

TOWN PLANNING BOARD

Minutes of 729th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 27.10.2023

Present

Director of Planning
Mr Ivan M.K. Chung

Chairman

Mr Stephen L.H. Liu

Vice-chairman

Miss Winnie W.M. Ng

Mr K.W. Leung

Professor John C.Y. Ng

Mrs Vivian K.F. Cheung

Mr K.L. Wong

Chief Traffic Engineer/New Territories West,
Transport Department
Ms Carrie K.Y. Leung

Principal Environmental Protection Officer (Territory North),
Environmental Protection Department
Dr Tom T.H. Tam

Assistant Director/Regional 3,
Lands Department
Ms Jane K.C. Choi

Deputy Director of Planning/District
Mr C.K. Yip

Secretary

Absent with Apologies

Dr C.H. Hau

Dr Venus Y.H. Lun

Dr Conrad T.C. Wong

Mr Vincent K.Y. Ho

Chief Engineer (Works), Home Affairs Department
Mr Paul Y.K. Au

In Attendance

Assistant Director of Planning/Board
Ms Caroline T.Y. Tang

Chief Town Planner/Town Planning Board
Ms Johanna W.Y. Cheng

Town Planner/Town Planning Board
Ms Sandy S.Y. Yik

Agenda Item 1

Confirmation of the Draft Minutes of the 728th RNTPC Meeting held on 13.10.2023

[Open Meeting]

1. The draft minutes of the 728th RNTPC meeting held on 13.10.2023 were confirmed without amendments.

Agenda Item 2

Matter Arising

[Open Meeting]

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

Deferral Cases

Sections 12A and 16 Applications

[Open Meeting (Presentation and Question Sessions only)]

Presentation and Question Sessions

3. The Secretary reported that there were 24 cases requesting the Town Planning Board to defer consideration of the applications. Details of those requests for deferral, Members' declaration of interests for individual cases and the Committee's views on the declared interests were in **Annex 1**.

Deliberation Session

4. After deliberation, the Committee decided to defer decisions on the applications as requested by the applicants pending submission of further information, as recommended in the Papers.

Renewal Cases

Section 16 Applications

[Open Meeting (Presentation and Question Sessions only)]

Presentation and Question Sessions

5. The Secretary reported that there were four cases for renewal of temporary planning approval and the Planning Department had no objection to the applications or considered that the temporary uses could be tolerated for the further periods as applied for. Details of those planning applications, Members' declaration of interests for individual cases and the Committee's views on the declared interests were in **Annex 2**.

Deliberation Session

6. After deliberation, the Committee decided to approve the applications on a temporary basis for the applied renewal periods on the terms of the applications as submitted to the Town Planning Board subject to the approval condition(s) stated in the Papers. The Committee also agreed to advise the applicants to note the advisory clauses as set out in the appendix of the Papers.

Cases for Streamlining Arrangement

Section 16 Applications

[Open Meeting (Presentation and Question Sessions only)]

Presentation and Question Sessions

7. The Committee noted that there were 20 cases selected for streamlining arrangement and the Planning Department had no objection to the applications for temporary uses or considered that the temporary uses could be tolerated on a temporary basis for the applied periods. Details of those planning applications, Member's declaration of interest for an individual case and the Committee's views on the declared interest were in **Annex 3**.

Deliberation Session

8. After deliberation, the Committee decided to approve the applications on a temporary basis for the applied periods on the terms of the applications as submitted to the Town Planning Board subject to the approval conditions stated in the Papers. The Committee also agreed to advise the applicants to note the advisory clauses as set out in the appendix of the Papers.

Vision Planning Consultants Limited	-	Mr Chan Kim On
	-	Miss Charissa Leung
Present Kam Shan Village Indigenous Inhabitant Representative (IIR)	-	Mr Cheng Yun Fat
Former Kam Shan Village IIR	-	Mr Yau Kam Ming
Buyers of niches on application site	-	Mr Yau Lok Hang
	-	Mr Cheung Wai Cheung

10. The Chairman extended a welcome and explained the procedures of the meeting. He then invited PlanD's representatives to brief Members on the background of the application.

11. With the aid of a PowerPoint presentation, Mr Kevin K.W. Lau, STP/STN, briefed Members on the background of the application, the proposed rezoning of the application site (the Site) from "Village Type Development" ("V") to "Government, Institution or Community (3)" ("G/IC(3)") to regularise the current columbarium use under the name of Cheung Ha Ching Shea on the Site, departmental and public comments, and the planning considerations and assessments as detailed in the Paper. PlanD did not support the application.

[Miss Winnie W.M. Ng and Ms Jane K.C. Choi joined the meeting during PlanD's presentation.]

12. The Chairman then invited the applicant's representatives to elaborate on the application. With the aid of a PowerPoint presentation, Messrs Yuen Seen Pun and Chan Kim On, made the following main points:

Site history and context

- (a) the mother lot (i.e. Lot 738) and the single-storey building thereon were

acquired by the applicant through auction in 1909. There was no user restriction and columbarium was a use permitted under the lease;

- (b) the Site, located on an elevated platform at the downhill side of Kam Shan Village (the Village), comprised two subdivided lots and adjacent government land of about 70m² abutting the north of the Site. The columbarium was small in scale and considered compatible with the surrounding rural environment as it was secluded by tree groups and oriented towards Lam Tsuen River, a refuse collection point and a public toilet. It would not cause any visual impact on the Village;
- (c) as shown in the video, there was an independent pedestrian access leading from Kam Shan Road to the Site. Visitors to the columbarium needed not enter the Village and would not cause potential nuisance to the neighbouring village houses at No. 78, 79, 80 and 80A. Interface problem with the Village was not anticipated as the Site was easily accessible from MTR Tai Wo Station via Kam Wo Bridge and a 3.5m-wide pedestrian access along Lam Tsuen River;
- (d) adverse impact on land supply for Small House development was not anticipated as it only involved conversion of an as-built village house for columbarium use;

Support from villagers of Kam Shan Village (the Villagers)

- (e) the Villagers indicated support for the columbarium use at the villagers' meeting held on 17.7.2023. Taking into account the rejection ground on incompatibility with the existing village setting under the previous application (No. Y/TP/27), a broad survey was conducted with nearby neighbours (16 households) and there was no objection to the columbarium use. The Villagers' support should be reflected in the Paper and taken into consideration in the current planning assessment;

Sufficient Mitigation Measures

- (f) the current development scheme had addressed the departmental comments raised in the previous/withdrawn applications (No. Y/TP/18, 27 and 32) and the licensing requirements of the Private Columbaria Licensing Board (PCLB). Various mitigation measures would be implemented, including a metal fenced-off ramp as an independent pedestrian access in response to the comment of the Commissioner of Police, a 'visit-by-appointment' system with a maximum of 48 visitors per hour, mandatory closure of the columbarium during Ching Ming and Chung Yeung Festivals and the Lunar New Year period, no religious events, no burning of offerings, etc. The above management measures could be adjusted (e.g. the maximum number of visitors could be further reduced by 5 to 10%), if necessary, to comply with the requirements of relevant government departments. Details of the proposed operation mode and scale of development would be subject to approval by PCLB. Whilst 'Columbarium' was proposed to be a Column 1 use, crowd and traffic management measures would be formulated in consultation with relevant government departments prior to submission of the Management Plan for approval by PCLB;
- (g) there was no objection to/adverse comment on the application from relevant government departments and no insurmountable technical problem was anticipated;
- (h) the recommended rejection ground in the Paper that there was as no strong justification for piecemeal rezoning the Site was not appropriate as already pointed out by a Member when considering the previous application (No. Y/TP/27), and thus this rejection ground could not be substantiated;

Planning Merits

- (i) the columbarium use at the Site could help achieve better utilisation of land resources and meet an acute demand for columbarium in the local community. The columbarium provided an alternative other than burial for the Villagers, and providing niches within the neighbourhood could

avoid travelling across districts for grave sweeping. The applicant would reserve 50 twin-niches (equivalent to about 1,070m² of burial ground) to be sold to indigenous villagers of the Village at the average selling price of public niches, and such proposal would be incorporated in the Management Plan to PCLB. The columbarium use would promote cremation and reduce the take-up of burial ground, reduce damage to green area and minimise fire hazards;

- (j) the columbarium use had struck a balance between catering for the community need for niches, and controls on traffic and environmental impacts. The application, which was in compliance with the requirements of government departments, would set an exemplar for the columbarium sector to follow; and
- (k) a Temporary Suspension of Liability was granted by PCLB for the existing columbarium, which would be valid until 19.12.2024. Should the Board not agree to the application, the columbarium could not continue operation under the Private Columbaria Ordinance and that would cause inconvenience to the descendants who had bought their niches.

