

## **TOWN PLANNING BOARD**

### **Minutes of 605<sup>th</sup> Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 15.6.2018**

#### **Present**

Director of Planning  
Mr Raymond K.W. Lee

Chairman

Mr H.W. Cheung

Vice-chairman

Dr F.C. Chan

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr C.H. Hau

Dr Lawrence K.C. Li

Miss Winnie W.M. Ng

Mr L.T. Kwok

Mr K.W. Leung

Dr Jeanne C.Y. Ng

Mr Ricky W.Y. Yu

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 Raymond W.M. Wong

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 Ivan C.S. Fu

Mr David Y.T. Lui

Mr K.K. Cheung

Mr Stephen L.H. Liu

**In Attendance**

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

Chief Town Planner/Town Planning Board  
Ms W.H. Ho

Town Planner/Town Planning Board  
Mr Terence H.Y. Sit

**Agenda Item 1**

Confirmation of the Draft Minutes of the 604<sup>th</sup> RNTPC Meeting held on 1.6.2018

[Open Meeting]

1. The draft minutes of the 604<sup>th</sup> RNTPC meeting held on 1.6.2018 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**

**Agenda Item 3**

**Section 12A Application**

[Open Meeting (Presentation and Question Sessions only)]

Y/ST/38                      Application for Amendment to the Approved Sha Tin Outline Zoning Plan No. S/ST/34, to Rezone the Application Site from “Green Belt” and “Government, Institution or Community” to “Residential (Group B) 4”, Lots 379 and 380 RP in D.D. 186, Tung Lo Wan Hill Road, Sha Tin  
  
(RNTPC Paper No. Y/ST/38A)

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3.                      The Secretary reported that Llewelyn-Davies Hong Kong Ltd. (LD), Ramboll Hong Kong Ltd. (Ramboll), Ronald Lu & Partners (Hong Kong) Ltd. (RLP) and AECOM Asia Co. Ltd. (AECOM) were four of the consultants of the applicant. The following Members had declared interests on the item:

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|---------------------|---|--|
| Mr Ivan C.S. Fu     | - | having current business dealings with Ramboll and AECOM; |
| Dr C.H. Hau         | - | having current business dealings with AECOM;             |
| Mr Stephen L.H. Liu | - | having past business dealings with LD and RLP;<br>and    |
| Mr Ricky W.Y. Yu    | - | his firm having current business dealings with LD.       |

4.                      The Committee noted that Mr Ivan C.S. Fu and Mr Stephen L.H. Liu had tendered apologies for being unable to attend the meeting. As Dr C.H. Hau and Mr Ricky W.Y. Yu had no involvement in the application, the Committee agreed that they could stay in the meeting.

5.                      The Committee noted that two replacement pages (pages 1 and 18 of the Paper) rectifying editorial errors were despatched to Members before the meeting.

[Mr Peter K.T. Yuen and Miss Winnie W.M. Ng arrived to join the meeting at this point.]

Presentation and Question Sessions

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

Mr Jessica H.F. Chu	-	District Planning Officer/Shu Tin, Tai Po and North (DPO/STN), PlanD
Mr Kenny C.H. Lau	-	Senior Town Planner/STN (STP/STN), PlanD
Mr W.L. Tang	-	Town Planner/STN (TP/STN), PlanD
Mr Richard Kan	]	
	]	
Ms Wendy Ho	]	
	]	
Ms Winnie Wu	]	
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Mr Dickson Hui	]	
	]	
Ms Cherry Yuen	]	
	]	
Mr Anthony Cheung	]	
	]	
Miss Jacqueline Yu	]	
	]	
Miss Camay Lam	]	Applicant's representatives
	]	
Mr Paul Leader	]	
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Mr Steven Ho	]	
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Mr Eddie Chor	]	
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Mr Henry Ng	]	
	]	
Mr David Yeung	]	

7. The Chairman extended a welcome and explained the procedure of the meeting. He then invited PlanD's representative to brief Members on the background of the application.

8. With the aid of a PowerPoint presentation, 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 proposed rezoning of the site from "Green Belt" ("GB") and "Government, Institution or Community" to "Residential (Group B) 4" ("R(B)4") for a proposed development comprising four 18 to 20-storey residential towers over five levels of car park, lobby and club house and six 5-storey houses, with a total gross floor area of 32,361m<sup>2</sup>. The proposed development restrictions for the "R(B)4" zone included a maximum plot ratio (PR) of 2.1 and maximum building height (BH) of 165mPD;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) advised that the geotechnical planning review report submitted by the applicant did not provide any technical details and therefore no geotechnical comments on the proposed road widening works could be provided. The Director of Agricultural, Fisheries and Conservation (DAFC) noted that the detailed design and extent of slope works were unavailable and the overall impact on the native secondary woodland could not be ascertained. The Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD) opined that the proposed development with BH substantially higher than the adjacent residential developments was undesirable from visual impact point of view. The Chief Town Planner/Urban Design & Landscape (CTP/UD&L), PlanD also considered that in view of the site topography, the proposed development at a higher site level was not responsive to the local context. Approval of the proposed rezoning would attract proliferation of similar development in the

“GB” zone and might result in further degradation of the natural environment. In addition, CTP/UD&L, PlanD had reservation from the landscape planning perspective in that there was no detailed tree survey on the proposed road widening works and no landscape impact assessment on other landscape resources. The Commissioner for Transport (C for T) considered the critical traffic issue of this application was the proposed widening of Tung Lo Wan Hill Road. The applicant should seek confirmation that the proposed widening works was both technically feasible and acceptable to the relevant departments. The Director of Leisure and Cultural Services advised that the proposed road widening works of Tung Lo Wan Hill Road would likely affect a number of trees within the Tung Lo Wan Hill Road Garden;

- (d) during the statutory publication periods, 73 public comments were received from the Chairman of Sha Tin Rural Committee, the Village Representative of Tung Lo Wan Village, a Sha Tin District Council member, Incorporated Owners of Pristine Villa and The Great Hill, residents of Peak One and The Great Hill, World Wide Fund for Nature Hong Kong, Kadoorie Farm & Botanic Garden Corporation, Green Sense and individuals. 50 public comments objected to the application while the remaining 23 supported the application. Major views and objection grounds were set out in paragraph 10 of the Paper; and
- (e) the PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The site served as a buffer between the urban areas of Sha Tin New Town and the Shing Mun Country Park and there was a general presumption against development within the “GB” zone. The site and its surrounding area was rezoned from “R(B)” to “GB” in 1983 as it was considered not suitable for large scale residential developments on accessibility and landscaping grounds. The “GB” zoning of the site remained unchanged and there was no major change in planning circumstances since then. The proposed development was undesirable from visual impact point of view and would not be compatible with the adjacent developments. It was not responsive to the

local context as the proposed BH of 165mPD was substantially taller than other existing residential developments. The proposed walking trail and seating deck at the northern part of the site would have conflicts with the tree protection zone. There was also no detailed assessment on the impact of the proposed road widening works on the existing trees and landscape resources. The overall impact on the native secondary woodland resulting from the proposed development could not be ascertained at this stage. While the applicant undertook to design and conduct the road widening works, C for T advised that the proposed access road did not comply with the Transport Planning and Design Manual (TPDM) requirements and it would not take up the future management of the road. It was premature to conclude that the proposed road works was technically feasible and the prospect of the implementation of the proposed road works was doubtful. Approval of the application would set an undesirable precedent for other similar rezoning applications in the area and would result in further degradation of natural environment, and compromise the integrity of the “GB” buffer between the Shing Mun Country Park and Sha Tin New Town. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

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

- (a) as a general practice, the development scheme submitted under section 12A application was indicative only so as to illustrate the key development parameters. Detailed development control would be stipulated in the lease and detailed proposals and technical studies would be submitted to the relevant departments under the lease and building plan submission stages;
- (b) the site was at the fringe of built-up area within the heart of Sha Tin New Town and was about 700m from the Sha Tin railway station with a number of existing residential developments in the nearby “R(B)” zones. The proposed development was compatible with and formed part of the

residential cluster in Sha Tin New Town.;

- (c) the proposed development had blended in well with the existing topography and had adopted similar height profile with its adjacent developments. A 15m-wide building separation was adopted in the middle of the site to improve air ventilation and visual permeability. The visual impact to the surrounding buildings was considered acceptable given the pressing need for housing supply;
- (d) the site had been partly formed with vegetation cleared due to slope remedial works and previous squatters/structures. The proposed development would be confined to the eastern portion of the site while the secondary woodland with an area of about 0.38ha in the western portion of the site would be preserved. Compensatory tree planing at a higher than standard ratio of 1:1.89 was adopted. Tree compensation areas had been proposed to the north of the residential towers and around the site boundary as buffer areas between the proposed development and the surrounding “GB” areas. Detailed proposal for the preservation of the secondary woodland at the western portion of the site (including the boundary and management requirements) and the detailed landscape design for the proposed development could be incorporated/addressed under the lease;
- (e) C for T and H(GEO), CEDD had no in-principle objection to the traffic issues including the road widening works. Besides, the land ownership along the road widening works had been reviewed to confirm no private land would be affected. The applicant agreed to take up the management and maintenance of the concerned road and would reserve right of way for WSD to facilitate its maintenance works in the Sha Tin North Service Reservoir (the Reservoir) and users of the existing archery ground at top of the Reservoir, as requested by Director of Leisure and Cultural Services, to reach the Reservoir. Relevant technical and access right requirements of the concerned road works could be incorporated into the lease (including the submission of geotechnical reports and detailed tree survey and assessment of trees to be affected by the road works). The applicant also

proposed to take up the formation of a new mini-bus lay-by at the widened road to better serve future users;

- (f) while the distance between the site boundary of the To Fung Shan Christian Centre and the application site was 34m, the distance between the buildings within the two sites would be even longer. The applicant would submit detailed assesment report to the Antiquities and Monuments Office before carrying out any construction works;
- (g) the proposed development was considered technically feasible and relevant government departments had no in-principle objections to the application;
- (h) the rezoning proposal would not set an undesirable precedent as there were 33 similar rezoning proposals from “GB” to “R(B)” for residential developments initiated by the Government between 2013 and 2017, including three sites in Sha Tin (Lai Ping Road, To Shek and Sha Tin Heights) in 2015 for private housing development. The rezoning proposal at the current site was considered more appropriate than those three sites as it was closer to Sha Tin Town Centre with less interference to the “GB” area and had a lower development intensity; and
- (i) as compared with a recently approved similar rezoning proposal in Tai Po (Ma Wo Road) initiated by the Government for private housing development, the current application had adopted a lower development intensity with less area of secondary woodland affected, provided a preserved green area as buffer to the surrounding (about 0.38ha of secondary woodland would be preserved) and had a higher compensatory tree planting ratio (1:1.89).

10. With the aid of a PowerPoint presentation, Mr Richard Kan, the applicant’s representative, made the following main points:

- (a) PlanD had not given due regard to the government policy to resolve housing problems with innovative solutions in a resolute manner. PlanD’s

objection to the current application was against the view of the Chief Executive as expressed in her 2017 Policy Address and relevant policy regarding rezoning of suitable “GB” zones for residential developments;

- (b) the Government policy to adopt a 60:40 ratio for the supply of public and private housing in Hong Kong should be observed. Other than the provision of public housing, it was important to address the demand for private housing which was equally important;
- (c) the site was within Sha Tin New Town and was covered by the Sha Tin Outline Zoning Plan. It was originally zoned “R(B)” in 1978 but later rezoned to “GB” in 1983 because of the access road issue. He did not agree with PlanD’s view that there had been no change in planning circumstances in the area over the past 40 years. Besides, the current rezoning proposal met the criteria adopted by the Government in identifying suitable “GB” sites for residential uses, which included sites at the fringe of existing built-up areas, close to existing infrastructure and having relatively lower conservation value and buffering effect. Given the specific historic background, locality of the site and that the site had met the criteria as suitable “GB” sites for residential uses, approval of the current application would not set an undesirable precedent for other similar applications;
- (d) over ten relevant government departments (including the Transport Department (TD) and CEDD) had indicated no in-principle objections to the application. PlanD did not take full account of the no in-principle objections from relevant departments but tried to exaggerate the technical requirements/considerations that could be addressed under the lease and;
- (e) in comparing with the Ma Wo Road rezoning case which was initiated by the Government for private residential development, the development intensity of the current rezoning proposal was considered modest and reasonable at a PR similar to other adjacent developments. The technical assessments submitted by the applicant were more comprehensive than the

Ma Wo Road case. In the consideration of the current application, the Committee should adopt the same criteria as in the Mo Wo Road case; and

- (f) as most of the Government's rezoning proposals had been approved while no rezoning proposal initiated by the private sector had been agreed by the Committee so far, he doubted whether the Committee had adopted a double standard in the consideration of such proposals, which was unfair to the private sector. By quoting a maxim in the legal field that "justice must be done and must be seen to be done", he urged the Committee to be fair to the private sector.

11. As the presentations of the representatives from PlanD and the applicant were completed, the Chairman invited questions from Members.

*Proposed Road Widening Works at Tung Lo Wan Hill Road*

12. Some Members raised the following questions:

- (a) whether the applicant would take up the construction, management and maintenance responsibility of Tung Lo Wan Hill Road if no government department would take up such responsibility and whether the future flat owners would need to share the management and maintenance responsibility of the road;
- (b) given that the public had free access to the current road at the moment, whether free public access would be allowed in future; and
- (c) views of relevant government departments if the applicant agreed to take up the construction, management and maintenance responsibility of the road.

13. In response, Mr Richard Kan, the applicant's representative, confirmed that the applicant would take up the construction, management and maintenance responsibility if required. Ms Winnie Wu, the applicant's representative, supplemented that there was precedent case for the developer to construct, manage and maintain access road to its

development. For example, the access road for a residential development at Kam Sheung Road, the Riva, was constructed and maintained by the developer and such responsibility was imposed as a lease requirement. Under this arrangement, the future management and maintenance responsibility of the concerned road would be borne by the future flat owners. Ms Wu also indicated that free public access would be allowed at the road and WSD would be allowed to use the road to/from the Reservoir.

14. Ms Jessica H.F. Chu, DPO/STN, supplemented that Tung Lo Wan Hill Road was a sub-standard road. As regards the future management and maintenance responsibility, C for T advised that as the gradient of the proposed access road would exceed the maximum gradient specified under the TPDM, TD would not take up the management of the concerned road. Although the existing road was under the maintenance of WSD, WSD advised that it would not take up the future management and maintenance of the proposed extension and modification of the road. H(GEO), CEDD also advised that there was insufficient information provided by the applicant to demonstrate the geotechnical feasibility of the proposed road widening works. In addition, detailed assessment of the impact of the proposed road widening works on the existing trees and landscape resources had not been provided by the applicant.

#### Planning Intention

15. In response to a Member's question on the planning intention of the application site, Ms Jessica H.F. Chu, DPO/STN, said that the site was zoned "R(B)" in 1978, but the site and its surrounding areas were later rezoned to "GB" in 1983 based on the findings of detailed planning and engineering investigations. The natural environment of the area was maintained in good conditions since then. The subject site was located in the To Fung Shan area and the planning intention for the area was to preserve the hilly area at the northern portion while allowing modest scale of developments at the southern portion adjacent to the existing developed area. This intention was in line with the planning concept of Sha Tin New Town in that developments were concentrated on the two banks of Shing Mun River and the hillslopes on the three sides of the New Town would serve as green and scenic backdrops. The rezoning proposal under the current application was in contravention of the above planning concept.

Visual Impact

16. In response to a Member's question on the BH profile of the area, Ms Jessica H.F. Chu, DPO/STN, said that area to the north of the Reservoir was planned as a green belt area while area to the south with road access was more suitable for developments. The BH (at roof level) of the existing developments in the vicinity including the Peak One, Sky One and Pristine Villa reached 65mPD to 108mPD. The proposed development, which was at a higher site level and with a proposed BH of 165mPD, would not be in line with the local context. In response to the Chairman's question, Ms Winnie Wu, the applicant's representative, said the site formation level of the application site was 77.5mPD. The BH of the proposed development had taken into account the need to preserve the BH profile in To Fung Shan.

17. A Member sought clarification from PlanD regarding CTP/UD&L's comments that some of the photomontages provided by the applicant were out of scale. Ms Jessica H.F. Chu, with the aid of a photomontage prepared by PlanD, responded that viewpoint 8 was taken from the existing walking trail at To Fung Shan Road with a spot level of 125.7mPD. Given that the horizontal distance between the nearest Tower 3 of the proposed development and viewpoint 8 was only about 48m, the view from viewpoint 8 towards Sha Tin New Town should be substantially blocked by the proposed development. However, the photomontage prepared by the applicant showed that majority of the Sha Tin New Town could still be seen from viewpoint 8.

18. In response, Ms Winnie Wu, the applicant's representative, said that as the photomontage prepared by PlanD had not been provided to the applicant before the meeting, she was unable to provide comment. Yet, she reiterated that the photomontages submitted by the applicant were prepared by professionals based on 3D simulation and the photos taken at the vicinity of the site. The Chairman enquired and Ms Wu responded that the photo for the concerned viewpoint 8 was taken from a footpath outside the site boundary as indicated on Drawing Z-6 of the Paper and the spot height of the viewpoint was about 120mPD.

19. In response to a Member's enquiry, Ms Winnie Wu said that the proposed development would not adopt podium design. There would be five levels of residents' clubhouse, lobby and carpark under the residential towers and the average flat size would be

about 83 m<sup>2</sup>.

Rezoning “GB” sites

20. The Chairman invited Ms Jessica H.F. Chu, DPO/STN, to brief Members on the principles adopted by the Government when reviewing “GB” sites. Ms Chu stated that sites which formed an integral part of the “GB” zone or sites with high conservation value would normally be considered not suitable for rezoning. In general, only those sites at the fringe of built-up areas close to the existing urban areas with transport and infrastructural facilities and no insurmountable technical problems would be considered as having potential for rezoning.

21. A Member sought the view of PlanD on the allegation of the applicant’s representative regarding the unfair treatment between rezoning proposals submitted by the Government and the private sector. Ms Jessica H.F. Chu did not agree with the allegation and responded that a host of factors would be considered to assess if the “GB” sites were suitable for rezoning. The Government would adopt the same consideration of rezoning suitable “GB” site for residential development regardless of whether the proposal was initiated by the Government or the private sector.

Ecological and Landscape Impact Assessment

22. A Member raised the following questions:

- (a) details of the tree preservation proposal and whether the trees to be affected by the proposed road widening works had been taken into consideration;
- (b) whether the proposed tree compensation ratio of 1:1.89 was based on the number of trees or the cross-sectional area of affected trees;
- (c) the purpose of the proposed footpath within the secondary woodland in the western portion of the site;
- (d) noting that the baseline review for the ecological impact assessment (EcoIA) was based on data gathered in four months (from August to November),

whether the survey period was adequate to cover both the dry and wet seasons and whether literature review had been conducted to supplement the lack of information for other seasons; and

- (e) the concept of the proposed woodland compensation plan.

