

## **TOWN PLANNING BOARD**

### **Minutes of 614<sup>th</sup> Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 2.11.2018**

#### **Present**

Director of Planning  
Mr Raymond K.W. Lee

Chairman

Mr Ivan C.S. Fu

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Mr K.K. Cheung

Dr C.H. Hau

Dr Lawrence K.C. Li

Mr Stephen L.H. Liu

Miss Winnie W.M. Ng

Mr L.T. Kwok

Mr K.W. Leung

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 Terence S.W. Tsang

Assistant Director/Regional 3,  
Lands Department  
Ms Angela S.C. Chan

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

Secretary

**Absent with Apologies**

Mr H.W. Cheung

Vice-chairman

Dr F.C. Chan

Dr Jeanne C.Y. Ng

**In Attendance**

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

Chief Town Planner/Town Planning Board  
Ms April K.Y. Kun

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

**Agenda Item 1**

**Confirmation of the Draft Minutes of the 613<sup>th</sup> RNTPC Meeting held on 19.10.2018**

[Open Meeting]

1. The draft minutes of the 613<sup>th</sup> RNTPC meeting held on 19.10.2018 were confirmed without amendments.

**Agenda Item 2**

**Matters Arising**

[Open Meeting]

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

**Sai Kung and Islands District**

[Mr Richard Y.L. Siu and Mr William W.T. Wong, Senior Town Planners/Sai Kung and Islands (STPs/SKIs), were invited to the meeting at this point.]

**Agenda Item 3**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/I-SKC/1                      Proposed Minor Relaxation of Maximum Building Height Restriction for Permitted Integrated Waste Management Facilities in “Other Specified Uses” annotated “Integrated Waste Management Facilities” Zone, Artificial Island at the Southwest Coast of Shek Kwu Chau  
(RNTPC Paper No. A/I-SKC/1A)

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3.            The Secretary reported that AECOM Asia Company Limited (AECOM) and Dennis Lau & Ng Chun Man Architects & Engineers (HK) Limited (DLN) were two of the consultants of the applicant.    The following Members had declared interests on the item:

Mr Ivan C.S. Fu	]	
		having current business dealings with AECOM; and
Dr C.H. Hau	]	
Mr Stephen L.H. Liu	-	having past business dealings with DLN.

4.            Since the interest of Mr Stephen L.H. Liu was indirect and Mr Ivan C.S. Fu and Dr C.H. Hau had no involvement in the application, the Committee agreed that they could stay in the meeting.

**Presentation and Question Sessions**

5.            Mr Richard Y.L. Siu, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed minor relaxation of maximum building height restriction (BHR) for permitted integrated waste management facilities (IWMF);
- (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, a total of 79 comments were received from South Lantao Rural Committee; Mui Wo Rural Committee; Chairperson of South Lantao Rural Committee; Indigenous Inhabitant Representative of Tai Long Tsuen, South Lantau; two green groups; four local concern groups; residents and individuals, raising objections to or expressing concerns on the application. Major views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed relaxation of BHR would provide design flexibility in meeting the special functional and operational requirements of some of the facilities to be accommodated within the Main Process Building (MPB) of the proposed IWMF. Due to the hilly topography of Shek Kwu Chau, the location of the IWMF Phase 1 was not visible (except the chimney) from most of the locations at South Lantau and Cheung Chau. Besides, the Environmental Protection Department (EPD) considered that the proposal would not cause any significant change in air quality assessment as assessed in the Environmental Impact Assessment (EIA) report. Other concerned departments had no adverse comments on the application. Regarding the concerns of public comments, comments of concerned departments and the planning assessments above were relevant.

6. The Chairman and some Members raised the following questions:

- (a) whether reclamation of the site had commenced;
- (b) the reasons for revising the original scheme and the difference between the proposed scheme and the reference scheme; and
- (c) noting that the design of the entire MPB had been changed, whether the technical assessments submitted by the applicant had covered such changes.

7. Mr Richard Y.L. Siu, STP/SKIs, made the following responses:

- (a) reclamation works for the site had not yet commenced;
- (b) the reference scheme used in the EIA was prepared about 10 years ago. In views of the advancement of technology, the applicant considered a new design of Heat Recovery Boilers as the most preferred option under the proposed scheme. With reference to Drawing A-5 of the Paper showing the comparison of the reference scheme and the proposed scheme, the latter with the revised design of the MPB would offer improvements in efficiency and operational safety for the staffs. EPD had no objection to the proposal; and
- (c) technical assessments based on the proposed scheme had been submitted by the applicant and concerned departments had no adverse comments on the applicant's submissions.

8. In response to the Chairman's question on whether any follow up actions would be required under the EIA process, if the current application was approved, Mr Richard Y.L. Siu said that the environmental permit (EP) only restricted the maximum height of the chimney which should be less than 150m. Since the height of the chimney would remain unchanged, the approval of the application would not require any change to the EP. Mr Terence S.W. Tsang, Principal Environmental Protection Officer (Strategic Assessment), EPD supplemented that although there was no specific condition in the EP to control the dimensions of the MPB, a condition requiring submission of a landscape and visual plan to EPD for approval was imposed.

If the current application was approved, the applicant would need to update the submitted landscape and visual plan as appropriate.

9. In response to the Chairman's enquiry, Mr Terence S.W. Tsang said that, provided that the emissions and waste treatment parameters of the proposed IWMF would remain unchanged, EPD had no strong views on adopting the latest design, which had a higher building height, from the environmental perspective.

#### Deliberation Session

10. A Member supported the application as the proposed scheme would not result in any adverse impact. The Member also pointed out that the public comments were mainly on the development of IWMF in Shek Kwu Chau, instead of objecting to the proposed minor relaxation of building height under application.

11. 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 2.11.2022, 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 condition :

“the provision of fire services installations and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the TPB.”

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

**Agenda Item 4**

**Section 16 Application**

[Open Meeting]

A/SK-CWBN/48 Proposed Comprehensive Development for Residential, Commercial (Hotel, Kindergarten, Eating Place and Shop and Services) and Residential Institution Uses with Minor Relaxation of Plot Ratio, Gross Floor Area and Building Height Restrictions in “Comprehensive Development Area (2)” Zone, Lots 214 RP, 219, 220 S.A, 220 S.B, 220 RP, 224 and 226 in D.D. 229 and Adjoining Government Land, Clear Water Bay, Sai Kung  
(RNTPC Paper No. A/SK-CWBN/48A)

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13. The Secretary reported that the application was submitted by Clear Water Bay Land Company Limited (CWBL), Double One Limited and Coastline International Limited (CIL). ADI Limited (ADI), Ronald Lu & Partners (Hong Kong) Limited (RLP), AECOM Asia Company Limited (AECOM), LWK Conservation Limited (LWK) and MVA Hong Kong Limited (MVA) were five of the consultants of the applicants. The following Members had declared interests on the item :

- Mr Ivan C.S. Fu - being a shareholder and director of LWK and having current business dealings with ADI, AECOM and MVA;
- Mr K.K. Cheung - his firm having current business dealings with CWBL, CIL and RLP;
- Dr C.H. Hau - having current business dealings with AECOM; and
- Mr Stephen L.H. Liu - having past business dealings with RLP and LWK.

14. The Committee noted that the applicants had requested deferment of consideration of the application. Since the interest of Mr Ivan C.S. Fu was direct, the Committee agreed that he could stay in the meeting but should refrain from participating in the discussion. As the interest of Mr Stephen L.H. Liu was indirect and Mr K.K. Cheung

and Dr C.H. Hau had no involvement in the application, the Committee agreed that they could stay in the meeting.

15. The Committee noted that the applicants' representative requested on 26.10.2018 deferment of the consideration of the application for two months in order to allow time to address departmental comments. It was the second time that the applicants requested deferment of the application. Since the last deferment, the applicants had submitted further information to address departmental comments.

16. After deliberation, the Committee decided to defer a decision on the application as requested by the applicants pending the submission of further information from the applicants. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicants. If the further information submitted by the 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 applicants 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 5**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-CWBS/28 Proposed Public Utility Installation (Pole with Transformer and Underground Cable) and Excavation of Land in "Conservation Area" Zone, Government Land in D.D. 230, Siu Hang Hau, Sai Kung  
(RNTPC Paper No. A/SK-CWBS/28B)

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17. The Secretary reported that the application was submitted by CLP Power Hong Kong Limited (CLP) and Kum Shing (K.F.) Construction Company Limited (KS) was the consultant of the applicant. The following Members had declared interests on the item:

- Mr K.K. Cheung - his firm having current business dealings with CLP and KS;
- Dr Jeanne C.Y. Ng - being a Director of CLP Research Institute, which was a subsidiary of CLP; and
- Mr Stephen L.H. Liu - having past business dealings with CLP.

18. The Committee noted that Dr Jeanne C.Y. Ng had tendered an apology for being unable to attend the meeting. Since the interest of Mr Stephen L.H. Liu was indirect and Mr K.K. Cheung had no involvement in the application, the Committee agreed that they could stay in the meeting.

#### Presentation and Question Sessions

19. 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 (pole with transformer and underground cable) and excavation of land;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from the World Wide Fund for Nature Hong Kong, raising concerns on the application. Major views 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. Although there was a general presumption against development in the “Conservation Area”, the proposed development and associated works were essential facilities to provide electricity to the Siu Hang Hau area. In view of its small scale and no vegetation cover at the site, adverse impacts on the surrounding areas were not anticipated. Also, concerned departments had no objection to or adverse comment on the application. Regarding the concerns raised by the public comment, comments of the concerned departments and the planning assessments above were relevant.

20. Members had no question on the application.

#### Deliberation Session

21. 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 2.11.2022, 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.

22. 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 Richard Y.L. Siu and Mr William W.T. Wong, STPs/SKIs, for their attendance to answer Members’ enquiries. They left the meeting at this point.]

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

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

**Agenda Item 6**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/556 Proposed 5 Houses (New Territories Exempted Houses) in “Agriculture” Zone, Lots 644 S.A, 644 S.B, 644 RP, 643B S.A RP, 643B S.B and 643B RP in D.D. 9, Yuen Leng Village, Tai Po  
(RNTPC Paper No. A/NE-KLH/556)

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23. The Secretary reported that Spence Robinson Limited (SRL) was the consultant of the applicant. Mr K.K. Cheung had declared an interest on the item as his firm was having current business dealings with SRL. The Committee agreed that Mr K.K. Cheung could stay in the meeting as he had no involvement in the application.