[Mr K.L. Wong joined the meeting during the applicant's presentation.]

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

14. Some Members raised the following questions:

- (a) whether the proposed mandatory closure of the columbarium at Ching Ming and Chung Yeung Festivals was feasible, and whether such restriction had been stipulated in the sales contract of the niches;
- (b) noting the claim that the niches could serve the needs of the Villagers and 50 twin-niches had been reserved for the Villagers, among the 162 niches sold and 1,538 niches available for sale, what the approximate numbers of niches sold/reserved for the Villagers were;

- (c) with reference to Plan Z-2 of the Paper, the history/uses of the village houses at the Site, those at No. 69, 70, 78 and 79 Kam Shan Road, the use/zoning of temples at No. 62 Kam Shan Road, and the building to the south of the Buddhist Cheung Ha Temple (長霞淨院); and
- (d) noting the claim of the applicant's representatives that no objection was received from Villagers consulted in the broad survey they conducted but some opposing views, including those from a IIR of the Village, were received as detailed in paragraph 10.3 of the Paper, whether the applicant would consider soliciting more support from the Villagers for the columbarium use.

15. In response, the applicant's representatives, Messrs Yuen Seen Pun, Chan Kim On, Yau Kam Ming and Cheng Yun Fat (the latter two being the former and present IIRs of the Village respectively), made the following main points:

- (a) the closure of the columbarium at Ching Ming and Chung Yeung Festivals and during the Lunar New Year period was one of the mitigation measures proposed to address the potential adverse traffic impact and crowd management of the columbarium, and such requirement would be incorporated in the Management Plan to be submitted to PCLB for licence application. Buyers would be alerted of such stipulated condition in the sales contract;
- (b) while no detailed information on the buyers of the niches was available at hand, out of the 162 sold niches, about 10 were bought by indigenous villagers, including eight indigenous villagers of Chek Nai Ping (in Sha Tin) and two indigenous villagers of the Village. As for the 1,538 niches available for sale, 50 twin-niches (i.e. 100 niches) were reserved for the Villagers. The said number of twin-niches reserved for the Villagers was not a maximum. It was intended to provide incentives for the Villagers to utilise columbarium facilities within the Village and the number of reserved niches could be adjusted in accordance with the need in future;

- (c) the village house at the Site should have been erected for more than 65 years, including the Yau's Ancestral Hall adjoining the Site. Other village houses had existed for not less than 30 to 40 years. The temple at No. 62 Kam Shan Road, within the "V" zone, was the subject of a previously rejected planning application for temple use. Other temples to the south of Buddhist Cheung Ha Temple had existed for a long time, and before the surrounding village houses were gradually developed; and
- (d) no objection was received from the Villagers during their terms of the former and present IIRs. The Villagers welcomed the columbarium development which could cater for their needs. The broad survey was conducted to address the Committee's previous concerns on the incompatibility of the columbarium with the neighbouring residential developments. It focused on households near the Site, and those not being surveyed did not imply objection. A more detailed survey, covering larger samples, could be conducted if necessary.

16. Ms Margaret H.Y. Chan, DPO/STN, supplemented that there were three IIRs in the Village, and an objecting comment was submitted by the IIR named Mr Yau Chi Leung. The two temples to the south of Buddhist Cheung Ha Temple were also zoned "V". In response to a Member's enquiry regarding any approved cases of columbarium use with similar scale and nature within the "V" zone, Ms Chan said that no similar approval was granted within the subject "V" zone. As indicated in Plan Z-1 of the Paper, two rezoning applications No. Y/TP/23 and 29 for columbarium cum religious uses in an "Open Space" zone and within the same "V" zone were rejected in 2015 and 2020 respectively. The considerations for rejecting No. Y/TP/29 were similar to those of the subject application. There were other applications involving columbarium uses in "Green Belt" ("GB") and "G/IC" zones to the further west, southwest and northwest of the Site, which were approved between 2019 and 2022, mainly for the reasons that they were not close to residential uses and/or had separate direct access.

17. As Members had no further question to raise, the Chairman said that the hearing procedures of the application had been completed. The Board would further deliberate on

the application in the absence of the applicant's representatives and inform the applicant of the Board's decision in due course. The Chairman thanked PlanD's representatives and the applicant's representatives for attending the meeting. They left the meeting at this point.

[Mrs Vivian K.F. Cheung left the meeting at this point.]

Deliberation Session

18. The Chairman recapitulated that the Site was the subject of two previously rejected applications. For the current application, PlanD recommended rejection on the grounds of incompatibility with the surrounding village setting and setting an undesirable precedent for other similar rezoning applications within the subject "V" zone that covered a considerable land area. PlanD's representative also advised that the other approved applications for columbarium use were within "G/IC" and "GB" zones. The Villagers currently residing in the Village might have no objection to the columbarium use at the current juncture, but future residents who would be living in proximity might have objection.

19. A Member considered that the applicant's argument that the columbarium would reduce environmental impact by reducing the demand for burial ground was not substantiated as the gazetted burial grounds would remain even if more niches were provided. Besides, the claimed planning merit of providing niches for Villagers was not supported by evidence given that only a very small percentage of the total number of niches was sold/reserved for the Villagers. Other Members generally did not agree to the application. The Chairman suggested and Members agreed to delete the word 'piecemeal' under the recommended rejection reason (a) in the Paper.

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

- “(a) the Site falls within an area zoned “Village Type Development” (“V”) with the planning intention primarily for development of Small Houses by indigenous villagers. The proposed columbarium use is considered not compatible with the existing village setting of the area, particularly the residential dwellings located to its immediate west and south. There is no

strong planning justification for rezoning of the Site from “V” to “Government, Institution or Community (3)” to make provision for application for columbarium use. The current “V” zone for the Site is considered appropriate; and

- (b) the approval of the application would set an undesirable precedent for other similar rezoning applications within the “V” zone. The cumulative effect of approving such similar applications would result in sporadic columbarium development leading to a deterioration of the village setting and a general degradation of the environment of the area.”

Fanling, Sheung Shui and Yuen Long East District

[Mr Anthony K.O. Luk, District Planning Officer/Fanling, Sheung Shui and Yuen Long East (DPO/FSYLE), and Ms Anny P.K. Tang, Senior Town Planner/Fanling, Sheung Shui and Yuen Long East (STP/FSYLE), were invited to the meeting at this point.]

Agenda Items 4 and 5

Section 12A Applications

[Open Meeting (Presentation and Question Sessions Only)]

Y/NE-KTS/16 Application for Amendment to the Draft Kwu Tung South Outline Zoning Plan No. S/NE-KTS/19, To rezone the application site from “Recreation” to “Government, Institution or Community (1)” subject to a maximum building height of 8 storeys (excluding basement), Lot No. 953 RP (Part) in D.D. 92 and adjoining Government Land, Kam Hang Road, Kwu Tung South
(RNTPC Paper No. Y/NE-KTS/16)

applications.

24. With the aid of PowerPoint presentations, Ms Anny P.K. Tang, STP/FSYLE, briefed Members on the background of the applications, the proposed rezoning of the Sites, departmental and public comments, and the planning considerations and assessments as detailed in the Papers. Application No. Y/KTS/16 was for rezoning the site from “Recreation” (“REC”) to “Government, Institution or Community (1)” (“G/IC(1)”) to facilitate a proposed residential care home for the elderly (RCHE) with retail shops on the ground floor. Application No. Y/NE-KTS/17 was for rezoning the site from “Agriculture” (“AGR”) and “REC” to “Residential (Group B)” (“R(B)”) subject to a maximum plot ratio (PR) of 2.4 and a maximum building height (BH) of 72mPD to facilitate a proposed private residential development. PlanD had no in-principle objection to the applications.