23. In response, Ms Winnie Wu, Ms Camay Lam and Mr Paul Leader, the applicant's representatives, made the following main points:

- (a) a total of 321 existing trees were identified within the site (including 19 dead trees), in which 160 trees at the woodland in the western portion of the site would be retained. The number of trees to be felled and compensated would be 161 and 305 respectively. While the current tree preservation proposal had not included those trees along the proposed access road which fell outside the site boundary, it was noted that about 10 trees would be affected by the proposed road widening works according to a preliminary assessment;
- (b) the 1:1.89 compensation ratio was based on the quantity of living trees. Details would be handled in the site works implementation stage;
- (c) a footpath was proposed in the secondary woodland to link up the proposed residential development with the natural area to the north of the site for the enjoyment of residents;
- (d) the site survey for the EcoIA was conducted in early August and ended in late November 2017, which was able to provide reference information for both the wet and dry seasons. Given the site was small and the site condition was not complicated, the four-month survey was considered adequate to establish the baseline conditions of the site; and
- (e) the secondary woodland at the western portion of the site would be preserved. Tree compensation areas were also proposed in the northern part of the site around the site boundary to serve as buffer areas between

the proposed residential development and the remaining “GB” areas to the north. Details of the woodland compensation plan could be submitted under lease compliance stage.

Site formation works

24. Some Members raised the following questions:
- (a) whether the slope works and retaining walls would affect the proposed compensation planting areas in the northern portion of the site;
  - (b) whether geotechnical assessment had been carried out for the proposed development; and
  - (c) whether the slope to the north of the site was a natural slope or a registered slope.
25. In response, Ms. Winnie Wu and Mr Anthony Cheung, the applicant’s representatives, made the following main points with the aid of some PowerPoint Slides:
- (a) the proposed development was on a sloping ground with low-rise blocks and internal roads occupying the lower platform of the site which was previously a squatter area. While the slope near the hillside area in the northern part of the site would be cut for the construction of the proposed residential towers, the extent of the slope works would be minimized and the design of the residential towers would blend in well with the natural topography as shown in Drawing Z-6 of the paper. The natural areas in the northern portion of the site would not be affected and compensation trees would be planted in that area;
  - (b) a Geotechnical Planning Review Report had been submitted. H(GEO), CEDD had no in-principle objection to the report and reminded the applicant to submit a natural terrain hazard study at a later stage; and

- (c) there was no registered slope in the site.

26. 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 them of the Committee's decision in due course. The Chairman thanked the representatives from PlanD and the applicant for attending the meeting. They left the meeting at this point.

### Deliberation Session

27. The meeting noted that two stages of "GB" review had been conducted by PlanD. The first stage of "GB" review mainly covered "GB" areas which were formed, deserted or devegetated, and possessed potential for residential development. The second stage of "GB" review covered "GB" zones in the fringe of built-up areas adjacent to existing transport and infrastructure facilities, and those vegetated areas with relatively lower buffer or conservation value. Members generally agreed that the criteria adopted in the "GB" review should be adhered to in the consideration of similar rezoning proposals.

28. Some Members considered that the rezoning proposal was not in line with the planning concept of Sha Tin New Town. The application site, which formed an integral part of a larger "GB" area and a buffer between the Shing Mun Country Park and Sha Tin New Town, possessed a high conservation value. The proposed development with high development intensity would undermine the function and the integrity of the "GB" area. A Member also considered that the site could not meet the accessibility criteria as Tung Lo Wan Hill Road was a sub-standard road.

29. With respect to the argument of the applicant's representatives that the current rezoning proposal should not be considered as an undesirable precedent as there were similar rezoning proposals initiated by the Government and approved by the Committee, the Chairman said that the Ma Wo Road case as mentioned by the applicant's representatives might not be comparable as it was in a different location with different planning circumstances. In considering the current rezoning proposal, it was more appropriate to take into account areas in the vicinity of the application site within the same "GB" zone.

Members generally considered that the argument of the applicant's representatives that the current rezoning proposal would not set an undesirable precedent was not convincing.

30. Regarding the technical feasibilities and potential impacts of the rezoning proposal, Members generally considered that:

- (a) the proposed developments to be built on a high level site would be substantially higher than the nearby existing buildings. The visual impact of the proposed development from the town centre area would be substantial;
- (b) the feasibility of the proposed road widening works at Tung Lo Wan Hill Road remained uncertain and the landscape impact of the proposed road works had not be adequately assessed;
- (c) the methodology adopted in the EcoIA was not agreeable and the concept of the woodland compensation plan was unclear. The applicant failed to demonstrate that the proposed development would not have adverse landscape and nature conservation impacts on the surrounding environment; and
- (d) the impact of the slope works on the tree compensation area could not be ascertained.

31. Members generally agreed that the rezoning proposal could not be approved due to the above considerations. Member also agreed that the rejection reasons as set out in the Paper should be adopted, and rejection reason (c) should be amended to include the potential landscape impact of the proposed road widening works.

[Mr L.T. Kwok left the meeting at this point.]

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

- “(a) the site together with the surrounding “Green Belt” (“GB”) zone was covered with dense vegetation and mature trees, which serves as a green backdrop to the area. The current zoning is considered appropriate and there is no strong justification to rezone the site from “GB” to “Residential (Group B) 4” from land use planning point of view;
- (b) the applicant fails to demonstrate that the proposed rezoning would not have adverse visual, landscape and nature conservation impacts on the surrounding areas;
- (c) the applicant fails to demonstrate the feasibility of the proposed road widening works and that it would not cause adverse landscape impact; and
- (d) the approval of the subject application will set an undesirable precedent for other similar development proposals in the “GB” zone. The cumulative impact would result in further degradation of the natural environment, and compromise the integrity of the “GB” buffer between the Shing Mun Country Park and Sha Tin New Town.”

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

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

**Agenda Item 4**

**Section 12A Application**

[Open Meeting]

Y/YL-KTS/5                      Application for Amendment to the Draft Kam Tin South Outline Zoning Plan No. S/YL-KTS/14, to Rezone the Application Site from “Agriculture” and “Village Type Development” to “Residential (Group C)”, Lots 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1447, 1448, 1472, 1476, 1477 S.A, 1478 RP, 1495, 1497, 1500, 1501, 1502 and 1503 in D.D. 106 and Adjoining Government Land, Kam Sheung Road, Kam Tin, Yuen Long  
(RNTPC Paper No. Y/YL-KTS/5)

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33.            The Secretary reported that Landes Limited (Landes) was one of the consultants of the applicant. Mr Ivan C.S. Fu had declared an interest on this item as he was having current business dealings with Landes. The Committee noted that the applicant had requested deferment of consideration of the application and Mr Ivan C.S. Fu had tendered apology for being unable to attend the meeting.

34.            The Committee noted that the applicant’s representative requested on 25.5.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

### **Tuen Mun and Yuen Long West District**

#### **Agenda Item 5**

#### **Section 12A Application**

[Open Meeting]

Y/TM/21                      Application for Amendment to the Draft Tuen Mun Outline Zoning Plan No. S/TM/34, to Rezone the Application Site from “Open Space” to “Government, Institution or Community (2)”, Yan Oi Town Square, Tuen Mun  
(RNTPC Paper No. Y/TM/21)

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36.            The Secretary reported that Urbis Limited (Urbis), Barrie Ho Architecture Interiors Limited (BHA) and Landes Limited (Landes) were three of the consultants of the applicant. The following Members had declared interests in this item:

- |                 |   |   |
|-----------------|---|---|
| Mr Ivan C.S. Fu | - | having current business dealings with Urbis and Landes; and |
| Mr K.K. Cheung  | - | his firm having current business dealings with BHA.         |

37.            The Committee noted that the applicant had requested deferment of consideration of the application and Mr Ivan C.S. Fu and Mr K.K. Cheung had tendered apologies for being unable to join the meeting.

38.            The Committee noted that the applicant’s representative requested on 24.5.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

### **Sai Kung and Islands District**

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

#### **Agenda Item 6**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-CWBS/30 Proposed Public Utility Installation (Underground Cables) and Excavation and Filling of Land in "Conservation Area", "Green Belt" and "Village Type Development" Zones, Government Land in D.D. 225, Sheung Sze Wan, Sai Kung  
(RNTPC Paper No. A/SK-CWBS/30)

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40. The Secretary reported that the application was submitted by CLP Power Hong Kong Limited (CLP) which was a subsidiary of CLP Holdings Limited, with Kum Shing (K.F.) Construction Co. Limited (KSCCL) as the consultant of the applicant. The application site was in Sheung Sze Wan, Sai Kung. The following Members had declared interests on the item:

- Mr David Y.T. Lui - co-owning with his spouse two houses in Clearwater Bay area;
- Mr K.K. Cheung - his firm having past business dealings with CLP and having current business dealings with KSCCL;
- Mr Stephen L.H. Liu - having past business dealings with CLP; and
- Dr Jeanne C.Y. Ng - being the Director of Group Sustainability of CLP.

41. The Committee noted that Mr David Y.T. Lui, Mr K.K. Cheung and Mr Stephen L.H. Lui had tendered apologies for being unable to join the meeting. The Committee agreed that as the interest of Dr Jeanne C.Y. Ng was direct, she should be invited to leave the meeting temporarily for this item.

[Dr Jeanne C.Y. Ng left the meeting temporarily at this point.]

#### Presentation and Question Sessions

42. Mr William W.T. Wong, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed public utility installation (underground cables) and excavation and filling of land;
- (c) departmental comments – departmental comments were set out in paragraph 8 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 10 of the Paper. The proposed installations and associated works were essential utility for providing stable electricity to Sheung Sze Wan. There was no tree within the site and landscape impact arising from the proposal was not anticipated. In view of the small scale of the proposed development, no adverse environmental, drainage and traffic impacts on the surrounding areas were anticipated.

43. Members had no question on the application.

### Deliberation Session

44. 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 15.6.2022, 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.

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

[Mr Philip S.L. Kan arrived to join the meeting at this point.]

### **Agenda Items 7 & 8**

#### Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HC/287      Proposed Public Utility Installation (Poles with Transformer, Underground Cables and Overhead Cable) and Excavation and Filling of Land in “Conservation Area” Zone, Government Land in D.D. 223, Mok Tse Che, Sai Kung  
(RNTPC Paper No. A/SK-HC/287)

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A/SK-HC/289 Proposed Public Utility Installation (Underground Cables and Pole with Transformer) and Excavation and Filling of Land in “Conservation Area” and “Village Type Development” Zones, Government Land in D.D. 223, Mok Tse Che, Sai Kung (RNTPC Paper No. A/SK-HC/289)

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46. The Committee noted that the two applications were similar in nature within the same “Conservation Area” (“CA”)/“Village Type Development” (“V”) zones and the application sites were located close to each other. The Committee agreed that the applications should be considered together.

47. The Secretary reported that the applications were submitted by CLP Power Hong Kong Limited (CLP) which was a subsidiary of CLP Holdings Limited, with Kum Shing (K.F.) Construction Co. Limited (KSCCL) as the consultant of the applicants. The following Members had declared interests on the item:

- Mr K.K. Cheung - his firm having past business dealings with CLP and having current business dealings with KSCCL;
- Mr Stephen L.H. Liu - having past business dealings with CLP; and
- Dr Jeanne C.Y. Ng - being the Director of Group Sustainability of CLP.

48. The Committee noted that Mr K.K. Cheung and Mr Stephen L.H. Lui had tendered apologies for being unable to join the meeting and Dr Jeanne C.Y. Ng had left the meeting temporarily.

#### Presentation and Question Sessions

49. Mr William W.T. Wong, STP/SKIs, presented the applications and covered the following aspects as detailed in the Papers:

- (a) background to the applications;

- (b) the proposed public utility installation (poles with transformer, underground cables and overhead cable (application No. A/SK-HC/287) / underground cables and pole with transformer (application No. A/SK-HC/289)) and excavation and filling of land;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Papers. 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 periods; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessments set out in paragraph 10 of the Papers. The proposed installations and associated works were essential utility for supplying electricity for the residents of Mok Tse Che. There was no tree within the sites and landscape impact arising from the proposals was not anticipated. In view of the small scale of the proposed developments, no adverse environmental, geotechnical, drainage and traffic impacts on the surrounding areas were anticipated.

50. Members had no question on the applications.

#### Deliberation Session

51. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permissions should be valid until 15.6.2022, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed.

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

[Dr Jeanne C.Y. Ng returned to the meeting at this point.]

**Agenda Item 9**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HC/290            Proposed House (New Territories Exempted House - Small House) in  
                                 “Agriculture” Zone, Lots 407 and 408 in D.D. 244, Ho Chung San  
                                 Tsuen, Sai Kung  
                                 (RNTPC Paper No. A/SK-HC/290)

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**Presentation and Question Sessions**

53.            Mr William W.T. Wong, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural point of view as the site was considered possessing potential for agricultural rehabilitation. The Chief Engineer/Construction, Water Supplies Department (CE/Construction, WSD) objected to the application as the site was located within the lower indirect water gathering ground (WGG) and there was a high risk of polluting the WGG. The Director of Environmental Protection (DEP) objected to the application as the site was located in WGG where no public sewer was available and the submitted information had not demonstrated the compliance with the Water Pollution Control Ordinance. Other concerned departments had no objection to or

no adverse comments on the application;

- (d) during the first three weeks of the statutory publication period, 14 public comments were received from Kadoorie Farm and Botanic Garden Corporation, Hong Kong Bird Watching Society, Designing Hong Kong Limited, and individuals objecting to the application. Major objection grounds were set out in paragraph 10 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 11 of the Paper. The proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone and DAFC did not support the application. The site fell within the WGG where no public sewer was available in the vicinity. Both CE/Construction, WSD and DEP objected to the application as there was a high risk of pollution to the WGG. The application did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that the applicant failed to demonstrate that the proposed development within WGG would not cause adverse impact on the water quality in the area. There was land currently available within the “V” zone to meet the outstanding Small House applications. Similar applications for Small House development within the WGG were all rejected by the Committee or the Board upon review. Approval of the application would set an undesirable precedent for other similar applications within the WGG in the “AGR” zone. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

54. Members had no question on the application.

#### Deliberation Session

55. 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 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 such planning intention;
  
- (b) the application does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the applicant fails to demonstrate that the proposed development within water gathering grounds would not cause adverse impact on the water quality of the area; and
  
- (c) the approval of the application would set an undesirable precedent for other similar applications within the water gathering ground in the “AGR” zone. The cumulative effect of approving such similar applications will result in adverse impact on the water quality of the area.”

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

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

[Mr Kenny C.H. Lau, Ms Kathy C.L. Chan and Mr Tim T.Y. Fung, Senior Town Planners/Sha Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

**Agenda Item 10**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/954                      Proposed Single House in “Village Type Development” Zone, Lot 429  
in D.D. 177, Lok Lo Ha Village, Sha Tin  
(RNTPC Paper No. A/ST/954)

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**Presentation and Question Sessions**

56.            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 proposed single house;
- (c) departmental comments – departmental comments were set out at paragraph 8 of the Paper. 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, 134 public comments were received from the Village Representative of Lok Lo Ha Village, Sha Tin Rural Committee, villagers of Lok Lo Ha Village and individuals objecting to the application. Major objection grounds were set out in paragraph 9 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 10 of the Paper. The site had building status under lease. It fell entirely within the “Village Type Development” (“V”) zone of Lok Lo Ha and there was sufficient land available within “V” zone to meet the outstanding Small House applications. The development scale of the house did not contravene the restrictions under the Outline Zoning Plan. The proposed development was considered not incompatible with the surrounding village environment. Significant landscape impact and overstraining the capacity of existing and planned infrastructure were unlikely. The site was the subject of a previous application (No. A/ST/767) for two houses submitted by the same applicant which was approved with conditions by the Committee on 6.12.2011. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

57. Members had no question on the application.

#### Deliberation Session

58. 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 15.6.2022, 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 landscaping proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB;
- (c) the submission of a Geotechnical Planning Review Report and implementation of the necessary geotechnical remedial works identified therein, in respect of the slopes adjacent to the application site to the

satisfaction of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department or of the TPB; and

- (d) the design and provision of sewage treatment facilities/sewer connections to the application site to the satisfaction of the Director of Environmental Protection or of the TPB.”

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

### **Agenda Item 11**

#### **Section 16 Application**

[Open Meeting]

A/ST/955                      Proposed Shop and Services (Retail Shop) in “Industrial” Zone,  
G/F(Portion), Power Industrial Building, 9-15 Wo Heung Street, Fo  
Tan, Sha Tin  
(RNTPC Paper No. A/ST/955)

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60. The Committee noted that the applicant’s representative requested on 5.6.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

61. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within 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 12**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/956                      Proposed House (New Territories Exempted House - Small House) in  
   “Green Belt” and “Village Type Development” Zones, Government  
   Land in D.D.177, Lok Lo Ha, Sha Tin  
   (RNTPC Paper No. A/ST/956)

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**Presentation and Question Sessions**

62.            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 proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out at paragraph 10 and Appendix III of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) advised that the proposed development would require extensive felling/trimming of trees in the “Green Belt” (“GB”) zone. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from landscape planning perspective as the proposed development might have conflict with nearby existing trees canopies and tree protection zones. Pruning or felling of trees outside the site might be required but there was no impact assessment on the affected trees in the application. Piecemeal developments would have cumulative adverse impact on the landscape resources leading to gradual and irreversible degradation of green

belt/woodland in the area. The Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) advised that the site was overlooked by steep natural hillside and met the alert criteria for a natural terrain hazard study (NTHS), which might render the development not economically viable. The applicant might consider looking for an alternative site if practicable. 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, five public comments were received from the Indigenous Inhabitant Representative and villagers of Lok Lo Ha Village, green groups and an individual 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 proposed Small House development was not in line with the planning intention of the “GB” zone and there was a general presumption against development within the zone. The proposed development did not comply with the Town Planning Board Guidelines No. 10 in that the proposed development would involve tree felling, clearance of vegetation and affect the existing natural landscape in the surrounding areas. The proposed development did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that the proposed development would cause adverse landscape and geotechnical impacts on the surrounding areas. Land was available within the “V” zone to meet the outstanding Small House applications. Approval of the application would set an undesirable precedent to encourage similar applications to extend village type development into the “GB” zone. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

63. Members had no question on the application.

Deliberation Session

64. 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 “Green Belt” (“GB”) zone, which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within “GB” zone. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the proposed development would cause adverse landscape and geotechnical impacts on the surrounding areas;
- (c) the proposed development does not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that the proposed development and the associated site formation works would involve tree felling, clearance of vegetation and affect the existing natural landscape in the surrounding areas;
- (d) land is still available within the “Village Type Development” (“V”) zone of Lok Lo Ha Village which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services; and
- (e) the approval of the application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of

approving such applications would result in a general degradation of the environment of the area.”

