kwu Tung. The Committee noted that the applicant had requested deferment of consideration of the application and Dr C.H. Hau had tendered an apology for being unable to attend the meeting.

101. The Committee also noted that the applicant’s representative requested on 19.7.2017 deferment of the consideration of the application for one month to allow time to prepare further information to address government departments’ comments. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted information to respond to the comments of the Transport Department and the Environmental Protection Department.

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

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

[Ms Ivy C.W. Wong and Ms Emily P.W. Tong, Senior Town Planners/Fanling, Sheung Shui and Yuen Long East (STPs/FSYLE), were invited to the meeting at this point.]

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/744 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 1402 RP (Part) in D.D. 112, Shui Tsan Tin,
Kam Sheung Road, Pat Heung, Yuen Long, New Territories
(RNTPC Paper No. A/YL-KTS/744)

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

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in

paragraph 10 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as active agricultural activities could be found in the vicinity and had potential for agricultural rehabilitation. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservations on the application as approval of the application would set an undesirable precedent which would encourage similar Small House applications in the area, thus defeating the purpose of the “Agriculture” (“AGR”) zone and leading to degradation of existing landscape quality of the surrounding area. Other concerned government departments had no objection to or no adverse comments on the application;

- (d) during the first three weeks of the statutory publication period, six public comments from Kadoorie Farm & Botanic Garden Corporation, Designing Hong Kong Limited, World Wide Fund for Nature Hong Kong, a villager of Shui Tsan Tin and two individuals were received objecting to the application. Major objection grounds were set out in paragraph 11 of the Paper; and
- (e) PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed Small House development was not in line with the planning intention of “AGR” zone. DAFC did not support the application as the site had potential for agricultural rehabilitation. The application did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that the site and the footprint of the proposed Small House fell entirely outside the village ‘environs’ of Shui Tsan Tin and the “Village Type Development” (“V”) zone of the concerned villages. Land was still available within the “V” zone of Ngau Keng, Shui Tsan Tin, Shui Lau Tin and Lin Fa Tei. It was considered more appropriate to concentrate the proposed Small House close to the existing village cluster within the “V” zone. Rejection of the subject application was in line with the previous decisions of the Committee/Board in rejecting the similar applications. Regarding the public comments, the comments of

government departments and the planning assessments above were relevant.

105. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed Small House development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is 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. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) the application does not comply with the Interim Criteria for assessing planning applications for New Territories Exempted House (NTEH) – Small House development in that the proposed NTEH – Small House footprint falls entirely outside the village ‘environs’ of Shui Tsan Tin and the concerned “Village Type Development” (“V”) zone. Land is still available within the “V” zone of Ngau Keng, Shui Tsan Tin, Shui Lau Tin and Lin Fa Tei 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 infrastructure and services. There is no exceptional circumstance to justify approval of the application; and
- (c) approval of the application would set an undesirable precedent for similar application within the “AGR” zone. The cumulative effect of approving such application would lead to degradation of the rural character and

environment of the area.”

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/742 Temporary Open Storage of Sauce with Ancillary Canteen for a Period of 3 Years in “Residential (Group D)” Zone, Lot 172 (Part) in D.D.108, Pat Heung, Yuen Long, New Territories
(RNTPC Paper No. A/YL-PH/742B)

107. The Secretary reported that the application site was located in Pat Heung. Ms Janice W.M. Lai had declared an interest on the item as her family member owned a property at Leung Uk Tsuen, Pat Heung. The Committee noted that Ms Janice W.M. Lai had tendered an apology for being unable to attend the meeting.

Presentation and Question Sessions

108. Ms Ivy C.W. Wong, STP/FSYLE, drew Members’ attention that two replacement pages (page 10 of the Paper and page 2 of Appendix VII) were dispatched to Members before the meeting. She then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of containers for storing sauces with canteen for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) advised that one complaint relating to water quality was received in 2015. However, the applicant was holding a valid licence under the Water Pollution Control Ordinance and no non-compliance was spotted. Other

concerned government departments had no objection to or no adverse comments on the application;

- (d) during the first three weeks of the statutory publication periods, one public comment from a general public raising concerns on the application was received. Details of the public concern were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Although the applied use was not entirely in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone, there was no known permanent development programme at the subject part of the “R(D)” zone. Approval of the application on a temporary basis for a period of three years would not jeopardise the long-term planning intention of the “R(D)” zone. The development under application was considered not incompatible with the surrounding areas. The site was the subject of five previous applications for the same use. The applications were allowed by the Town Planning Appeal Board (Appeal Board) or approved by the Committee. Approval of the subject application was in line with the previous decisions of the Appeal Board and the Committee. Regarding the environmental complaint received by DEP, relevant approval conditions were recommended to minimise the potential environmental nuisance. As the last two approvals were revoked due to non-compliance with the approval conditions, shorter compliance periods were recommended to monitor the progress on compliance with approval conditions. Regarding the public concern, comments of concerned departments and the planning assessments above were relevant.