25. The Chairman then invited the applicants’ representatives to elaborate on the applications. With the aid of a PowerPoint presentation, Ms Camille Lam, the applicants’ representative, made the following main points:

Planning objectives

- (a) the rezoning applications, involving private lots owned by the same applicants, could echo with the government initiatives as highlighted in the 2023 Policy Address for boosting the development of the Northern Metropolis and providing more private housing and RCHEs. In particular, provision of higher quality and quantity of RCHE in new private developments was encouraged with enhanced incentive scheme promulgated in 2022;
- (b) the Sites, located in Kwu Tung South (KTS) to the south of the high-density Kwu Tung North (KTN) New Development Area (NDA), was rural in character and would be intermixed with existing and planned low to medium-density residential developments (i.e. in the “Comprehensive Development Area (1)” (“CDA(1)”) and “CDA(2)” sites to their north and “CDA(3)” site to their west with PR restrictions ranging from 2 to 3 and BH restrictions from 70 to 81.5mPD). Given the planned stepped PR and

BH profiles descending from the north at sites in KTN NDA (i.e. a maximum PR of 7.8 and a maximum BH of 180mPD) to the periphery of the KTS area (i.e. the aforementioned three “CDA” sites) across Fanling Highway, the proposed development intensities of the two developments under the applications were considered compatible with the surrounding land uses which were undergoing transformation;

Development Schemes

- (c) application No. Y/NE-KTS/16 for rezoning the site from “REC” to “G/IC(1)” with a maximum BH of 8 storeys (excluding basement) was to facilitate a proposed RCHE development with about 150 places. Given insufficient retail uses in the vicinity (with the nearest planned retail use in the “CDA(1)” site), shop and services were proposed on the ground floor fronting Kam Shan Road for sale of daily necessities to nearby residents. As such, ‘Shop and Services (on ground floor in “G/IC(1)” only)’ use was proposed as a Column 1 use. Landscaping garden/open space would be provided on 1/F, 5/F and 7/F of the RCHE development with a terraced building design for use of the elderlies of the RCHE;
- (d) application No. Y/NE-KTS/17 was for rezoning the site from “AGR” and “REC” to “R(B)” with a PR restriction of 2.4 and a BH restriction of 72mPD. The development site area for PR calculation (i.e. 9,888 m²) was smaller than the gross site area (i.e. 10,072 m²) due to the exclusion of areas along Kam Hang Road for a planned bus lay-by and junction improvements at Kam Hang Road;
- (e) under the previous s.12A application (No. Y/NE-KTS/14), the Committee partially agreed to rezone the northern portion but did not agree to rezone the southern portion of the application site covered under the subject application No. Y/NE-KTS/17. Compared with the indicative layout for the southern portion of the previous application, two instead of three blocks at a lower PR (reduced from 3 to 2.4) and a lower BH (reduced from 75mPD to 72mPD) were proposed under the subject application No.

Y/NE-KTS/17. In addition, various design features were incorporated in the revised layout including more landscaping area at the southern portion allowing more tree preservation, not less than 30% greenery coverage being higher than the minimum requirement of 20%, building separations of not less than 15m-wide between the building blocks to enhance air ventilation, and a strip of 2m to 5m-wide landscape buffer with screen planting along the peripheral boundary;

No technical issues

- (f) whilst the proposed developments would bring changes to the visual context, they were considered visually compatible with the committed medium-density residential developments in the surrounding “CDA” sites according to the visual impact assessment. The visual impact was not substantial, except for the close-up views along Kam Hang Road;
- (g) road widening at the junctions of Kam Hang Road/Hang Tau Road and Kam Hang Road/Kwu Tung Road would be implemented, and the applicants would co-ordinate the works with the nearby planned developments. A lay-by to facilitate new bus and mini bus routings was proposed to improve traffic capacity and to allow public transport services to the town centre of KTN NDA. The above traffic mitigation measures were acceptable to the Transport Department and would be dealt with under lease during the land exchange stage. The proposed developments were technically feasible with no objection from relevant government departments; and
- (h) the medium-rise residential development under application No. Y/NE-KTS/17 could provide alternatives for flats with a larger average size and diversify the housing types in the private market.

[Miss Winnie W.M. Ng left the meeting temporarily at this point.]

26. As the presentations of PlanD’s representative and the applicants’ representatives

were completed, the Chairman invited questions from Members.

27. The Vice-chairman and a Member raised the following questions:

Planning Intention of “REC” Zone

- (a) the planning intention of the subject “REC” zone that was proposed for rezoning for a RCHE and a residential development;
- (b) whether the integrity of the remaining areas in the “REC” and “AGR” zones would be affected should the applications be agreed;

Planning Background

- (c) whether there were any planned retail uses to support the residential developments being built in the area; and
- (d) details of the previous application covering the site of application No. Y/NE-KTS/17, and how the current development scheme differed from the scheme under the previous application.

28. In response, with the aid of some PowerPoint slides, Mr Anthony K.O. Luk, DPO/FSYLE, made the following main points:

Planning Intention of “REC” Zone

- (a) given the prime location of the Sites being in close proximity to the KTN NDA and Kwu Tung Station, the Sites and the surrounding areas were being gradually transformed from a predominantly rural village setting to medium-density residential developments (including the CDA(1)” and “CDA(2)” sites). The “REC” zone was intended for recreational developments for the use of the general public. It encouraged the development of active/passive recreation and tourism uses by the private sector. Owing to private land ownership and the private-led development

mode in the KTS area, there was no intention for government initiated large-scale recreational use;

- (b) the site boundaries were delineated based on private land ownership. The applicants had considerable land ownership in the area, the “CDA(2)” and the site under application No. Y/NE-KTS/17 were some three hectares, which was sizeable for comprehensive developments on their own. PlanD would consider whether some areas in the “REC” and “AGR” zones adjoining the Sites needed to be reviewed when working out the appropriate amendments to the Outline Zoning Plan (OZP) should the applications be agreed. Approval of the current applications would not affect the integrity of those zones;

Planning Background

- (c) the planned population in KTS would largely rely on the retail services and commercial facilities at the town centre in KTN NDA, which could be accessible by seven footbridges across Fanling Highways or by car via Kwu Tung Road. However, a total of about 14,000 population intake in KTS was anticipated with the committed developments in the three “CDA” sites. To meet the daily needs of the future residents, retail shops were proposed within the “CDA(1)” site and the site under the subject application (No. Y/NE-KTS/16) with a total gross floor area of 1,000m² and 600m² respectively. The proposed retail use was of relatively small scale and intended to serve local residents; and
- (d) the previous s.12A application No. Y/NE-KTS/14 for rezoning the site under application No. Y/NE-KTS/17 and a site to its north (i.e. the “CDA(2)” site) from mainly “REC” and “AGR” to “CDA” with a maximum PR of 3 and a maximum BH of 75mPD submitted by the same applicants was partially agreed by the Committee in 2020 (i.e. rezoning the site in the north as ‘CDA’ but not to rezone the site in the south on the consideration that suitable development parameters should be further reviewed). The applicants had reviewed the development scheme and

proposed a lower PR of 2.4 and a slightly lower BH of 72mPD under the current application, with two (rather than three) residential blocks and incorporation of design merits (e.g. building gaps, high percentage of greenery coverage, etc.). The proposed PR and BH of the proposed development were considered in line with the planning context of KTS.

29. Mr Kenneth To, the applicants' representative, supplemented that the development parameters of the proposed residential development were in line with the stepped BH profile and gradual transition of higher PR from the fringe of KTN NDA (PR of 4.2) to the KTS area with the "CDA(1)" and "CDA(2)" (PR of about 3) to the north and "CDA(3)" (PR of about 2) to the west. The proposed PR of 2.4 for the site abutting the east of "CDA(3)" and south of "CDA(2)" was considered appropriate.

[Miss Winnie W.M. Ng rejoined the meeting at this point.]

30. With regard to the proposed development schemes, a Member raised the following questions:

- (a) noting a high percentage of greenery coverage under application No. Y/NE-KTS/17 and that there were some existing mature tree groups at the site, what the tree preservation proposal was; and
- (b) given a high site coverage under application No. Y/NE-KTS/16, whether there was street planting proposed at the frontage of shops on the ground floor so as to improve greenery provision and the pedestrian environment.

31. In response, with the aid of some PowerPoint slides, Mr Kenneth To, the applicants' representative, made the following main points:

- (a) a tree cluster at the southern part of the site, with a large *Ficus macrocarpa* (細葉榕), and a tree immediately adjacent to the site would be preserved. The *Ficus elastic* (印度橡樹), a common species, at the northern portion was proposed to be felled as it would not be feasible to transplant it to a new location given the size and form of the tree. Relevant tree felling

clause would be incorporated in the land lease to safeguard tree preservation concerns; and

- (b) as shown in Drawing Z-2 of the Paper, there was a 2m-wide footpath along Kam Hang Road outside the site, and a further setback of 2m at ground level would be provided within the site (i.e. a total of 4m wide). There was sufficient area outside the shop front for suitable landscape treatment. There was also landscaping area on 1/F for use of the elderlies in the RCHE, which was visible from the street level.