### **Agenda Item 13**

#### **Section 16 Application**

[Open Meeting]

A/NE-KLH/549      Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” and “Village Type Development” Zones, Lot 263 S.D  
ss.15 in D.D. 9, Kau Lung Hang Village, Tai Po  
(RNTPC Paper No. A/NE-KLH/549)

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65.      The Committee noted that the applicant requested on 29.5.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information in support of the application. It was the first time that the applicant requested deferment of the application.

66.      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 14**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/550 Proposed House (New Territories Exempted House - Small House) in  
“Green Belt” Zone, Lot 704 S.B in D.D. 9, Yuen Leng Village, Tai Po  
(RNTPC Paper No. A/NE-KLH/550)

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**Presentation and Question Sessions**

67. Ms Kathy C.L. Chan, STP/STN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. The Director of Environmental Protection (DEP) did not support the application as the site fell completely outside the “Village Type Development” (“V”) zone, within water gathering ground (WGG), and no public sewer would be available to serve the proposed Small House in the near future. The Chief Engineer/ Construction, Water Supplies Department (CE/C, WSD) objected to the application as there was no programme for the construction of planned public sewers to serve Yuen Leng Village. 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, four public comments were received from Designing Hong Kong Limited and three individuals 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 proposed development was not in line with the planning intention of “Green Belt” (“GB”) zone and there was a general presumption against development within this zone. DEP and CE/C of WSD objected to the application as the site fell within the upper indirect WGG but no public sewer would be available in the near future. The proposed development did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the applicant failed to demonstrate that the proposed development located within the WGG would be able to be connected to the existing or planned sewerage system and would not cause adverse impact on the water quality in the area. Land was still available within the “V” zone to meet the outstanding Small House applications. While the site was the subject of a previous approved application for Small House development approved in 2000 and subsequently lapsed on 23.12.2003, the current application was submitted by a different applicant. Three similar applications were rejected by the Committee/the Town Planning Board on review in 2010 and 2017 respectively and the circumstances of these rejected applications were similar to the current application. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

68. Members had no question on the application.

#### Deliberation Session

69. 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 “Green Belt” zone, which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. 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 intention;

- (b) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the applicant fails to demonstrate that the proposed development located within the water gathering grounds would be able to be connected to the existing or planned sewerage system and would not cause adverse impact on the water quality in the area; and
- (c) land is still available within the “Village Type Development” (“V”) zone of Yuen Leng, Kau Lung Hang San Wai and Kau Lung Hang Lo Wai which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the “V” zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services.”

**Agenda Item 15**

**Section 16 Application**

[Open Meeting]

A/NE-LT/636                      Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” Zone, Lots 702 S.A ss.3 and 704 S.A ss.3 in D.D. 19,  
She Shan Tsuen, Lam Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/636)

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70.                      The Secretary reported that the application had been rescheduled due to the submission of further information by the applicant.

## **Agenda Item 16**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/637            Proposed House (New Territories Exempted House - Small House) in  
                                 “Agriculture” Zone, Lot 1328 RP in D.D. 19, Chuen Shui Tseng, Lam  
                                 Tsuen, Tai Po  
  
                                 (RNTPC Paper No. A/NE-LT/637)

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### **Presentation and Question Sessions**

71.            Ms Kathy C.L. Chan, 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 at paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural development point of view as there were active agricultural activities in the vicinity and the site possessed potential for agricultural rehabilitation. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservations on the application from landscape planning point of view as the proposed development was likely in conflict with four existing trees and adverse impact on landscape resources was anticipated. There had been vegetation clearance within the site and approval of the application would set an undesirable precedent to encourage such unauthorized removal of vegetation. 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 were received from Designing Hong Kong and an individual objecting to the application. Major objection grounds were set out in paragraph 10 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 11 of the Paper. The proposed Small House was not in line with the planning intention of the “Agriculture” (“AGR”) zone and the DAFC did not support the application as the site possessed potential for agricultural rehabilitation. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, while more than 50% of the footprint of the proposed Small House fell within the village ‘environ’ of Chuen Shui Tseng and the proposed development within water gathering ground would be able to be connected to the public sewerage system, there was sufficient land within the “Village Type Development” (“V”) zone to fully meet the future Small House demand. The CTP/UD&L of PlanD had some reservations on the application from landscape planning point of view as the proposed development would likely conflict with four existing trees and adverse impact on landscape resources was anticipated. The planning circumstances of the current application were similar to five of the similar applications rejected by the Committee/the Town Planning Board on review. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

72. Members had no question on the application.

### Deliberation Session

73. 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;

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

### **Agenda Item 17**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-SSH/116      Proposed House (New Territories Exempted House - Small House) in  
“Green Belt” Zone, Government Land in D.D. 209, Kei Ling Ha San  
Wai, Shap Sz Heung, Sai Kung  
(RNTPC Paper No. A/NE-SSH/116)

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

74. Ms Kathy C.L. Chan, 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 (DAFC) had reservation on the application as the site adjoined the woodland vegetation to its southwest and the proposed Small House would affect native woodland vegetation in the vicinity. 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 site adjoined a wooded area and site works might encroach onto the area and affect the root zone and tree crown of the nearby trees of the wooded area. There was vegetation clearance within the site and approval of the application would set an undesirable precedent to encourage unauthorized removal of vegetation. 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, four public comments were received from Designing Hong Kong, World Wide Fund for Nature Hong Kong and two individuals 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 proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone and there was a general presumption against development within the zone. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, while more than 50% of the footprint of the proposed Small House fell within the village ‘environ’ of Kei Ling Ha San Wai, land was available within the “Village Type Development” (“V”) zone to fully meet the demand for Small House development. The application did not comply

with the Town Planning Board Guidelines No. 10 in that the DAFC and the CTP/UD&L, PlanD had reservation on the application from nature conservation and landscape planning perspectives respectively as the native woodland vegetation in the vicinity of the site would be affected. . While there were 11 approved similar applications within the same “GB” zone in the vicinity of the site, the planning circumstances of the current application were different from those cases as there was currently no shortage of land within the “V” zone for Small House development and it could not be considered as an infill development. 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. 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 “Green Belt” (“GB”) zone, which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) the proposed development is not in line with the Town Planning Board Guidelines for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that the proposed development has involved clearance of vegetation and generated adverse landscape impact to the area;
- (c) the proposed development does not comply with the Interim Criteria for

Consideration of Application for New Territories Exempted House/Small House in New Territories in that it would cause adverse landscape impact on the surrounding areas and there is no general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of Kei Ling Ha San Wai; and

- (d) land is still available within the “V” zone of Kei Ling Ha San Wai which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.”

### **Agenda Item 18**

#### **Section 16 Application**

[Open Meeting]

A/NE-SSH/117      Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a period of 3 years in “Coastal Protection Area” Zone, Lots 572 to 591 in D.D. 209, Kei Ling Ha Lo Wai, Shap Sz Heung, Sai Kung  
(RNTPC Paper No. A/NE-SSH/117)

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77.            The Committee noted that the applicant’s representative requested on 29.5.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

78.            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-TK/639           Renewal of Planning Approval for Temporary Shop and Services (Real Estate Agency and Convenience Store) for a Period of 3 Years in “Recreation” Zone, Lot 1615 RP in D.D. 17, Ting Kok Road, Tai Po  
(RNTPC Paper No. A/NE-TK/639)

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**Presentation and Question Sessions**

79.           Ms Kathy C.L. Chan, 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 and convenience store) for a period of 3 Years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservation to the application from the landscape planning perspective as the applicant was required to maintain the nine existing trees within the site during the approval period of the previous approved application No. A/NE-TK/549 but only seven trees were recorded during site visit on 17.5.2018. 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 considered the applied use could be tolerated for a further period of 3 years based on the assessments set out in paragraph 12 of the Paper. Although the proposed use was not in line with the planning intention of the “Recreation” (“REC”) zone, the proposed use on a temporary basis for three years would not jeopardize the long-term planning intention of the zone. It was not incompatible with the surrounding areas. There had been no material change in planning circumstances of the site and the surrounding areas since the last approval was granted. All the approval conditions under the last approval had been complied with and the three-year approval period sought was of the same timeframe as the last approval. The application was considered generally in line with the Town Planning Board Guidelines No. 34B. Significant adverse traffic, environmental and drainage impacts on the surrounding areas were not envisaged and the concerns of CTP/UD&L, PlanD could be addressed by the imposition of approval condition. Two previous applications for various shop and services uses at the site and five other similar applications in the same “REC” zone were approved. Compared with the last approved application No. A/NE-TK/549, the current application was submitted by the same applicant for the same use at the same site with largely the same major development parameters. Approval of the renewal application was in line with the Committee's previous decisions.

80. Members had no question on the application.

#### Deliberation Session

81. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 4.7.2018 to 3.7.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no night-time operation between 11:00 p.m. and 10:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) the existing drainage facilities on the site should be properly maintained at all times during the planning approval period;
- (c) the submission of a tree preservation and landscape proposal within 6 months from the date of commencement of renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 4.1.2019;
- (d) in relation to (c) above, the implementation of a tree preservation and landscape proposal within 9 months from the date of commencement of renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 4.4.2019;
- (e) the submission of a fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.1.2019;
- (f) in relation to (e) 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 4.4.2019;
- (g) 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;
- (h) if any of the above planning conditions (c), (d), (e) or (f) 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
- (i) 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.”

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

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

## **Agenda Item 20**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/640           Renewal of Planning Approval for Temporary Hobby Farm, Shop and Services (Retail Shop) for a Period of 3 Years and Filling of Land for a Concrete Platform (10 cm in Depth) in “Agriculture” Zone, Lots 674 S.A, 674 S.B, 674 S.C and 674 RP in D.D. 17, Tai Po  
(RNTPC Paper No. A/NE-TK/640)

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### **Presentation and Question Sessions**

83. Ms Kathy C.L. Chan, 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 hobby farm, shop and services (retail shop) for a period of three years and filling of land for a concrete platform (10 cm in depth);
- (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) during the first three weeks of the statutory publication period, two public comments were received from individuals objecting to the application mainly on the grounds of causing adverse traffic and environmental impacts as set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD considered the applied use could be tolerated for a further period of three years based on the assessments set out in paragraph 12 of the Paper. The proposed development was considered not incompatible with the surrounding areas. The existing landscaping implemented under the previous application (No. A/NE-TK/553) was in good condition and adverse impact on landscape character and landscape resources arising from the continual use of temporary hobby farm was not anticipated. In addition, relevant departments consulted had no objection to/adverse comment on the application. The current application was the same as the previously approved application in terms of use and site area and there had been no material change in planning circumstances since the previous temporary approval was granted. Besides, the applicant had complied with all approval conditions under the previous application. The approval period of three years sought was also not longer than the original validity period of the temporary approval. The proposed renewal application generally complied with the Town Planning Board Guidelines No. 34B. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

84. Members had no question on the application.

#### Deliberation Session

85. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 8.8.2018 to 7.8.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no night-time operation between 7:00 p.m. and 11:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Mondays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) the existing trees and vegetation on the site shall be maintained at all times during the planning approval period;
- (d) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (e) the provision of fire service installations and water supplies for fire-fighting within 6 months from the date of commencement of renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.2.2019;
- (f) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (g) if the above planning condition (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 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.”

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

**Agenda Item 21**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/641            Proposed House (New Territories Exempted House - Small House) in  
                                 “Green Belt” and “Village Type Development” Zones, Lot 1471 in  
                                 D.D. 17, Lo Tsz Tin, Tai Po  
                                 (RNTPC Paper No. A/NE-TK/641)

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**Presentation and Question Sessions**

87.            Ms Kathy C.L. Chan, 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 V of the Paper. 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 were received from World Wide Fund for Nature Hong Kong and an individual 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 had no objection to the application based on the assessments set out in paragraph 12 of the Paper. Although the proposed development was not in line with the planning intention of “Green Belt” (“GB”) zone, the proposed development was not incompatible with the surrounding area which was predominantly rural in character and the Director of Agriculture, Fisheries and Conservation had

no strong view on the application. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, more than 50% of the footprint of the proposed Small House fell within the village 'environ' of Lo Tsz Tin while land available within the "Village Type Development" ("V") zone was capable to meet the outstanding Small House applications. However, the site was the subject of a previously approved application (No. A/NE-TK/408) and the current application was submitted by the same applicant. Compared with the previous application, the major development parameters of the proposed Small House were the same and there was no significant change in planning circumstances. Sympathetic consideration could be given to the current application. The Chief Town Planner/Urban Design and Landscape, Planning Department considered that although there were three existing young trees which would be in conflict with the proposed house, there was space for compensatory tree planting within the site to mitigate the adverse impact on tree removal. Relevant departments consulted had no objection to/adverse comment on the application. It was considered the proposed development generally complied with the Town Planning Board Guidelines No. 10. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

88. Members had no question on the application.

#### Deliberation Session

89. 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 15.6.2022, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- “(a) the provision of septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the TPB;

- (b) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (c) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB.”

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

## **Agenda Item 22**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/642            Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” and “Village Type Development” Zones, Lot 1060 S.B  
in D.D. 23, Po Sam Pai Village, Tai Po  
(RNTPC Paper No. A/NE-TK/642)

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### **Presentation and Question Sessions**

91. Ms Kathy C.L. Chan, 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 V of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural development point of view as the site possessed potential for agricultural rehabilitation. Other concerned departments had no objection

to or no adverse comments on the application;

- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. Although the proposed development was not in line with the planning intention of “Agriculture” (“AGR”) zone, the proposed development was not incompatible with the surrounding area which was predominantly rural in character. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, more than 50% of the footprint of the proposed Small House fell within the “Village Type Development” (“V”) zone and land available within the “V” zone was capable to meet the outstanding Small House applications. However, the site was the subject of a previous application (No. A/NE-TK/503) submitted by the same applicant for the same development which was approved on 4.4.2014. Compared with the previous application, the major development parameters of the proposed Small House were the same except the change in method for foul water disposal. In this regard, DEP had no adverse comment on the proposed sewerage connection to the existing public sewer provided that consents from affected private lots for the laying and future maintenance of the sewers could be obtained. Since there was no significant change in planning circumstances, sympathetic consideration could be given to the current application.

92. In response to a Member's enquiry, Ms Kathy C.L. Chan, STP/STN, said that she did not have information at hand regarding the formed land in the vicinity of the site.

#### Deliberation Session

93. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 15.6.2022, 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 drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (b) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Drainage Services or of the TPB.”

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

### **Agenda Item 23**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/181 Temporary Cargo Handling and Forwarding Facility (Logistics Centre) for a Period of 3 Years in “Agriculture” Zone, Lots 40 RP (Part), 404 S.A (Part), 408 S.A RP (Part), 408 S.B RP (Part), 409, 410 (Part), 413 (Part), 414 (Part), 416 (Part), 417 RP (Part), 435, 436, 437 RP in D.D. 89 and Adjoining Government Land, Fu Tei Au, Sheung Shui  
(RNTPC Paper No. A/NE-FTA/181B)

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

95. Mr Tim T.Y. Fung, STP/STN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the temporary cargo handling and forwarding facility (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 domestic structures in the vicinity of the site. According to the District Officer (North), Home Affairs Department, the Vice-chairman of Ta Kwu Ling District Rural Committee, the Indigenous Inhabitant Representative (IIR) and Resident Representative (RR) of San Uk Ling objected to the application on the grounds as set out in paragraph 10.1.12 of the Paper. 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, three public comments were received from the Chairman of Sheung Shui District Rural Committee and the incumbent North District Council member indicating no comment on the application; and
- (e) the Planning Department (PlanD)'s views – PlanD considered the applied use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Although the proposed use was in general not in line with the planning intention of “Agriculture” (“AGR”) zone, the Director of Agriculture, Fisheries and Conservation had no strong view on the application as the site had been paved and occupied by open storage uses for some years. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “AGR” zone. Although DEP did not support the application, there had not been any substantiated environmental complaint in the past three years. To address the concern of DEP, approval conditions restricting the operation hours and no operation on Sundays and public holidays were recommended with a view to minimizing the possible environmental nuisance were recommended. There was no adverse comment from the other government departments consulted. The application generally complied with the Town Planning Board Guidelines No. 13E (TPB PG-No. 13E) in that the site fell within Category 2 areas and there were previous approvals for similar use on the site, no major adverse departmental comments, or the

concern of relevant departments and local residents could be addressed through the implementation of relevant approval conditions. The last previous application (No. A/NE-FTA/149) for the same applied use was approved on 6.2.2015 and all the approval conditions had been complied with. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

96. In response to a Member's enquiry, Mr Tim T.Y. Fung, STP/STN, explained that the four similar applications were rejected by the Committee on the ground that they were not in line with TPB PG-No. 13E as adverse departmental comments were received.

#### Deliberation Session

97. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.6.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 8:00 p.m. and 8:00 a.m. on Mondays to Saturdays, 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, should be allowed on the site during the planning approval period;
- (c) the maintenance of the existing drainage facilities on the site at all times during the planning approval period;
- (d) the maintenance of all trees on the site in good condition at all times throughout the planning approval period;
- (e) the submission of a condition record of the existing drainage facilities on-site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.9.2018;

- (f) the submission of proposals for water supplies for fire-fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.12.2018;
- (g) in relation to (f) above, the provision of water supplies for fire-fighting and 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 15.3.2019;
- (h) if any of the above planning conditions (a), (b), (c) or (d) 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; and
- (i) if any of the above planning conditions (e), (f) or (g) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

#### **Agenda Item 24**

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

[Open Meeting]

A/NE-LYT/645      Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years in “Agriculture” Zone, Lot 1495 S.B RP in D.D. 76, Ng Uk Tsuen, Sha Tau Kok Road, Fanling  
(RNTPC Paper No. A/NE-LYT/645A)

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99. The Committee noted that the applicant requested on 30.5.2018 deferment of the consideration of the application for two months in order to allow time to prepare further

information to address the comments of the Transport Department (TD). It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information including a traffic impact assessment report to address the comments of TD.