109. Members had no question on the application.

Deliberation Session

110. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 28.7.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 6:00 p.m. to 6:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and statutory holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no structure, including containers standing alone or stacked together, inside the site should exceed the height of two conventional containers stacked together at any time during the planning approval period;
- (d) no part of the site should be used for storing anything other than goods belonging to or dealt with by the applicant in the business of Parsley Sauce and Food Industrial at any time during the planning approval period;
- (e) all goods stored at the site should be kept inside the structures put or erected at the site at all times during the planning approval period. No goods should be placed in open storage or in an area or space which is not enclosed in wind and water tight structures during the planning approval period;
- (f) except for the purpose of loading and unloading, no vehicle should be parked at the site except for vehicles belonging to the applicant during the planning approval period. In any event, no more than six vehicles should be parked at the site;
- (g) the site should be kept clean to the satisfaction of the Director of Food and Environmental Hygiene at all times during the planning approval period;
- (h) no vehicle is allowed to queue back to or reverse onto/from public road at any time 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 a record of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 28.10.2017;
- (k) the submission of a tree preservation proposal within 3 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 28.10.2017;
- (l) in relation to (k) above, the implementation of a tree preservation proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 28.1.2018;
- (m) the provision of fire extinguisher(s) within 6 weeks with a valid fire certificate (FS 251) from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.9.2017;
- (n) the submission of fire service installations proposal within 3 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.10.2017;
- (o) in relation to (n) above, the implementation of fire service installations within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.1.2018;
- (p) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (i) is not complied with at any time 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;

- (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; and
- (s) the planning permission is personal to the applicant and should be automatically revoked upon the applicant's parting with possession of the site or any part thereof."

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

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/745 Proposed Temporary Public Car Park for Private Cars and Light Goods Vehicle for a Period of 3 Years in "Residential (Group D)" Zone, Lot 91 in D.D. 108, Pat Heung, Yuen Long, New Territories
(RNTPC Paper No. A/YL-PH/745A)

112. The Secretary reported that the application site was located in Pat Heung. Ms Janice W.M. Lai had declared an interest on the item as her family member owned a property at Leung Uk Tsuen, Pat Heung. The Committee noted that Ms Janice W.M. Lai had tendered an apology for being unable to attend the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary public car 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 government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, three public comments from Designing Hong Kong Limited and two members of the general public were received objecting to the application. Major grounds of objection were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Although the proposed temporary use was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone, there was no known permanent development programme at the subject part of the “R(D)” zone. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “R(D)” zone. The proposed development was not incompatible with the surrounding land uses and it was expected that it would not generate significant environmental impact on the surrounding area. The current application was for the same use as the previous approved application but had a smaller site area/boundary and fewer parking spaces. As the previous approval was revoked due to non-compliance of an approval condition, shorter compliance periods were recommended to closely monitor the progress of compliance. Regarding the adverse public comment, comments of concerned departments and the planning assessments above were relevant.

114. Members had no question on the application.

Deliberation Session

115. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 28.7.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no vehicles without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations are allowed to be parked/stored on the site at any time during the planning approval period;
- (b) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities, as proposed by the applicant, shall be carried out on the site at any time during the planning approval period;
- (c) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance (RTO) are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (d) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the RTO, are allowed to be parked/stored on or enter/exit the site at all times during the planning approval period;
- (e) no vehicle is allowed to queue back or reverse onto/ from public road at any time during the planning approval period;
- (f) the provision of boundary fencing on the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 28.10.2017;
- (g) the implementation of the accepted landscaping 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 28.1.2018;

- (h) the implementation of the accepted drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 28.1.2018;
- (i) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (j) if any of the above planning conditions (f), (g) or (h) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (k) upon 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.”

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

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/747 Temporary Public Vehicle Park for Private Car for a Period of 3 Years
in “Village Type Development” Zone, Lots 745 S.B (Part) and 750 S.B
RP (Part) in D.D. 111, Pat Heung, Yuen Long, New Territories
(RNTPC Paper No. A/YL-PH/747A)

117. The Secretary reported that the application site was located in Pat Heung. Ms Janice W.M. Lai had declared an interest on the item as her family member owned a property at Leung Uk Tsuen, Pat Heung. The Committee noted that Ms Janice W.M. Lai had

tendered an apology for being unable to attend the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary public vehicle park for private car for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) advised that a total of three non-substantiated complaints on air and water aspects were received in the past three years relating to the site. Other concerned government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, two public comments from the Village Representative of Sheung Che and an individual was received objecting to the application. Major grounds of objection are set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Although two Small House applications were currently under processing at the site, approval of the subject application for a temporary period of three years would not jeopardise the long-term planning intention of the “Village Type Development” zone. The development under application was considered not incompatible with the surrounding land uses. As the site was the subject of a previous approved application for a temporary car park and the applied use could serve the local parking need, sympathetic consideration could be given to the subject application. Regarding the public comments,

DEP and the Commissioner for Transport had no adverse comments on the application and the planning assessments above were relevant.

119. Members had no question on the application.

Deliberation Session

120. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 28.7.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no vehicles without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations are allowed to be parked/stored on the site at any time during the planning approval period;
- (c) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance (RTO) are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (d) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the RTO, are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the site at any time during the planning approval period;
- (f) the boundary fence along the site shall be maintained at all times 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 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 28.1.2018;
- (i) in relation to (h) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 28.4.2018;
- (j) in relation to (i) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (k) the submission of 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 28.1.2018;
- (l) in relation to (k) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 28.4.2018;
- (m) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.1.2018;
- (n) in relation to (m) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.4.2018;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (j) is not complied with during the planning approval period, the approval hereby

given shall cease to have effect and shall be revoked immediately without further notice;

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

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

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/749 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 940 in D.D. 111, Ha Che Tsuen, Pat Heung,
Yuen Long, New Territories
(RNTPC Paper No. A/YL-PH/749)