**Presentation and Question Sessions**

24. 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 five houses (New Territories Exempted Houses (NTEHs));
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The District Lands Officer/Tai Po (DLO/TP) objected to the application as the site fell entirely outside the village ‘environs’ (‘VE’) of Yuen Leng Village. The Director of Environmental Protection (DEP) did not support the application in that the applicant failed

to demonstrate that the site falling within water gathering ground (WGG) would be able to be connected to existing/planned sewerage system in the area and that the proposed development would not be subject to significant railway noise impact. The Chief Engineer/Construction of Water Supplies Department (CE/C, WSD) objected to the application as the site was located within upper indirect WGG and was less than 30m away from the nearest water course. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as there were active agricultural activities in the vicinity. The Commissioner for Transport (C for T) had reservation on the application as such type of development should be confined within the “Village Type Development” (“V”) zone as far as possible. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, two public comments were received from the Mass Transit Railway Corporation Limited and an individual, raising concerns on and objection to the application respectively. Major views 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 NTEHs development was not in line with the planning intention of the “Agriculture” zone and DAFC did not support the application. In addition, the application did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria) in that the site fell entirely outside the ‘VE’ and the “V” zone, the proposed development falling within water gathering ground would not be connected to public sewerage system and it would be subject to adverse rail noise impacts. Concerned departments had adverse comments on the application. Regarding the concerns of public comments, the planning assessments above were relevant.

25. A Member asked whether the five NTEHs under application were Small Houses

and whether there was any difference in assessing the current application as compared to that for Small House development. In response, Ms Kathy C.L. Chan, STP/STN, said that the current application was not for Small Houses. Nevertheless, the application was assessed according to the same set of Interim Criteria.

#### Deliberation Session

26. 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 justification in the current submission for a departure from the planning intention;
- (b) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the applicant fails to demonstrate that the proposed development located within the water gathering ground 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) the proposed development would be subject to adverse noise impact generated by the East Rail nearby, and there is no information in the submission to demonstrate that the proposed development will be in compliance with the Noise Control Ordinance (Cap. 400).”

[Mr Ricky W.Y. Yu arrived to join the meeting at this point.]

**Agenda Item 7**

**Section 16 Application**

[Open Meeting]

A/NE-TK/653                      Proposed House (New Territories Exempted House - Small House) and  
Excavation of land in “Green Belt” and “Village Type Development”  
Zones, Lot 998 in D.D. 28 and Adjoining Government Land, Lung Mei  
Village, Tai Po  
(RNTPC Paper No. A/NE-TK/653)

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27.            The Committee noted that the applicant requested on 15.10.2018 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.

28.            After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within 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 8**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/654            Proposed House (New Territories Exempted House - Small House) in  
                                 “Agriculture” Zone, Lot 257 S.B in D.D. 8, Tai Mong Che, Lam Tsuen,  
                                 Tai Po  
                                 (RNTPC Paper No. A/NE-LT/654)

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**Presentation and Question Sessions**

29.            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 9 and Appendix II of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site possessed potential for agricultural rehabilitation. The Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) objected to the application unless the applicant was committed to undertake a Natural Terrain Hazard Study (NTHS) and to provide mitigation measures if necessary but no Geotechnical Planning Review Report (GPRP) was submitted in this regard. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, three objecting public comments were received from The Hong Kong Bird Watching Society, Designing Hong Kong Limited and an individual.

Major objecting views 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 development was not in line with the planning intention of the “Agriculture” zone and DAFC did not support the application. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, land was still available within the “Village Type Development” (“V”) zone of Tai Mong Che and Ma Po Mei to meet the outstanding Small House applications, it was 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 infrastructures and services. In addition, H(GEO) of CEDD had adverse comment on the application as the site was overlooked by steep natural hillside but no GPRR was submitted. Regarding the adverse public comments, comments of concerned departments and the planning assessments above were relevant.

30. Noting that some similar applications were approved in the vicinity of the site, a Member asked the differences of those applications in terms of the planning consideration. In response, Ms Kathy C.L. Chan, STP/STN, said that the site of application No. A/NE-LT/607 located to the north was the subject of a previously approved application and application No. A/NE-LT/601 located to the south was approved by the Town Planning Board on review on the consideration that the site was an infill site within existing village settlement and hence sympathetic consideration could be given.

#### Deliberation Session

31. A Member said that although two similar applications in the vicinity were approved in 2017, they had special consideration that was different from the current application. Given that a more cautious approach had been adopted in consideration of Small House application, land was still available within the “V” zone for Small House development and there were adverse departmental comments, Members generally considered that the current application should be rejected.

32. 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 current submission for a departure from the planning intention;
- (b) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that there is no information in the submission to demonstrate that the proposed development would not have adverse geotechnical impact on the surrounding area; and
- (c) land is still available within the “Village Type Development” (“V”) zone of Tai Mong Che and Ma Po Mei 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.”

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

**Agenda Item 9**

**Section 16 Application**

[Open Meeting]

A/TP/657 Columbarium in “Government, Institution or Community” Zone, Lot 1006 RP in D.D.5, No. 2, Mui Shue Hang Village, Tai Po  
(RNTPC Paper No. A/TP/657)

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33. The Secretary reported that the application was submitted by Piety (Tai Po) Poh Yea Ching Shea Limited (PYCS) for a columbarium development and the site was located in Tai Po area. The following Members had declared interests on the item:

Mr H.W. Cheung - being a member of Private Columbaria Licensing Board and owning a flat in Tai Po Market;

Mr Ivan C.S. Fu - being a member of Private Columbaria Appeal Board; and

Mr K.K. Cheung - his firm having current business dealings with PYCS;

34. The Committee noted that the applicant had requested deferment of consideration of the application and Mr H.W. Cheung had tendered an apology for being unable to attend the meeting. Since the interest of Mr K.K. Cheung was direct, the Committee agreed that he could stay in the meeting but should refrain from participating in the discussion. As the interest of Mr Ivan C.S. Fu was indirect, the Committee agreed that he could stay in the meeting.

35. The Committee noted that the applicant’s representative requested on 12.10.2018 deferment of the consideration of the application for two months in order to allow time to address departmental and public comments. It was the first time that the applicant requested deferment of the application.

36. 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 Items 10 to 12**

#### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LK/115 Proposed House (New Territories Exempted House - Small House) in "Agriculture" Zone, Lot 1365 S.A ss.6 in D.D. 39, Ma Tseuk Leng Village, Sha Tau Kok  
(RNTPC Paper No. A/NE-LK/115)

A/NE-LK/116 Proposed House (New Territories Exempted House - Small House) in "Agriculture" Zone, Lots 1365 S.A ss.2 S.B, 1365 S.A ss.3 and 1365 S.A ss.4 in D.D. 39, Ma Tseuk Leng Village, Sha Tau Kok  
(RNTPC Paper No. A/NE-LK/116)

A/NE-LK/117 Proposed House (New Territories Exempted House - Small House) in "Agriculture" Zone, Lots 1365 S.A ss.2 S.A and 1365 S.A ss.5 in D.D. 39, Ma Tseuk Leng Village, Sha Tau Kok  
(RNTPC Paper No. A/NE-LK/117)

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37. The Committee agreed that the three s.16 applications could be considered together as they were similar in nature, and the sites were adjoining one another and falling within the same "Agriculture" ("AGR") zone.

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

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

- (a) background to the applications;
- (b) proposed house (New Territories Exempted House (NTEH) – Small House) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix II of each of the Papers. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications as the sites possessed potential for agricultural rehabilitation. The Chief Engineering/Mainland North, Drainage Services Department (CE/MN, DSD) did not support application No. A/NE-LK/116 as the site encroached upon an existing stream course. Other concerned 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 were received in respect of each of the applications. A North District Council member supported the applications and the Chairman of Sheung Shui District Rural Committee had no comments, while The Hong Kong Bird Watching Society, Designing Hong Kong Limited and an individual raised objections to the three applications. Major views were set out in paragraph 10 of each of the Papers; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the applications based on the assessments set out in paragraph 11 of each of the Papers. The proposed Small House developments were not in line with the planning intention of the “AGR” zone and DAFC did not support the application. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, land was still available within the “Village Type Development” (“V”) zone of Ma Tseuk Leng, Ma Tseuk Leng San Uk Ha and Shek Kiu Tau to meet the outstanding Small House demand. It was more appropriate to concentrate

the proposed Small House developments within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructures and services. Besides, CE/MN, DSD had adverse comments on application No. A/NE-LK/116 and the applicant failed to demonstrate the proposed development would not cause adverse drainage impacts on the surrounding areas. Regarding the adverse public comments, comments of concerned departments and the planning assessments above were relevant.

39. Members had no question on the applications.

#### Deliberation Session

40. A Member said that despite some similar applications were approved in the vicinity, the Committee had adopted a more cautious approach in consideration of Small House application and the planning considerations of the current applications were different from those approved applications. Furthermore, there were adverse departmental comments on the three applications. In view of the above, Members generally did not support the applications.

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

#### Applications No. A/NE-LK/115 and 117

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone in the Luk Keng and Wo Hang area which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention; and
- (b) land is still available within the “Village Type Development” zone of Ma

Tseuk Leng, Ma Tseuk Leng San Uk Ha and Shek Kiu Tau village cluster where land is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructures and services.”

Application No. A/NE-LK/116

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone in the Luk Keng and Wo Hang area which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention;
- (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 drainage impacts on the surrounding areas; and
- (c) land is still available within the “Village Type Development” zone of Ma Tseuk Leng, Ma Tseuk Leng San Uk Ha and Shek Kiu Tau village cluster where land is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructures and services.”

**Agenda Item 13**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/677      Social Welfare Facility (Residential Care Home for Persons with Disabilities) in “Residential (Group C)” Zone, Lots 821 S.A, 822 S.B, 823 S.B and 824 RP in D.D. 83 and Adjoining Government Land, Lung Yeuk Tau, Fanling  
(RNTPC Paper No. A/NE-LYT/677)

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**Presentation and Question Sessions**

42.            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 social welfare facilities (residential care home for persons with disabilities (RCHD));
- (c)    departmental comments – departmental comments were set out in paragraph 9 of the Paper. The District Officer (North) (DO(N)) advised that the Chairman of Fanling District Rural Committee relayed strong objections from local residents mainly on the grounds of adverse traffic and environmental impacts. Other concerned departments had no objection to or no adverse comment on the application;
- (d)    during the first three weeks of the statutory publication period, three public comments were received from two North District Council members and the Chairman of Sheung Shui District Committee, who indicated support and no comment on the application respectively; 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.

Whilst the applied use was not entirely in line with the planning intention of the “Residential (Group C)” zone, it was not incompatible with the surrounding area primarily for domestic use in temporary or permanent structures. In view of the scale and nature of the applied use, adverse impact on surrounding areas was not anticipated. Concerned departments had no adverse comment on the application. The RCHD had been in service at the site since 2011 and was subject to a previously approved application. However, the previous planning permission was revoked due to non-compliance with approval conditions. Nevertheless, the applicant had demonstrated efforts by submitting proposals on sewerage, drainage, run-in/out and fire services installations (FSIs). Sympathetic consideration could be given to the application but shorter compliance periods on the approval conditions were proposed to monitor the progress of compliance. Regarding the local objection conveyed by DO(N), comments of concerned departments and the planning assessments above were relevant.