100. 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 Items 25 to 30**

#### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/653      Proposed House (New Territories Exempted House - Small House) in  
"Agriculture" Zone, Lot 1823 S.B in D.D. 76, Ma Mei Ha Leng Tsui,  
Fanling  

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(RNTPC Paper No. A/NE-LYT/653 to A/NE-LYT/658)

A/NE-LYT/654      Proposed House (New Territories Exempted House - Small House) in  
"Agriculture" Zone, Lot 1823 S.C in D.D. 76, Ma Mei Ha Leng Tsui,  
Fanling  

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(RNTPC Paper No. A/NE-LYT/653 to A/NE-LYT/658)

A/NE-LYT/655 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 1823 S.D in D.D. 76, Ma Mei Ha Leng Tsui, Fanling  
(RNTPC Paper No. A/NE-LYT/653 to A/NE-LYT/658)

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A/NE-LYT/656 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 1823 S.E in D.D. 76, Ma Mei Ha Leng Tsui, Fanling  
(RNTPC Paper No. A/NE-LYT/653 to A/NE-LYT/658)

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A/NE-LYT/657 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 1823 S.F in D.D. 76, Ma Mei Ha Leng Tsui, Fanling  
(RNTPC Paper No. A/NE-LYT/653 to A/NE-LYT/658)

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A/NE-LYT/658 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 1823 S.G in D.D. 76, Ma Mei Ha Leng Tsui, Fanling  
(RNTPC Paper No. A/NE-LYT/653 to A/NE-LYT/658)

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101. The Committee noted that the six applications were similar in nature within the same “Agriculture” (“AGR”) zone and the application sites were located close to each other. The Committee agreed that the applications should be considered together.

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

#### Presentation and Question Sessions

102. Mr Tim T.Y. Fung, STP/STN, presented the applications and covered the following aspects as detailed in the Paper:

- (a) background to the applications;
- (b) the proposed houses (New Territories Exempted Houses (NTEH) - Small Houses);

- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agriculture point of view as active agricultural activities were found in the vicinity of the sites, agricultural infrastructure was available, and the sites possessed potential for agricultural rehabilitation. According to the District Officer (North), Home Affairs Department, the Resident Representative of Leng Tsui objected to the applications. Other concerned government departments had no objection to or no adverse comments on the applications;
- (d) during the first three weeks of the statutory publication period, five public comments for each of the applications were received. A North District Council member supported all applications whereas the Designing Hong Kong Limited and an individual objected to the applications. The Chairmen of Fanling District Rural Committee and Sheung Shui District Rural Committee indicated no comment on the application. Major views and objection grounds were set out in paragraph 10 of the Paper;
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments set out in paragraph 11 of the Paper. While the proposed developments were not in line with the planning intention of the “AGR” zone and DAFC did not support the applications, the proposed Small Houses were not incompatible with the surrounding rural setting and significant adverse landscape impact arising from the proposed developments was not anticipated. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, more than 50% of the footprints of the proposed Small Houses fell within the village ‘environ’ of Ma Mei Ha Leng Tsui and Leng Pei Tsuen and land available within the “Village Type Development” (“V”) zone was insufficient to meet the outstanding Small House applications. There were 48 similar applications in the vicinity approved by the Committee between 2003 and 2018 and there had not been any major change in planning circumstances of the area since the approval of the

similar applications. There were new Small Houses under construction and approved Small Houses applications at different stage of development nearby, forming a new village cluster in the locality. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

103. In response to the Chairman's enquiry, Mr Tim T.Y. Fung, STP/STN, said that the previous planning permissions covering the sites lapsed in April 2018 and the Lands Department was currently processing the applications for Small House grant for those sites.

#### Deliberation Session

104. After deliberation, the TPB decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the permissions should be valid until 15.6.2022, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. Each of the permissions was subject to the following conditions:

- “(a) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (b) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

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

**Agenda Items 31 to 33**

**Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/659 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 1773 S.B ss.1 in D.D. 76, Ma Mei Ha Leng Tsui, Fanling  
(RNTPC Paper No. A/NE-LYT/659 to 661)

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A/NE-LYT/660 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 1773 S.B ss.2 in D.D. 76, Ma Mei Ha Leng Tsui, Fanling  
(RNTPC Paper No. A/NE-LYT/659 to 661)

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A/NE-LYT/661 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” Zones, Lot 1773 S.B ss.4 in D.D. 76, Ma Mei Ha Leng Tsui, Fanling  
(RNTPC Paper No. A/NE-LYT/659 to 661)

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106. The Committee noted that the three applications were similar in nature within the same “Agriculture” (“AGR”)/“Village” (“V”) zones and the application sites were located close to each other. The Committee agreed that the applications should be considered together.

**Presentation and Question Sessions**

107. Mr Tim T.Y. Fung, STP/STN, presented the applications and covered the following aspects as detailed in the Paper:

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

paragraph 9 and Appendix V of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications from the agriculture point of view because active agricultural activities were found in the vicinity of the sites, agricultural infrastructure was available and the sites possessed potential for agricultural rehabilitation. According to the District Officer (North), Home Affairs Department, the Indigenous Inhabitant Representative and the Resident Representative of Leng Tsui objected to the applications. Other concerned government departments had no objection to or no adverse comments on the applications;

- (d) during the first three weeks of the statutory publication period, five public comments for each of the applications were received. A North District Council member supported all applications while the Designing Hong Kong Limited and an individual raised objection to the applications. The Chairmen of Fanling District Rural Committee and Sheung Shui District Rural Committee indicated no comment. Major views and objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessments set out in paragraph 11 of the Paper. Although the proposed developments were not in line with the planning intention of the “AGR” zone and the DAFC did not support the applications, the proposed Small Houses were not incompatible with the surrounding rural setting and significant adverse landscape impact arising from the proposed developments was not anticipated. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, more than 50% of the footprints of the proposed Small Houses fell within the village ‘environ’ of Ma Mei Ha Leng Tsui and Leng Pei Tsuen and land available within the “V” zone was insufficient to meet the outstanding Small House applications. There were 48 similar applications in the vicinity approved by the Committee between 2003 and 2018 and there had not been any major change in planning circumstances of the area since the approval of the similar applications. There were new Small Houses under construction and approved Small Houses applications

at different stage of development nearby, forming a new village cluster in the locality. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

108. Members had no question on the applications.

#### Deliberation Session

109. After deliberation, the TPB decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the permissions should be valid until 15.6.2022, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. Each of the permissions was subject to the following conditions:

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

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

**Agenda Item 34**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/662      Renewal of Planning Approval for Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years in “Agriculture” Zone, Lot 1511 RP (Part) in D.D. 83, Wing Ning Wai, Fanling  
(RNTPC Paper No. A/NE-LYT/662)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) renewal of planning approval for temporary public vehicle park for private cars and light goods vehicles for a period of three years;
- (c) departmental comments – departmental comments were set out at paragraph 10 of the Paper. According to the District Officer/North, Home Affairs Department, the Chairman of Fanling District Rural Committee objected to the proposal as the application would aggravate the existing traffic congestion and cause adverse environmental impacts on the surrounding areas. 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 were received. One North District Council (NDC) member supported the application while the Vice-chairman of Fanling District Rural Committee and other individuals objected to the application. Another NDC member had no comment and the Designing Hong Kong Limited did not provide any view on the application. Major view and objection

grounds were set out at paragraph 11 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD considered the applied use could be tolerated for a further period of three years based on the assessments set out in paragraph 12 of the Paper. While the proposed use was not in line with the planning intention of the “Agriculture” (“AGR”) zone, the Director of Agriculture, Fisheries and Conservation had no strong view on the application. The applied use on a temporary basis for three years would not jeopardize the long-term planning intention of “AGR” zone and the applied use was not incompatible with the surrounding land uses. The application was considered generally in line with the Town Planning Board Guidelines No. 34B in that there had been no material change in planning circumstances of the site and the surrounding areas since the previous temporary approval was granted, all the approval conditions under the previous approval had been complied with and the three-year approval period sought was of the same timeframe as the previous approval. Significant adverse traffic, environmental, drainage and landscape impacts on the surrounding areas were not envisaged. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

112. Members had no question on the application.

#### Deliberation Session

113. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 20.6.2018 to 19.6.2021, 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 cars and light goods vehicles not exceeding 5.5 tonnes, as defined in the Road Traffic Ordinance, are allowed to be parked within the site during the planning approval period;

- (b) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) including container trailers/tractors, as defined in the Road Traffic Ordinance, is allowed to be parked/stored on the site at any time during the planning approval period;
- (c) the existing trees and landscape plantings on-site should be properly maintained in good condition at all times during the planning approval period;
- (d) the existing drainage facilities shall be properly maintained at all times during the planning approval period and rectified if they are found inadequate/ineffective during operation;
- (e) the implementation of the traffic management proposals and widening of the vehicular gate as committed by the applicant within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 20.12.2018;
- (f) the submission of a condition record of the existing drainage facilities on the site as previously implemented on the same site in the Application No. A/NE-LYT/560 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 20.9.2018;
- (g) the submission of a fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.12.2018;
- (h) in relation to (g) above, the implementation of the fire service installations proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.3.2019;

- (i) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (j) if any of the above planning conditions (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.”

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

### **Agenda Item 35**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/663      Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” Zone, Lot 1760 S.D in D.D. 76, Ma Mei Ha Leng Tsui,  
Fanling  
(RNTPC Paper No. A/NE-LYT/663)

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

115. Mr Tim T.Y. Fung, STP/STN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. The Director of Agriculture,

Fisheries and Conservation (DAFC) did not support the application from the agriculture point of view as active agricultural activities were found in the vicinity of the site, agricultural infrastructure was available and the site possessed potential for agricultural rehabilitation. According to the District Officer/North, Home Affairs Department, the Resident Representative of Leng Tsui objected to the application. 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, five public comments were received. A North District Council member supported the application while the Designing Hong Kong Limited and an individual raised objection to the application. The Chairmen of Fanling District Rural Committee and Sheung Shui District Rural Committee indicated no comment on the application. Major views and objection grounds 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. While the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone and DAFC did not support the application, the proposed Small House was not incompatible with the surrounding rural setting and significant adverse landscape impact arising from the proposed development was not anticipated. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, more than 50% of the footprint of the proposed Small House fell within the village ‘environ’ of Ma Mei Ha Leng Tsui and Leng Pei Tsuen and land available within the “Village Type Development” (“V”) zone was insufficient to meet the outstanding Small House applications. There were 48 similar applications in the vicinity approved by the Committee between 2003 and 2018. There were new Small Houses under construction and approved Small Houses applications at different stage of development nearby, forming a new village cluster in the locality. Regarding the public comments, the comments of government departments

and the planning assessments above were relevant.

116. Members had no question on the application.

#### Deliberation Session

117. 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 15.6.2022, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

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

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

**Agenda Item 36**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-STK/13            Proposed Temporary Public Vehicle Park (Coaches and Private Cars Only) for a Period of 3 Years in “Agriculture” Zone, Lots 443 S.B RP (Part), 444 S.B RP (Part), 445 S.B RP (Part), 446 S.B RP (Part) and 447 S.B (Part) in D.D. 41 and Adjoining Government Land, Sha Tau Kok  
  
(RNTPC Paper No. A/NE-STK/13A)

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**Presentation and Question Sessions**

119.        Mr Tim T.Y. Fung, STP/STN, presented the application and covered the following aspects as detailed in the Paper:

- (a)    background to the application;
  
- (b)    temporary public vehicle park (coaches and private cars only) for a period of three years;
  
- (c)    departmental comments – departmental comments were set out at paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were domestic structures in the vicinity of the site. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agriculture point of view as agricultural activities in the vicinity were active, agricultural infrastructures were available and the site possessed high potential for agricultural rehabilitation, and could be utilised as plant nursery, greenhouse and orchid farms. According to the District Officer (North), Home Affairs Department, the Chairman of Sha Tau Kok District Rural Committee and the Indigenous Inhabitant Representative (IIR) of Tong To objected to the application on the grounds as set out in paragraph 9.1.11 (b) of the Paper. 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, seven public comments were received. While the incumbent North District Council member supported the application, the Chairman of Sha Tau Kok District Rural Committee and the IIR of Tong To objected to the application. An individual provided comments on the application whereas the Chairman of Sheung Shui District Rural Committee indicated no comment. Major views and objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD considered the applied use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. While the applied use was not in line with the planning intention of the “Agriculture” (“AGR”) zone and DAFC did not support the application, the proposed development was considered not entirely incompatible with the surrounding land uses which were of rural landscape character. To address DEP's concerns, relevant approval conditions including restricting the operation hours and other workshop activities at the site were recommended. The site was the subject of a previous planning application (No. A/NE-STK/5) approved in 2015 and was subsequently revoked on 16.4.2017 due to non-compliance with approval conditions on the provision of boundary fencing and implementation of tree preservation and landscape proposal. According to the latest site inspection, the site had been fenced off and trees were found within the site. In this connection, shorter compliance periods were recommended to monitor the progress on compliance with approval conditions. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

120. In response to the questions of the Chairman and a Member, Mr Tim T.Y. Fung, STP/STN, said that the proposed temporary public vehicle park would mainly serve the visitors of the adjacent Sha Tau Kok Farm, but there was no information in the applicant's submission that the general public would not be allowed to use the proposed public vehicle

park.

Deliberation Session

121. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.6.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the site at any time during the planning approval period;
- (c) only coaches and private cars as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to be parked on 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 only coaches and private cars as defined in the Road Traffic Ordinance are allowed to be parked on the site at any time during the planning approval period;
- (e) no vehicle washing, vehicle repairing, dismantling, paint spraying or other workshop activity is allowed on the site at any time during the planning approval period;
- (f) no queuing and reverse movement of vehicle onto public road is allowed at any time during the planning approval period;
- (g) the maintenance of peripheral fencing on site at all times during the planning approval period;

- (h) the maintenance of the existing drainage facilities on the site at all times during the planning approval period;
- (i) the submission of the design of vehicular run-in/ run-out to the site along Sha Tau Kok Road – Sheung Chung Au within 3 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 15.9.2018;
- (j) in relation to (i) above, the provision of vehicular run-in/ run-out to the site along Sha Tau Kok Road – Sheung Chung Au within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 15.12.2018;
- (k) the submission of revised tree preservation and landscape proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.9.2018;
- (l) in relation to (k) above, the implementation of revised tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.12.2018;
- (m) the submission of a drainage condition record within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.9.2018;
- (n) the submission of proposals for water supplies for fire-fighting and fire service installations within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.9.2018;
- (o) in relation to (n) above, the implementation of proposals for water supplies for fire-fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.12.2018;

- (p) the submission of a traffic signage and pedestrian facilities proposal and within 3 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 15.9.2018;
- (q) in relation to (p) above, the implementation of traffic signage and pedestrian facilities proposal identified therein within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 15.12.2018;
- (r) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (s) if any of the above planning conditions (i), (j), (k), (l), (m), (n), (o), (p) or (q) is not complied by the specified date, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (t) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of Director of Planning or of the TPB.”

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

[The Chairman thanked Mr Kenny C.H. Lau, Ms Kathy C.L. Chan and Mr Tim T.Y. Fung, STPs/STN, for their attendance to answer Members’ enquiries. Mr Lau, Ms Chan and Mr Fung left the meeting at this point.]

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

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

**Agenda Item 37**

**Section 16 Application**

[Open Meeting]

A/YL-NTM/360      Proposed Temporary Shop and Services (Grocery Store) for a Period of 3 Years in “Comprehensive Development Area” Zone, Lot 624 (Part) in D.D. 105, Shek Wu Wai San Tsuen, Ngau Tam Mei, Yuen Long (RNTPC Paper No. A/YL-NTM/360A)

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123.            The Committee noted that the applicant’s representative requested on 31.5.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information 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 further information in response to departmental comments.

124.            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 38**

**Section 16 Application**

[Open Meeting]

A/YL-NTM/362      Proposed Temporary Open Storage of Construction Materials for a Period of 3 Years in “Comprehensive Development Area” Zone, Lots 686 (Part), 687, 690 and 692 (Part) in D.D. 105 and Adjoining Government Land, Shek Wu Wai San Tsuen, Ngau Tam Mei, Yuen Long  
(RNTPC Paper No. A/YL-NTM/362A)

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125.            The Committee noted that the applicant’s representative requested on 31.5.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information 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 further information in response to departmental comments.

126.            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 39**

**Section 16 Application**

[Open Meeting]

A/FSS/269

Proposed House (New Territories Exempted House - Small House) in  
“Green Belt” Zone, Government Land in D.D. 91, Ng Uk Tsuen,  
Sheung Shui

(RNTPC Paper No. A/FSS/269)

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127. The Committee noted that the applicant’s representative requested on 7.6.2018 deferment of the consideration of the application for two months in order to allow time to consult relevant government departments on the location of the proposed Small House. It was the first time that the applicant requested deferment of the application.

128. 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 40**

**Section 16 Application**

[Open Meeting]

A/FSS/270

Proposed House and Social Welfare Facility (Residential Care Home  
for the Elderly) in “Village Type Development” Zone, Various Lots in  
D.D. 51, Fanling

(RNTPC Paper No. A/FSS/270)

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129. The Committee noted that the applicant's representative requested on 1.6.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

#### **Agenda Item 41**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/KTN/36                      Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles with Ancillary Resting Room and Office for a Period of 1 Year in "Other Specified Uses" annotated "Amenity Area" Zone and an area shown as 'Road', Lots 664 RP (Part), 665 RP, 667 and 672 (Part) in D.D. 96, Kwu Tung, Sheung Shui  
(RNTPC Paper No. A/KTN/36C)

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131. The Secretary reported that the application site was in Kwu Tung. Dr C.H. Hau had declared an interest on the item as he owned a property in Kwu Tung North area. Since the property of Dr C.H. Hau had no direct view of the application site, the Committee agreed that he could be allowed to stay in the meeting.

Presentation and Question Sessions

132. Ms S.H. Lam, 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 cars and light goods vehicles with ancillary resting room and office for a period of one year;
- (c) departmental comments – departmental comments were set out at paragraph 9 of the paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site. According to the District Officer/North, Home Affairs Department, the Chairman of Sheung Shui District Rural Committee, the North District Council (NDC) member of the subject Constituency, the Resident Representatives (RRs) of Kwu Tung (North), Kwu Tung (South) and Yin Kong raised objections to the application. The objection grounds were set out in paragraph 9.1.12 of the Paper;
- (d) during the statutory public inspection periods, 13 public comments were received. While an individual supported the application, two NDC members and three individuals raised objections. Four other comments indicated no comment on the application. Major view and objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD considered the applied use could be tolerated for a period of one year based on the assessment set out in paragraph 11 of the Paper. Although the applied development was not in line with the planning intention of “Other Specified Uses” annotated “Amenity Area” (“OU(A)”) zone and ‘Road’, and the site fell within the advance works of the Kwu Tung North New Development Area project, relevant government departments had no objection to the application and approval of the application for one year would not jeopardize the long-term

development of the site. Although DEP did not support the application as there were sensitive uses near the site, the applied development was not incompatible with the existing surrounding land uses and there was no environmental complaint received in the past three years. The concern of DEP on possible environmental nuisance to the surrounding areas could be addressed through the incorporation of approval conditions restricting the operating hours and days and prohibiting medium/heavy goods vehicles. The site was involved in two previous approved applications (No. A/KTN/14 and 24) for similar temporary public vehicle park and one similar application within the same “OU(A)” zone and ‘Road’ area was approved. Approval of the current application was in line with the Committee’s previous decision. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

133. A Member expressed that the size of the ancillary restroom was disproportionately large in comparing with the main applied use. Ms S.H. Lam, STP/FSYLE, responded that the applicant had explained that the restroom would only be used by their staff and no retailing activities would be involved.