32. With reference to similar street shops in So Kwu Wat which had led to a lot of on-street parking and traffic problems, a Member asked whether the proposed retail shops on the ground floor of RCHE under application No. Y/NE-KTS/16 would have similar adverse impact, and whether there were any mitigation measures to prevent adverse traffic impact on Kam Hang Road. Mr Kenneth To, the applicants' representative, said that the reason for proposing some small-scale retail shops at the site was to serve daily needs in the local neighbourhood. Rather than a gated community, a vibrant streetscape character could be created. Private vehicle parking spaces and loading/unloading bays would be provided for the retail shops in compliance with the Hong Kong Planning Standards and Guidelines. Besides, the majority of local residents were anticipated to use public transport to access the site.

33. In response to the Chairman's enquiry, Ms Camille Lam, the applicants' representative, said that the completion year of the two proposed developments under applications was 2027. Ms Lam supplemented that compared with the site under application No. Y/NE-KTS/17, the other three "CDA" sites in KTS were more susceptible to noise and ecological impacts due to their close proximity to Fanling Highway and Sheung Yue River. The proposed "R(B)" zone for the site at a more inner and less sensitive location was considered appropriate.

34. As Members had no further question to raise, the Chairman said that the hearing procedures of the application had been completed. The Board would further deliberate on the applications in the absence of the applicants' representatives and inform the applicants of the Board's decision in due course. The Chairman thanked PlanD's representatives and the

applicants' representatives for attending the meeting. They left the meeting at this point.

Deliberation Session

35. The Chairman remarked that the planning circumstances in the KTS area were different from those in KTN NDA. Given the private land ownership and site conditions, developments in the KTS area were primarily privately initiated. Based on past experiences in considering the three "CDA" sites in the KTS area, the current applications should be assessed based on such planning considerations as proposed uses, development intensity, land use compatibility, technical feasibility and comprehensiveness of the planned developments. Application No. Y/NE-KTS/16 was in line with the Government's policy on the provision of more RCHE on private land and unleashing the development potential of brownfield sites. Application No. Y/NE-KTS/17 had demonstrated an endeavour to enhance the development scheme to address Members' previous comments, including a lower development intensity. The planning assessment in the Paper considered that the proposed residential development, adjoining two "CDA" sites to the north and west, was compatible with the surrounding planned uses and development intensities. Details on landscape treatment could be dealt with separately under land lease.

36. Members considered that the proposed developments were generally acceptable considering the developments in the nearby KTN NDA and other medium-density residential developments approved in the KTS area in their vicinity. However, two Members had the following observations:

- (a) the developments in the KTS area were led by private developers without due regard for an overall planning. Other planning considerations (e.g. land use/planning of the remnant "REC" and "AGR" after rezoning, site configuration and provision of ancillary facilities for the district as a whole) might be compromised. It might be worthwhile for the Government to review the overall planning for the KTS area in a more comprehensive manner;
- (b) the private-initiated development approach might benefit only large developers with substantial land ownership. The development potential of

the remaining small private lots might be undermined. Whilst the PR and BH under application No. Y/NE-KTS/17 were reduced compared to the previous application, the applicants might apply for minor relaxation of development parameters in the future; and

- (c) there was a need to strike a balance between private initiatives for development and holistic planning on the provision of ancillary facilities. There were concerns on adverse traffic impact and on-street parking arising from the street shops under application No. Y/NE-KTS/16 given the limited parking provision.

37. In response to a Member's enquiry on the planned developments in the KTS area, with reference to Plan Z-1 of the Paper, the Secretary explained that given consolidation of private land ownership, sizeable site area and proximity to KTN NDA, a number of projects were approved and the northern part of the KTS area would be transformed from a rural village setting into a medium-density residential neighbourhood. The development intensity and BH profile of KTS gradually descended from the north (i.e. PR of 3 at the "CDA(1)" and "CDA(2)" sites) to the western periphery (i.e. PR of 2 at the "CDA(3)" site) and the southern part (i.e. PR of about 1.4 at Area (a) of the "CDA" site to the further south). The Member and the Vice-chairman agreed to the applications and considered that they would not lead to fragmented developments. The Vice-chairman supplemented that the development scale under application No. Y/NE-KTS/16 was appropriate for a RCHE and the site area under application No. Y/NE-KTS/17 was large enough for a well-planned residential development.

38. After some discussion, Members generally agreed that the applications could be agreed in-principle. Two Members said that after rezoning of the Sites, the long-term need to review the remnant "REC" and "AGR" zones at an appropriate time should be kept in view. Regarding the "AGR" zone, a Member pointed out that the Agricultural Park was being implemented in the KTS area in phases by the Government for agricultural development. The Chairman said that a consultancy study on Agricultural Priority Areas had been commissioned by the Government to review agricultural land at the territorial level, and whether the "AGR" zone in the KTS area needed to be reviewed could be further considered after completion of that study.

39. The Chairman said that the Government's current initiative was to focus on the new development areas in the Northern Metropolis, not KTS. That said, rezoning or scheme-based developments, like those under the current applications that had demonstrated technical feasibility, should be considered under the existing planning mechanisms. A Member, whilst concurring with the Chairman, raised concerns on the provision of open space and car parking in view of increasing population intake in the KTS area. The Chairman said that the applicants should address the details of parking arrangement at the detailed design stage should the rezoning application be agreed.

40. After deliberation, the Committee decided to agree to the applications. The relevant proposed amendments to the OZP, together with the revised Notes and Explanatory Statement, would be submitted to the Committee for consideration prior to gazetting under section 5 of the Town Planning Ordinance.

Sai Kung and Islands District

[Mr Walter W.N. Kwong, District Planning Officer/Sai Kung and Islands, and Miss Kirstie Y.L. Law, Town Planner/Sai Kung and Islands (TP/SKIs), were invited to the meeting at this point.]

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions only)]

A/I-TCTC/66 Proposed Shop and Services in "Other Specified Uses" annotated "Pier" Zone, Shops K3 and K4, Ground Floor, Tung Chung Development Pier, Tung Chung, Lantau Island
(RNTPC Paper No. A/I-TCTC/66)

Presentation and Question Sessions

41. With the aid of some plans, Miss Kirstie Y.L. Law, TP/SKIs, briefed Members on the background of the application, the proposed use, departmental and public comments,

and the planning considerations and assessments as detailed in the Paper. The Planning Department (PlanD) had no objection to the application.

42. Members had no question on the application.

Deliberation Session

43. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 27.10.2027, 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 approval condition stated in the Paper. The Committee also agreed to advise the applicant to note the advisory clauses as set out in the appendix of the Paper.

[The Chairman thanked PlanD's representatives for attending the meeting. They left the meeting at this point.]

Sha Tin, Tai Po and North District

Agenda Item 9

[Open Meeting]

Proposed Amendments to the Approved Sha Tin Outline Zoning Plan No. S/ST/36

(RNTPC Paper No. 8/23)

44. The Secretary reported that the proposed amendment Item A mainly involved a public housing development to be developed by the Hong Kong Housing Authority (HKHA) in Sha Tin, of which the Housing Department (HD) was the executive arm, and supported by an Engineering Feasibility Study conducted by the Civil Engineering and Development Department (CEDD). Technical assessments for proposed amendment Items C1, C2, D, E and F were conducted by AECOM Asia Company Limited (AECOM). The proposed amendment Item G was to reflect a completed hotel development in 2019 under a subsidiary

of Sun Hung Kai Properties Limited (SHK). The proposed amendment Items H1 and H2 were to take forward the decision of an agreed section 12A application (No. Y/ST/58), and AECOM was one of the consultants of the applicant. The following Members had declared interests on the item:

- | | | |
|--|---|--|
| Mr Paul Y.K. Au
<i>(as Chief Engineer (Works),
Home Affairs Department)</i> | - | being a representative of the Director of Home Affairs who was a member of the Strategic Planning Committee and the Subsidised Housing Committee of HKHA; |
| Dr C.H. Hau | - | being a member of the Urban Forestry and Diversity Focus Group of CEDD on the study related to the Kau Yi Chau Artificial Islands; being an honorary professional adviser of CEDD on wetland conservation and biodiversity enhancement associated with the development of New Territories North; conducting contract research projects with CEDD; and having current business dealings with AECOM; |
| Professor John C.Y. Ng | - | owning a property in Sha Tin; |
| Ms Carrie K. Y. Leung | - | owning a property in Sha Tin; |
| Mr Vincent K.Y. Ho | - | co-owning with spouse a property in Sha Tin and having current business dealings with SHK and AECOM; |
| Dr Conrad T.C. Wong | - | having current business dealings with HKHA, SHK and AECOM; |
| Mr K.L. Wong | - | being a member and an ex-employee of the Hong Kong Housing Society which currently had discussion with HD on housing development issues; and |
| Miss Winnie W.M. Ng | - | being a Director of the Kowloon Motor Bus Company (1933) Limited (KMB) |

and Long Win Company Limited (Long Win) and SHK was of the shareholders of KMB and Long Win.