43. Some Members raised the following questions:
- (a) whether the planning permission would be subject to a validity period, if the application was approved;
  - (b) noting that the previous planning permission was revoked due to non-compliance with approval conditions, the progress made by the applicant on compliance of the approval conditions imposed under the previous application; and
  - (c) clarification on the compliance periods of approval conditions under the current application.
44. Mr Tim T.Y. Fung, STP/STN, made the following responses:
- (a) the applicant sought permanent planning permission for the applied use. Since the applied use was already in operation, no validity period was

recommended;

- (b) the previous application was approved with conditions requiring the submission and implementation of drainage, sewerage, FSIs and run-in/out proposals. However, none of those conditions had been complied with and the previous planning permission was subsequently revoked. The applicant had submitted proposals for sewerage, drainage, FSIs and run-in/put under the current application and had engaged an Authorized Person as a project consultant to follow up with the planning matters if the application was approved; and
- (c) shorter compliance periods were recommended for monitoring the progress of compliance. Should the current application be approved, the applicant would be required to comply with the submission and implementation of various proposals within three months and six months respectively.

#### Deliberation Session

45. A Member was concerned about the implication to the planning intention of the “R(C)” zone if the application was approved. The Committee noted that approval of the application would not affect the land use zoning of the site, and any change of approved use or redevelopment of the site must conform with the provision of land use zoning at that time.

46. 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 was subject to the following conditions :

- “(a) 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 2.2.2019;
- (b) in relation to (a) above, the implementation of the 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 2.5.2019;

- (c) the submission of a sewerage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 2.2.2019;
- (d) in relation to (c) above, the implementation of the sewerage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 2.5.2019;
- (e) the submission of proposals 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 2.2.2019;
- (f) in relation to (e) above, the implementation of proposals 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 2.5.2019;
- (g) the implementation 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 2.5.2019; and
- (h) if any of the above planning conditions (a), (b), (c), (d), (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.”

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

**Agenda Item 14**

**Section 16 Application**

[Open Meeting]

A/NE-MUP/135      Proposed Temporary Vehicle Park for Container Trailers for a Period of 3 Years in “Agriculture” Zone, Lots 171 RP and 174 S.B RP in D.D. 38, Man Uk Pin, Sha Tau Kok  
(RNTPC Paper No. A/NE-MUP/135A)

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48.            The Committee noted that the applicant’s representative requested on 26.10.2018 deferment of the consideration of the application for two months in order to allow time to address departmental comments. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted response-to-comment table, a revised layout plan and a technical assessment to address departmental comments.

49.            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 15**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-MUP/140 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Government, Institution or Community” Zones, Lot 614 S.A RP in D.D. 37, Man Uk Pin, Sha Tau Kok  
(RNTPC Paper No. A/NE-MUP/140)

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### **Presentation and Question Sessions**

50. 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 proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix II of the Paper. 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 some reservation on the application as approval of the application would encourage similar applications to encroach onto the same “Agriculture” (“AGR”) zone and result in irreversible change of the rural landscape character;
- (d) during the first three weeks of the statutory publication period, six public comments were received. A North District Council member and the Chairman of Sheung Shui District Rural Committee had no comment on the application, while Kadoorie Farm and Botanic Garden Corporation, World Wide Fund for Nature Hong Kong, The Hong Kong Bird Watching

Society and an individual objected to the application. Major objecting views were set out in paragraph 10 of the Paper; and

- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed Small House development was not in line with the planning intention of the “AGR” zone and DAFC did not support the application. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, land was still available within the “Village Type Development” (“V”) zone of Man Uk Pin to meet the outstanding Small House demand. Although significant adverse landscape impact was not anticipated, CTP/UD&L of PlanD had reservations on the application. It was more appropriate to concentrate the proposal Small House within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services. The site was subject to a previous planning application for the same use rejected by the Committee in 2014. There had not been any major change in planning circumstances of the area since the rejection of the previous application. Regarding the adverse public comments, comments of concerned departments and the planning assessments above were relevant.

51. Members had no question on the application.

#### Deliberation Session

52. A Member agreed with PlanD's recommendation to reject the application mainly on the consideration that land was still available within the “V” zone to meet the outstanding Small House demand. However, it was noted that a number of similar applications located to the southwest of the subject “V” zone were approved by the Committee mainly for reason that a new village cluster was being formed in that locality, and some of those approved applications for Small House development were being processed by the Lands Department. If there were future similar planning applications in that area, the Member said that the Committee should carefully balance the planning considerations of land availability in the “V” zone and formation of new village cluster in assessing those applications. Another

Member was of the view that the planning consideration of land availability in the “V” zone should prevail over other factors. Nevertheless, each planning application should be considered on its own individual merits.

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

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

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

### **Agenda Item 16**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/577 Temporary Warehouse (Storage of Spare Parts and Used Electrical Goods) with Ancillary Workshop for a Period of 3 Years in “Open Storage” Zone and an area shown as ‘Road’, Lots 885 and 1552 S.A ss.3 (Part) in D.D. 77 and Adjoining Government Land, Ping Che (RNTPC Paper No. A/NE-TKL/577C)

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Presentation and Question Sessions

54. 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 warehouse (storage of spare parts and used electric goods) with ancillary workshop for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were domestic structures in the vicinity of the site. The District Officer (North) conveyed that the Vice-chairman of Ta Kwu Ling District Rural Committee objected to the application as part of the site falling in an area shown as ‘Road’ should be reserved for road improvement works. Other concerned departments had no objection to or no adverse comment on the application.
- (d) during the first three weeks of the statutory publication period, eight public comments were received. Three comments from a North District Council (NDC) member and three comments from the Chairman of Sheung Shui District Rural Committee had no comment on the application, and two comments from the Chairman of NDC supported the application; and
- (e) the Planning Department (PlanD)’s views – PlanD considered the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Majority of the site (about 77%) fell within the “Open Storage” zone where warehouse and ancillary workshop uses were always permitted, whereas a minor (23%) portion fell within an area shown as ‘Road’ (i.e. part of Roads 4 and 5). Nonetheless, there was no development programme for Roads 4 and 5 and the applied use was not incompatible with the surrounding land uses predominated by warehouses, open storage, some domestic structures and

active/fallow agricultural land. Approval of the application on a temporary basis would not frustrate the implementation programme of Roads 4 and 5, and the future development in the area. Concerned departments had no adverse comment on the application, except DEP. Relevant approval conditions restriction operation hours were recommended to address DEP's concerns. Part of the site was the subject of four previously approved applications for similar open storage and workshop uses. However, the last planning permission was revoked due to non-compliance with the approval condition in relation to the provision of fire services installations. Shorter compliance periods on the approval conditions were recommended to monitor the progress of compliance. Regarding the public comments and local objection conveyed by DO(N), comments of concerned departments and the planning assessments above were relevant.

55. Members had no question on the application.

#### Deliberation Session

56. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 2.11.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 5:30 p.m. and 8:30 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 peripheral fencing shall be maintained on site at all times during the planning approval period;
- (d) the existing trees and landscape planting on site shall be maintained at all times during the planning approval period;

- (e) 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 2.2.2019;
- (f) in relation to (e) 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 2.5.2019;
- (g) the submission of proposals for fire service installations and water supplies for firefighting within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.2.2019;
- (h) in relation to (g) above, the implementation of proposals for fire service installations and water supplies for firefighting within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.5.2019;
- (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.”

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

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

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

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

**Agenda Item 17**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/KTN/53                      Renewal of Planning Approval for Temporary Medium Goods Vehicle and Container Tractor/Trailer Park for a Period of 3 Years in “Government, Institution or Community”, “Green Belt” and “Residential (Group B)” Zones and an area shown as ‘Road’, Lots 106 (Part), 108 (Part), 109 (Part), 110 (Part), 112 (Part), 113, 114, 115 (Part), 116 (Part), 117 (Part), 118 (Part), 119 (Part), 120 (Part), 122 (Part), 123 (Part), 165 S.A (Part) in D.D. 95 and Adjoining Government Land, Ho Sheung Heung, Kwu Tung North, Sheung Shui (RNTPC Paper No. A/KTN/53)

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58.                      The Secretary reported that the site was located in Kwu Tung North, Sheung Shui. 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 did not have a direct view of the site, the Committee agreed that he could stay in the meeting.

**Presentation and Question Sessions**

59.                      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 renewal of planning approval for temporary medium goods vehicle and container tractor/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 as there were sensitive uses in the vicinity of the site and environmental nuisance to nearby residents was anticipated. The District Officer (North) (DO(N)) conveyed that the Resident Representative of Kwu Tung (North) objected to the application mainly for reasons of adverse traffic impact. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, three public comments were received from a North District Council (NDC) member and two individuals. While the two individuals had no comment, the NDC member objected to the application. Major objecting views were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD considered the temporary use could be tolerated for a further period of three years based on the assessments set out in paragraph 12 of the Paper. The site fell mainly within an area shown as 'Road' with minor portion in "Government, Institution or Community", "Residential (Group B)" and "Green Belt" zones. Although the applied use was not in line with the planning intentions of the zonings above, the site was previously zoned "Open Storage" and fell within the Remaining Packages of Kwu Tung North New Development Area. The applied use was not incompatible with the surrounding land uses predominated by open storage yards, workshops, warehouses and container vehicle parks. Approval of the application on a temporary basis would not jeopardize the long-term planning intention of the concerned zonings. The application generally complied with the Town Planning Board Guidelines No. 13E in that the site fell within Category 1 areas and concerned departments had no adverse comment on the application, except DEP. Relevant approval conditions were recommended to address DEP's concerns and there was no environmental complaints against the site in the past three years. Regarding the adverse

public comments and local objection conveyed by DO(N), comments of concerned departments and the planning assessments above were relevant.

60. Members had no question on the application.

#### Deliberation Session

61. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 7.11.2018 until 6.11.2021, 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 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) the existing peripheral fencing on the site shall be maintained at all times during the planning approval period;
- (d) the existing drainage facilities on the site shall be properly maintained and rectified if they are found inadequate/ineffective at all times during the planning approval period;
- (e) the submission of a condition record of the existing drainage facilities within 3 months from the date of commencement of renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.2.2019;
- (f) the submission of a 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 7.5.2019;

- (g) in relation to (f) above, the implementation of the 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 7.8.2019;
- (h) the submission of proposals for 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 7.5.2019;
- (i) in relation to (h) above, the provision of fire service installations and water supplies for fire fighting within 9 months from the date of commencement of renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.8.2019;
- (j) 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
- (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.”