#### Deliberation Session

134. Noting that the ancillary restroom was disproportionately large, a Member had concern on whether it could easily be converted for other uses such as catering services for commercial purpose. Another Member noted that the Environmental Protection Department had not received any complaints from the general public with regard to the use at the site so far. It might not be appropriate to speculate the site would be utilised for other uses.

135. A Member enquired and the Chairman responded that the application should be considered based on the submitted proposal. After further discussion, Members agreed that advisory clause (b) should be suitably amended to advise the applicant that other commercial uses such as catering services were not allowed at the site.

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

temporary basis for a period of 1 year until 15.6.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 8:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no medium/heavy goods vehicles exceeding 5.5 tonnes including container tractors/trailers as defined in the Road Traffic Ordinance are allowed to/from the site at any time during the planning approval period;
- (d) no reversing of vehicles into or out of the site is allowed at any time during the planning approval period;
- (e) the submission of proposal for fire service installations and water supplies for fire-fighting within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.9.2018;
- (f) in relation to (e) above, the implementation of proposal for fire service installations and water supplies for fire-fighting within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.12.2018;
- (g) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.9.2018;
- (h) in relation to (g) above, the implementation of drainage proposal with 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.12.2018;
- (i) the submission of landscape proposal within 3 months from the date of

planning approval to the satisfaction of the Director of Planning or of the TPB by 15.9.2018;

- (j) in relation to (i) above, the implementation of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.12.2018;
- (k) if any of the above planning conditions (a), (b), (c) or (d) complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked without further notice; and
- (l) if any of the above planning conditions (e), (f), (g), (h), (i) or (j) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

137. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix V of the Paper with amendment on advisory clause (b) as proposed during the meeting and which was amended as follows:

“(b) the permission is given to the development under application. It does not condone any other development which currently exists on the site and other commercial uses such as catering services which are not covered by the application. The applicant should be requested to take immediate action to discontinue such development not covered by the permission;”

**Agenda Item 42**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/KTN/44                      Temporary Coach, Container Tractor and Trailer Park for a Period of 3 Years in “Other Specified Uses” annotated “Amenity Area” and “Other Specified Uses” annotated “Business and Technology Park” Zones and an area shown as ‘Road’, Lot 904 in D.D. 92 and Adjoining Government Land, Yin Kong, Sheung Shui  
(RNTPC Paper No. A/KTN/44)

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138.            The Secretary reported that the application site was in Kwu Tung. Dr C.H. Hau had declared an interest on the item as he owned a property in Kwu Tung North area. Since the property of Dr C.H. Hau had no direct view of the application site, the Committee agreed that he could be allowed to stay in the meeting.

**Presentation and Question Sessions**

139.            Ms S.H. Lam, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the temporary coach, container tractor and trailer park 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 since the applied use was expected to generate traffic of heavy vehicles and there were domestic uses within 100m of the site boundary. According to the the District Officer/North, Home Affairs Department, the Chairman of Sheung Shui District Rural Committee, the Indigenous Inhabitant Representative (IIR) and the Resident Representatives of Yin Kong objected to the application. The

objection grounds were set out in paragraph 10.1.11 of the Paper;

- (d) during the first three weeks of the statutory publication period, two public comments from individuals indicating no comment on the application were received; and
- (e) the Planning Department (PlanD)'s views – PlanD considered the applied use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Although the applied use was not in line with the planning intentions of the “Other Specified Uses” annotated “Business and Technology Park” (“OU(BTP)”), “Other Specified Uses” annotated “Amenity Area” (“OU(A)”) and ‘Road’, the site fell within the Remaining Packages of Kwu Tung North New Development Area (KTN NDA) and the Project Manager/North, Civil Engineering and Development Department had no objection to the application in relation to the implementation of the NDA. Approval of the application for three years would not jeopardize the long-term development of the site. Besides, the applied use was not incompatible with the existing surrounding land uses. Although DEP did not support the application, no environmental complaint was received in the past three years. To address the concern of DEP, approval conditions restricting the operating hours and days and paving of the site were recommended. There was no adverse comment from other relevant departments consulted. The application generally complied with the Town Planning Board Guidelines No. 13E in that the site fell within Category 3 areas and was the subject of a previous application (No. A/KTN/23) for the applied use for three years approved on 4.3.2016 but revoked on 4.4.2018. The current application was submitted due to the change of occupant of the site. As the applicant had submitted drainage proposal and proposed to preserve existing trees at the site, sympathetic consideration could be given to the current application. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

140. Members had no question on the application.

Deliberation Session

141. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.6.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) the existing trees on the site shall be maintained at all times during the planning approval period;
- (d) the paving of the vehicular access area of the application site, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.12.2018;
- (e) the submission of proposal for fire service installations and water supplies for fire-fighting within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.12.2018;
- (f) in relation to (e) above, the implementation of proposal for fire service installations and water supplies for fire-fighting within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.3.2019;
- (g) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.12.2018;
- (h) in relation to (g) above, the implementation of drainage proposal with

9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.3.2019;

- (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 without further notice; and
- (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.”

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

### **Agenda Item 43**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/456      Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” Zone, Lot 819 in D.D. 100, Hang Tau Village , Sheung  
Shui  
(RNTPC Paper No. A/NE-KTS/456)

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

143. Ms S.H. Lam, 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 V of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural point of view as agricultural activities in the vicinity of the site were very active and the site possessed potential of agricultural rehabilitation. 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, four public comments were received. While the North District Council member of the subject Constituency and an individual supported the application, another two individuals had provided comments and indicated no comment on the application respectively. Major views were set out in paragraph 11 of Paper; and
  
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. Although the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone and the DAFC did not support the application, the proposed development was not incompatible with the surrounding environment which was rural in nature. Adverse landscape, drainage and environmental impacts on the surrounding area were not anticipated. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, 100% of the footprint of the proposed Small House fell within the village ‘environ’ of Hang Tau and land available within the “V” zone was capable to meet the outstanding Small House applications. Nevertheless, the site was the subject of a previous application (No. A/NE-KTS/300) approved in 2010 for the same use and submitted by the same applicant. Besides, 39 similar applications were approved in the vicinity of Hang Tau Village. There had been no material change in the planning circumstances in the area since the applications were approved and sympathetic consideration might be given. Approval of the application was in line with the Committee's

previous decision. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

144. Members had no question on the application.

#### Deliberation Session

145. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 15.6.2022, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

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

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

#### Agenda Item 44

##### Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/592 Proposed Temporary Shop and Services (Financial Institution) with Ancillary Staff Canteen for a Period of 3 Years in “Other Specified Uses” annotated “Railway Reserve” Zone, Lots 4122, 4123, 4124 and 4125 (Part) in D.D. 104 and Adjoining Government Land, San Tam Road, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/592A)

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Presentation and Question Sessions

147. 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 (financial institution) with ancillary staff canteen for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application from nature conservation point of view as the site was abutting “Conservation Area” (“CA”) zone and there was concern on encroachment into the “CA” zone by the proposed development. The Commissioner of Police (C of P) had reservation for the ancillary staff canteen as an operation for unlicensed sale of liquor was previously conducted at 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 a Yuen Long District Council member and an individual objecting to the application were received. Major objection grounds were set out in paragraph 10.2 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD considered the applied use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Although the development was not in line with the planning intention of the “Other Specified Uses” annotated “Railway Reserve” (“OU(Railway Reserve)”) zone and the site fell within the administrative route protection boundary of the Northern Link (NOL), temporary approval of the applied use would not frustrate the long-term

planning intention of the zone. The proposed development was considered not incompatible with the surrounding land uses. Besides, in view of its scale and proximity to the San Tam Road, the proposed development would unlikely generate significant adverse traffic, drainage, environment and landscape impacts on the surrounding areas. To address the concerns of the DAFC, approval condition requiring the provision of boundary fencing on the site was recommended. With respect to the comments from the C of P, an advisory clause was recommended to remind the applicant that the planning permission was given to the development/use under application and did not condone any other development/use not covered by the application. The site was the subject of two previous applications (No. A/YL-KTN/419 and 451) submitted by the same applicant which were subsequently revoked due to non-compliance of the approval conditions. Under the current application, the applicant submitted landscape, drainage and fire service installations (FSIs) proposals and the drainage and FSIs proposals were accepted by relevant departments. Sympathetic consideration for the current application could be considered and shorter compliance periods were recommended to closely monitor the progress of compliance. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

148. Members had no question on the application.

#### Deliberation Session

149. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.6.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 7:30 p.m. to 9:30 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no medium or heavy goods vehicle exceeding 5.5 tonnes, including

container tractor/trailer, as defined in the Road Traffic Ordinance is allowed to be parked/stored on or 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 existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (e) 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 15.9.2018;
- (f) the submission of tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.9.2018;
- (g) in relation to (f) above, the implementation of the 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 15.12.2018;
- (h) the submission of the 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 15.9.2018;
- (i) the implementation of the accepted 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 15.12.2018;
- (j) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;

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

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

#### **Agenda Item 45**

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

[Open Meeting]

A/YL-KTN/604 Proposed Flat, Shop and Services, Eating Place, School and Public Transport Terminus or Station Uses and Minor Relaxation of Plot Ratio and Building Height Restrictions in “Comprehensive Development Area (1)” and “Comprehensive Development Area” Zones, Various Lots in D.D. 107 and Adjoining Government Land, Cheung Chun San Tsuen, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/604)

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151. The Secretary reported that the application was submitted by Bright Strong Limited which was a subsidiary of Sun Hung Kai Properties Limited (SHK), with Llewelyn-Davies Hong Kong Limited (LD), Ronald Lu & Partners (Hong Kong) Limited (RLP) and Urbis Limited (Urbis) as the consultants of the applicant. The following Members had declared interests on this item:

- Mr Ivan C.S. Fu - having current business dealings with SHK and Urbis;
- Mr K.K. Cheung - his firm having current business dealings with

SHK;

- Mr Stephen L.H. Liu - having past business dealings with SHK, LD and RLP;
- Miss Winnie W.M. Ng - being a Director of the Kowloon Motor Bus Company (1933) Ltd. (KMB) and SHK was one of the shareholders of KMB; and
- Mr Ricky W.Y. Yu - his firm having current business dealings with LD.

152. The Committee noted that the applicant had requested deferment of consideration of the application and Mr Ivan C.S. Fu, Mr K.K. Cheung and Mr Stephen L.H. Liu had tendered apologies for being unable to join the meeting. Since the interest of Miss Winnie W.M. Ng was direct, the Committee agreed that she could stay in the meeting but should refrain from participating in the discussion. The Committee also agreed that Mr Ricky W.Y. Yu could stay in the meeting as he had no involvement in the application.

153. The Committee noted that the applicant's representative requested on 1.6.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

154. 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 46**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/605      Proposed Temporary Animal Boarding Establishment for a Period of 3  
Years in “Agriculture” Zone, Lots 736 (Part) and 737 (Part) in D.D.  
107, Fung Kat Heung, Yuen Long  
(RNTPC Paper No. A/YL-KTN/605)

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**Presentation and Question Sessions**

155.      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 animal boarding establishment for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Chief Town Planning/ Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservations on the application as it would set an undesirable precedent for site modification prior to application. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as agricultural activities in the vicinity were very active, agricultural infrastructures were available and the site was highly favourable for high-value farming activities. 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, one public comment from an individual objecting to the application was received. The objection grounds were set out in paragraph 11 of the Paper; and

- (e) PlanD's views – PlanD considered that the applied use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Although the proposed use was not in line with the planning intention of the “Agriculture” (“AGR”) zone, and DAFC did not support the application, approval of the application on a temporary basis would not jeopardize the long-term planning intention of the “AGR” zone. The proposed development was considered not incompatible with the surrounding land uses which were rural in character. Relevant department consulted, except DAFC and CTP/UD&L of PlanD, had no adverse comment on the application. To minimize the possible environmental nuisance and to address the concern of CTP/UD&L of PlanD, approval conditions restricting the operation hours, prohibiting relevant activities on the site, and requiring the submission and implementation of tree preservation proposal were recommended. There were 17 similar applications within the same “AGR” zone approved from 2005 to 2018. Approval of the current application was in line with the Committee's previous decision on similar applications. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

156. Noting DAFC's comment that the applicant would need to apply for a Boarding Establishment Licence from his department, a Member asked if such requirement should be included as an approval condition should the application be approved. Ms Ivy C.W. Wong, STP/FSYLE, responded that the applicant would need to apply for the licence separately. The Secretary said that approval conditions to be imposed should be related to planning considerations. In general, for matters that would be subject to control under other relevant legislations or licensing control, it would not be necessary to include those requirements in the approval conditions.

#### Deliberation Session

157. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.6.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 6:00 p.m. and 10:00 a.m. (except for overnight animal boarding establishment), as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation between 10:00 a.m. to 11:00 a.m. and 5:00 p.m. to 6:00 p.m. on Saturdays, Sundays, and public holidays (except for overnight animal boarding), as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) all animals shall be kept inside the enclosed structures, as proposed by the applicant, at all times during the planning approval period;
- (d) no public announcement system and whistle blowing, as proposed by the applicant, is allowed to be used on the site during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the submission of tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.12.2018;
- (g) in relation to (f) above, the implementation of the tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.3.2019;
- (h) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.12.2018;
- (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 15.3.2019;

- (j) in relation to (i) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (k) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.12.2018;
- (l) in relation to (k) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.3.2019;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e) or (j) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (f), (g), (h), (i), (k) or (l) is not complied with by the specific date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;  
and
- (o) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

**Agenda Item 47**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/606      Temporary Shop and Services and Eating Place (Outside Seating Accommodation of a Restaurant) with Ancillary Parking Spaces for a Period of 3 Years in “Residential (Group B)” and “Village Type Development” Zones, Lots 216 S.S ss.2 RP, 216 S.S RP, 237 S.B RP, 237 S.B ss.3 RP, 237 S.B ss.3 S.A, 237 S.B ss.4 S.A, 237 S.B ss.4 S.B, 237 S.B ss.4 RP, 237 S.B ss.5 RP (Part), 237 S.B ss.12 RP, 237 S.B ss.13 RP and 237 S.B ss.14 RP in D.D.103 and Adjoining Government Land, Ko Po Tsuen, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/606)

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**Presentation and Question Sessions**

159.      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 shop and services and eating place (outside seating accommodation of a restaurant) with ancillary parking spaces for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from an individual objecting to the application. The objection grounds were set out at paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the

applied use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Approval of the application on a temporary basis for a period of three years would not jeopardize the planning intention of the concerned zones. The development was considered not incompatible with the surrounding land uses which were rural in character. The application was in line with the Town Planning Board Guidelines No. 15A in that the applied use was located at the fringe of residential clusters of Ko Po Tsuen and was readily accessible from Ying Ho Road/Kam Tin Road and would unlikely cause inconvenience to the residents nearby. Besides, in view of the scale of the development, adverse traffic, drainage, sewage disposal and environmental impacts on the surrounding areas were unlikely. Part of the site was subject to previous approved applications for the applied uses. The last two applications covering the site (applications No. A/YL-KTN/497 and No. A/YL-KTN/537) were approved in 2016. However, both applications were revoked on 22.7.2017 and 14.1.2017 respectively due to non-compliance of approval conditions related to the submission and implementation of drainage, landscape and tree preservation and fire services installations (FSIs) aspects. Under the current application, the applicant had submitted drainage and FSIs proposals. In this regard, sympathetic consideration could be given to the current application and shorter compliance periods were recommended to monitor the fulfilment of approval conditions. Regarding the public comment, 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 approve the application on a temporary basis for a period of 3 years until 15.6.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no medium 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 run-in/out proposal to/from Kam Tin Road within 3 months from the date of planning approval to the satisfaction of the Commissioner for Transport and Director of Highways or of the TPB by 15.9.2018;
- (e) in relation to (d) above, the implementation of the run-in/out proposal to/from Kam Tin Road within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport and Director of Highways or of the TPB by 15.12.2018;
- (f) all existing trees and landscape plantings on the site shall be maintained in satisfactory condition at all times during planning approval period;
- (g) the submission of a drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.9.2018;
- (h) in relation to (g) above, the provision of drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.12.2018;
- (i) in relation to (h) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;

- (j) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 15.9.2018;
- (k) in relation to (j) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 15.12.2018;
- (l) if any of the above planning conditions (a), (b), (c), (f) or (i) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (m) if any of the above planning conditions (d), (e), (g), (h), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (n) 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.”

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

## **Agenda Item 48**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/607      Proposed Temporary Shop and Services (Food) with Ancillary Storage and Office for a Period of 3 Years in “Industrial (Group D)” Zone, Lots 573, 574 S.A (Part), 574 RP (Part), 575 RP (Part) and 576 RP (Part) in D.D. 107 and Adjoining Government Land, Fung Kat Heung, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/607)

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### **Presentation and Question Sessions**

163.      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 (food) with ancillary storage and office 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 comment on the application;
- (d) during the first three weeks of the statutory publication period, four public comments were received from the Kam Tin Rural Committee, representative of Sha Po Tsuen Indigenous Villages and an individual objecting to the application and the other individual providing comments. The major views and objection grounds were set out in paragraph 10.2 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the applied use could be tolerated for a period for three years based on the

assessments set out in paragraph 11 of the Paper. While the proposed use was not entirely in line with the planning intention of the “Industrial (Group D)” (“I(D)”) zone, temporary approval for the applied use for a period of three years would not frustrate the long-term planning intention of the zone. The proposed use was considered not incompatible with the surrounding areas which were rural in character. Two similar applications in the same “I(D)” zone were approved on 2017 and 2018 respectively and approval of the application would be in line with the Committee’s previous decision on similar applications. Concerned departments consulted had no objection to or adverse comment on the application. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

164. In response to a Member’s enquiries, Ms Ivy C.W. Wong, STP/FSYLE said that according to the information provided by the applicant, the product to be sold at the site was lard but no information was provided on the local demand for lard in the submission. The main structures at the site were used for warehouse, office and retail uses. The Secretary supplemented that ‘Warehouse (other than Dangerous Goods Godown)’ was a Column one use in the “I(D)” zone and ancillary uses were always permitted.

#### Deliberation Session

165. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.6.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as proposed by the applicant, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or 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 existing trees and vegetation on the site shall be maintained at all times during the planning approval period;
- (e) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.12.2018;
- (f) in relation to (e) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.3.2019;
- (g) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.12.2018;
- (h) in relation to (g) 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 15.3.2019;
- (i) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (j) if any of the above planning conditions (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.”