122. The Secretary reported that the application site was located in Pat Heung. Ms Janice W.M. Lai had declared an interest on the item as her family member owned a property at Leung Uk Tsuen, Pat Heung. The Committee noted that Ms Janice W.M. Lai had tendered an apology for being unable to attend the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House – Small House);
- (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 application as the site possessed potential for agricultural rehabilitation. Extensive site formation works within/ near the site might have potential impact on the natural stream to the north of the proposed Small House. The Chief Town Planner/ Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservations on the application from the landscape planning point of view as the application was not in line with planning intention of the “Agriculture” (“AGR”) zone. Approval of the application would set an undesirable precedent to similar developments within the zone. The cumulative effect of approving such applications would result in degradation of the environment. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments from the Kadoorie Farm & Botanic Garden Corporation and a general public were received objecting to the application. Major grounds of objection were set out in paragraph 11 of the Paper; and
- (e) PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “AGR” zone. DAFC did not support the application as the site possessed potential for agricultural rehabilitation. Sufficient land was available within the “Village Type Development” (“V”) zone of Ha Che and Sheung Che to meet the outstanding Small House applications and the 10-year Small House demand forecast. The application did not comply with the Interim Criteria for consideration of application for New Territories Exempted

House/Small House in the New Territories in that the site and the footprint of the proposed Small House fell entirely outside the “V” zone of Ha Che and as the village ‘environs’ (‘VE’) of Ha Che had yet been drawn up and it was uncertain at the moment whether the site fell within any ‘VE’ of recognised village. Approval of the application would set an undesirable precedent to similar developments within the zone. Extensive site formation works within/near the site might have potential impact on the natural stream. Regarding the public comments, the comments of government departments and the assessments above were relevant.

124. A Member noted that there was a rubbish dump at the site and inquired if enforcement action would be taken to remove the rubbish and how illegal dumping at the site could be deterred in the future. Ms Ivy C.W. Wong, STP/FSYLE, clarified with the aid of a site photo that the rubbish dump was located outside the application site boundary to its east. The Planning Authority would take appropriate enforcement and prosecution actions under the Town Planning Ordinance should it be confirmed that the rubbish dump was an unauthorised development.

125. Mr Steve T.S. Li, Principal Environmental Protection Officer (Strategic Assessment), Environmental Protection Department (EPD), supplemented that EPD could also take enforcement action under the provision of the Waste Disposal Ordinance, subject to sufficient evidence.

Deliberation Session

126. A Member was concerned about the adverse environmental impact of the illegal disposal of waste material and suggested that warning signage should be erected to inform the public that offenders might be subject to prosecution under relevant legislation.

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

- “(a) the proposed Small House development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is 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. There is no strong planning justification in the submission for a departure from the planning intention;

- (b) the application does not comply with the Interim Criteria for assessing planning applications for New Territories Exempted House (NTEH) – Small House development in that the footprint of the proposed NTEH – Small House falls entirely outside the “Village Type Development” (“V”) zone. Land is still available within the “V” zone of Ha Che and Sheung Che 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 infrastructure and services; and
- (c) approval of the application would set an undesirable precedent for similar application within the “AGR” zone. The cumulative effect of approving such application would lead to degradation of the rural character and environment of the area.”

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/750 Proposed Temporary Shop and Services (Real Estate Agency, Car Beauty Product Retail and Auto Parts Retail) for a Period of 3 Years in “Open Storage” Zone, Lots 1584 S.A in D.D. 111, Kam Tin Road, Pat Heung, Yuen Long, New Territories
(RNTPC Paper No. A/YL-PH/750)

128. The Secretary reported that the application site was located in Pat Heung. Ms Janice W.M. Lai had declared an interest on the item as her family member owned a property

at Leung Uk Tsuen, Pat Heung. The Committee noted that Ms Janice W.M. Lai had tendered an apology for being unable to attend the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary shop and services (real estate agency, car beauty product retail and auto parts retail) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comments 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 11 of the Paper. Although the proposed development was considered not entirely in line with planning intention of the “Open Storage” zone, the temporary nature of the proposed development would not jeopardise the long-term planning intention. The applied use was considered not incompatible with the surrounding land uses and was unlikely to cause adverse environmental impact on the surrounding areas. It could also serve the needs of the nearby shops and residents.

130. Members had no question on the application.

Deliberation Session

131. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 28.7.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 9:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no medium to heavy goods vehicles exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to enter/exit the site at any time during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (d) the submission of a tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 28.1.2018;
- (e) in relation to (d) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 28.4.2018;
- (f) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 28.1.2018;
- (g) in relation to (f) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 28.4.2018;
- (h) in relation to (g) above, the implemented drainage facilities should be maintained at all times during the planning approval period;

- (i) 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 28.1.2018;
- (j) in relation to (i) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.4.2018;
- (k) if any of the above planning conditions (a), (b), (c) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (l) if any of the above planning conditions (d), (e), (f), (g), (i) or (j) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (m) upon 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.”

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

Agenda Item 27

Section 16 Application

[Open Meeting]

A/YL-SK/226 Proposed Temporary Animal Boarding Establishment for a Period of 3 Years in “Agriculture” Zone, Lot 443 (Part) in D.D. 112, Nam Hing West Road, Pat Heung, Yuen Long, New Territories
(RNTPC Paper No. A/YL-SK/226)

133. The Committee noted that the applicant’ representative requested on 11.7.2017 deferment of the consideration of the application for two months so as to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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, and no further deferment would be granted unless under very special circumstances.

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/259 Proposed Utility Installation for Private Project (Electricity Transformer Room) and Excavation of Land in “Residential (Group D)” and “Village Type Development” Zones, Lots 3235 S.B and 3235 RP (Part) in D.D. 104 and Adjoining Government Land, Chuk Yuen Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-MP/259)

135. The Secretary reported that the application site was located in Mai Po. Dr Lawrence C.K. Li had declared an interest on the item as he co-owned with his spouse a house in Mai Po. The Committee noted that Dr Li had tendered an apology for being unable to attend the meeting.