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

**Agenda Item 18**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/612 Proposed Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of 5 Years in “Village Type Development” Zone, Lots 1305 RP, 1357 (Part), 1358 RP and 1361 in D.D. 109, Kong Tai Road, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/612A)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed temporary public vehicle park (excluding container vehicle) for a period of five years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as the existing trees at the site were in direct conflict with the proposed layout and no landscape proposal was provided to alleviate the potential landscape impact. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, three objecting public comments were received from Tai Kong Po Tsuen Village Committee and individuals. Major objecting views were set out in paragraph 10 of the Paper; and
- (e) PlanD’s views – PlanD had no objection to the application on a temporary

basis for a period of five 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 “Village Type Development” (“V”) zone, it could address the demand for parking spaces in the area and was not incompatible with the surrounding land uses. Also, there was no Small House application approved or under processing within the site. Approval of the application on a temporary basis would not jeopardise the long-term planning intention. To address CTP/UD&L, PlanD’s concerns, approval conditions requiring the submission and implementation of a tree preservation and landscape proposal were recommended to alleviate the potential landscape impact. Other concerned departments had no adverse comment on the application and relevant approval conditions were suggested to minimize potential environmental impact. Regarding the adverse public comments, apart from one comment which was related to land matters of a lot falling outside the site, comments of concerned departments and the planning assessments above were relevant.

64. Some Members raised the following questions:
- (a) the reasons for recommending approval on a temporary basis for a period of five years, instead of three years;
  - (b) the applicant’s justifications for seeking a temporary planning permission;
  - (c) the surrounding land uses and any Small House application within the site;
  - (d) noting that the site was connected to the public road network via a local access road and a commenter expressed that the land owner of Lot 1306 RP in D.D. 109 did not agree to participate but part of the lot had been fenced off in the application, whether the applicant had proposed any measures to ensure access right to Kong Tai Road; and
  - (e) whether Lot 1305 RP in D.D. 109 as shown on the Plan A-2 of the Paper fell within the site.

65. Ms Ivy C.W. Wong, STP/FSYLE, made the following response;

- (a) as the ‘public vehicle park (excluding container vehicle)’ use was a column 2 use under the Notes for the “V” zone, the applicant could apply for a permanent planning permission. Since the applicant only sought a temporary planning permission for a period of five years, PlanD thus recommended approval of the application on a temporary basis. On the other hand, according to the covering Notes of the Outline Zoning Plan (OZP), for use that was not provided for in terms of the OZP, planning permission could only be granted for temporary use not exceeding a period of three years;
- (b) the applicant did not provide any justification for seeking a temporary permission instead of a permanent permission. The applicant was not the current landowner of the site;
- (c) according to the Lands Department, there was no Small House application approved or being processed at the site. With reference to Plan A-2 of the Paper, surrounding land uses mainly comprised residential structures as well as vacant and unused land. According to the applicant, the proposed use could serve the parking demand of villagers, as there were vehicles parking on the sidewalk along Kong Tai Road causing inconvenience of the villagers;
- (d) with reference to Plan A-2 of the Paper, the proposed run-in/out at the site could access Kong Tai Road directly. Regarding the public comments, the site did not cover Lot 1036 RP in D.D. 109. The Commissioner for Transport (C for T) had no comment on the application but required no vehicle should queue back to or reverse onto/from public road; and
- (e) the site comprised two portions and the smaller portion covered Lot 1035 RP in D.D. 109.

Deliberation Session

66. A Member considered the site falling within “V” zone should be reserved for Small House development, the proposed public vehicle park might not be compatible with surrounding land uses and using the smaller portion of the site covering Lot 1305 RP in D.D. 109 as public vehicle park would cause inconvenience to other landowners. Another Member was concerned about the feasibility of the proposed use as the site was connected to public road network via a local access road and there was an objecting comment from the Tai Kong Po Tsuen Village Committee. Mr Patrick K.H. Ho, Chief Traffic Engineer/New Territories West, Transport Department, clarified that the local access road referred to in C for T’s comments was Kong Tai Road and it was not uncommon for village area connecting to public road network via local access roads. The Committee also noted that the smaller portion of the site, which could allow five private cars to be parked, had its own individual run-in/out.

67. A Member enquired whether the feasibility of the proposed development was a material planning consideration of the application. The Chairman said that the feasibility of implementing the proposed use might be subject to a number of factors. Even if the current application was approved, the applicant would still be required to comply with other relevant legislation and Government requirements, as might be applicable.

68. Some other Members supported the application and considered that the proposed development could serve the village area and there was a similar application approved in the same “V” zone. A Member further said that although Kong Tai Road was a local access road, it had no difference to a standard road managed by the Government, with reference to the site photos shown in Plan A-4 of the Paper.

69. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 2.11.2023, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities, as proposed by the applicant, are allowed on the site at any time during the planning approval period;

- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes, as proposed by the applicant, including container tractor/trailer, 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 vehicles without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations are allowed to be parked/stored on the site at any time during the planning approval period;
- (d) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the site at all times during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (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 2.5.2019;
- (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 2.8.2019;
- (h) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 2.5.2019;
- (i) in relation to (h) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 2.8.2019;

- (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 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 2.5.2019;
- (l) in relation to (k) 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 2.8.2019;
- (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; and
- (n) if any of the above planning conditions (f), (g), (h), (i), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

**Agenda Item 19**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/613 Proposed Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of 5 Years in “Comprehensive Development Area (1)” and “Comprehensive Development Area” Zones, Lots 1781 and 1782 RP in D.D. 107, Shui Tau Tsuen, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/613A)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed temporary public vehicle park (excluding container vehicle) for a period of five years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Commissioner for Transport (C for T) considered that there was insufficient information in the submission and his comments had not yet been adequately addressed by the applicant. Since there were some wetland areas located near Chi Ho Road and existing fishponds in the vicinity of the site, the Director of Agriculture, Fisheries and Conservation (DAFC) had concerns about the possible disturbance caused to nearby habitats from increased traffic flow in the area as well as off-track traffic. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, three objecting public comments were received from a Yuen Long District Council member and individuals. Major objecting views 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 use was not in line with the planning intention of the “Comprehensive Development Area” (“CDA”) while there was no known programme for this part of the “CDA” zone. Although the applicant claimed that the proposed public vehicle park was to serve the need of the villagers, no information was provided in the submission on which village was to be served. Also, C for T and DAFC had adverse comments on the application as the applicant failed to demonstrate that the proposed use would not cause adverse traffic impact on and disturbance to the surrounding areas. Regarding the adverse public comments, comments of concerned department and the planning assessments above were relevant.

72. Members had no question on the application.

#### Deliberation Session

73. A Member asked whether the local demand for vehicle parking spaces should be taken into account in considering the application. In response, the Chairman said that while local demand for parking spaces could be one of the factors for consideration in planning assessment, the Committee should not preclude the applicant's commercial considerations.

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

“the applicant fails to demonstrate that the proposed development would not cause adverse traffic impact on the surrounding area.”

**Agenda Item 20**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/629      Proposed Temporary Shop and Services (Plant Showroom) for a Period of 3 Years in “Agriculture” Zone, Lot 956 RP (Part) in D.D.109 and Adjoining Government Land, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/629)

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**Presentation and Question Sessions**

75.            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 (plant showroom) 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 the proposed use would generate traffic of heavy goods vehicles and there were sensitive residential use in the vicinity. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservation on the application as vegetation clearance had been taken place prior to obtaining planning permission and approval of the application 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 the site possessed potential for agricultural uses. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, six

objecting comments were received from Tai Kong Po Tsuen Committee, World Wide Fund for Nature Hong Kong, Kadoorie Farm and Botanic Garden Corporation, The Hong Kong Bird Watching Society, Designing Hong Kong Limited and an individual. Major objecting views were set out in paragraph 10 of the Paper; and

- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed use was not in line with the planning intention of the “Agriculture” (“AGR”) zone and DAFC did not support the application. There was no strong planning justification for a departure from the planning intention, even on a temporary basis. DEP and CTP/UD&L, PlanD had adverse comment on the application for reasons of environmental nuisance and site modification prior to application. Although there were six similar applications for shop and services (plant showroom) approved in the vicinity, they had different planning considerations from the current application in that no adverse comments were raised by concerned departments. Regarding the adverse public comments, comments of concerned departments and the planning assessments above were relevant.

76. Members had no question on the application.

#### Deliberation Session

77. In response to a Member's question, the Chairman said that PlanD recommended rejecting the application for reason of not in line with the planning intention of the “AGR” zone.

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” 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. No strong justification has been given in the submission for a departure from the planning intention, even on temporary basis; and

- (b) the applicant fails to demonstrate that the proposed development would not generate environmental nuisance on the surrounding areas.”

## **Agenda Item 21**

### **Section 16 Application**

[Open Meeting]

A/YL-KTN/630      Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years in “Agriculture” Zone, Lot 1456 in D.D. 107, Shui Mei Tsuen, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/630)

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79.            The Committee noted that the applicant’s representative requested on 26.10.2018 deferment of the consideration of the application for one month in order to allow time to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

**Agenda Item 22**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/631      Temporary Open Storage of Private Cars for a Period of 3 Years in “Open Space” and “Residential (Group D)” Zones, Lot 529 S.B (Part) in D.D. 109, Lot 644 S.A RP (Part) in D.D. 110, and Adjoining Government Land, Kam Tin Road, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/631)

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81.            The Committee noted that the applicant’s representative requested on 30.10.2018 deferment of the consideration of the application for two months in order to allow time to address departmental comments. It was the first time that the applicant requested deferment of the application.

82.            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 23**

**Section 16 Application**

[Open Meeting]

A/YL-KTN/632      Temporary Open Storage of Construction Machinery, Construction Materials and Ancillary Parking of Medium/Heavy Goods Vehicles and Container Trailers/Tractors for a Period of 3 Years in “Other Specified Uses” annotated “Railway Reserve” Zone, Lots 431 (Part), 432 (Part), 433 S.B (Part) and 1739 RP (Part) in D.D. 107 and Adjoining Government Land, Fung Kat Heung, Yuen Long  
(RNTPC Paper No. A/YL-KTN/632)

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83.            The Committee noted that the applicant’s representative requested on 24.10.2018 deferment of the consideration of the application for two months in order to allow time to address departmental comments. It was the first time that the applicant requested deferment of the application.

84.            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 24**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/789      Proposed Temporary Animal Boarding Establishment for a Period of 3 Years in “Agriculture” Zone, Lots 1697 (Part), 1698 S.B (Part) and 1699 (Part) in D.D. 106, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-KTS/789A)

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**Presentation and Question Sessions**

85.      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 Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site possessed potential for agricultural rehabilitation. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, 271 public comments were received from Tung Bin Road Concern Group, the Hong Kong Bird Watching Society, local residents and members of the public. Among the comments received, 8 had not provided any views on the application and the remaining objected to the application. Major objecting views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application on a temporary basis 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 “Agriculture” (“AGR”) zone and DAFC did not support the application, it was not incompatible with the surrounding land uses predominated by residential structures/dwellings, agricultural land, vacant land and parking of vehicles. Approval of the application on a temporary basis would not jeopardize the long-term planning intention. Other concerned departments had no adverse comments on the application and relevant approval conditions were recommended to minimise the possible environmental nuisance. There were four similar approved applications located within the same “AGR” zone, as such, approval of the current application was in line with the Committee’s previous decisions. Regarding the adverse public comments, comments of concerned departments and the planning assessments above were relevant. The applicant also confirmed that there would be no ‘animal corpse treatment’ at the site.