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

**Agenda Item 49**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/784      Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a  
Period of 3 Years in “Agriculture” Zone, Lot 866 in D.D. 103, Sze Pai  
Shek, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTS/784)

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**Presentation and Question Sessions**

167.      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 place of recreation, sports or culture (hobby farm) 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 comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments were received from World Wide Fund Hong Kong and an individual objecting to the application. The major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the applied use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. The proposed use was generally not in conflict with the planning intention of the “Agriculture” (“AGR”) zone. Approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention

of the “AGR” zone. The proposed use was considered not incompatible with the surrounding areas which were rural in character. In view of the nature of the hobby farm, it would unlikely cause significant adverse environmental, traffic or drainage impacts. There were four similar applications within the same “AGR” zone with two applications approved in 2015 and 2018 respectively and the other two rejected in 2013 and 2016 respectively. Those rejected applications were different from the current application in terms of the applied uses. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

168. In response to a Member’s enquiry, Ms Ivy C.W. Wong, STP/FSYLE said that according to the applicant, an entrance fee would be required for visitors to the proposed hobby farm.

#### Deliberation Session

169. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.6.2021, 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 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no public announcement system, portable loudspeaker or audio amplification system is allowed to be used on the site during the planning approval period;
- (c) the proper maintenance of all landscape plantings within the site at all times during the planning approval period;
- (d) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.12.2018;

- (e) in relation to (d) 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 15.3.2019;
- (f) in relation to (e) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (g) the submission of fire service installation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.12.2018;
- (h) in relation to (g) 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 15.3.2019;
- (i) if any of the above planning conditions (a), (b), (c) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (j) if any of the above planning conditions (d), (e), (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.”

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

## **Agenda Item 50**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/785      Temporary Public Car Park (Private Car) for a Period of 3 Years in  
“Agriculture” Zone, Lots 111RP, 112(Part), 113, 115RP, 116 (Part)  
and 117RP in D.D. 113, Kam Tin South, Yuen Long  
(RNTPC Paper No. A/YL-KTS/785)

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### **Presentation and Question Sessions**

171.      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 car park (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 Agricultural, Fisheries and Conservation (DAFC) did not support the application since agricultural activities in the vicinity were active and the site possessed potential for agricultural uses. 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, one public comment objecting to the application was received. The objection grounds were set out at paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the applied 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 in line with the planning intention of the “Agriculture” (“AGR”) zone and DAFC did not support the application from agriculture point of

view, the site was located close to the Tai Lam Tunnel Bus Interchange and according to the applicant, the applied use would provide a “park and ride” facility for the passengers using the interchange and would satisfy some of the local parking demand. It was considered that the temporary nature of the development would not jeopardize the long-term planning intention of the “AGR” zone. There were six approved previous applications for public car park use and the current application was similar to the last application No. A/YL-KTS/660 approved in 2015. All approval conditions of the last application had been complied with but the planning permission lapsed on 7.2.2018. As there was no major change in the planning circumstances since the last planning approval, sympathetic consideration could be given to the application. Regarding the public comment, the comments of government departments and the planning assessments above were relevant.

172. Members had no question on the application.

#### Deliberation Session

173. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.6.2021, 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, as proposed by the applicant, are allowed to be parked/stored on the site at any time during the planning approval period;
- (b) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (c) a notice should be posted at a prominent location of the site to indicate that

no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the site at all times during the planning approval period;

- (d) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities, as proposed by the applicant, shall be carried out at the site at any time during the planning approval period;
- (e) no vehicles exceeding 7 metres long, as proposed by the applicant, are allowed to enter the site through Kam Ho Road at any time during the planning approval period;
- (f) no right turning of vehicles from the access road to Kam Ho Road, as proposed by the applicant, is allowed at any time during the planning approval period;
- (g) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (h) the existing boundary fencing on the site should be maintained at all times during the planning approval period;
- (i) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (j) the existing trees and landscape plantings on the site should be maintained in satisfactory condition at all times during the planning approval period;
- (k) the submission of the 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 15.9.2018;
- (l) the submission of fire service installations proposal within 6 months from

the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.12.2018;

- (m) in relation to (l) 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 15.3.2019;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h), (i) or (j) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (o) if any of the above planning conditions (k), (l) or (m) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (p) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

### **Agenda Item 51**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/786      Temporary Open Storage of Construction Materials and Machinery, Office, Staff Restroom and Store Room for a Period of 3 Years in “Agriculture” Zone, Lot 133 RP (Part) in D.D. 113 and Adjoining Government Land, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTS/786)

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Presentation and Question Sessions

175. 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) temporary open storage of construction materials and machinery, office, staff restroom and store room for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers located to the north and south of the site. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site possessed potential for agricultural rehabilitation. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservations on the application as vegetation clearance was noted on site and approval of the application might encourage other similar developments and resulted in irreversible changes to the existing landscape character in the area and potential risk of encroachment into the nearby “Green Belt” (“GB”) zone. According to the District Officer/Yuen Long, Home Affairs Department, the Resident Representative of Ma On Kong Tsuen objected to the application and the objection grounds were set out at paragraph 10.1.10 of the Paper. 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, four public comments were received from World Wide Fund for Nature Hong Kong, Kadoorie Farm and Botanic Garden Corporation, Designing Hong Kong Limited and an individual objecting to the application. The 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 applied use was not in line with the planning intention of the “AGR” zone and DAFC did not support the application from the agriculture point of view as the site possessed potential for agricultural rehabilitation. No strong planning justification had been given in the submission to justify for a departure from the planning intention, even on a temporary basis. The development was not in line with the Town Planning Board Guidelines No. 13E in that the site fell within Category 3 areas and there was no previous approval for open storage use granted at the site and there were adverse departmental and public comments. The site was subject to two previous applications (No. A/YL-KTS/410 and A/YL-KTS/713) which were rejected in 2007 and 2016 respectively. Compared with the last rejected application No. A/YL-KTS/713, the current application was for the same applied use, site area, layout and floor area. Two similar applications were also rejected in 2012 and 2018. Rejection of the current application was in line with the previous decision of the Committee/the Board. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

176. In response to a Member’s enquiry, Ms Ivy C.W. Wong, STP/FSYLE said that the site was the subject of current planning enforcement action involving storage use. Enforcement Notice was issued to the responsible person in January 2018. Depending on the actual circumstances, further enforcement/prosecution actions might be taken.

#### Deliberation Session

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

- “(a) the development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes. This zone is also intended to retain fallow arable land with good potential for rehabilitation. No strong planning justification has been given in the

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

- (b) the application does not comply with the Town Planning Board Guidelines No. 13E in that there is no previous approval granted at the site and there are adverse departmental comments and local objections on the application;
- (c) the applicant fails to demonstrate that the development would not generate adverse landscape impact and environmental nuisance on the surrounding area; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.”

## **Agenda Item 52**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/787      Renewal of Planning Approval for Temporary Open Storage of Electricity Generators and Compressors with Maintenance Work for a Period of 1 Year in “Other Specified Uses” annotated “Rural Use” Zone, Lots 391 RP (Part) and 392 RP in D.D.106, Shek Wu Tong, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTS/787)

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### **Presentation and Question Sessions**

178.      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) renewal of planning approval for temporary open storage of electricity generators and compressors with maintenance work for a period of one year;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the site. 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 that the applied use could be tolerated for a further period of one year. Although the applied use was not in line with the planning intention of the “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) zone, there was no known programme for long-term development at the site and approval of the application on a temporary basis for a period of one year would not jeopardize the long-term planning intention of the zone. The development was considered not incompatible with the surrounding areas. The current application was generally in line with Town Planning Board Guidelines No. 13E in that it fell within Category 3 areas and that previous applications for the same open storage use had been granted since 1995 and all approval conditions under the last application (No. A/YL-KTS/740) had been complied with. Compared with the last approved application, the current application submitted by the same applicant had the same site area/boundary, applied use, total floor area, number of structures and site layout. As there was no major change in planning circumstances since the last approval, sympathetic consideration could be given to the current application. Similar applications for various temporary open storage uses within the same “OU(RU)” zone were approved and approval of the current application was in line with the Committee's previous decision. While

DEP did not support the application as there were sensitive receivers in the vicinity, no environmental complaint was received by DEP in the past three years. To address the concern on possible nuisance generated by the applied use, relevant approval conditions were recommended.

179. Members had no question on the application.

#### Deliberation Session

180. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year from 4.7.2018 until 3.7.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and statutory holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no paint spraying activity shall be carried out at the open area of the site, as proposed by the applicant, at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the vehicular access/run-in/out between the site and Kam Sheung Road shall be maintained at all times during the planning approval period;
- (f) the stacking height of the materials stored within 5 metres of the periphery of the site should not exceed the height of the boundary fence at all times during the planning approval period;
- (g) the peripheral fence wall of 2.5 metres high shall be maintained at all times

during the planning approval period;

- (h) the existing trees and landscape plantings on the site shall be maintained at all times during the planning approval period;
- (i) the existing drainage facilities within the site shall be maintained at all times during the planning approval period;
- (j) the submission of a condition record of the existing drainage facilities on 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 4.10.2018;
- (k) The provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.8.2018;
- (l) the submission of fire service installations proposal within 3 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 4.10.2018;
- (m) in relation to (l) above, the provision of fire service installations 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 4.1.2019;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (i) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (o) if any of the above planning conditions (j), (k), (l) or (m) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and

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

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

### **Agenda Item 53**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/783            Proposed Temporary Shop and Services (Car Beauty) for a Period of 3 Years in “Agriculture” Zone, Lot 1479 S.B (Part) in D.D. 111, Leung Uk Tsuen, Kam Tin Road, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/783)

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

182. 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 shop and services (car beauty) 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 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 applied use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Although the development was not in line with the planning intention of the “Agriculture” (“AGR”) zone, The Director of Agricultural, Fisheries and Conservation (DAFC) had no strong view against the application as the potential for agricultural rehabilitation of the site was very low. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “AGR” zone. The development was considered not incompatible with the surrounding areas. Given the nature and scale of the development, the proposed use was not anticipated to generate significant adverse traffic, environmental, visual and landscape impact. The site was subject to eight previous applications for temporary open storage uses in which seven of them were approved between 2000 and 2016 and the last application (No. A/YL-PH/770) was rejected by the Committee in 2018 on the grounds that three previous permissions granted for open storage use were revoked due to non-compliance with approval conditions. As compared with the last application, the current application was for a different use and submitted by a different applicant.

183. In response to a Member's enquiry, Ms Ivy C.W. Wong, STP/FSYLE, said that according to the applicant's submission, no dismantling, maintenance, repairing, cleansing or other workshop activities would be carried out at the site. An approval condition was recommended to prohibit the above uses at the site. The comment from DEP with regard to the requirement for a discharge licence under the Water Pollution Ordinance was a general comment to remind the applicant to meet all statutory requirements under relevant pollution control ordinance.

#### Deliberation Session

184. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.6.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 8:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) 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;
- (c) no vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) no vehicle is allowed to make right turn from public road to the site or right turn from the site to the public road at any time during the planning approval period;
- (f) the submission of a run-in/out proposal to/from Kam Tin Road within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport and Director of Highways or of the TPB by 15.12.2018;
- (g) in relation to (f) above, the implementation of the run-in/out proposal to/from Kam Tin Road within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport and Director of Highways or of the TPB by 15.3.2019;
- (h) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (i) 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 15.9.2018;

- (j) the submission of tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.12.2018;
- (k) in relation to (j) above, the implementation of tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.3.2019;
- (l) the submission of 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 15.12.2018;
- (m) in relation to (l) above, the implementation of 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 15.3.2019;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (o) if any of the above planning conditions (f), (g), (i), (j), (k), (l) or (m) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;  
and
- (p) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

## **Agenda Item 54**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/784            Proposed Temporary Shop and Services (Real Estate Agency) for a  
Period of 3 Years in “Residential (Group D)” Zone, Lot 77 (Part) in  
D.D. 108, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/784)

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### **Presentation and Question Sessions**

186.        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) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix II 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 considered that the applied 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 use was not entirely in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone, there was no known programme for long-term development at the site. Approval of the application on a temporary basis would not jeopardize the long-term planning intention of the “R(D)” zone. The proposed use was not incompatible with the surrounding areas.

Given the nature and scale of the development, the proposed use was not anticipated to generate significant adverse traffic, environmental, visual and landscape impact.

187. Members had no question on the application.

#### Deliberation Session

188. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.6.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 8:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site 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 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 15.12.2018;
- (e) in relation to (d) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (f) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.12.2018;

- (g) in relation to (f) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.3.2019;
- (h) 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 15.12.2018;
- (i) in relation to (h) 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 15.3.2019;
- (j) if any of the above planning conditions (a), (b), (c) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (k) if any of the above planning conditions (d), (f), (g), (h) or (i) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (l) upon 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.”

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

[The Chairman thanked Ms S.H. Lam and Ms Ivy C.W. Wong, STPs/FSYLE, for their attendance to answer Members' enquiries. Ms Lam and Ms Wong left the meeting at this point.]

**Tuen Mun and Yuen Long West District**

[Mr David C.M. Lam, District Planning Officer/Tuen Mun and Yuen Long West (DPO/TMYLW), Ms Stella Y. Ng, Mr Alan Y.L. Au and Mr Vincent T.K. Lai, 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]

A/TM/519                      Proposed Columbarium in “Government, Institution or Community”  
Zone, 184 C Tsing Shan Tsuen, Tuen Mun  
(RNTPC Paper No. A/TM/519A)

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190.            The Secretary reported that the application was for proposed columbarium and Ramboll Hong Kong Ltd. (Ramboll) was one of the consultants of the applicant. The following Members had declared interests on this item:

- |                                   |   |
|-----------------------------------|---|
| Mr H.W. Cheung<br>(Vice-chairman) | -    being a member of the Private Columbaria Licensing Board; and  |
| Mr Ivan C.S. Fu                   | -    being a member of the Private Columbaria Appeal Board and having current business dealings with Ramboll. |

191.            The Committee noted that the applicant had requested deferment of consideration of the application and Mr Ivan C.S. Fu had tendered apology for being unable to join the meeting. The Committee agreed that Mr H.W. Cheung could stay in the meeting as he had no involvement in the application.

192.            The Committee noted that the applicant’s representative requested on 4.6.2018 deferment of the consideration of the application for two months in order to allow time for the appointment of traffic and drainage consultants to prepare further information to address departmental comments. It was the second time that the applicant requested deferment of

the application. Since the last deferment, the applicant had spent time arranging traffic and drainage consultants to prepare traffic and drainage reports.

193. 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 including the previous deferment for preparation of submission of further information, no further deferment would be granted unless under very special circumstances.

### **Agenda Item 56**

#### **Section 16 Application**

[Open Meeting]

A/TM/523                      Proposed Hotel, Office and Shop and Services (Wholesale Conversion of an Existing Industrial Building) in "Other Specified Uses" annotated "Business" Zone, East Asia Industrial Building, 2 Ho Tin Street, Tuen Mun  
  
(RNTPC Paper No. A/TM/523)

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194. The Secretary reported that Associated Architects Ltd. (AA) was one of the consultants of the applicant. Mr K.K. Cheung had declared an interest on this item as his firm was having current business dealings with AA. The Committee noted that Mr K.K. Cheung had tendered apology for being unable to attend the meeting.

195. The Committee noted that the applicant's representative requested on 1.6.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments. It was the first time that the

applicant requested deferment of the application.

196. 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 57**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/273-1 Proposed Extension of Time for Commencement of the Proposed Residential Development (Flat) for a Period of 4 Years until 17.10.2022 in "Residential (Group E)" Zone, Lots 212 RP, 232, 233, 234, 235, 236 RP, 237, 238, 239, 243, 244, 246 RP, 246 S.A, 246 S.B, 247, 367 and 368 RP in D.D. 130 and Adjoining Government Land, Lam Tei, Tuen Mun  
(RNTPC Paper No. A/TM-LTY Y/273-1A)

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197. The Secretary reported that the application was submitted by Join Smart Limited which was a subsidiary of Sun Hung Kai Properties Limited (SHK), with Llewelyn-Davies Hong Kong Limited (LD), Ronald Lu & Partners (Hong Kong) Limited (RLP) and AECOM Asia Co. Ltd. (AECOM) as three of the consultants of the applicant. The application site would encroach onto part of a planned public housing development at San Hing Raod proposal by the Housing Department (HD), which was the executive arm of the Hong Kong Housing Authority (HKHA). The following Members had declared interests on the item:

- Mr Raymond K.W. Lee (the Chairman) *as the Director of Planning* - being a member of the Strategic Planning Committee (SPC) and the Building Committee of HKHA;
- Mr Martin W.C. Kwan *as the Chief Engineer (Works), Home Affairs Department* - being an alternate representative of the Director of Home Affairs who was a member of the SPC and the Subsidized Housing Committee of HKHA;
- Mr Ivan C.S. Fu - having current business dealings with SHK and AECOM and past business dealings with HKHA;
- Mr K.K. Cheung - his firm having current business dealings with SHK and HKHA;
- Dr C.H. Hau - having current business dealings with AECOM and the institute he served was having current business dealings with HKHA;
- Mr Stephen L.H. Liu - having past business dealings with SHK, LD, RLP and HKHA;
- Miss Winnie W.M. Ng - being a Director of the Kowloon Motor Bus Company (1933) Ltd. (KMB) and SHK was one of the shareholders of KMB; and
- Mr Ricky W.Y. Yu - his firm having current business dealings with LD.

198. The Committee noted that Mr Ivan C.S. Fu, Mr K.K. Cheung and Mr Stephen L.H. Liu had tendered apologies for being unable to attend the meeting. The Committee agreed that as the interests of the Chairman, Mr Martin W.C. Kwan and Miss Winnie W.M. Ng were direct, they should be invited to leave the meeting temporarily. The Committee also agreed that Dr C.H. Hau and Mr Ricky W.Y. Yu could stay in the meeting as they had no involvement in the application.

[The Chairman and Mr Martin W.C. Kwan left the meeting temporarily and the Vice-chairman took over the chairmanship at this point.]