45. The Committee noted that Dr C.H. Hau, Dr Conrad T.C. Wong, Messrs Vincent K.Y. Ho and Paul Y.K. Au had tendered apologies for being unable to attend the meeting. According to the procedure and practice adopted by the Town Planning Board, as the proposed amendment for the public housing development was the subject of amendment to the Outline Zoning Plan (OZP) proposed by the Planning Department (PlanD), the interests of Members in relation to HKHA and HD on the item only needed to be recorded and they could stay in the meeting. As the properties owned by Professor John C.Y. Ng and Ms Carrie K.Y. Leung had no direct view of the amendment sites, and Miss Winnie W.M. Ng had no involvement in the amendment items, the Committee agreed that they could stay in the meeting.

Presentation and Question Sessions

46. The following government representatives and consultants were invited to the meeting at this point:

PlanD

Ms Margaret H.Y. Chan	-	District Planning Officer/Shia Tin, Tai Po and North (DPO/STN)
Ms Hannah H.N. Yick	-	Senior Town Planner/Shia Tin, Tai Po and North (STP/STN)
Ms Cherry Ho	-	Town Planner/Shia Tin, Tai Po and North (TP/STN)
Ms Elizabeth Ng	-	TP/STN

CEDD

Mr Lee Kwai Wing	-	Chief Engineer/Special Duties (Works)
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Mr Lam Chun Tak - Senior Engineer/4, Special Duties
(Works)

Mr Wong Kwok Chuen - Senior Engineer/6

Ms Yolanda Kwok - Engineer/1

HD

Ms Yu Pui Sze, Canetti - Senior Planning Officer/6

Mr Andy Wong - Senior Architect/5

Mr Howard Tang - Planning Officer/8

Government Property Agency

Ms Leung Mei Yin, Ida - Senior Property Manager (Project)1

Consultants

Ms Cleo Yip - WSP (Asia) Limited (WSP)

Mr Hayes Lam - WSP

Mr Vincent So - WSP

Mr Howard Chan - Ecosystems Limited

Mr Jacky Yeung - Aurecon Hong Kong Limited

47. With the aid of a PowerPoint presentation, Ms Hannah H.N. Yick, STP/STN, briefed Members on the background of the proposed amendments to the OZP, technical considerations, provision of government, institution and community facilities and open space in the area, consultation conducted and departmental comments as detailed in the Paper. The proposed amendments were as follows:

- (a) Amendment Item A – to rezone the site to the west of ex-Fo Tan Cottage Area from “Green Belt” (“GB”) to “Residential (Group A) 8” (“R(A)8”) with a maximum plot ratio (PR) of 6.7 and a maximum building height (BH) of 240mPD for a public housing development;
- (b) Amendment Item B – to rezone the site at Shan Mei Street to “Government, Institution or Community” (“G/IC”) zone with a maximum BH of 140mPD for a joint-user complex;
- (c) Amendment Items C1, C2 and D – to rezone the sites in Shek Mun and Siu Lek Yuen to “Commercial (1)” (“C(1)”) zone with a maximum PR of 9.5 and BHs of 120mPD/130mPD for commercial developments;
- (d) Amendment Items E and F – to rezone the Item E site to “R(A)9” and the Item F site to “R(A)10” both in Siu Lek Yuen, with a maximum PR of 5 and 6, and a maximum BH of 110mPD and 120mPD respectively;
- (e) Amendment Item G – to rezone the site to “C(2)” with gross floor area (GFA) and BH restrictions to reflect a completed hotel development;
- (f) Amendment Items H1 and H2 – to rezone the Item H1 site to “Residential (Group B)” with a maximum PR of 2.5 and a maximum BH of 140mPD to take forward the decision of the Committee on an agreed s.12A application (No. Y/ST/58) and to rezone a remnant narrow strip of land under the Item H2 site to “G/IC”; and
- (g) Amendment Items J and K – to rezone the Item J site to “Other Specified Uses” (“OU”) annotated “Religious Institution with Columbarium” and the Item K site to “OU” annotated “Columbarium (2)” with GFA, BH and number of niches restrictions to take forward the decisions of the Committee on three agreed s.12A applications (No. Y/ST/48, 49 and 53).

48. As the presentation by PlanD’s representative was completed, the Chairman invited questions from Members.

49. A Member asked about the land status of sites in Siu Lek Yuen under amendment Items D, E, and F, and whether the 2020 Area Assessments of Industrial Land in the Territory (2020 AA) was completed. Ms Margaret H.Y. Chan, DPO/STN, said that the sites of Items D, E and F only involved government land. While the 2020 AA was completed, the study to take forward its recommendation on possible rezoning of the “Industrial (1)” zones in Siu Lek Yuen to “Residential (Group E)” zones was still underway.

50. The Chairman said that the proposed amendments were mainly to take forward a public housing site identified under the “GB” review, a joint-user complex under the “single site, multiple use” initiative, the findings of 2020 AA and decisions of the Committee on four agreed s.12A applications. Members agreed to the proposed amendments.

51. After deliberation, the Committee decided to:

- (a) agree to the proposed amendments to the approved Sha Tin Outline Zoning Plan (OZP) No. S/ST/36 as shown on the draft Sha Tin OZP No. S/ST/36A at Attachment II of the Paper (to be renumbered as S/ST/37 upon exhibition) and its Notes at Attachment III were suitable for exhibition for public inspection under section 5 of the Town Planning Ordinance (the Ordinance); and
- (b) adopt the revised Explanatory Statement (ES) at Attachment IV of the Paper for the draft Sha Tin OZP No. S/ST/36A (to be renumbered as S/ST/37) as an expression of the planning intentions and objectives of the Board for various land use zonings on the OZP; and agree that the revised ES was suitable for exhibition for public inspection together with the OZP.

52. Members noted that, as a general practice, the Secretariat of the Board would undertake detailed checking and refinement of the draft OZP including the Notes and ES, if appropriate, before their publication under the Ordinance. Any major revisions would be submitted for the Board’s consideration.

[The Chairman thanked the government representatives and consultants for attending the meeting. They left the meeting at this point.]

[Messrs Kevin K.W. Lau, Jeffrey P.K. Wong and Tim T.Y. Fung, Senior Town Planners/Sha Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

Agenda Items 11 to 13

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/759 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lots 567 S.A, 573 S.C and 574 S.D in D.D. 8, Sha Pa, Lam Tsuen, Tai Po

A/NE-LT/760 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lots 567 S.B and 574 S.E in D.D. 8, Sha Pa, Lam Tsuen, Tai Po

A/NE-LT/761 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 567 S.H in D.D. 8, Sha Pa, Lam Tsuen, Tai Po (RNTPC Paper No. A/NE-LT/759 to 761)

53. The Committee agreed that as the three applications for a proposed house (New Territories Exempted House (NTEH) – Small House) on each of the application sites (the Sites) were similar in nature and the Sites were located in close proximity to one another within the same “Agriculture” zone, they could be considered together.

Presentation and Question Sessions

54. With the aid of some plans, Mr Kevin K.W. Lau, STP/STN, briefed Members on the background of the applications, the proposed developments, departmental and public comments, and the planning considerations and assessments as detailed in the Paper. The Planning Department did not support the applications.

55. In response to a Member’s enquiry on what the yellow highlighted area in Plan A-2a of the Paper represented. Mr Kevin K.W. Lau, STP/STN, said that yellow highlighted area was the application site of an approved application that had lapsed. The yellow highlighted area was also the subject of subsequent approved applications in 2022/2023 that

were indicated in dotted lines.

56. The same Member, whilst noting that land was available within the “Village Type Development” (“V”) zone to meet the outstanding Small House demand in Shui Wo (including Sha Pa), enquired whether the Sites could be considered to be within a village cluster as Plan A-2a of the Paper showed that a number of planning applications were already approved in the vicinity. With reference to the aerial photo in Plan A-3 of the Paper, Mr Kevin K.W. Lau, STP/STN, clarified that construction of the approved Small Houses had not started and there was a lot of undeveloped land around the Sites. The three applications were recommended for rejection as land was still available within the “V” zone to meet the Small House demand. The Secretary supplemented that criterion (d) of the Interim Criteria at Appendix II of the Paper stated that sympathetic consideration might be given to applications that were infill sites among existing NTEH/Small Houses. The circumstances of the current applications would not warrant sympathetic consideration as the approved Small Houses were not implemented and there was no village cluster in the vicinity of the Sites.