86. The Chairman and a Member raised the following questions:

- (a) clarification on the presence of animal corpse treatment facilities at the site;
- (b) whether the current occupier of the site was the same as the applicant; and
- (c) the number of dogs to be accommodated and the structures/facilities currently erected on the site.

87. Ms Ivy C.W. Wong, STP/FSYLE, made the following responses:

- (a) some public comments objecting to the application mentioned about the provision of animal cremation/funeral/corpse services at the site. The Central Enforcement and Prosecution Section, PlanD advised that the current use at the site included animal cremation establishment and storage use which were unauthorized developments (UDs) and an Enforcement Notice (EN) was issued on 30.10.2018. In response to the adverse public comments, the applicant confirmed that there would be no animal corpse

treatment at the site;

- (b) the EN had been served to the landowner and current occupier of the site. since the names shown on the EN were different from that of the applicant, it could not be concluded that the current occupier and the applicant were the same; and
- (c) according to the applicant, the site with an area of about 1,142m<sup>2</sup> would accommodate not more than 20 dogs. With reference to site photos shown on Plans A-4a and A-4b of the Paper, there were currently some temporary structures and a landscaped area within the site.

### Deliberation Session

88. A Member had doubts on accommodating only 20 dogs in a large site and whether animal cremation activities at the site would continue. Noting that EN was issued against UDs at the site, some Members considered that approval of the current application would set an undesirable precedent for other applications to commence operation prior to obtaining planning approval. Furthermore, the applied use was not in line with the planning intention of the “AGR” zone and there were strong local objections. Therefore, they inclined to reject the application.

89. The Committee noted that the application did not include any animal cremation service and the applicant confirmed that there would be no such use in response to the adverse public comments raising concerns about air pollution and adverse impacts on hygiene and fung shui aspects arising from animal cremation services. By comparing Drawing A-1 and site photos shown in Plans A-4a and A-4b of the Paper, the Committee also noted that the layout of proposed development was slightly different from the existing structures on the site.

90. Some other Members considered the application acceptable as it was only on a temporary basis and other concerned departments had no adverse comments. Besides, the large site area for accommodating a few dogs was not a justified reason to reject the application. Although there were objecting comments on the grounds of adverse environmental, landscape, geotechnical and sewage impacts, flooding, water pollution, fire

safety issue generated by the applied use, a similar application No. A/YL-KTS/780 located to the northwest of the site had been approved by the Committee in 2018. Some Members considered that there were no strong reasons to reject the current application given that the two applications had similar planning circumstance, except that the site under the current application was already in use. Regarding the concern on setting an undesirable precedent encouraging operation prior to obtaining planning approval, EN at the site had been issued and the enforcement action would be undertaken separately regardless the approval of the current application or not.

91. The Chairman summarised that Members generally considered that the application was acceptable and emphasised that the application did not include the use of the site for animal cremation activities. Approval of the application did not condone any other development or use which were not covered by the planning permission. Besides, enforcement action against UDs at the site would be undertaken separately.

92. In response to a Member's enquiry, the Chairman said that EN would be generally addressed to both owners and operators of the subject site, if appropriate. Enforcement actions would not be affected by the approval of the planning application. Prosecution would be followed if there were sufficient evidences of UDs. Information of enforcement actions being undertaken at the site as set out in the Paper was for the Committee's reference.

93. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 2.11.2021, 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), 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 a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 2.5.2019;
- (g) in relation to (f) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 2.8.2019;
- (h) in relation to (g) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (i) the submission of a landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 2.5.2019;
- (j) in relation to (i) above, the implementation of the landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 2.8.2019;
- (k) the submission of a fire service installations proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.5.2019;

- (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 2.8.2019;
- (m) 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;
- (n) if any of the above planning conditions (f), (g), (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 application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

### **Agenda Item 25**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/801      Temporary Public Vehicle Park (excluding Container Vehicles) for a Period of 5 Years in “Village Type Development” Zone, Lot 393 (Part) in D.D. 109, Po Tei Road, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTS/801)

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

95. Ms Ivy C.W. Wong, STP/FSYLE, presented the application and covered the

following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary public vehicle park (excluding container vehicles) for a period of five 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 objecting public comment was received from an individual. Major objecting views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of five years based on the assessments set out in paragraph 11 of the Paper. Although the applied use was not entirely in line with the planning intention of the “Village Type Development” zone, it could serve nearby villages as well as local residents and was not incompatible with the surrounding land uses. In addition, there was no Small House application approved or under processing at the site. Approval of the application on a temporary basis would not jeopardize the long-term intention. Relevant approval conditions were recommended to minimize any potential nuisance to the nearby residents. The site was subject to three previously approved applications for the same public vehicle park use. Approval of the application was in line with the Committee's previous decision. Regarding the adverse public comment, comments of concerned departments and the planning assessments above were relevant.

96. Members had no question on the application.

Deliberation Session

97. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 2.11.2023, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no vehicles without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations are allowed to be parked/stored on the site at any time during the planning approval period;
- (b) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the site at any time during the planning approval period;
- (c) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (d) a notice shall be posted at a prominent location of the site to indicate that no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the site at all times during the planning approval period;
- (e) the existing boundary fencing of the site shall be maintained at all times 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) no vehicle exiting the car park is allowed to make right turn to Po Tei Road at any time during the approval period;
- (h) the submission of a drainage proposal within 6 months from the date of

planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 2.5.2019;

- (i) in relation to (h) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 2.8.2019;
- (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 a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 2.5.2019;
- (l) in relation to (k) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 2.8.2019;
- (m) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.5.2019;
- (n) in relation to (m) above, the implementation of the fire service installations proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.8.2019;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (j) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (p) if any of the above planning conditions (h), (i), (k), (l), (m) or (n) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further

notice.”

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

**Agenda Items 26 and 27**

Section 16 Applications

[Open Meeting]

A/YL-KTS/802 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 1540 S.C in D.D. 106, Yuen Kong Tsuen, Yuen Long

A/YL-KTS/803 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lots 1540 S.E and 1871 S.E in D.D. 106, Yuen Kong Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-KTS/802 and 803)

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99. The Committee noted that the applicants’ representative requested on 24.10.2018 deferment of the consideration of the two applications for two months in order to allow time to address departmental comments. It was the first time that the applicants requested deferment of the applications.

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

**Agenda Item 28**

**Section 16A Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NSW/204-2 Application for Extension of time for compliance with conditions (i), (xii) and (xiv) in relation to the submission of updated Traffic Impact Assessment report, revised Landscape Master Plan, and revised Visual Impact Assessment for the Approved Columbarium under Application No. A/YL-NSW/204 in Government, Institution or Community” and “Undetermined” Zones, Lots 879, 880 S.A ss1, 880 S.B ss1, 881 to 885, 889 RP (Part), 891 (Part), 1318, 1326, and 1344 (Part) in D.D. 115 and Adjoining Government Land, Au Tau, Nam Sang Wai, Yuen Long (RNTPC Paper No. A/YL-NSW/204-2)

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101. The Secretary reported that the application was related to an approved columbarium development under application No. A/YL-NSW/204. The following Members had declared interests on the item:

Mr H.W. Cheung - being a member of Private Columbaria Licensing Board;  
and

Mr Ivan C.S. Fu - being a member of Private Columbaria Appeal Board.

102. The Committee noted that Mr H.W. Cheung had tendered an apology for being unable to attend the meeting and agreed that Mr Ivan C.S. Fu could stay in the meeting as his interest was indirect.

**Presentation and Question Sessions**

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

(a) background to the application;

- (b) application for extension of time (EOT) for compliance with planning condition for approved columbarium under application No. A/YL-NSW/204;
- (c) departmental comments – departmental comments were set out in paragraph 5 of the Paper. The District Officer (Yuen Long) advised that local community had strong objection to the application No. A/YL-NSW/204 and the decision of the Town Planning Appeal Board (TPAB). Their views should be considered as appropriate. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) advised that the revised visual impact assessment (VIA) was acceptable. Other concerned departments had no objection to or no adverse comment on the application;
- (d) PlanD's views – PlanD had no objection to the EOT application based on the assessments set out in paragraph 6 of the paper. The proposed columbarium use at the site under application No. A/YL-NSW/204 was the subject of an appeal with permission granted by the TPAB on 14.11.2017. The first EOT application No. A/YL-NSW/204-1 was approved by the Committee on 4.5.2018 to extend the time limit for compliance with approval conditions until 14.11.2018. Since the granting of the last EOT application, the applicant had made effort to comply with approval conditions in relation to the submission of revised environmental assessment; revised ecological impact assessment; revised drainage proposals; and emergency vehicular access, water supply for fire-fighting and fire services installations proposal. The current EOT application sought extension of time limit for compliance with approval conditions in relation to the submission of updated traffic impact assessment, revised landscape master plan and revised VIA until 14.5.2019. In view of the comments of CTP/UD&L, PlanD, approval condition (xiv) had been satisfactorily complied with and EOT for the condition was not required. Concerned departments had no objection to the current EOT application. The application was considered in line with the Town Planning Board

Guidelines No. 34B (TPB PG-No. 34B) in that more time was required to address departmental comments on the technical assessments. Sympathetic consideration could be given to the application.

104. In response to a Member's question on Class A and Class B amendments, the Secretary said that the current application was made in accordance with section 16A of the Town Planning Ordinance (the Ordinance) to seek approval for amendment to the permission. Generally, Class A amendments did not require further application to the Town Planning Board (the Board). However, Class B amendments were subject to the approval of the Board/the Committee upon application. There were a total of 19 categories of Class A and Class B Amendments gazetted in accordance with the provisions of the Ordinance, and the list of categories were attached to the Town Planning Board Guidelines No. 36B (TPB PG-No. 36B).

105. At the invitation by the Chairman, Ms Emily P.W. Tong, STP/FSYLE, explained that since DO(YL) conveyed strong local objections, the subject application was submitted to this meeting for consideration in accordance with TPB PG-No. 36B. The applicant originally sought extension of time limit for compliance with approval conditions (i), (xii) and (xiv). Subsequently, condition (xiv) had been satisfactorily complied with before the expiry of the time limit and no further extension was required.

#### Deliberation Session

106. After deliberation, the TPB decided to approve the extension of time for compliance with approval conditions (i) and (xii) from the original 6 months to 18 months until 14.5.2019, as proposed by the applicant. The Committee also agreed to advise the applicant to expedite action on fulfilling the approval conditions.