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

### Presentation and Question Sessions

199. Mr David C.M. Lam, DPO/TMYLW, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application - due to departmental objection to the application for the extension of time (EOT) for commencement of the approved development under application No. A/TM-LTYYY/273, the case was submitted to the Committee for consideration at its meeting held on 20.4.2018. After deliberation, the Committee decided to defer a decision on the application to allow time to seek advice on the legal issues raised in the letters submitted by the applicant prior to the meeting;
- (b) the proposed extension of time for commencement of the proposed residential development (flat) was for a period of four years;
- (c) departmental comments – departmental comments were set out in paragraph 4 of the Paper. The Director of Housing (DH) and Head of Civil Engineering Office, Civil Engineering and Development Department (Head of CEO, CEDD) maintained their previous comments as stated in paragraph 7 in Annex A of the Paper. DH did not support the application since CEDD was conducting the Site Formation and Infrastructural Works for the Development at San Hing Road and Hong Po Road, Tuen Mun – Feasibility Study (the Feasibility Study) for a planned public housing development in the area including the subject site. The Head of CEO, CEDD, advised that the Feasibility Study was commenced in February 2018 and scheduled for completion in Q1 2020. The subject land lots under application (for private residential development) would encroach onto Housing Department’s (HD) public housing development site at San Hing Road. Other concerned government departments had no objection to or no adverse comments on the application;

- (d) the Planning Department (PlanD)'s views – PlanD did not support the EOT application based on the assessments set out in paragraph 5 of the Paper. The applicant's legal representative claimed that when determining the current section 16A application, the Committee could not take into account the proposed public housing development which was outside the parameters of the Outline Zoning Plan (OZP). According to the advice obtained, (i) an OZP and the Notes, (ii) the Explanatory Statement (ES) and (iii) the Town Planning Board Guidelines were relevant documents for the Town Planning Board (the Board) in considering planning applications. In the present case, the Committee should consider the planning intention under the OZP as well as the Town Planning Board Guidelines No. 35C on Extension of Time for Commencement of Development (TPB PG-No. 35C). The Government had explored whether the proposed housing developments in the area could be adjusted to take into account the approved private housing development. Given the acute demand for public housing, the Government had enlarged the scale of the San Hing Road and Hong Po Road public housing project and the Feasibility Study for the project had commenced in February 2018. At the Tuen Mun District Council (TMDC) meeting held on 1.11.2016, TMDC Members expressed the views that TMDC indeed supported the proposed public housing development at San Hing Road. While the land use zoning for the site remained unchanged as "Residential (Group E)" ("R(E)") since 2014, there was a material change in circumstances when compared to the time when the application was last considered by the Committee in 2014 in that the Government had committed to undertake a comprehensive public housing development which covered the application site and the related Feasibility Study including an Environmental Impact Assessment Study had commenced. The EOT application was not in line with TPB PG-No. 35C in that there had been a material change in planning circumstances and approval of the EOT would run against the clear government policy on the planned land use for the area.

200. The Vice-chairman and a Member made enquiries on the following items:

- (a) the planning intention of the subject “R(E)” zone;
- (b) given that the site formed part of a public housing development proposed by HD, whether the Government had any intention to rezone the site from “R(E)” to other appropriate zoning to facilitate the development;
- (c) why a time limit was imposed for the commencement of the approved development proposal and the number of years allowed for the commencement of development;
- (d) what criteria should be considered in assessing an EOT application and how the EOT would be determined;
- (e) whether the progress of fulfilment of approval conditions related to the current application was relevant consideration in the EOT application and whether there were any technical/practical problems encountered by the applicant in fulfilling the approval conditions; and
- (f) whether a fresh planning application could be submitted for a site which was subject to an approved scheme. If the answer was affirmative, whether the consideration of the second application would be different.

201. Mr David C.M. Lam, DPO/TMYLW, made the following responses:

- (a) the planning intention of the subject “R(E)” zone was set out in paragraph 6 of Annex A of the Paper;
- (b) the Government had shown clear intention to implement public housing development at San Hing Road/Hong Po Road including the application site and zoning amendment for the site would be submitted to the Committee for consideration upon completion of the Feasibility Study in 2020;
- (c) the time-limited condition attached to planning permission imposed by the

Board was to ensure that the approved development proposals would be implemented within a reasonable period. According to the established practice, a 4-year period was allowed for the commencement of a development proposal for permanent use. According to TPB PG-No. 35C, in general, approval of building plans or execution of the land grant/lease modification would constitute a commencement of development. If an approved development could not commence within the specified time limit, the applicant could apply for an EOT for commencement of the development;

- (d) according to TPB PG-No. 35C, any EOT for commencement of development should not result in an aggregate extension period longer than the original duration for commencement of the approved development proposal i.e. four years in the current case. TPB PG-No. 35C had provided clear assessment criteria for EOT applications, which included whether there had been any material change in planning circumstances since the original permission was granted, whether there were technical/practical problems which were beyond the control of the applicant, etc. The Board would consider each case based on its individual merits;
- (e) a number of approval conditions regarding various technical aspects had been attached to the approved scheme. The intention of imposing approval conditions was to allow relevant government departments to ensure the design and implementation of various technical aspects at the detailed design stage were up to their satisfaction. The approval conditions could be broadly divided into two types (i) those required to be complied with before building plan approval (i.e. those which would affect the detailed design of the development) and (ii) those required to be complied with after building plan approval (i.e. those related to the implementation of technical proposals). In the current application, some of the technical assessments such as sewerage impact assessment and traffic arrangement had been submitted and relevant government departments had no-principle objection to the proposals. As shown in

paragraph 5.5 of the Paper, some approval conditions had been complied/partially complied with while some were to be complied with at the implementation stage; and

- (f) there was no restriction on the number of planning applications submitted for the same site, i.e. an applicant could submit more than one application and there could be more than one planning permission for a site. The Board would consider the individual merits of the development proposal in each application.

[Dr Lawrence K.C. Li left the meeting at this point.]

### Deliberation Session

202. The Secretary reported that two letters from the applicant's representative and legal representative were received on 14.6.2018, which were tabled at the meeting. While further justifications in support of the legal issues related to the subject application were raised in the letters, it was noted that the arguments were more or less similar to those raised before. Members also noted that another application (No. A/TM-LTYT/337) quoted in the letter was approved by the Committee and the permission was valid till 23.6.2021. Each application should be considered on its individual merits and circumstances.

203. The Secretary reported that legal advice had been sought with respect to the *International Trader* case quoted by the applicant's legal representative. The Court of Appeal's judgement on the *International Trader* case had been issued to Members earlier on. The legal advice was that the case was relevant to the current EOT application in the sense that it provided guidance as to what kind of documents that the Committee might rely on when ascertaining the true planning intention contained in an OZP. In this regard, the Court of Appeal decided that (i) an OZP and the Notes attached thereto were obviously material documents that the Board was bound to have regard to; (ii) the ES, although not forming part of an OZP, was prepared by the Board to assist in an understanding of the same; and (iii) although the Board was not bound to follow an ES or any TPB Guidelines, such documents could not be disregarded. In processing EOT applications, TPB PG-No. 35C was the relevant Guidelines for the Board to make reference to and a number of assessment criteria

had been set out in the Guidelines. Those assessment criteria were planning considerations rather than legal grounds. The Board should take into account the relevant assessment criteria and consider whether the applicant had complied with those criteria.

204. Members went through the assessment criteria set out in TPB PG-No. 35C (paragraph 3.2 of the Paper). With respect to criterion (a) on whether there was a material change in planning circumstances since the original permission was granted, some Members had the following views:

- (a) the original planning application was approved in 2014 on the considerations, among others, that the proposed public housing development was still at the conceptual stage without the support of TMDC. However, the Government had decided to pursue a larger scale public housing development at San Hing Road/Hong Po Road and fundings had been allocated to CEDD to conduct the Feasibility Study, which was commenced in February 2018 for completion in Q1 2020. Besides, it was clarified by some TMDC Members that TMDC indeed supported the proposed public housing development and its concern raised in 2014 was mainly related to the lack of detailed planning information and inadequate local consultation. As the Government had a clear policy on the planned land use for the area and greater commitment in the proposed comprehensive public housing development, the prospect of implementation of the public housing development could be substantiated; and
- (b) comparing with the situation in 2014, there was a more pressing need for public housing and the Government's latest policy was to increase land supply for public housing development. The latest policy had been made known to the public in various documents and occasions.

205. Regarding criterion (b) on whether there were any adverse planning implications arising from the EOT, some Members considered that it was incumbent on the Board to strike a balance between private development rights and public interest. In the current case, public housing development to meet the pressing housing need was in the public interest. The

approval of the EOT application would have adverse implication on the public housing development and hence would not be in the public interest.

206. Regarding criterion (c) on whether the commencement of development was delayed due to some technical/practical problems which were beyond the control of the applicant, Members noted that the applicant had taken follow-up actions including submission for compliance with approval conditions, building plans and application for land exchange, to take forward the approved development scheme. Some of the approval conditions had been complied/partially complied with. It did not appear that there were fundamental technical problems in association with the implementation of the development.

207. With respect to criterion (f) on whether the applicant had demonstrated that there was a good prospect to commence the proposed development within the extended time limit, some Members considered that four years had already been given to the applicant to commence the development but neither building plan approval had been obtained nor land exchange agreement had been reached. There was doubt on the prospect of commencement of the development within the extended time limit should the EOT application be approved.

208. Regarding criteria (d), (e) and (g), some Members considered that the applicant had demonstrated that reasonable actions had been taken for the implementation of the approved development and in complying with the approval conditions, and that the extension period applied for in the current application was not unreasonable. Nevertheless, Members generally considered that there had been a material change in planning circumstances since the original application was granted and that the applicant had failed to demonstrate there was a good prospect to commence the proposed development within the extended time limit.

209. After deliberation, the Committee decided to reject the application for the following reason:

“the application is not in line with Town Planning Board Guidelines No. 35C on Extension of Time for Commencement of Development in that there has been a material change in planning circumstances as the Government has committed to plan for a comprehensive public housing development which covers the application site, and the applicant fails to demonstrate that there is a good prospect to

commence the proposed development within the extended time limit.”

[Mr David C.M. Lam, DPO/TMYLW, left the meeting at this point.]

[The Chairman and Mr Martin W.C. Kwan returned to the meeting and the Chairman resumed the chairmanship at this point.]

### **Agenda Item 58**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/351 Proposed Temporary Open-air Vehicle Park and Ancillary Office for a Period of 3 Years in “Residential (Group B) 2” Zone, Lot 2289 RP (Part) in D.D. 124, Wo Ping San Tsuen, Tuen Mun  
(RNTPC Paper No. A/TM-LTY Y/351)

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

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

- (a) background to the application;
- (b) the proposed temporary open-air vehicle park and ancillary office for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from an individual objecting 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 applied use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Whilst the proposed use was not entirely in line with the planning intention of the “Residential (Group B)2” zone, there was no known development proposal to implement the zoned use. Approval of the application on a temporary basis would not jeopardize the planning intention of the area. The proposed use was not incompatible with the surrounding uses. There was a similar application rejected on the grounds of insufficient information to demonstrate the proposed development would not have adverse traffic impact and there were many existing ingress/egress points facing the access road. For the current application, the proposed development would make use of an existing vehicular access and the Transport Department had no objection to the application. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

211. Members had no question on the application.

#### Deliberation Session

212. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.6.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) only private cars as defined in the Road Traffic Ordinance are allowed to enter/be parked on the site, as proposed by the applicant, at all times during the planning approval period;
- (b) a notice shall be posted at a prominent location of the site at all times to indicate that only private cars as defined in the Road Traffic Ordinance are allowed to enter/be parked on the site during the planning approval period;

- (c) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the site at any time during the planning approval period;
- (d) no vehicle washing, vehicle repair, dismantling, paint spraying or other workshop activity is allowed on the site, as proposed by the applicant, at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the existing fencing of the site shall be maintained at all times during the approval period;
- (g) the submission of a condition record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.9.2018;
- (h) in relation to (g) above, the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (i) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.12.2018;
- (j) in relation to (i) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.3.2019;
- (k) the provision of vehicular access of the site within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 15.12.2018;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (h) 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;

- (m) if any of the above planning conditions (g), (i), (j) or (k) 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
- (n) 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.”

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

### **Agenda Item 59**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/560 Proposed Temporary Shop and Wholesale of Construction Materials for a Period of 3 Years in “Government, Institution or Community”, “Residential (Group B) 1” and “Village Type Development” Zones, Lots 25 (Part), 26 RP, 27 RP, 28 RP (Part), 29 RP (Part) and 30 RP in D.D. 121, Ping Shan, Yuen Long  
(RNTPC Paper No. A/YL-PS/560)

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214. The Committee noted that two replacement pages (page 4 of the Paper and page 1 of Appendix II) for rectifying editorial errors in the Paper were tabled for Members’ reference.

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

215. Ms Stella Y. Ng, STP/TMYLW, presented the application and covered the

following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed temporary shop and wholesale of construction materials for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the site. 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, one public comment was received from an individual objecting 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. Although the proposed use was not in line with the planning intention of the “Government Institution or Community” zone, there was no programme/known proposal to implement the zoned use. Approval of the application on a temporary basis would not jeopardize the long-term planning intention of the area. The proposed use was not considered incompatible with the surrounding uses. Although DEP did not support the application, there was no substantiated environmental complaint concerning the site in the past three years and relevant approval conditions had been recommended to minimise any potential environmental nuisances. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

216. Members had no question on the application.

Deliberation Session

217. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.6.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 7:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (c) no cutting, dismantling, cleansing, compacting or other workshop activity, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the 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 15.12.2018;
- (f) in relation to (e) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (g) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.12.2018;
- (h) in relation to (g) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the

satisfaction of the Director of Fire Services or of the TPB by 15.3.2019;

- (i) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.12.2018;
- (j) in relation to (i) 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 15.3.2019;
- (k) the provision of boundary fencing within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.12.2018;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (m) if any of the above planning conditions (e), (g), (h), (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (n) 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.”

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

**Agenda Item 60**

**Section 16 Application**

[Open Meeting]

A/YL-TYST/883 Proposed Temporary Public Vehicle Park (Private Cars and Goods Vehicles (below 24 tonnes) Only) for a Period of 3 Years in “Village Type Development” Zone, Lot 1543 (Part) in D.D. 121, Shan Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/883)

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219. The Secretary reported that the application was withdrawn by the applicant.

**Agenda Item 61**

**Section 16 Application**

[Open Meeting]

A/YL-TYST/895 Temporary Warehouse and Open Storage for Storage of Recyclable Materials (Plastic and Metal) with Ancillary Workshop for a Period of 3 Years in “Undetermined” Zone, Lots 2704 S.A & S.B (Part), 2707, 2708, 2709, 2710 and 2711 in D.D. 120, Lots 1638, 1639 (Part), 1640 (Part), 1668 (Part), 1669 (Part), 1671, 1672, 1673 (Part), 1674 (Part) and 1676 S.A&B (Part) in D.D. 121 and Adjoining Government Land, Shan Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/895)

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220. The Committee noted that the applicant’s representative requested on 7.6.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

221. 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 62**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/896 Temporary Open Storage of Building/Recycling Materials, Construction Machinery, Used Electrical/Electronic Appliances and Parts with Ancillary Workshop Activities for a Period of 3 Years in "Undetermined" Zone, Lots 369 RP (Part), 370 RP (Part), 371 S.A (Part), 371 S.B (Part), 381 RP (Part), 382 RP, 383 RP, 384, 385, 386, 387, 388, 389 RP, 390 RP, 391 RP, 439 RP (Part), 440 (Part), 444, 445, 446, 447, 448, 449, 450 S.A, 450 S.B, 450 S.C, 451, 452, 453, 454, 455, 456, 457, 458 (Part), 459 (Part), 471 (Part), 472, 473, 474, 475 S.A (Part), 475 S.A ss.1 and 475 S.B (Part) in D.D. 119 and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/896)

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### **Presentation and Question Sessions**

222. 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 open storage of building/recycling materials, construction machinery, used electrical/electronic appliances and parts with ancillary workshop activities for a period of three years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The proposed development was not in conflict with the planning intention of “Undetermined” zone which was generally intended for open storage use. Whilst the site fell within an area zoned as “Residential – Zone 2 (with Commercial)”, “District Open Space”, “Other Specified Uses” annotated “Hillside River Corridor with Scenic Cycle Track” and an area shown as ‘Road’ on the Recommended Outline Development Plan of Yuen Long South, approval of the application on a temporary basis would not jeopardize the long-term development of the area. The applied use was not incompatible with the surrounding uses. The application was generally in line with the Town Planning Board Guidelines No. 13E in that the site fell within Category 1 areas, relevant proposals had been submitted to demonstrate that the proposed use would not generate adverse impacts and technical concerns of relevant government departments could be addressed through the implementation of approval conditions. Previous applications at the site and a number of similar applications for various open storage uses in the vicinity of the site had been approved. Approval of the application was in line with the Committee’s previous decisions.

223. Members had no question on the application.

#### Deliberation Session

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

temporary basis for a period of 3 years until 15.6.2021, 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 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste is allowed outside the concrete-paved covered structures on the site, as proposed by the applicant, at any time during the planning approval period;
- (d) no dismantling or other workshop activities of used electrical/electronic appliances and parts, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (e) no dismantling, sorting, packaging or other workshop activities is allowed outside the concrete-paved covered structures on the site, as proposed by the applicant, at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) the existing trees and landscape planting on the site shall be maintained at all times during the planning approval period;
- (h) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (i) the submission of a condition 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 15.9.2018;

- (j) the provision of fire extinguisher(s) with valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.7.2018;
- (k) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.12.2018;
- (l) in relation to (k) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.3.2019;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (o) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

**Agenda Item 63**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/897 Temporary Open Storage and Warehouse for Storage of Recyclable Materials (Plastic and Metal), Open Storage of Mobile Toilets, and Open Storage of Construction Machinery and Material for a Period of 3 Years in “Undetermined” Zone, Lot 2712 S.B (Part) in D.D. 120, Lots 1639 (Part), 1640 (Part), 1649 (Part), 1650 (Part), 1663 (Part), 1664 (Part), 1665, 1666 (Part), 1667 (Part), 1668 (Part), 1669 (Part), 1673 (Part), 1674 (Part), 1675, 1676 S.A & S.B (Part) in D.D. 121 and Adjoining Government Land, Shan Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/897)

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**Presentation and Question Sessions**

226. 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) temporary open storage and warehouse for storage of recyclable materials (plastic and metal), open storage of mobile toilets, and open storage of construction machinery and material for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site. 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, no public comment was received; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The proposed development was not in conflict with the planning intention of the “Undetermined” zone which was generally intended for open storage use. Whilst the site fell within an area zoned as “Residential – Public Rental Housing (with Commercial)”, “Local Open Space” and an area shown as ‘Road’ on the Recommended Outline Development Plan of Yuen Long South, approval of the application on a temporary basis would not jeopardize the long-term development of the area. The applied use was not incompatible with the surrounding uses. The application was generally in line with the Town Planning Board Guidelines No. 13E in that the site fell within Category 1 areas, relevant proposals had been submitted to demonstrate that the proposed use would not generate adverse impacts and technical concerns of relevant government departments could be addressed through the implementation of approval conditions. Although DEP did not support the application, there was no substantiated environmental complaint pertaining to the site in the past three years. Relevant approval conditions had been recommended to address the concerns on the possible environmental nuisances. Previous applications at the site and a number of similar applications for open storage uses in the vicinity of the site had been approved. Approval of the application was in line with the Committee's previous decisions.