[Dr F.C. Chan and Mr Martin W.C. Kwan left the meeting temporarily at this point.]

Presentation and Question Sessions

136. Ms Emily P.W. Tong, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed utility installation for private project (electricity transformer room) and excavation of land;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The proposed electricity transformer room was to provide essential electricity supply to the proposed Small Houses in the vicinity of the site and was considered not in conflict with the planning intention of the “Village Type Development” zone and was not incompatible with the surrounding uses. Although the site fell within the Wetland Buffer Area according to the Town Planning Board Guidelines No. 12C, the guidelines specified that electricity substation of single storey was exempted from the requirement of an Ecological Assessment. The Director of Agriculture, Fisheries and Conservation had no comment on the application from nature conservation point of view as the development was of a small scale. Significant adverse impacts on the surrounding areas were not anticipated.

137. Members had no question on the application.

Deliberation Session

138. 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 28.7.2021, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) the provision of water supplies for firefighting and fire services installations to the satisfaction of the Director of Fire Services or of the TPB.”

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

Agenda Item 29

Section 16 Application

[Open Meeting]

A/YL-NTM/345 Proposed Utility Installation for Private Project (CLP Transformer Room) and Excavation of Land (by 2.5m) in “Village Type Development” Zone, Lots 2307 S.R and 2310 S.C in D.D. 104, Sheung Chuk Yuen, Ngau Tam Mei, Yuen Long, New Territories
(RNTPC Paper No. A/YL-NTM/345)

140. The Committee noted that the applicant’ representative requested on 19.7.2017 deferment of the consideration of the application for two months so as to allow time to provide more information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

[The Chairman thanked Ms Ivy C.W. Wong and Ms Emily P.W. Tong, STPs/FSYLE, for their attendance to answer Members’ enquiries. They left the meeting at this point.]

Agenda Item 30

Section 16 Application

[Open Meeting]

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

142. The Committee noted that the application was rescheduled.

Tuen Mun and Yuen Long West District

[Mr David C.M. Lam, District Planning Officer/Tuen Mun and Yuen Long West (DPO/TMYLW), Ms Lucille L.S. Leung, Ms Maggie H.K. Wu, Ms Bonnie K.C. Lee and Mr Alan Y.L. Au, Senior Town Planners/Tuen Mun and Yuen Long West (STPs/TMYLW), and Mr Kris W.K. Leung, Town Planner/Tuen Mun and Yuen Long West (TP/TMYLW), were invited to the meeting at this point.]

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/1075 Proposed Temporary Logistics Centre for a Period of 3 Years in “Residential (Group A)3”, “Residential (Group A)2” Zones and area shown as 'Road', Lots 632 (Part), 633 (Part), 634, 635, 636 S.B. RP (Part) and 637 RP (Part) in D.D. 124, Lots 1996 RP (Part), 1997 (Part), 1998 RP (Part), 1999, 2000, 2001 (Part), 2003, 2004, 2005, 2006, 2007 RP (Part), 2008 RP (Part) and 2009 RP (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long, New Territories (RNTPC Paper No. A/YL-HT/1075A)

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

Presentation and Question Sessions

144. Mr Kris W.K. Leung, Town Planner/Tuen Mun and Yuen Long West (TP/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 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 users nearby and environmental nuisance was expected. However, no environmental complaint against the site had been received in the past three years. Although the site fell partly within the planned housing sites, the Director of Housing had no objection to the application as the use under application would not affect the housing development programme. Other concerned government departments had no objection to or no adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (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 application was not in line with the planning intentions of the “Residential (Group A)2” and “Residential (Group A)3” zones, the implementation

programme for the subject part of the Hung Shui Kiu New Development Area (HSK NDA) was still being formulated, approval of the application on a temporary basis of three years would not jeopardise the long-term development of the area. The application was generally in line with Town Planning Board Guidelines No 13E (TPB PG-No. 13E) in that the site fell within Category 1 areas. Although DEP did not support the application as there were sensitive receivers in the vicinity, there was no substantiated environmental complaint pertaining to the site in the past three years. The site was the subject of two previous approved applications for temporary cargo handling and forwarding facility use, approval of the subject application was in line with the Committee's previous decisions.

[Dr F.C. Chan returned to join the meeting at this point.]

145. In response to a Member's enquiries on the planned land use of the area, and actions to be taken by the government to tackle the problems of brownfield sites, Mr David C.M. Lam, District Planning Officer/Tuen Mun and Yuen Long West (DPO/TMYLW) made the following responses:

- (a) the site was previously zoned "Open Storage" but was now zoned for residential development in the Draft Hung Shui Kiu and Ha Tsuen Outline Zoning Plan (HSK and HT OZP) gazetted in May 2017. Although the proposed use was not in line with the planning intention of the residential zones, it was expected that it would take a long time to implement the NDA. The temporary logistics centre for a period of three years would not jeopardise the long-term development of the area;
- (b) the site was mostly private land involving brownfield operations. For implementation of the HSK NDA, government would resume land for public and private housing developments. However, the private sector could also apply for land exchange to facilitate private housing development provided that certain eligibility criteria were met;
- (c) the applied use was not an existing use tolerated under the Town Planning

Ordinance but it had been in existence at the site for a long time; and

- (d) in tackling the issue of brownfield operations, the Government had commenced a consultancy study which, inter alia, would investigate the feasibility of providing multi-storey buildings to relocate the existing brownfield operations with a view to freeing up the brownfield sites for other development.