**Agenda Item 29**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/275          Proposed Temporary Shop and Services (Metal Hardware and Household Items Retail Shop) for a Period of 3 Years in “Open Space” Zone, Lot 2874 in D.D. 104, Mai Po, Yuen Long  
(RNTPC Paper No. A/YL-MP/275)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed temporary shop and services (metal hardware and household items retail shop) 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, three public comments were received from two Yuen Long District Council (YLDC) member and an individual. One of the YLDC members and an individual raised objection to the application and another YLDC member provided comments. Major views were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD considered the temporary use could be tolerated for a period of three years based on the assessment set out in paragraph 12 of the Paper. Although the proposed use was not in line with the planning intention of the “Open Space” zone, it could serve the nearby residents and there was no programme for

implementing the zoned use. Also, the proposed use was not incompatible with the surrounding land uses. Approval of the application on a temporary basis would not frustrate the long-term planning intention. The site fell within wetland buffer area of the Town Planning Board Guidelines No. 12C and the Director of Agriculture, Fisheries and Conservation had no strong view on the application as the site was formed land. Relevant approval conditions were recommended to address the technical concerns of concerned departments and to mitigate potential environmental nuisance. The site was the subject of two previously approved applications but the last planning permission was revoked due to non-compliance with approval condition in relation to the implementation of fire service installations proposal. Shorter compliance periods on the approval conditions were recommended to monitor the progress of compliance. Regarding the adverse public comments, comments of concerned departments and the planning assessments above were relevant.

108. Members had no question on the application.

#### Deliberation Session

109. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 2.11.2021, 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., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) only private car and light goods vehicle not exceeding 5.5 tones as defined in the Road Traffic Ordinance are allowed to access the site at all time during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from the site at any time during the planning approval period;

- (d) 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 2.2.2019;
- (e) the submission of as-built drainage plans and photographic records of the existing drainage facilities within 3 months from date of planning approval to the satisfaction of Director of Drainage Services or of the TPB by 2.2.2019;
- (f) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (g) 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 2.2.2019;
- (h) in relation to (g) 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 2.5.2019
- (i) the submission of a landscape proposal within 3 months from the date of planning approval to the satisfaction of Director of Planning or of the TPB by 2.2.2019;
- (j) in relation to (i) above, the implementation of the landscape proposal within 6 months from the date of planning approval to the satisfaction of Director of Planning or of the TPB by 2.5.2019;
- (k) 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;
- (l) if any of the above planning conditions (d), (e), (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 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.”

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

### **Agenda Item 30**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/363 Proposed Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles Only) for a Period of 3 Years in “Village Type Development” and “Open Storage” Zones, Lots 830 and 831 in D.D. 102, Lots 397 (Part) and 401 (Part) in D.D. 105 and Adjoining Government Land, Ngau Tam Mei, Yuen Long  
(RNTPC Paper No. A/YL-NTM/363B)

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

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

- (a) background to the application;
- (b) the proposed temporary public vehicle park (private cars and light goods vehicles only) 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, two objecting public comments were received from a Shek Wu Wai resident and an individual. Major objecting views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis 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 “Village Type Development” (“V”) zone, it could provide parking spaces to serve the local residents and was not incompatible with the surrounding land uses. Also, there was no Small House application approved or under processing at the site. Approval of the application on a temporary basis would not frustrate the long-term planning intention. Concerned departments had no adverse comment on the application and relevant approval conditions were recommended to address their technical concerns and to mitigate potential environmental nuisance. Regarding the adverse public comments, comments of concerned departments and the planning assessment above were relevant.

112. In response to a Member's question, Ms Emily P.W. Tong, STP/FSYLE, said that a strip of land located to the east of the site was government land.

#### Deliberation Session

113. A Member was concerned about whether approval of the application would have impact on future Small House development at the site. The Committee noted that since the approval would be on a temporary basis for a period of three years, the planning permission would cease to have effect upon expiry of the time limit. As majority of the site fell within the “V” zone, eligible person could proceed to apply to the Lands Department (LandsD) for Small House development without the need for obtaining planning permission.

114. Another Member asked whether approval of the application would have implication on the land availability within the subject “V” zone. The Committee noted that according to the information provided by LandsD, there were 13 outstanding Small House applications being processing and land available within the subject “V” zone could accommodate more than 100 Small Houses.

115. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 2.11.2021, 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 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 private cars and light goods vehicles not exceeding 5.5 tones as defined in the Road Traffic Ordinance 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 private cars and light goods vehicles as defined in the Road Traffic Ordinance are allowed to be parked on the site at all times during the planning approval period;
- (e) no car washing, vehicles repair, dismantling, paint spraying or other workshop activities is allowed on the site at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/ from the site at any time during the planning approval period;

- (g) 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 2.5.2019;
- (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 2.5.2019;
- (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 2.8.2019;
- (j) if any of the above planning condition (a), (b), (c), (d), (e) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (k) if any of the above planning conditions (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.”

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

**Agenda Item 31**

**Section 16 Application**

[Open Meeting]

A/YL-NTM/372      Proposed Houses in “Residential (Group D)” Zone, Lots 1217 S.A RP and 1217 S.B RP in D.D. 104 and Adjoining Government Land, Ngau Tam Mei, Yuen Long  
(RNTPC Paper No. A/YL-NTM/372)

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117.            The Committee noted that the applicant’s representative requested on 19.10.2018 deferment of the consideration of the application for two months in order to allow time to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

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

**Tuen Mun and Yuen Long West District**

**Agenda Item 32**

**Section 16 Application**

[Open Meeting]

A/TM/523

Proposed Hotel, Office and Shop and Services (Wholesale Conversion of an Existing 15-storey Industrial Building) in “Other Specified Uses” annotated “Business” Zone, East Asia Industrial Building, 2 Ho Tin Street, Tuen Mun  
(RNTPC Paper No. A/TM/523B)

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119. The Committee noted that the applicant’s representative requested on 16.10.2018 deferment of the consideration of the application for two months in order to allow time to address departmental comments. It was the third time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted responses to departmental comments and a Quantitative Risk Assessment.

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

**Agenda Item 33**

**Section 16 Application**

[Open Meeting]

A/TM/527                      Proposed Columbarium and Religious Institution in “Government, Institution or Community” Zone, Filial Park, 25 Yeung Tsing Road, Tuen Mun  
(RNTPC Paper No. A/TM/527A)

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121.            The Secretary reported that the application was for a proposed columbarium development. The following Members had declared interests on the item:

Mr H.W. Cheung            - being a member of Private Columbaria Licensing Board;  
and

Mr Ivan C.S. Fu            - being a member of Private Columbaria Appeal Board.

122.            The Committee noted that the applicant had requested deferment of consideration of the application and Mr H.W. Cheung had tendered an apology for being unable to attend the meeting. Since the interest of Mr Ivan C.S. Fu was indirect, the Committee agreed that he could stay in the meeting.

123.            The Committee noted that the applicant’s representative requested on 18.10.2018 deferment of the consideration of the application for two months in order to allow time to address departmental comments. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted responses to address 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.

[Ms Stella Y. Ng, Mr Vincent T.K. Lai, Ms Bonnie K.C. Lee and Mr Simon P.H. Chan, Senior Town Planners/Tuen Mun and Yuen Long West (STPs/TMYLW), were invited to the meeting at this point.]

### **Agenda Item 34**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/569            Temporary Public Vehicle Park for Private Cars for a Period of 3 Years  
in "Residential (Group B) 1" Zone, Lots 123 (Part) and 124 RP (Part)  
in D.D. 121, Ping Shan, Yuen Long  
(RNTPC Paper No. A/YL-PS/569)

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

125.        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 temporary public vehicle park for private cars 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) 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 on a temporary basis for a period of three years based on the assessments set out in paragraph 11 of the Paper. Whilst the applied use was not entirely in line with the planning intention of the “Residential (Group B)1” (“R(B)1”) zone, there was no known development proposal to implement the zoned use and it was not incompatible with the surrounding land uses. The temporary public vehicle park could also serve any such demand of nearby residents. Approval of the application on a temporary basis would not frustrate the planning intention of the “R(B)1” zone. Concerned departments had no adverse comment on the application and relevant approval conditions were recommended to address their technical concerns and to minimize any potential environmental nuisance.

126. Members had no question on the application.

#### Deliberation Session

127. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 2.11.2021, 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. is allowed on the site, as proposed by the applicant, during the planning approval period;
- (b) 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;
- (c) 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;

- (d) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the site, as proposed by the applicant, at any time during the planning approval period;
- (e) no vehicle washing, vehicle repairing, dismantling, car beauty or other workshop use is allowed 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 drainage facilities on the site shall be maintained at all times during the planning approval period;
- (h) 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 2.2.2019;
- (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 2.5.2019;
- (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 2.8.2019;
- (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 2.5.2019;
- (l) 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; and

- (m) if any of the above planning conditions (h), (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.”

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

### **Agenda Item 35**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/571 Proposed Temporary Public Vehicle Park for Private Cars for a Period of 3 Years in “Village Type Development” Zone, Lot 9 S.B RP (Part) in D.D. 121, Ping Shan, Yuen Long  
(RNTPC Paper No. A/YL-PS/571)

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

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

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

objecting public comment was received from an individual. Major objecting views were set out in paragraph 10 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis 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 “Village Type Development” (“V”) zone, it was not incompatible with the surrounding land uses and could provide parking spaces to meet any such demand in the area. Besides, there was no Small House application approved or under processing at the site. Approval of the application on a temporary basis would not frustrate the planning intention of the “V” zone. Concerned departments had no adverse comment on the application and relevant approval conditions were recommended to address their technical requirements and to minimize any potential environmental nuisances. Regarding the adverse public comments, comments of concerned departments and the planning assessments above were relevant.

130. Members had no question on the application.

#### Deliberation Session

131. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 2.11.2021, 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. is allowed on the site, as proposed by the applicant, during the planning approval period;
- (b) 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;
- (c) 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;

- (d) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the site, as proposed by the applicant, at any time during the planning approval period;
- (e) no vehicle washing, vehicle repairing, dismantling, car beauty or other workshop use is allowed 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 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 2.5.2019;
- (h) in relation to (g) above, the implemented 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 2.5.2019;
- (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 2.8.2019;
- (k) the provision of boundary fencing, 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 2.5.2019;
- (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; and

- (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.”

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

### **Agenda Item 36**

#### **Section 16 Application**

[Open Meeting]

A/YL-LFS/325 Proposed Pond Filling for Permitted Rural Committee / Village Office (Mong Tseng Tsuen Village Office) and Open Space in “Village Type Development” Zone, Lot 1169 (Part) in D.D. 129, Mong Tseng Tsuen, Lau Fau Shan, Yuen Long  
(RNTPC Paper No. A/YL-LFS/325A)

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133. The Committee noted that the applicant requested on 12.10.2018 deferment of the consideration of the application for two months in order to allow time to address departmental comments. It was the second time that the applicant requested deferment of the application.