227. Members had no question on the application.

#### Deliberation Session

228. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.6.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant,

- is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
  - (c) no dismantling, cutting, compacting, cleansing or other workshop activities, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
  - (d) no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
  - (e) no heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
  - (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
  - (g) the existing trees and landscape planting on the site shall be maintained at all times during the planning approval period;
  - (h) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
  - (i) the submission of a condition 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 15.9.2018;
  - (j) the provision of fire extinguisher(s) with valid fire certificate (FS 251)

within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.7.2018;

- (k) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.12.2018;
- (l) in relation to (k) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.3.2019;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (o) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

**Agenda Item 64**

**Section 16 Application**

[Open Meeting]

A/YL-TYST/898      Temporary Open Storage of Construction Material with Ancillary Office for a Period of 3 Years in “Undetermined” Zone, Lot 1195 in D.D. 119, Tong Yan San Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/898)

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230.            The Committee noted that the applicant requested on 5.6.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

231.            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 65**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL/245            Proposed Temporary Shop and Services (Convenient Store) for a Period of 6 Years in “Government, Institution or Community” Zone, Lot 2497 RP (Part) in D.D. 120, Shap Pat Heung Road, Yuen Long  
(RNTPC Paper No. A/YL/245)

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232. The Committee noted that four replacement pages (pages 1, 2, 9 and 10 of the Main Paper) for rectifying editorial errors were dispatched to Members prior to the meeting.

#### Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary shop and services (convenient store) for a period of six 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 comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from an individual objecting to the application. The 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 six years based on the assessments set out in paragraph 11 of the Paper. Although the site was reserved for a primary cum secondary school development and the proposed use was not entirely in line with the planning intention of the “Government, Institution or Community” zone, the Education Bureau had no comment on the application having regard that the programme of land resumption would follow the project programme notwithstanding the validity period of the planning permission to be granted. Approval of the application on a temporary basis would not jeopardize the long-term planning intention of the area. The proposed use and the development scale was not incompatible with the surrounding uses. Relevant approval

conditions had been recommended to address the technical requirements of the relevant government departments. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

234. Members had no question on the application.

#### Deliberation Session

235. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 6 years until 15.6.2024, 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 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) the submission of a revised drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.12.2018;
- (c) 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 15.3.2019;
- (d) in relation to (c) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (e) 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 15.12.2018;
- (f) in relation to (e) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.3.2019;

- (g) the submission of a tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.12.2018;
- (h) in relation to (g) above, the implementation of the tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.3.2019;
- (i) if any of the above planning conditions (a) and (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (j) if any of the above planning conditions (b), (c), (e), (f), (g) and (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.”

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

## **Agenda Item 66**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/68                      Renewal of Planning Approval for Temporary Logistic Centre and Ancillary Tyre Repair Workshop for a Period of 3 Years in “Government, Institution or Community” Zone and an area shown as ‘Road’, Lots 3305 RP (Part), 3306 (Part), 3307 RP, 3310 S.A RP (Part), 3310 S.B (Part), 3311 RP, 3312 S.A (Part), 3312 S.B, 3313 (Part) and 3314 (Part) in D.D. 129, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/HSK/68)

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237.                      The Committee noted that two replacement pages (page 6 of the Paper and page 1 of Appendix VI) for rectifying editorial errors were dispatched to Members prior to the meeting.

### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary logistic centre and ancillary tyre repair workshop for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the site. 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, no public comment was received; 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. Whilst the applied use was not in line with the planning intention of the “Government, Institution or Community” zone, the implementation programme for this part of the Hung Shui Kiu New Development Area was still being formulated, approval of the application on a temporary basis would not jeopardize the long-term development of the site. The applied use was also not incompatible with the surrounding uses. Though the DEP did not support the application, there was no substantiated environmental complaint concerning the site in the past three years. Relevant approval conditions had been recommended to minimise any potential environmental nuisances and the technical requirements of relevant government departments. The application was in line with the Town Planning Board Guidelines No. 13E in that the site fell within Category 1 areas, relevant proposals had been submitted to demonstrate that the proposed use would not generate adverse impacts and technical concerns of relevant government departments could be addressed through the implementation of approval conditions. Previous applications for warehouse and logistics centre uses at the site and similar applications in the vicinity of the site had been approved. The application was also in line with the Town Planning Board Guidelines No. 34B in that there had been no major change in planning circumstances since the previous temporary approval, and all approval conditions under the previous planning permission had been complied with. Approval of the application was in line with the Committee's previous decisions.

239. Members had no question on the application.

#### Deliberation Session

240. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 4.7.2018 until 3.7.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following

conditions:

- “(a) no night time operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no cutting, dismantling, cleansing, repairing, compaction, unpacking, re-packing, vehicle repair and workshop activity, other than tyre repair, is allowed on the site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to public roads or reverse onto/from the public roads at all times during the planning approval period;
- (e) the existing trees and landscape planting on the site shall be maintained at all time during the planning approval period;
- (f) the existing fencing on the site shall be maintained at all times during the planning approval period;
- (g) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (h) the submission of a condition record of existing drainage facilities 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 4.10.2018;
- (i) the submission of a fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.1.2019;
- (j) in relation to (i) above, the implementation of the fire service installations

proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.4.2019;

- (k) if any of the above planning conditions (a), (b), (c) (d), (e), (f) 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;
- (l) if any of the above planning conditions (h), (i) or (j) 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
- (m) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

### **Agenda Item 67**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/69                      Renewal of Planning Approval for Temporary Shop for Construction Machinery Parts with Ancillary Workshop, Logistics Warehouse and Logistics Vehicles Back-up Centre, Office, Guard Room, and Staff Canteen for a Period of 3 Years in “Government, Institution or Community” Zone and an area shown as ‘Road’, Lots 3169 (Part), 3170 (Part), 3172 RP (Part), 3173 S.A RP (Part), 3173 S.B (Part), 3173 S.C, 3174 RP (Part), 3175 (Part), 3176, 3177 (Part), 3178 (Part), 3179 (Part), 3184 (Part), 3185 (Part) and 3187 RP (Part) in D.D.129 and Adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/HSK/69)

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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary shop for construction machinery parts with ancillary workshop, logistics warehouse and logistics vehicles back-up centre, office, guard room, and staff canteen for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the site. 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, no public comment was received; 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. Whilst the applied use was not in line with the planning intention of the “Government, Institution or Community” zone, the implementation programme for this part of the Hung Shui Kiu New Development Area was still being formulated, approval of the application on a temporary basis would not jeopardize the long-term development of the site. The applied use was also not incompatible with the surrounding uses. Though DEP did not support the application, there was no substantiated environmental complaint concerning the site in the past three years. Relevant approval conditions had been recommended to minimise any potential environmental nuisances

and the technical requirements of relevant government departments. The application was in line with the Town Planning Board Guidelines No. 13E in that the site fell within Category 1 areas, relevant proposals had been submitted to demonstrate that the proposed use would not generate adverse impacts and technical concerns of relevant government departments could be addressed through the implementation of approval conditions. Previous applications for similar port-back up uses at the site and similar applications in the vicinity of the site had been approved. The application was also in line with the Town Planning Board Guidelines No. 34B in that there had been no major change in planning circumstances since the last approval and all approval conditions under the previous approval had been complied with. Approval of the application was in line with the Committee's previous decisions.

243. Members had no question on the application.

#### Deliberation Session

244. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 20.6.2018 until 19.6.2021, 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. to 8:00 a.m. is allowed on the site, as proposed by the applicant, is allowed during the approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no cutting, dismantling, repairing, melting, compaction, cleansing activity is allowed on the site, except within the workshops at any time during the planning approval period;
- (d) no material is allowed to be stored/dumped within 1m of any tree at any

time during the planning approval period ;

- (e) no vehicle is allowed to queue back to or reverse onto/from the public road at any times during the planning approval period;
- (f) the existing trees and landscape planting on the site shall be maintained at all time during the planning approval period;
- (g) the existing fencing on-site shall be maintained at all times during the planning approval period;
- (h) the existing drainage facilities on-site shall be maintained at all times during the planning approval period;
- (i) the submission of a condition record of existing drainage facilities 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 20.9.2018;
- (j) the submission of a fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.12.2018;
- (k) in relation to (j) above, the implementation of the fire service installations proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.3.2019;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) 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;
- (m) if any of the above planning conditions (i), (j) or (k) is not complied with

by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and

- (n) 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.”

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

### **Agenda Item 68**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/70                      Proposed Temporary Warehouse for Storage of Plastic Products for a Period of 3 Years in “Residential (Group A) 3”, “Residential (Group A) 4” and “Open Space” Zones and an area shown as ‘Road’, Lots 1835 (Part), 1840(Part), 1841 S.B (Part), 1889 (Part), 1890 (Part), 1891 RP (Part), 1893 RP, 1894 (Part), 1895 RP (Part) and 1911 in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/HSK/70)

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

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

- (a) background to the application;
- (b) the proposed temporary warehouse for storage of plastic products 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, no public comment was received; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Whilst the proposed use was not in line with the planning intentions of the “Residential (Group A) 3”, “Residential (Group A) 4” and “Open Space” zones, the implementation programme for this part of the Hung Shui Kiu New Development Area was still being formulated, approval of the application on a temporary basis would not jeopardize the long-term development of the site. The proposed use was also not incompatible with the surrounding uses. Relevant approval conditions had been recommended to address the concerns on the possible environmental nuisances and the technical requirements of the relevant government departments. Previous applications for various open storage uses at the site and similar applications in the vicinity of the site had been approved. Approval of the application was in line with the Committee's previous decisions.

247. Members had no question on the application.

#### Deliberation Session

248. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.6.2021, 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. on Mondays to Saturdays, 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 vehicle queuing back to public road and reverse onto/from the public road is allowed at any time during the planning approval period;
- (d) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (e) the submission of a condition record of the existing drainage facilities on site within 3 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.9.2018;
- (f) 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 15.12.2018;
- (g) in relation to (f) 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 15.3.2019;
- (h) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.12.2018;
- (i) in relation to (h) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.3.2019;
- (j) 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 15.12.2018;
- (k) if any of the above planning conditions (a), (b), (c) or (d) 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;

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

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

### **Agenda Item 69**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/71                      Temporary Open Storage of Recyclable Materials (including Metal and Plastic) for a Period of 3 Years in “Open Space” Zone and an area shown as ‘Road’, Lots 282 (Part) and 285 (Part) in D.D.125 and Adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/HSK/71)

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

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

- (a) background to the application;
- (b) the temporary open storage of recyclable materials (including metal and plastic) for a period of three years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site. 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, one public comment was received from a District Council member 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 period of three years based on the assessments set out in paragraph 12 of the Paper. Whilst the development was not in line with the planning intention of the “Open Space” zone, the implementation programme for this part of the Hung Shui Kiu New Development Area was still being formulated, approval of the application on a temporary basis would not jeopardize the long-term development of the site. The development was considered not incompatible with the surrounding uses. The applied use was generally in line with the Town Planning Board Guidelines No. 13E in that the site fell within Category 2 areas, no objection to/adverse comment from relevant government departments and technical concerns of relevant government departments could be addressed through implementation of approval conditions. Although DEP did not support the application, there was no substantiated environmental complaint pertaining to the site in the past three years. Relevant approval conditions had been recommended to address the concerns on the possible environmental nuisances and the technical requirements of relevant government departments. Previous applications for the applied use at the site and similar applications in the vicinity of the site had been approved. Approval of the application was in line with the Committee's previous decisions. However, since the applied development was in operation without valid planning permission, shorter compliance

periods were recommended to closely monitor the progress of compliance with approval conditions. Regarding the public comment, the comments of government departments and planning assessments above were relevant.

251. Members had no question on the application.

#### Deliberation Session

252. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.6.2021, 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. to 9:00 a.m., as proposed by the applicant, is allowed on the site, during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no cutting, dismantling, cleansing, compacting or other workshop activity is allowed on the site at any time during the planning approval period;
- (d) no goods vehicles exceeding 5.5 tonnes, including medium goods vehicles, heavy goods vehicles, container tractor/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to enter/exit or to be parked/stored on the site at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;
- (f) the existing fencing on the site shall be maintained at all times during the planning approval period;
- (g) the submission of drainage proposal within 3 months from the date of

planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.9.2018;

- (h) in relation to (g) above, 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 15.12.2018;
- (i) in relations to (h) above, the implemented drainage facilities on site shall be maintained at all times during the planning approval period;
- (j) the implementation of the accepted landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.12.2018;
- (k) the provision of the fire extinguisher(s) and the submission of a valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.7.2018;
- (l) the submission of a fire service installations proposal within 3 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 15.9.2018;
- (m) in relation to (l) above, the implementation of the fire service installations proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 15.12.2018;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (i) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (o) if any of the above planning conditions (g), (h), (j), (k), (l) or (m) is not complied with by the specified date, the approval hereby given shall cease

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

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

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

### **Agenda Item 70**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/72                      Temporary Open-Air Vehicle Repair Yard with Ancillary Workshop and Vehicle Parking for a Period of 3 Years in “Commercial (3)” Zone and an area shown as ‘Road’, Lots 582 RP and 583 in D.D. 124 and Adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/HSK/72)

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

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

- (a) background to the application;
- (b) the temporary open-air vehicle repair yard with ancillary workshop and vehicle parking for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site. 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, one public comment was received from an individual objecting 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. Whilst the development was not in line with the planning intention of the “Commercial (3)” zone, the implementation programme for this part of the Hung Shui Kiu New Development Area was still being formulated, approval of the application on a temporary basis would not jeopardize the long-term development of the site. The development was considered not incompatible with the surrounding uses. Although DEP did not support the application, there was no substantiated environmental complaint pertaining to the site in the past three years. Relevant approval conditions had been recommended to address the concerns on the possible environmental nuisances and the technical requirements of relevant government departments. Previous applications for open storage uses at the site had been approved. Approval of the application was in line with the Committee's previous decisions. Regarding the public comment, the comments of government departments and planning assessments above were relevant.

255. Members had no question on the application.

#### Deliberation Session

256. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.6.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 8:30 p.m. and 8:30 a.m., as proposed by the applicant, is allowed on the site during the 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 vehicle is allowed to queue back to or reverse onto/from the public roadway any times during the planning approval period;
- (d) the existing drainage facilities on-site shall be maintained at all times during the planning approval period;
- (e) the submission of a condition record of existing drainage facilities within 3 months to the satisfaction of the Director of Drainage Services or of the TPB by 15.9.2018;
- (f) the submission of run in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 15.12.2018;
- (g) in relation to (f) above, the implementation of the run in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 15.3.2019;
- (h) 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 15.12.2018;
- (i) in relation to (h) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.3.2019;
- (j) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.12.2018;

- (k) in relation to (j) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.3.2019;
- (l) if any of the above planning conditions (a), (b), (c) or (d) 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;
- (m) if any of the above planning conditions (e) (f), (g), (h), (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (n) 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.”

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

**Agenda Item 71**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/73                      Proposed Temporary Logistics Centre for a Period of 3 Years in  
“Government, Institution or Community” Zone, Lots 1968 (Part), 1970  
(Part), 1971 RP (Part), 1973 (Part), 1975 RP (Part), 1978 (Part) and  
1979 (Part) in D.D. 125, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/HSK/73)

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258.            The Committee noted that three replacement pages (pages 5 and 6 of the Paper and page 1 of Appendix IV) for clarifying editorial errors had been dispatched to Members prior to the meeting.

**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed temporary logistics centre for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received; 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. Whilst the development was not in line with the planning intention of the “Government, Institution

or Community” zone, the implementation programme for this part of the Hung Shui Kiu New Development Area was still being formulated, approval of the application on a temporary basis would not jeopardize the long-term development of the site. The proposed use was not incompatible with the surrounding uses. The application was generally in line with the Town Planning Board Guidelines No. 13E in that the site fell within Category 1 areas, relevant proposals had been submitted to demonstrate that the proposed use would not generate adverse impacts and technical concerns of relevant government departments could be addressed through implementation of approval conditions. Relevant approval conditions had been recommended to address the concerns on the possible environmental nuisances and the technical requirements of the relevant government departments. Previous applications for open storage uses at the site had been approved. Approval of the application was in line with the Committee’s previous decisions.

260. Members had no question on the application.

#### Deliberation Session

261. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.6.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;

- (d) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (e) the submission of a condition record of the existing drainage facilities on site within 3 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.9.2018;
- (f) 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 15.12.2018;
- (g) in relation to (f) 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 15.3.2019;
- (h) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.12.2018;
- (i) in relation to (h) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.3.2019;
- (j) 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 15.12.2018;
- (k) if any of the above planning conditions (a), (b), (c) or (d) 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;
- (l) if any of the above planning conditions (e), (f), (g), (h), (i) or (j) is not complied with by the specified date, the approval hereby given shall cease

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

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

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

### **Agenda Item 72**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/74                      Temporary Cargo Handling and Forwarding Facility (Logistics Centre) for a Period of 3 Years in “Open Space” Zone, Lots 95 (Part), 96 (Part), 108 S.A (Part), 119 (Part), 154 (Part), 155, 156 (Part), 157 RP (Part) and 158 RP (Part) in D.D.124, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/HSK/74)

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

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

- (a) background to the application;
- (b) the temporary cargo handling and forwarding facility (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 uses in the vicinity of the site. 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, one public comment was received from an individual 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 period of three years based on the assessments set out in paragraph 12 of the Paper. Whilst the development was not in line with the planning intention of the “Open Space” zone, the implementation programme for this part of the Hung Shui Kiu New Development Area was still being formulated, approval of the application on a temporary basis would not jeopardize the long-term development of the site. The applied use was not incompatible with the surrounding uses. The application was generally in line with the Town Planning Board Guidelines No. 13E in that the site fell within Category 1 areas, relevant proposals had been submitted to demonstrate that the proposed use would not generate adverse impacts and technical concerns of relevant government departments could be addressed through the implementation of approval conditions. Although DEP did not support the application, there was no substantiated environmental complaint pertaining to the site in the past three years. Relevant approval conditions had been recommended to address the concerns on the possible environmental nuisances and the technical requirements of the relevant government departments. Previous applications for open storage and logistics centre uses at the site and similar applications in the vicinity of the site had been approved. Approval of the application was in line with the Committee's previous decisions. Regarding the public comment, the comments of government departments and planning assessments above were relevant.

264. Members had no question on the application.

Deliberation Session

265. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.6.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 8:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;
- (d) the existing fencing on site shall be maintained at all times during the approval period;
- (e) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities on site within 3 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.9.2018;
- (g) the existing trees on site shall be maintained at all times during the planning approval period;
- (h) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.12.2018;
- (i) in relation to (h) above, the implementation of the fire service installations

proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.3.2019;

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

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

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

### **Agenda Item 73**

#### **Any Other Business**

267. There being no other business, the meeting closed at 8:00 p.m.