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

Deliberation Session

Temporary Developments at Brown Field Sites

146. Some Members were concerned that should the subject application be approved, the Applicant might renew the temporary approval and continue to operate at the site indefinitely and thereby creating problems for site clearance when the NDA development was implemented.

147. While noting some Members' concerns, the Chairman pointed out that there were established mechanism for the government to resume private land for a public purpose and suitable arrangements, including compensation, would be made for the affected clearerees in accordance with the prevailing policy. He further pointed out that the subject site was within Stage 3 of the Advance Works for HSK development, the implementation of which would not be commenced within the next few years.

148. The Committee noted that the first population intake of HSK NDA was expected in 2024 and brownfield operations played an important role in Hong Kong's economy. In order to minimise the impacts on brownfield operations in developing HSK NDA, the government was investigating proposals to accommodate those operations, including development of multi-storey compounds.

[Miss Winnie W.M. Ng and Mr Martin W.C. Kwan left the meeting at this point.]

149. Mr Edwin W.K. Chan, Assistant Director/Regional 3, Lands Department, supplemented that compensation for land resumption was calculated based on the land value. There would be compensation for sites affected by NDA development, such as farmland, for which the compensation would also take into account the value of the cultivated crops.

150. Some Members acknowledged the economic role of brownfield operations and expressed support to the application as it was only for a temporary period of three years, which would not frustrate the long-term development of HSK NDA. They further noted the implementation of the HSK NDA would have a long-lead time. If temporary uses were not permitted, it would inevitably freeze all developments in HSK NDA until commencement of the NDA development. To ensure that the implementation of HSK NDA would not be affected by temporary developments, it was suggested that consideration could be given to shortening the approval period to allow for close monitoring when there was a known programme for implementation.

151. The Chairman said that while the TPB PG-No 13E had set out the guidelines for assessing planning applications for open storage and port backup uses, the HSK NDA would affect some of the brownfield sites falling within Category 1 which was considered suitable for such brownfield operations. The Guidelines should be reviewed in due course to take into account the latest planning intention.

152. In view of Members' concerns on the implementation of the HSK NDA, the Chairman suggested and the Committee agreed that an advisory clause stating that the site might be resumed by the government at any time for implementation of government projects should be included.

153. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 28.7.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation from 11:00 p.m. to 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant,

is allowed on the site during the planning approval period;

- (c) no repairing, recycling, cleaning, dismantling work and workshop activities, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from the public road is allowed at any time during the planning approval period;
- (e) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 28.1.2018;
- (f) in relation to (e) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 28.4.2018;
- (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 a tree preservation and landscape proposal within 6 months to the satisfaction of the Director of Planning or of the TPB by 28.1.2018;
- (i) in relation to (h) above, the implementation of the tree preservation and landscape proposal within 9 months to the satisfaction of the Director of Planning or of the TPB by 28.4.2018;
- (j) 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 28.1.2018;
- (k) in relation to (j) above, the implementation of fire service installations proposals within 9 months from the date of planning approval to the

satisfaction of the Director of Fire Services or of the TPB by 28.4.2018;

- (l) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 28.1.2018;
- (m) if any of the above planning conditions (a), (b), (c), (d) or (g) 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 (e), (f), (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 site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(m) the site might be resumed at any time during the planning approval period for implementation of government projects.”

Agenda Item 32

Section 16 Application

[Open Meeting]

A/TM-LTY Y/331 Proposed Shop and Services (Retail Market) and Minor Relaxation of Building Height Restriction from 8.23m to 9.053m (+10%) in “Village Type Development” Zone, Lot 669 S.B RP in D.D. 130 and Adjoining Government Land, junction of Castle Peak Road and Lam Tei Main Street, Tuen Mun, New Territories
(RNTPC Paper No. A/TM-LTY Y/331A)

155. The Committee noted that the applicant’s requested on 12.7.2017 deferment of the consideration of the application for two months to allow time for preparation of further information to address further comments of relevant government departments. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information to address the department comments.

156. 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 33

Section 16 Application

[Open Meeting]

A/TM-LTY Y/332 Proposed Shop and Services, Eating Place, Religious Institution (Shrine) and Minor Relaxation of Building Height Restriction from 8.23m to 9.053m (+10%) in “Village Type Development” Zone, Lot 692 S.B RP in D.D. 130 and Adjoining Government Land, junction of Castle Peak Road and Lam Tei Main Street, Tuen Mun, New Territories
(RNTPC Paper No. A/TM-LTY Y/332A)

157. The Committee noted that the applicant’s requested on 12.7.2017 deferment of the consideration of the application for two months to allow time for preparation of further information to address further comments of relevant government departments. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information to address the department comments.

158. 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 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PN/48 Proposed Temporary Place of Recreation (Fishing Ground) with Ancillary Vehicle Park and Office for a Period of 3 Years in “Coastal Protection Area” Zone and an area shown as ‘Road’, Lots 61 RP and 62 in D.D. 135 and Adjoining Government Land, Nim Wan Road, Sheung Pak Nai, Yuen Long, New Territories
(RNTPC Paper No. A/YL-PN/48A)

Presentation and Question Sessions

159. Ms Lucille L.S. Leung, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary place of recreation (fishing ground) with ancillary vehicle park and office for a period of three years;
- (c) departmental comments – departmental comments were set out in Paragraph 9 of the Paper. The Director of Environmental Protection did not support the application as the applicant had not provided sufficient information to demonstrate that the proposed development would not result in adverse environmental impact. There was one substantiated environmental complaint regarding illegal dumping of construction and demolition waste concerning the site in 2016. The Director of Agriculture, Fisheries and Conservation had reservation on the application as the applicant had not provided any details to substantiate his claim that the proposed development would not involve land/pond filling. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as the eastern portion of the fish pond would be partially filled while the proposed

entrance would be in conflict with the existing trees along the site boundary. As the applicant had not provided any information on treatment of the trees, the overall landscape of the proposed development could not be fully ascertained. The Commissioner for Transport commented that the applicant had not provided sufficient information to assess whether the application would have adverse traffic impact on the nearby road network.