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

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

**Agenda Item 37**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/329      Temporary Open Storage of Construction Materials for a Period of 3 Years in “Recreation” and “Residential (Group E)” Zones, Lots 1730 (Part), 1731 (Part), 1732, 1733 (Part), 1735 (Part), 1736 (Part), 1737 and 1738 (Part) in D.D. 129 and Adjoining Government Land, Lau Fau Shan, Yuen Long  
(RNTPC Paper No. A/YL-LFS/329)

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**Presentation and Question Sessions**

135.      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 construction materials for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Assistant Commissioner for Transport/New Territories (AC for T/NT) did not support the application as the applicant could not demonstrate that the applied use would not pose adverse traffic impact on Deep Bay Road. The Director of Environmental Protection (DEP) did not support the application as the site would generate traffic of heavy vehicles and there were sensitive residential uses in the

vicinity. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as the applied use was not compatible with the rural landscape character. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, two objecting public comments were received from a Yuen Long District Council member and an individual. Major objecting views 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 “Recreation” zone and was not compatible with the surrounding areas predominated by agricultural lands. There was no strong planning justification to merit a departure from the planning intention, even on a temporary basis. The application did not meet the Town Planning Board Guidelines No. 13E in that the site falling within Category 3 areas was not subject to any previous planning approvals for similar open storage use and there were adverse comments from AC for T/NT, DEP and CTP/UD&L, PlanD. The applicant failed to demonstrate that the applied use would not have adverse traffic, environmental and landscape impacts. The site was subject to a previous application for similar open storage use, which was rejected by the Committee. Rejecting the current application was in line with the Committee's previous decision. Regarding the adverse public comments, comments and the planning assessments above were relevant.

136. Members had no question on the application.

#### Deliberation Session

137. 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 “Recreation” (“REC”) zone which is intended primarily for recreational developments for the use of the general public and encourages the development of active and/or passive recreation and tourism/eco-tourism. There is no strong planning justification to merit a departure from such planning intention, even on a temporary basis;
- (b) the proposed development is not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that the applicant fails to demonstrate that the proposed development would not generate adverse environmental, landscape and traffic impacts; and
- (c) approval of the application, even on a temporary basis, would set an undesirable precedent for applications for other similar developments within the “REC” zone.”

**Agenda Item 38**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/432            Proposed Temporary Retail and Wholesale Shop of Metal for a Period of 3 Years in “Agriculture” Zone, Lots 1739 RP (Part) and 1740 in D.D. 118 and Adjoining Government Land, Tong Tau Po, Yuen Long  
(RNTPC Paper No. A/YL-TT/432A)

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**Presentation and Question Sessions**

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

- (a) background to the application;

- (b) the proposed temporary retail and wholesale shop of metal 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 the proposed use would cause traffic of heavy vehicles and there were sensitive residential uses in the vicinity. 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 reservation on the application in that approval of the application might likely set an undesirable precedent attracting other similar incompatible use to the “Agriculture” (“AGR”) zone and the cumulative impact of which would result in the general degradation of the landscape character of the area. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, five public comments were received from Kadoorie Farm and Botanic Garden Corporation, the World Wide Fund for Nature Hong Kong, two district council (DC) members and an individual. One of the DC members indicated no comment on the application, while the remaining commenters objected to the application. Major objecting views were set out in paragraph 10 of the Paper; and
- (e) PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed use was not in line with the planning intention of the “AGR” zone and DAFC did not support the application. It was also incompatible with the surrounding areas mainly comprising residential dwellings, agricultural land and vacant land. There was no strong planning justification to support a departure from the planning intention of the “AGR” zone, even on a temporary basis.

Besides, DEP and CTP/UD&L had adverse comments on the application. The applicant failed to demonstrate that the proposed use would not cause adverse environmental impacts on the surrounding areas. While there were some storages and vehicle parks uses found within the same “AGR” zone, they were suspected unauthorized developments subject to enforcement actions. Approval of the application would set an undesirable precedent for similar applications to proliferate into the “AGR” zone. Regarding the adverse public comments, comments of concerned departments and the planning assessments above were relevant.

139. Members had no question on the application.

#### Deliberation Session

140. Noting that the site was surrounded by open storage yards and warehouses, a Member expressed that the proposed temporary retail and wholesale shop might not be incompatible with the surrounding areas, and the rejection reasons of not in line with planning intention of the “AGR” zone and generating adverse environmental impacts might not be sound. The Committee noted that some warehouse and open storage yard uses in the vicinity of the site were suspected unauthorised developments and those located to the southwest of the site fell within the “Open Storage” zone. DAFC commented that the site could be used as a greenhouse or plant nursery. The Committee also noted that there were similar applications rejected in the same “AGR” zone on similar grounds though one application was subsequently allowed by the Town Planning Appeal Board in 2003.

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

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

even on a temporary basis;

- (b) the applicant fails to demonstrate that the applied development would not generate adverse environmental impacts on the surrounding areas; and
- (c) 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 application would result in general degradation of the rural environment of the area.”

### **Agenda Item 39**

#### **Section 16 Application**

[Open Meeting]

A/YL-TT/435                      Temporary Public Vehicle Park for Private Car for a Period of 3 Years  
in “Village Type Development” Zone, Lot 1064 RP in D.D. 117, Wong  
Nai Tun Tsuen, Yuen Long  

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(RNTPC Paper No. A/YL-TT/435A)

142.            The Committee noted that the applicant requested on 15.10.2018 deferment of the consideration of the application for two months in order to allow time to address departmental comments. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted responses to address departmental comments.

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

[Dr. C.H. Hau left the meeting at this point.]

**Agenda Item 40**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/905 Proposed Temporary Shop and Wholesale of Construction Material for a Period of 3 Years in “Residential (Group C)” and “Undetermined” Zones, Lots 1275 S.A, 1279 S.B ss.1 S.D, 1279 S.B ss.1 S.E (Part), 1279 S.B ss.1 RP (Part), 1279 S.B ss.2 and 1279 S.B RP (Part) in D.D. 119, Pak Sha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/905A)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed temporary shop and wholesale of construction material 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 residential uses in the vicinity and environmental nuisance was expected. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one

objecting public comment was received from an individual. Major objecting views 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 use was not in line with the planning intention of the “Residential (Group C)” (“R(C)”) zone and the proposed development comprising six structures with building height ranging from 3.5 meters to 6.5 meters was relatively excessive in scale for the proposed use. There was no strong planning justification to support a departure from the planning intention, even on a temporary basis. Besides, DEP did not support the application and the applicant failed to demonstrate that the proposed development would not cause adverse environmental impact on the surrounding areas. Although there were warehouses and open storage yards in the vicinity of the site, those developments were mostly suspected unauthorised development subject to enforcement action. Approval of the current application for retail and wholesale of construction materials would set an undesirable precedent for similar applications within the “R(C)” zone. Regarding the adverse public comments, comments of concerned departments and the planning assessments above were relevant.

145. A Member enquired the meaning of notations shown on Plan A-2 of the Paper. The Chairman explained the symbols “\*” and “^” indicated that the use was the same as or different from the land use survey conducted by PlanD on a specified date respectively.

#### Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Residential (Group C)” (“R(C)”) zone, which is primarily for low-rise, low-density residential developments. There is no strong planning justification in the submission for a departure from the planning intention,

even on a temporary basis;

- (b) the applicant fails to demonstrate that the proposed development would not generate adverse environmental impact on the surrounding areas; and
- (c) approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “R(C)” zone. The cumulative effect of approving such application would result in general degradation of the rural environment of the area.”

[Mr Ivan C.S. Fu and Mr K.K. Cheung left the meeting at this point.]

#### **Agenda Item 41**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/922      Temporary Warehouse for Storage of Exhibition Materials, Furniture, Wooden Products, Construction Materials, and Vehicle and Electronic Parts for a Period of 3 Years in “Undetermined” Zone, Lots 980 (Part), 981, 993 (Part) and 999 (Part) in D.D. 119, Pak Sha Tsuen, Yuen Long (RNTPC Paper No. A/YL-TYST/922)

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

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

- (a) background to the application;
- (b) the temporary warehouse for storage of exhibition materials, furniture, wooden products, construction materials, and vehicle and electronic parts 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, two objecting public comments were received from two Yuen Long District Council members. Major objecting views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the applications based on the assessments set out in paragraph 11 of the Paper. The applied use was not in conflict with the planning intention of the “Undetermined” zone and was not incompatible with the surrounding land uses. However, the site was subject to three previously revoked applications for similar warehouse use with/without open storage due to non-compliance with approval conditions in relation to the submission and/or implementation of drainage proposal and fire services installations (FSIs) proposal. Since the revocation of the last application No. A/YL-TYST/759 in 2016, the structures on the site remained unchanged and the site had not been cleared before the current application was made. Although FSIs proposal was submitted by the applicant, the applicant failed to address comments of the Fire Services Department on the submitted proposal. Approval of the application with repeated non-compliance with approval conditions would set an undesirable precedent for other similar applications, thus nullifying the statutory planning control mechanism. Regarding the adverse public comments, comments of concerned departments and the planning assessments above were relevant.

148. Members had no question on the application.

#### Deliberation Session

149. Having considered that the application was subject to three previously revoked planning approvals for similar use, a Member did not support the application.

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

“previous planning permissions granted on the site by the TPB under applications No. A/YL-TYST/526, 646 and 759 were revoked due to non-compliance of the approval conditions. The applicant fails to demonstrate that the development would not pose fire risk on the surrounding area. Approval of the application with repeated non-compliances with approval conditions would set an undesirable precedent for other similar applications, thus nullifying the statutory planning control mechanism.”

[Mr K.K. Cheung left the meeting at this point.]

## **Agenda Item 42**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/923      Temporary Warehouse for Storage of Furniture for a Period of 3 Years  
in “Undetermined” Zone, Lots 1547 and 1548 in D.D. 119, Pak Sha  
Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/923)

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### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary warehouse for storage of furniture for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive residential uses in the

vicinity of the site and environmental nuisance was expected. Other concerned departments had no objection to or no adverse comment on the application;

- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. The applied use was not in conflict with the planning intention of “Undetermined” zone and not incompatible with the surrounding land uses. Approval of the application on a temporary basis would not jeopardise the long-term development of the area. Concerned departments had no adverse comments on the application, except DEP. However, there was no environmental complaint against the site in the past three years and relevant approval conditions were recommended to address DEP's concerns. The site was subject to four previously approved applications for similar use and there were 37 similar applications approved in proximity. Approval of the current application was in line with the Committee's previous decisions.

152. In response to a Member's question on the similarity of application No. A/YL-TYST/922 under agenda item 40 and the current application, Ms Bonnie K.C. Lee, STP/TMYLW, said that both applications fell within the same “Undetermined” zone and, with reference to Plan A-1 of the Paper, application No. A/YL-TYST/922 was located further away to the south of the site and partly within the “Residential (Group C)” zone. The site was subject to a previous approval lapsed in August 2018 and all the approval conditions imposed on the last permission had been complied with.

#### Deliberation Session

153. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 2.11.2021, 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) no open storage, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (d) no workshop activities, as proposed by the applicant, shall be carried out on the site at any time during the planning approval period;
- (e) no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) all existing trees and landscape plantings within 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 2.2.2019;
- (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 2.5.2019;

- (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 2.8.2019;
- (l) 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; and
- (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.”