Deliberation Session

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

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

efficient use of land and provision of infrastructures and services.”

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/635 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 111 S.B ss.2 in D.D. 7, Tai Wo, Tai Po
(RNTPC Paper No. A/NE-KLH/635)

Presentation and Question Sessions

58. With the aid of some plans, Mr Jeffrey P.K. Wong, STP/STN, briefed Members on the background of the application, the proposed development, departmental and public comments, and the planning considerations and assessments as detailed in the Paper. The Planning Department did not support the application.

59. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention; and
- (b) land is still available within the “Village Type Development” (“V”) zones of Kau Lung Hang, Yuen Leng and Tai Wo Villages which are primarily

intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.”

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/808 Proposed Two Houses (New Territories Exempted Houses - Small Houses) in “Agriculture” Zone, (i) Lots 1587 S.B ss.6 S.A, 1587 S.B ss.7 S.B, 1587 S.B ss.13, and (ii) 1587 S.B ss.6 S.B and 1587 S.B ss.15 in D.D.76, Kan Tau Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/808)

Presentation and Question Sessions

61. With the aid of some plans, Mr Tim T.Y. Fung, STP/STN, briefed Members on the background of the application, the proposed development, departmental and public comments, and the planning considerations and assessments as detailed in the Paper. The Planning Department had no objection to the application.

62. Members had no question on the application.

Deliberation Session

63. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 27.10.2027, 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 Committee also agreed to advise the applicants to note the advisory clauses as set out in the appendix of the Paper.

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-MKT/31 Proposed Temporary Logistics Warehouse (Excluding Dangerous Goods) and Ancillary Office for a Period of 3 Years and Filling of Land in “Agriculture” and “Green Belt” Zones, Lots 113, 116, 117, 118 and 119 (Part) in D.D. 86 and Lots 566 S.A RP, 567, 570, 571, 573, 574 and 576 S.A RP in D.D. 90 and Adjoining Government Land, Lin Ma Hang Road, Man Kam To
(RNTPC Paper No. A/NE-MKT/31)

Presentation and Question Sessions

64. With the aid of some plans, Mr Tim T.Y. Fung, STP/STN, briefed Members on the background of the application, the proposed use, departmental and public comments, and the planning considerations and assessments as detailed in the Paper. The Planning Department (PlanD) did not support the application.

65. Members had no question on the application.

Deliberation Session

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

“(a) the proposed use is not in line with the planning intention of the “Agriculture” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis;

(b) the proposed use does not comply with the Town Planning Board

Guidelines for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13G) in that no previous approval has been granted to the site and there are adverse departmental comments and local objections; and

- (c) the applicant fails to demonstrate in the submission that the proposed use would not generate adverse traffic, drainage, landscape, environmental and slope safety impacts on the surrounding areas.”

[The Chairman thanked PlanD’s representatives for attending the meeting. They left the meeting at this point.]

Fanling, Sheung Shui and Yuen Long East District

[Ms Anny P.K. Tang, Messrs C.K. Fung and Kimson P.H. Chiu, Senior Town Planners/Fanling, Sheung Shui and Yuen Long East (STPs/FSYLE), were invited to the meeting at this point.]

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/525 Proposed Residential Development (Houses) and Minor Relaxation of Plot Ratio Restriction in “Residential (Group D)” Zone, Various Lots in D.D. 94, Hang Tau Tai Po, Kwu Tung South, Sheung Shui
(RNTPC Paper No. A/NE-KTS/525B)

Presentation and Question Sessions

67. With the aid of a PowerPoint presentation, Ms Anny P.K. Tang, STP/FSYLE, briefed Members on the background of the application, the proposed development, departmental and public comments, and the planning considerations and assessments as detailed in the Paper. The Planning Department had no objection to the application.

68. Members had no question on the application.

Deliberation Session

69. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 27.10.2027, 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 approval conditions stated in the Paper. The Committee also agreed to advise the applicant to note the advisory clauses as set out in the appendix of the Paper.

Agenda Item 36

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/956 Proposed Temporary Hydrogen Filling Station with Ancillary Facilities for a Period of 3 Years in “Other Specified Uses” annotated “Petrol Filling Station” Zone, Lot 1041 (Part) in D.D. 103, Au Tau, Yuen Long (RNTPC Paper No. A/YL-KTN/956)

Presentation and Question Sessions

70. With the aid of some plans, Mr C.K. Fung, STP/FSYLE, briefed Members on the background of the application, the proposed use, departmental and public comments, and the planning considerations and assessments as detailed in the Paper. The Planning Department considered that the proposed temporary use could be tolerated for a period of three years.

71. In response to a Member’s enquiry, Mr C.K. Fung, STP/FSYLE, confirmed that this was the first application for proposed hydrogen filling station being considered by the Committee.

Deliberation Session

72. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 27.10.2026, on the terms of the application as submitted to the Town Planning Board and subject to the approval conditions stated in the Paper. The Committee also agreed to advise the applicant to note the advisory clauses as set out in the appendix of the Paper.

Agenda Item 43

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/459 Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm), Shop and Services and Education Centre for a Period of 3 Years in “Open Storage” and “Green Belt” Zones, Various Lots in D.D. 102 and Adjoining Government Land, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/459B)

Presentation and Question Sessions

73. With the aid of some plans, Mr Kimson P.H. Chiu, STP/FSYLE, briefed Members on the background of the application, the proposed use, departmental and public comments, and the planning considerations and assessments as detailed in the Paper. The Planning Department (PlanD) considered that the proposed temporary uses could be tolerated for a period of three years.

74. Members had no question on the application.

Deliberation Session

75. The Secretary reported that in response to Members’ enquiry when considering an application for hobby farm use in Kam Tin North in May 2021 about the general assessment criteria the Committee adopted for consideration of applications for hobby farm use, a review had been conducted based on the Committee’s past decisions in hobby farm

applications and consultation with the Agriculture, Fisheries and Conservation Department. Three main assessment criteria were summarised as follows:

- (a) over 50% of farming area: while the applicants should be encouraged to provide more farming area in the application sites, favourable consideration might be given to those applications with not less than 50% of the sites being designated for farming area;
- (b) minimal area covered by structures and paved area: the applicants should demonstrate that the area covered by structures and paved area were kept to a minimum. Whilst no specific percentage of areas covered by structures and paved area could be determined, each application would be considered on its own merits, taking into account the size of sites, scale and nature of use; and
- (c) justifications for the required paved area: the applicants should provide strong justifications for the required paved area, if any. The purpose and reasons for the paved area, and justifications for not proposing other alternatives, e.g. soil/sand ground, in the development scheme should be provided.

76. A Member asked how the assessment criterion of not less than 50% of farming area was determined and whether there was room to raise the requirement. Another Member concurred and opined that the proposed percentage of 50% was on the low side and should be increased. The Secretary said that based on the past cases, the proposed farming area ranged from some 50% to 70%. The 50% requirement was set as a minimum since hobby farm was by nature a farm use, and the percentage of farm area should be higher as far as practicable. Besides, the applicant should provide sufficient justifications for paved areas to ensure that the main use was for farming-related purpose. Generally, about 20 to 30% of the site area was paved for vehicular access, parking of vehicles, erection of structures for storage of farm tools and education centre, etc.

77. After some discussion, the Committee agreed to the assessment criteria set out in paragraph 75 above except that a higher threshold of not less than 60% of farming area should be adopted as a general rule but each application could be considered on a

case-by-case basis subject to justifications provided by the applicant, the nature of application and the size of the site, etc.

78. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 27.10.2026, on the terms of the application as submitted to the Town Planning Board and subject to the approval conditions stated in the Paper. The Committee also agreed to advise the applicants to note the advisory clauses as set out in the appendix of the Paper.

[The Chairman thanked PlanD's representatives for attending the meeting. They left the meeting at this point.]

Tuen Mun and Yuen Long West District

[Ms Janet K.K. Cheung and Mr Eric C.Y. Chiu, Senior Town Planners/Tuen Mun and Yuen Long West (STPs/TMYLW), were invited to the meeting at this point.]