- (d) during the first three weeks of the statutory publication, six public comment from a member of the Yuen Long District Council, the Kadoorie Farm & Botanic Garden Corporation, Designing Hong Kong Limited, the Hong Kong Bird Watching Society, the World Wide Fund for Nature Hong Kong and an individual member of the public were received objecting to the application. Major grounds of objection were set out in paragraph 10 of the Paper; and
- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed development was considered not in line with the planning intention of the “Coastal Protection Area” zone. There was no strong planning justification for a departure from the planning intention, even on a temporary basis. Whilst the applicant stated that no land/pond filling was involved, the northeastern part of the site had once been pond-filled illegally and was now proposed for ancillary uses. The application was a “Destroy First, Build Later” case and the application should not be assessed based on the “destroyed” state of the site. The applicant had not provided any information to ascertain whether pond dredging was required and that no adverse environmental impacts would arise from any pond dredging activities and the sewage/wastewater disposal. There was one substantiated environmental complaint relating to illegal dumping of construction and demolition waste received in 2016 concerning the site. As the landscape and traffic impacts could not be fully ascertained, approval of the current application could be misread by the public as acquittal of the ‘destroy first’ actions. Regarding the public comments, the comments of government departments and the planning assessments

above were relevant.

160. Members had no question on the application.

Deliberation Session

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

- “(a) the “Coastal Protection Area” (“CPA”) zoning is intended to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. There is a general presumption against development in this zone. The proposed development is not in line with the planning intention of the “CPA” zone. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the applicant fails to demonstrate that the proposed development would not generate adverse environmental, ecological, landscape and traffic impacts on the surrounding areas; and
- (c) approval of the application would set an undesirable precedent for similar applications in the “CPA” zone, encouraging ‘destroy first, build later’ activities. The cumulative effect of approving such applications would result in a general degradation of the natural environment and landscape quality in the area.”

Agenda Item 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

162. The Secretary reported that the application was submitted by Shing Po Shing Tong (SPST). Mr Ivan C.S. Fu had declared an interest on the item as he had current business dealings with SPST. Mr Philip S.L. Kan had also declared an interest on the item as he was a Member of the Board of Management of the Chinese Permanent Cemeteries. As the interest of Mr Ivan C.S. Fu was direct, the Committee agreed that he should be invited to leave the meeting temporarily for the item. As the interest of Mr Philip S.L. Kan was indirect, the Committee agreed that he could stay in the meeting.

[Messrs Ivan C.S. Fu and Steve T.S. Li left the meeting temporarily at this point.]

Presentation and Question Sessions

163. Ms Maggie H.K. Wu, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the columbarium (within a religious institution or extension of existing columbarium only);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Secretary for Home Affairs did not support the application as the applicant was not a tax-exempted charitable organisation under section 88 of the Inland Revenue Ordinance. The District Officer (Tuen Mun), Home Affairs Department advised that the

Tuen Mun District Council (TMDC) member concerned was arranging a signature campaign to collect local views. It was anticipated that the concerned TMDC member and locals would maintain their concerns regarding the visual, landscape, traffic impacts and nuisance to the nearby residents. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the two statutory publication periods, a total of 1,577 public comments from seven members of the TMDC, representatives of Sam Shing Hui, incorporated owners/management company of nearby residential developments and individuals were received. Among them, 1,358 supported the application, 82 objected to or provided comments on the application. Major supportive and objection grounds/comments were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The subject application involved building conversion of an existing structure (i.e. Hau Shi Tong) in the Sam Shing Temple compound and the proposed columbarium use would be confined to the existing building structure without changing the existing building bulk. As the scale of the proposed columbarium development had been reduced (-54%) in the subject application in response to the Board's previous concern, sympathetic consideration might be given. The application was considered generally in line with the Town Planning Board Guidelines No. 10 as no tree felling would be required, burning activities would be prohibited in the premises and the existing furnace at the temple would be replaced by eco-furnace. The development under application was not incompatible with the temple and its ancillary uses in the compound. Concerned government departments had no adverse comments from the infrastructure and environmental aspects. On traffic and pedestrian safety aspects, the applicant had proposed improvement works including provision of pedestrian lighting, railings and non-slip surfacing on the two staircases; and submitted the Crowd Management Plan and improvement

works to enhance the pedestrian safety. The Commissioner of Police and the Commissioner for Transport did not raise any objection to the application. To address the fire safety issue, the applicant did not include the 1/F of the building in the application. General Building Plans would be submitted to the Buildings Department and Fire Services Department to address the fire safety aspect. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

164. A Member expressed concern that approval of the subject application would set a precedent for similar applications to increase the capacity of the existing columbarium facilities. In response, Mr David C.M. Lam, DPO/TMYLW, said that in considering planning applications for columbarium use, PlanD would assess the land use compatibility, technical feasibility and impacts of the development. In Tuen Mun, a number of applications for columbarium use had been approved. The previous application was rejected not on land use compatibility, but on the development scale and there were technical concerns on fire safety aspects of the staircases leading to the first floor. To address the Committee's concerns on the previous application, the scale of development had been reduced and the first floor of the building was excluded from the current application.