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

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

### **Agenda Item 43**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/76                      Temporary Public Vehicle Park (Private Car) for a Period of 3 Years in  
“Village Type Development” Zone, Lot 1089 (Part) in D.D. 125, Ha  
Tsuen, Yuen Long  
(RNTPC Paper No. A/HSK/76A)

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

155. Mr Simon P.H. Chan, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the temporary public vehicle park (private car) 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, 26 public comments were received. While a Yuen Long District Council member and an individual supported the application, the remaining commenters, including villagers and individuals, objected to the application. Major objecting views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments set out in paragraph 11 of the Paper. Although the applied use was not entirely in line with the planning intention of the “Village Type Development” zone, it could provide parking spaces to meet any such demand in the area and was not incompatible with surrounding land uses. Also, there was no Small House application approved or under processing at the site. Approval of the application on a temporary basis would not jeopardize the long-term development of the site. Concerned departments had no adverse comment on the application and relevant approval conditions were recommended to address their technical requirements and to minimize possible environmental nuisance. Regarding the adverse public comments, comments of concerned departments and the planning assessments above were relevant.

156. Some Members raised the following questions:

- (a) the operation hours of the applied use and the reason for not imposing approval conditions restricting operation hours;
- (b) with reference to the objecting public comments, whether there were

sufficient vehicle parks in the surrounding area;

- (c) any comments from the concerned departments on the potential environmental nuisance generated by the temporary public vehicle park; and
- (d) any proposal submitted by the applicant for managing the temporary public vehicle park.

157. Mr Simon P.H. Chan, STP/TMYLW, made the following responses:

- (a) according to the applicant's submission, the operation hours of the site were 24-hour daily and the vehicle park would cater for the needs of the family members of the applicant and the villagers. However, there was no information in the applicant's submission to justify the operation hours;
- (b) there was no planning application for public vehicle park approved in the Sik Kong Wai;
- (c) although DEP had no adverse comment on the application, approval condition prohibiting light, medium and heavy goods vehicle accessing the site was recommended; and
- (d) no information on management was submitted by the applicant. According to the submission, the site was separated into three portions to allow vehicular access and the applicant did not propose fencing for reason of not blocking vehicular access.

#### Deliberation Session

158. A Member did not support the application as the applicant did not provide any information on the management of the public vehicle park. Another Member echoed and said that since the proposed vehicle park was for public use, it should be properly managed by the applicant.

159. Some Members enquired whether the local need on parking spaces should be taken into account in considering the application. The Chairman said that the local need of parking spaces was only one of the factors in considering the application. The scale of the public vehicle park and whether it would have adverse implication on surrounding developments were major planning considerations. The Committee also noted approval condition on operation hours for public vehicle parks was normally imposed in other cases in accordance with the proposal as submitted by the applicant. If the applicant did not comply with the approval condition, the planning permission granted would be revoked.

160. Mr Terence S.W. Tsang, Principal Environmental Protection Officer (Strategic Assessment), EPD, said that for the subject application, given the small scale of the temporary public vehicle park and that no heavy goods vehicle would allow to be parked, EPD did not raise objection to the application. In response to a Member's question on the land lease control, Ms Angela S.C. Chan, Assistant Director/Regional 3 of Lands Department, said that since the block government lease only restricted erection of structures, short term waiver might not be required if no structures would be erected on the site for the proposed open vehicle park.

161. Some Members had no strong views on the application given its small scale and that some other vehicle parks operated for 24-hour daily had been approved by the Committee.

162. A Member asked whether an approval condition could be imposed to ensure proper management of the temporary public vehicle park so as to minimize potential nuisance to the surrounding residential use. In response, the Secretary said that an advisory clause to advise the applicant to properly manage the temporary public vehicle park would be more appropriate. Members agreed.

163. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 2.11.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

“(a) no vehicle without valid licences issued under the Road Traffic Ordinance

is allowed to be parked/stored on the site at any time during the planning approval period;

- (b) no light, medium and heavy goods vehicle, 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) no vehicle is allowed to queue back to or reverse onto/from public roads at any time during the planning approval period;
- (d) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 2.5.2019;
- (e) in relation to (d) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 2.8.2019;
- (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 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 2.5.2019;
- (h) in relation to (g) 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 2.8.2019;
- (i) if any of the above planning conditions (a), (b), (c) or (f) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and

- (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.”

164. The Committee also agreed to advise the applicant to note the following additional advisory clause and those as set out at Appendix IV of the Paper.

“to properly manage the temporary public vehicle park so as to minimise environmental nuisance that might be generated to the surrounding areas.”

#### **Agenda Item 44**

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

[Open Meeting]

A/HSK/102                      Temporary Public Vehicle Park (excluding Container Vehicle) for a Period of 3 Years in “Open Space” and “Village Type Development” Zones, Lots 63 (Part), 64 (Part), 67 (Part), 68 (Part), 69 (Part), 70 (Part) and 1246 (Part) in D.D.124, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/HSK/102)

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165. The Committee noted that the applicant requested on 12.10.2018 deferment of the consideration of the application for two months in order to allow time to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

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

**Agenda Item 45**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/103            Temporary Open Storage and Warehouse (Building Materials, Construction Equipment and Recycling Materials) with Ancillary Workshop and Site Offices for a Period of 3 Years in “Other Specified Uses” annotated “Logistics Facility” and “Other Specified Uses” annotated “Port Back-up, Storage and Workshop Uses” Zones and an area shown as ‘Road’, Various Lots in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/HSK/103)

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**Presentation and Question Sessions**

167.            Mr Simon P.H. Chan, 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 and warehouse (building materials, construction equipment and recycling materials) with ancillary workshop and site offices for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The site straddled “Other Specified Uses” annotated “Logistic Facilities” (“OU(LF)”), “Other Specified Uses” annotated “Port Back-up, Storage and Workshop Uses” (“OU(PBU&SWU)”) zones and an area shown as ‘Road’. Warehouse and open storage uses were always permitted in “OU(LF)” and “OU(PBU&SWU)”, whereas planning permission was required for such uses in area shown as ‘Road’. Since the implementation of this part of the Hung Shui Kiu (HSK) New Development Area (NDA) was still being formulated and the applied uses were not incompatible with the surrounding land uses, approval of the application on a temporary basis would not jeopardize the long-term development of the site. The application was generally in line with the Town Planning Board Guidelines No. 13E in that concerned departments had no adverse comment on the application and relevant approval conditions were recommended to address their technical requirements. The site was subject to a previously approved application which was subsequently revoked due to non-compliance with approval conditions. Shorter compliance period were recommended in order to closely monitor the progress of compliance with approval conditions.

168. Some Members raised the following questions:

- (a) whether the site fell within the HSK NDA;
- (b) whether land resumption would be required for road development in future;  
and
- (c) whether the site was subject to a revoked application and whether it was currently in use.

169. Mr Simon P.H. Chan, STP/TMYLW, made the following responses:

- (a) the site straddled “OU(LF)” and “OU(PBU&SWU)” zones and an area shown as ‘Road’ on the HSK and Ha Tsuen OZP. It fell within an area under Stages 2 and 3 of the HSK NDA and clearance of the site would not be arranged before the first population intake which was expected in 2024;
- (b) an advisory clause was recommended to advise the applicant that the site might be resumed at any time during the planning approval period for implementation of government projects; and
- (c) the last application No. A/YL-HT/906 was revoked in 2016 due to non-compliance with approval conditions requiring the implementation of drainage, tree preservation and landscape, and fire services installations proposals as well as the provision of fencing. With reference to the site photos shown on Plan A-4b and A-4c of the Paper, the site was currently used for open storage purpose.

### Deliberation Session

170. A Member was of the view that to facilitate the early implementation of HSK NDA, applications for temporary uses within HSK NDA should no longer be approved as occupation of temporary use would complicate the land clearance and land resumption exercise and slow down the HSK NDA development process.

171. Some Members considered that PlanD’s recommendation should be adhered to and there was no strong reason to reject the application, noting that the earliest population intake would be in 2024 and land resumption would not be arranged before that. Unless there was a change in planning circumstances or a policy directive, the Committee should adopt a consistent approach in assessing similar applications.

172. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 2.11.2021, 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 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation after 2:00 p.m. on Saturdays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (d) no left turn of container vehicles into Ha Tsuen Road upon leaving the site, as proposed by the applicant, during the planning approval period;
- (e) the erection of a ‘Turn Right’ traffic sign at the junction of the access road with Ha Tsuen Road to the satisfaction of the Commissioner for Transport or of the TPB during the planning approval period;
- (f) no vehicle is allowed to queue back to public roads or reverse onto/from public roads at any time during the planning approval period;
- (g) 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 2.5.2019;
- (h) in relation to (g) above, the implemented drainage facilities on the site should be maintained at all times during the planning approval period;
- (i) the submission of a tree preservation and landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 2.2.2019;
- (j) in relation to (i) above, the implementation of the 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 2.5.2019;

- (k) the provision of 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 14.12.2018;
- (l) the submission of a fire service installations proposal within 3 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.2.2019;
- (m) in relation to (l) above, the implementation of the fire service installations proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.5.2019;
- (n) the provision of fencing of the Site within 3 months from the date from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 2.2.2019;
- (o) 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; and
- (p) if any of the above planning conditions (g), (i), (j), (k), (l), (m) or (n) 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.”

173. 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 Vincent T.K. Lai, Ms Bonnie K.C. Lee and Mr Simon P.H. Chan, STPs/TMYLW, for their attendance to answer Members’ enquiries. They left the meeting at this point.]

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

[Closed Meeting]

General Discussion on Temporary Use in Hung Shui Kiu New Development Area (HSK NDA)

174. Some Members expressed that among various land supply options being consulted, brownfield site was one of the least controversial options and generally supported by the public. There was concern that approval of applications for temporary uses in New Territories might deter the release of brownfield sites for housing development. The priority of NDA development should prevail.

175. The Chairman said that the issue of brownfield operations in the New Territories was being tackled at the policy level. The Planning Department (PlanD) was conducting a survey on brownfield operations which would assess the requirements of such operations, and feasibility studies were being carried out to examine the options of accommodating brownfield operations within multi-storeys buildings. At the moment, temporary use could be considered during the interim period before the brownfield sites were resumed for NDA development. The planning application system indeed was a mechanism to contain various short-term uses at appropriate locations.

176. A Member considered that the Committee should take into consideration the prevailing community need and react proactively in scrutinizing the planning application for temporary uses falling within NDAs. He suggested formulating a set of guidelines for consideration of planning applications for temporary uses in the NDAs.

177. The Chairman said that the Town Planning Board Guidelines No. 13E (TPB PG-No.13E) provided a set of planning criteria for assessing planning application for open storage and port back-up uses which covered the NDAs. The Committee noted that TPB PG-No.13E would be reviewed to take into consideration the NDA development, when the findings of PlanD's survey on brownfield operations were available.

**Agenda Item 46**

Any Other Business

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