Agenda Item 55

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/587 Proposed Temporary Industrial Use (Recycling Facilities for Scrap Metals, Plastics, Electronics and Papers) for a Period of 3 Years in "Other Specified Uses" annotated "Business" Zone, Unit 4, 18/F, Block A, Hang Wai Industrial Centre, 6 Kin Tai Street, Tuen Mun
(RNTPC Paper No. A/TM/587A)

Presentation and Question Sessions

79. With the aid of some plans, Ms Janet K.K. Cheung, STP/TMYLW, briefed Members on the background of the application, the proposed use, departmental and public comments, and the planning considerations and assessments as detailed in the Paper. The Planning Department had no objection to the application for temporary use for a period of

three years.

80. Members had no question on the application.

Deliberation Session

81. Taking into account the streamlining nature of the application, the Secretary proposed and the Committee agreed that in future, similar applications for temporary uses in premises within “Industrial” and “Other Specified Uses” zones could be considered by the Committee in one group provided that other selection criteria as agreed in the meeting held on 17.2.2023 were met, i.e. relevant government departments had no adverse comment on the application, among others.

82. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 27.10.2026, on the terms of the application as submitted to the Town Planning Board and subject to the approval conditions stated in the Paper. The Committee also agreed to advise the applicant to note the advisory clauses as set out in the appendix of the Paper.

Agenda Items 58 and 61

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HTF/1162 Proposed Excavation and Filling of Land for Permitted Waterworks Implemented by Government in “Coastal Protection Area” Zone, Government Land in D.D. 128, Sheung Pak Nai, Yuen Long (RNTPC Paper No. A/YL-HTF/1162)

A/YL-PN/71 Proposed Excavation and Filling of Land for Permitted Waterworks Implemented by Government in “Coastal Protection Area” Zone, Government Land in D.D. 135, Sheung Pak Nai, Yuen Long (RNTPC Paper No. A/YL-PN/71)

83. The Committee agreed that as the two applications for proposed excavation and

filling of land for permitted waterworks implemented by Government were similar in nature, they could be considered together.

84. The Secretary reported that the applications were submitted by the Water Supplies Department (WSD). The following Members had declared interests on the items:

Dr C.H. Hau	}	having current business dealings with WSD.
Dr Conrad T.C. Wong		

85. The Committee noted that Dr C.H. Hau and Dr Conrad T.C. Wong had tendered apologies for being unable to attend the meeting.

Presentation and Question Sessions

86. With the aid of some plans, Mr Eric C.Y. Chiu, STP/TMYLW, briefed Members on the background of the applications, the proposed works, departmental and public comments, and the planning considerations and assessments as detailed in the Papers. The Planning Department had no objection to the applications.

87. A Member referred to application No. A/YL-HTF/1162 and asked whether the proposed excavation and filling of land for laying of water main were to supply water to a domestic dwelling, and the justifications for recommending approval, given the need for stringent development control within the “Coastal Protection Area” (“CPA”) zone. In response, Mr Eric C.Y. Chiu, STP/TMYLW, said that the considerations for the current applications were different from those of a similar application (No. A/YL-HTF/1127) which involved filling of land on a private lot within the “CPA” zone for agricultural use. The similar application was rejected by the Committee on the ground of adverse landscape impact amongst other reasons. The proposed works under the current applications were essential infrastructure works for providing water supply to local residents and would not result in adverse impact. Besides, the structures being served by the proposed water mains were surveyed squatters for domestic use which existed before the gazettal of the respective first statutory plan.

Deliberation Session

88. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board. Each of the permissions should be valid until 27.10.2027, and after the said date, the permissions should cease to have effect unless before the said date, the development permitted was commenced or the permissions were renewed. The Committee also agreed to advise the applicant to note the advisory clauses as set out in the appendix of the Papers.

[Mr K.L. Wong and Ms Jane K.C. Choi left the meeting at this point.]

Agenda Item 60

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/491 Proposed Filling of Pond and Filling of Land for Permitted House (New Territories Exempted House – Small House) in “Village Type Development” Zone, Lots 1445 S.A, 1445 S.B, 1445 S.C and 1445 RP in D.D. 129, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/491)

Presentation and Question Sessions

89. With the aid of some plans, Mr Eric C.Y. Chiu, STP/TMYLW, briefed Members on the background of the application, the proposed works, departmental and public comments, and the planning considerations and assessments as detailed in the Paper. The Planning Department did not support the application.

90. In response to a Member’s enquiry on whether the filling of land near the proposed access road leading to the application site was an unauthorised development (UD), Mr Eric C.Y. Chiu, STP/TMYLW, by comparing the aerial photos taken in March 2022 (Plan A-3a of the Paper) and January 2022 (Plan A-3b of the Paper), said that apparently a construction access was formed near the application site. The Planning Authority would continue to monitor the suspected UD and planning enforcement action would be taken

should there be sufficient evidence.

Deliberation Session

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

- “(a) the proposed filling of pond and land, which falls within the Wetland Buffer Area, is not in line with the Town Planning Board Guidelines for ‘Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 12C) in that there is no ecological impact assessment in the submission to demonstrate that the proposed development would not result in “net-loss in wetland” and negative off-site indirect impact on the ecological value of the Wetland Conservation Area; and
- (b) the applicant fails to demonstrate that the proposed filling of pond and land would not have adverse drainage impact on the surrounding areas.”

Agenda Item 62

Section 16 Application

[Open Meeting]

Proposed Temporary Eating Place with Ancillary Storeroom for a Period of 5 Years in “Recreation” Zone, Lot 48 (Part) in D.D. 126, Ping Shan, Yuen Long

92. The Secretary reported that consideration of the application had been rescheduled.

[The Chairman thanked PlanD’s representatives for attending the meeting. They left the meeting at this point.]

Agenda Item 70

Any Other Business

[Open Meeting]

93. There being no other business, the meeting was closed at 6:10 p.m..

**Minutes of 729th Rural and New Town Planning Committee
(held on 27.10.2023)**

Deferral Cases

(a) Request for Deferment by Applicant for Two Months

Item No.	Application No.*	Times of Deferment
6	Y/YL-NTM/9	1 st
8	A/SLC/182	1 st
15	A/NE-KLH/636	1 st
16	A/NE-FTA/234	1 st
18	A/NE-HLH/66	1 st
22	A/NE-LYT/807	1 st
25	A/NE-MUP/194	1 st
27	A/NE-TKL/741	1 st
29	A/NE-TKLN/68	1 st
30	A/NE-TKLN/69	1 st
41	A/YL-MP/359	1 st
44	A/YL-ST/659	1 st
45	A/YL-ST/660	1 st
46	A/YL-SK/350	1 st
48	A/YL-SK/354	1 st
49	A/HSK/448	2 nd [^]
50	A/HSK/473	2 nd [^]
52	A/HSK/486	1 st
54	A/TM/586	2 nd [^]
57	A/YL/311	1 st
69	A/YL-TT/613	1 st
Note: [^] The 2 nd Deferment is the last deferment and no further deferment will be granted unless under special circumstances and supported with strong justifications.		

(b) Request for Deferment by Applicant for One Month

Item No.	Application No.*	Times of Deferment
19	A/NE-LK/154	1 st
32	A/NE-WKT/2	2 nd [^]
39	A/YL-KTS/968	2 nd [^]
Note: [^] The 2 nd Deferment is the last deferment and no further deferment will be granted unless under special circumstances and supported with strong justifications.		

*Refer to the agenda at https://www.tpb.gov.hk/en/meetings/RNTPC/Agenda/729_rnt_agenda.html for details of the planning applications.

Declaration of Interests

The Secretary reported the following declaration of Interests:

Item No.	Members' Declared Interests	
27	The application site was located in Ta Kwu Ling.	- Dr Conrad T.C. Wong for his firms owning some land in Ta Kwu Ling
41	The application site was located in Mai Po.	- Mr K.W. Leung for owning a property in Mai Po
54	The application was submitted by Golden Organise Ltd, which was a subsidiary of Sino Group.	- Dr Conrad T.C. Wong for having current business dealings with Sino Estates Management Limited

The Committee noted that Dr Conrad T.C. Wong had tendered an apology for being unable to attend the meeting. As the property owned by Mr K.W. Leung had no direct view of the application site under Item 41, the Committee agreed that he could stay in the meeting for consideration of the applications for deferral.