165. In response to a Member's enquiry, Mr David C.M. Lam, DPO/TMYLW, said that obtaining planning permission for the subject columbarium was only one of the required steps. The Applicant would need to obtain a licence for selling and newly letting out niches under the Private Columbaria Ordinance (PCO). In order to obtain the licence, the Applicant was required to comply with the Town Planning Ordinance as well as other requirements prescribed in PCO.

Deliberation Session

166. In response to a Member's enquiry, the Chairman clarified that the PCO was enacted with a view to regulating private columbaria through a licensing system. When issuing a licence under the PCO, the future Private Columbarium Licencing Board would ensure that the technical issues, such as traffic and fire safety aspects, had been addressed.

167. The Chairman further said that the current application was the subject of a previous application for columbarium use. In considering the previous application, the Board had no objection to the columbarium use but rejected the application due to its scale and the technical issues. In the current application, the scale had been reduced and the technical issues had been resolved.

168. A Member said that the application could be supported as the applicant had addressed the Board's concerns.

169. 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 28.7.2021, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The planning permission and the conditions attached thereto (the "Conditions") for the development should not lapse when the development was undertaken and should continue to have effect as long as the completed development or any part of it was in existence and the Conditions were fully complied with. The permission was subject to the following conditions :

- “(a) the maximum number of niches and ancestral tablets within the Premises shall not exceed 1,176 niches and 266 ancestral tablets;
- (b) no burning activity, as proposed by the applicant, is allowed within the Premises at any time during the planning approval period;
- (c) the submission of a crowd management plan (CMP) and timing of implementation within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport and the Commissioner of Police or of the TPB by 28.1.2018;
- (d) in relation to (c) above, the implementation of the proposed measures identified in the approved CMP to the satisfaction of the Commissioner for Transport and the Commissioner of Police or of the TPB;

- (e) the submission of water supply for fire fighting and fire services 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 28.1.2018;
- (f) in relation to (e) above, the implementation of water supply for fire fighting and fire services 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 28.4.2018;
- (g) the submission of drainage and sewerage proposals including connection to public sewer within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 28.1.2018;
- (h) in relation to (g) above, the implementation of drainage and sewerage proposals including connection to public sewer within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 28.4.2018;
- (i) if any of the above planning conditions (a) or (b) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (j) if any of the above planning conditions (c), (d), (e), (f), (g) or (h) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.”

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

[Messrs Ivan C.S. Fu and Steve T.S. Li returned to join the meeting at this point.]

Agenda Item 36

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/502 Proposed Cargo Handling and Forwarding Facility (Free-standing purpose-designed Logistics Centre)(including ancillary office and canteen) in “Other Specified Uses” annotated “Container Storage and Repairing Depot” Zone, Siu Lang Shui Road, Tuen Mun Area 49, Tuen Mun, New Territories

(RNTPC Paper No. A/TM/502)

171. The Secretary reported that the application was submitted by the Transport and Housing Bureau (THB) with AECOM Asia Company Limited (AECOM) as the consultant of the applicant. The following Members had declared interests on the item:

Mr Patrick K.H. Ho	-	being the Chief Traffic Engineer (New Territories West) of the Transport Department which was a department under THB; and
Mr Ivan C.S. Fu	}	having current business dealings with AECOM.
Ms Janice W.M. Lai		
Dr C.H. Hau		

172. The Committee noted that Ms Janice W.M. Lai and Dr C.H. Hau had tendered apologies for being unable to attend the meeting. As the interest of Mr Patrick K.H. Ho was direct, the Committee agreed that he should be invited to leave the meeting temporarily. As Mr Ivan C.S. Fu had no involvement in the application, the Committee agreed that he could stay in the meeting.

[Mr Patrick K.H. Ho left the meeting temporarily at this point.]

Presentation and Question Sessions

173. Ms Bonnie K.C. Lee, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed cargo handling and forwarding facility (free-standing purpose-designed logistics centre) (including ancillary office and canteen);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection commented that as the Highways Department had discharged the statutory obligations in respects of the trees transplanted to the site under the Traffic Improvements to Tuen Mun Road Town Centre Section Project, the transplanted trees were no longer bounded by the Environmental Impact Assessment Ordinance. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) commented that the eastern half of the site was covered by common trees species and invasive tree species (*Leucaena leucocephala*). As the site was under a development zoning, tree removal was inevitable. The Director of Agriculture, Fisheries and Conservation (DAFC) commented that all the tree species identified within the site were common tree species;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) 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 considered in line with the planning intention of the "Other Specified Uses" annotated "Container Storage and Repairing Depot" zone and not incompatible with the surrounding land uses. The submitted Transport and Traffic Impact Assessment and Ecological Assessment had demonstrated that the proposed development would not have adverse traffic and environmental/ecological, air quality, noise, visual,

drainage, sewerage and geotechnical impacts. DAFC had no strong view on the application from nature conservation perspective as all the tree species identified within the site were common species.

174. Members had no question on the application.

Deliberation Session

175. 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 28.7.2021, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the inclusion of the requirements of implementing traffic improvement measures as stipulated in the transport and traffic impact assessment and requirements of providing parking and loading/unloading arrangements in the lease of the site to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the inclusion of the requirements of sewerage impact assessment and landfill gas hazard assessment and implementing the proposed mitigation measures identified therein in the lease of the site to the satisfaction of the Director of Environmental Protection or of the TPB;
- (c) the inclusion of the requirements of tree preservation and landscaping in the lease of the site to the satisfaction of the Director of Planning or of the TPB;
and
- (d) the inclusion of the requirements of ecological assessment and implementing the proposed mitigation measures identified therein in the lease of the site to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB.”

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

[Mr Patrick K.H. Ho returned to join the meeting at this point.]

Agenda Item 37

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

Presentation and Question Sessions

177. 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 animal boarding establishment (dog kennel) 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 did not support the application as there were active agricultural activities in the vicinity of the site and the site possessed potential for uses such as greenhouse or plant nursery and there was a watercourse to the east of the site. The Director of Environmental Protection was concerned that the use under application might cause potential nuisance to the nearby residents. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L,

PlanD) commented that adverse landscape impact on the existing landscape resources and character had taken place as trees and shrubs originally grown on site had been removed. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication, three public comments from Kadoorie Farm & Botanical Garden Corporation and two members of the public were received objecting to the application. Major grounds of objection were set out in paragraph 10 of the Paper; and
- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone. There were active agricultural activities in the vicinity of the site and the site possessed potential for uses such as greenhouse or plant nursery. There was no strong planning justification given in the submission for a departure from the planning intention, even on a temporary basis. The applied use had the potential of causing nuisance to the nearby sensitive receivers. Removal of vegetation had been observed. Approval of the application would set an undesirable precedent for other similar uses to proliferate into the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

178. Members had no question on the application.

Deliberation Session

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

- “(a) the development is not in line with the planning intention of “Agriculture”

(“AGR”) zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong planning justification has been given in the submission to justify a departure from the planning intention, even on a temporary basis;

- (b) the applicant fails to demonstrate that the proposed development would not cause environmental nuisance to the surrounding areas; and
- (c) approval of the application would set an undesirable precedent for other similar uses to proliferate into the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.”

Agenda Item 38

Section 16 Application

[Open Meeting]

A/YL-TT/406 Proposed Temporary Public Vehicle Park (excluding container vehicle) for a Period of 3 Years in “Village Type Development” Zone, Lots 1603 (Part), 1609 (Part) and 1610 (Part) in D.D. 119, Kiu Hing Road, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TT/406)

180. The Committee noted that the applicant’s representative requested on 19.7.2017 deferment of the consideration of the application for two months so as to allow time to respond to the comments from relevant government departments. It was the first time that the applicant requested deferment of the application.

181. 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 39

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/407 Renewal of Planning Approval for Temporary "Canteen" for a Period of 3 Years in "Village Type Development" Zone, Lots 1187 S.O (Part), 1187 S.Q (Part) and 1187 S.R (Part) in D.D. 117 and Adjoining Government Land, Shap Pat Heung, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TT/407)

Presentation and Question Sessions

182. 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 canteen for a period of three years;
- (c) departmental comments – department 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 from a member of the public was received objecting to the application. Major objection grounds were set out in paragraph 11 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of three years based on the assessments set out in paragraph 12 of the Paper. The application was generally in line with Town Planning Board Guidelines No. 34B (TPB PG-No. 34B) in that there had been no material change in planning circumstances since the granting of the previous approval; the approval conditions had already been complied with; and the 3-year approval period sought was of the same timeframe as the previous approval. The application was also generally in line with TPB PG-No. 15A in that the eating place would not affect the land availability for village type development. As there was currently no impending Small House application pertaining to the site, approval of the application on temporary basis would not affect the land availability for village type development in Tai Tong Tsuen or frustrate the long-term planning intention of the “Village Type Development” (“V”) zone. The canteen under application could provide catering services to serve any such demand in the area. Given that the Committee had approved two previous applications for the same use on the same site and seven other similar applications in the same “V” zone, approval of the renewal application was in line with the Committee's previous decisions. Regarding the public comment, the comments of government departments and the planning assessments above were relevant.

183. Members had no question on the application.

Deliberation Session

184. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 9.8.2017 to 8.8.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following

conditions :

- “(a) no operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (c) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (d) the submission of a record of 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 9.11.2017;
- (e) the submission of tree preservation proposal 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 9.2.2018;
- (f) in relation to (e) above, the implementation of tree preservation proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 9.5.2018;
- (g) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.2.2018;
- (h) in relation to (g) above, the implementation of fire service installations proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.5.2018;

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

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

Agenda Item 40

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/832 Temporary Vehicle Repair Workshop for a Period of 3 Years in “Undetermined” Zone, Lot 1231 S.B ss. 1 (Part) in D.D. 119 and Adjoining Government Land, Pak Sha Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TYST/832A)

Presentation and Question Sessions

186. 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 vehicle repair workshop for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection did not support the application as there were sensitive receivers of residential use in the vicinity and environmental nuisance was expected. Two substantiated environmental complaints concerning the site were received in the past 3 years. They were related to illegal wastewater/chemical waste discharge from a workshop there. The Commissioner for Transport commented that the applicant had failed to demonstrate that sufficient space within the site would be provided for manoeuvring of vehicles. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (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. Although the applied use was not in conflict with the planning intention of the “Undetermined” zone, the applicant had failed to demonstrate that the proposed development would not cause adverse traffic impact on the surrounding areas. As there were sensitive receivers of residential use in the vicinity of the site, environmental nuisance was expected.

187. Members had no question on the application.

Deliberation Session

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

“the applicant fails to demonstrate that the development would not generate adverse traffic impact on the surrounding areas.”

[The Chairman thanked Mr Kris W.K. Leung, Ms Lucille L.S. Leung, Ms Maggie H.K. Wu, Ms Bonnie K.C. Lee and Mr Alan Y.L. Au, STPs/TPs, TMYLW, for their attendance to answer Members' enquiries. They left the meeting at this point.]

Agenda Item 41

Any Other Business

189. There being no other business, the meeting closed at 7:25 p.m..