**Minutes of 729th Rural and New Town Planning Committee
(held on 27.10.2023)**

Renewal Cases

Applications for renewal of temporary approval for 3 years

Item No.	Application No.	Renewal Application	Renewal Period
10	A/ST/1022	Temporary Office in “Industrial” Zone, Workshops 5 and 7, 10/F, Shing Chuen Industrial Building, 25-27 Shing Wan Road, Tai Wai, Sha Tin	23.12.2023 – 22.12.2026
20	A/NE-LYT/804	Temporary Warehouses (excluding Dangerous Goods Godown) in “Residential (Group C)” and “Agriculture” Zones, Lots 755, 835 S.B ss.1 RP, 836 RP, 837, 838 RP, 841 RP, 842 RP, 844 RP and 854 in D.D. 83, No. 31A Ma Liu Shui San Tsuen, Fanling	28.10.2023 – 27.10.2026
53	A/HSK/487	Temporary Open Storage of Construction Materials and Construction Equipment in “Commercial (1)” Zone and area shown as ‘Road’, Various Lots in D.D. 124, Ping Shan, Yuen Long	15.11.2023 – 14.11.2026
64	A/YL-PS/697	Temporary Open Storage of Building Materials and Machinery in “Residential (Group A) 6” and “Government, Institution or Community” Zones, Lots 114 (Part), 115 RP (Part) and 203 (Part) in D.D. 126, Ping Shan, Yuen Long	17.12.2023 – 16.12.2026

Declaration of Interests

The Secretary reported the following declaration of interests:

Item No.	Members’ Declared Interests	
10	The application site was located in Sha Tin.	- Professor John C.Y. Ng and Ms Carrie K. Y. Leung for each owning a property in Sha Tin - Mr Vincent K.Y. Ho for co-owning a property with spouse in Sha Tin
53	The application was submitted by Team Harvest Ltd, which was a subsidiary of Sun Hung Kai Properties Limited (SHK).	- Dr Conrad T.C. Wong and Mr Vincent K.Y. Ho for having current business dealings with SHK

Item No.	Members' Declared Interests
	<ul style="list-style-type: none"> - Miss Winnie W.M. Ng for being a Director of the Kowloon Motor Bus Company (1933) Limited (KMB) and Long Win Company Limited (Long Win) and SHK was one of the shareholders of KMB and Long Win

The Committee noted that Dr Conrad T.C. Wong and Mr Vincent K.Y. Ho had tendered apologies for being unable to attend the meeting and Ms Winnie W.M. Ng had not yet joined the meeting. As the properties owned by Professor John C.Y. Ng and Ms Carrie K.Y. Leung had no direct view of the application site under Item 10, the Committee agreed that they could stay in the meeting.

**Minutes of 729th Rural and New Town Planning Committee
(held on 27.10.2023)**

Cases for Streamlining Arrangement

(a) Applications approved on a temporary basis for a period of 3 years until 27.10.2026

Item No.	Application No.	Planning Application
17	A/NE-FTA/235	Proposed Temporary Warehouse for Construction Materials and Equipment in “Other Specified Uses” annotated “Port Back-up Uses” Zone, Lot 188 (Part) in D.D. 52 and Adjoining Government Land, Fu Tei Au, Sheung Shui
21	A/NE-LYT/806	Proposed Temporary Public Vehicle Park (Excluding Container Vehicle) and Associated Filling of Land in “Residential (Group C)” and “Agriculture” Zones, Lots 869 S.F, 870 RP (Part), 871 and 2141 RP (Part) in D.D. 83, Lung Yeuk Tau, Fanling
26	A/NE-TKL/735	Proposed Temporary Warehouse and Open Storage of Recycling Materials in “Agriculture” and “Open Storage” Zones, Lots 86 (Part), 87 and 89 in D.D. 83 and Adjoining Government Land, Kwan Tei North, Fanling
28	A/NE-TKLN/67	Proposed Temporary Public Vehicle Park (Private Car Only) in “Recreation” Zone, Lot 63 S.B RP in D.D. 80, Ta Kwu Ling North
31	A/NE-TKLN/70	Proposed Temporary Public Vehicle Park (Private Cars Only) in “Recreation” Zone, Lot 66 S.B RP in D.D. 80 and Adjoining Government Land, Ta Kwu Ling North
34	A/NE-KTS/531	Temporary Public Vehicle Park (Private Car Only) in “Village Type Development” Zone, Lots 369 (Part), 370 (Part), 371 S.A (Part), 371 S.B (Part), 371 RP (Part), 372 (Part) and 390 S.D (Part) in D.D. 94, Hang Tau Village, Sheung Shui
35	A/YL-KTN/955	Proposed Temporary Warehouse (excluding Dangerous Goods Godown) with Ancillary Facilities and Filling of Land in “Agriculture” Zone, Lots 1408, 1409, 1410, 1411, 1420 (Part), 1421 (Part) and 1422 (Part) in D.D. 107, Kam Tin, Yuen Long
37	A/YL-KTN/957	Proposed Temporary Warehouse (excluding Dangerous Goods Godown) with Ancillary Facilities and Filling of Land in “Agriculture” Zone, Lots 1424 (Part), 1426 (Part), 1427 (Part) and 1428 (Part) in D.D. 107 and Adjoining Government Land, Kam Tin, Yuen Long
38	A/YL-KTN/958	Proposed Temporary Animal Boarding Establishment and Filling of Land in “Agriculture” Zone, Lots 1347 S.V, 1347 S.AB and 1347 S.AC in D.D.107, Fung Kat Heung, Kam Tin, Yuen Long
40	A/YL-KTS/975	Proposed Temporary Eating Place with Ancillary Facilities and Filling of Land in “Agriculture” Zone, Lot 1165 (Part) in D.D. 106, Pat Heung, Yuen Long
47	A/YL-SK/352	Temporary Shop and Services (Motor-vehicle Showroom), Lot 616 S.B RP (Part) in D.D. 114, Yuen Long
51	A/HSK/485	Temporary Open Storage of Construction Machinery,

		Construction Material and Ancillary Site Office in “Other Specified Uses” annotated “Logistics Facility” and “Open Space” Zones, Various Lots in D.D. 125, Ha Tsuen, Yuen Long
59	A/YL-LFS/490	Proposed Temporary Warehouse for Storage of Miscellaneous Goods in “Recreation” Zone, Lot 2093 in D.D.129, Lau Fau Shan, Yuen Long
63	A/YL-PS/692	Temporary Private Vehicle Park in “Village Type Development” Zone, Lot 159 S.B ss.1 RP in D.D. 123, Ping Shan, Yuen Long
65	A/YL-TYST/1238	Temporary Warehouse for Storage of Construction Machinery and Construction Materials in “Residential (Group A) 3”, “Government, Institution or Community (1)” Zones and area shown as ‘Road’, Lots 1516, 1517 (Part) and 1518 in D.D. 119, Kung Um Road, Yuen Long
66	A/YL-TYST/1239	Temporary Warehouse and Open Storage of Construction Materials, Scrap Metal and Vehicle Parts in “Residential (Group A) 3” and “Open Space” Zones, Various Lots in D.D. 120 and D.D. 121 and Adjoining Government Land, Shan Ha Tsuen, Yuen Long
67	A/YL-TT/591	Temporary Shop and Services in “Village Type Development” Zone, Lot 1200 RP (Part) in D.D. 117 and Adjoining Government Land, Tai Tong, Yuen Long

(b) Applications approved on a temporary basis for a period of 5 years until 27.10.2028

Item No.	Application No.	Planning Application
42	A/YL-NSW/318	Proposed Temporary Public Vehicle Park (Excluding Container Vehicle) with Ancillary Electric Vehicle Charging Facility and Office and Associated Filling of Land in “Village Type Development” Zone, Lots 3669 S.A ss.2, 3669 S.B ss.1, 3670 RP (Part), 3671 S.A, 3672 S.A, 3673 S.A and 3674 RP in D.D.104, Pok Wai, Yuen Long
68	A/YL-TT/612	Temporary Public Vehicle Park (Excluding Container Vehicle) in “Village Type Development” Zone, Lots 49 (Part), 417 (Part), 418, 419, 420 (Part) and 431 (Part) in D.D. 117, Shui Tsiu San Tsuen, Tai Tong, Yuen Long

(c) Application approved on a temporary basis for a period of 6 years until 27.10.2029

Item No.	Application No.	Planning Application
56	A/YL/310	Proposed Temporary Eating Place in “Open Space” Zone, Lots 881 S.B RP (Part) and 904 S.A (Part) in D.D. 116, Yuen Long

Declaration of Interest

The Secretary reported the following declaration of interest:

Item No.	Member's Declared Interest	
26	The application site was located in Ta Kwu Ling.	- Dr Conrad T.C. Wong for his firms owning some land in Ta Kwu Ling

The Committee noted that Dr Conrad T.C. Wong had tendered an apology for being unable to attend the meeting.