

TOWN PLANNING BOARD

Minutes of 615th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 16.11.2018

Present

Director of Planning
Mr Raymond K.W. Lee

Chairman

Mr H.W. Cheung

Vice-chairman

Dr F.C. Chan

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 K.W. Leung

Dr Jeanne C.Y. Ng

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

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

Principal Environmental Protection Officer (Strategic Assessment),
Environmental Protection Department
Mr Terence S.W. Tsang

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

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

Secretary

Absent with Apologies

Mr Ivan C.S. Fu

Mr L.T. Kwok

Mr Ricky W.Y. Yu

In Attendance

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

Town Planner/Town Planning Board
Miss Gloria Y.L. Sze

Agenda Item 1

Confirmation of the Draft Minutes of the 614th RNTPC Meeting held on 2.11.2018

[Open Meeting]

1. The draft minutes of the 614th RNTPC meeting held on 2.11.2018 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Fanling, Sheung Shui and Yuen Long East District

Agenda Item 3

Section 12A Application

[Open Meeting]

Y/NE-KTS/12 Application for Amendment to the Approved Kwu Tung South Outline Zoning Plan No. S/NE-KTS/16, To Rezone the Application Site from “Comprehensive Development Area”, “Recreation”, “Government, Institution or Community” and an area shown as ‘Road’ to “Comprehensive Development Area (1)”, Lots 884 RP, 887 S.C RP (Part), 888, 889 (Part), 891, 892, 893, 894, 895, 896, 897 RP (Part), 898 RP, 899, 900, 901 S.A RP, 901 RP, 929 S.C RP (Part), 930 RP, 931 (Part), 934 (Part), 935 S.A (Part) and 936 RP (Part) in D.D. 92 and Adjoining Government Land, Sheung Shui
(RNTPC Paper No. Y/NE-KTS/12)

3. The Secretary reported that the application was submitted by Base One Limited, which was a subsidiary of Sun Hung Kai Properties Limited (SHK), with Llewelyn-Davies

Hong Kong Limited (LD), CYS Associates (Hong Kong) Limited (CYS) and MVA Hong Kong Limited (MVA) as three 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 SHK and MVA; |
| Miss Winnie W.M. Ng | - | being a Director of the Kowloon Motor Bus (1933) Company Limited (KMB) and SHK was one of the shareholders of KMB; |
| Mr Stephen L.H. Liu | - | having past business dealings with SHK, LD and CYS; |
| Mr K.K. Cheung | - | his firm having current business dealings with SHK; and |
| Mr Ricky W.Y. Yu | - | his firm having current business dealings with LD. |

4. The Committee noted that the applicant had requested deferment of consideration of the application and Messrs Ivan C.S. Fu and Ricky W.Y. Yu had tendered apologies for being unable to attend the meeting. The Committee also noted that Miss Winnie W.M. Ng and Mr K.K. Cheung had not yet arrived to join the meeting. The Committee agreed that Mr Stephen L.H. Liu could stay in the meeting as he had no involvement in the application.

5. The Committee noted that the applicant's representative requested on 2.11.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

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

Sai Kung and Islands District

Agenda Item 4

Section 16 Application

[Open Meeting]

A/SK-HC/286 Proposed Excavation of Land for Slope Stabilization (Soil Nail) Works to Enable the Redevelopment of a Permitted House (New Territories Exempted House) in “Conservation Area” and “Village Type Development” Zones, Government Land Adjoining Lot 714 in D.D. 247, Tai Lam Wu, Sai Kung
(RNTPC Paper No. A/SK-HC/286B)

7. 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 prepare further information 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 further information including revised soil nails location plan, revised landscape master plan, tree preservation proposal and responses to comments.

8. 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 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 5

Section 16 Application

[Open Meeting]

A/SK-SKT/20 Proposed Temporary Minor Relaxation of Gross Floor Area Restrictions for a Period of 3 Years to Enable the Permitted Shop and Services Use in “Other Specified Uses” annotated “Commercial Development (with Multi-storey Vehicle Park)” Zone, Lot 1140 in D.D. 215, 1A Chui Tong Road, Sai Kung
(RNTPC Paper No. A/SK-SKT/20B)

9. The Secretary reported that the application was submitted by Albury Garden Investment Limited. Mr K.K. Cheung had declared interest on the item as his firm was having current business dealings with the applicant.

10. The Committee noted that the applicant had requested deferment of consideration of the application and Mr K.K. Cheung had not yet arrived to join the meeting.

11. The Committee noted that the applicant’s representative requested on 31.10.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments. It was the third time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information including responses to comments with supplementary information on parking provisions.

12. 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 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 6

Section 16 Application

[Open Meeting]

A/TKO/115 Proposed Public Utility Installation (Sewage Pumping Station) in
"Green Belt" Zone, Government Land in D.D. 248, Au Tau, Sai Kung
(RNTPC Paper No. A/TKO/115)

13. The Secretary reported that the application site was located in Tseung Kwan O, and the application was submitted by the Drainage Services Department (DSD), with Black & Veatch Hong Kong Limited (B&V) as the consultant of the applicant. The following Members had declared interests on the item:

- | | | |
|----------------|---|---|
| Dr C.H. Hau | - | conducting contract research projects with DSD; |
| Mr K.K. Cheung | - | his firm having current business dealings with B&V; and |
| Mr L.T. Kwok | - | being the Chief Executive of the Christian Family Service Centre which had 14 social service units in Tseung Kwan O district. |

14. The Committee noted that the applicant had requested deferment of consideration of the application and Mr L.T. Kwok had tendered apologies for being unable to attend the meeting. The Committee also noted that Mr K.K. Cheung had not yet arrived to join the meeting. As the interest of Dr C.H. Hau was direct, the Committee agreed that he could stay in the meeting but should refrain from participating in the discussion.

15. The Committee noted that the applicant requested on 30.10.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

Sha Tin, Tai Po and North District

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

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

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-SSH/125 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” Zone, Government Land in D.D. 209, Kei Ling Ha San
Wai, Shap Sz Heung
(RNTPC Paper No. A/NE-SSH/125)

Presentation and Question Sessions

17. Mr Tony Y.C. Wu, STP/STN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as there was no information on site formation level or extent of slope works to ascertain the impact on the adjacent woodland, and approval of the application would further attract similar developments into the “Green Belt” (“GB”) zone. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments objecting to the application were received from individuals. Major objection grounds were set out in paragraph 11 of the Paper; and
- (e) PlanD’s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. Though the proposed development was not in line with the planning intention of the “GB” zone and CTP/UD&L, PlanD had reservation on the application, the proposed development was generally in compliance with the Town Planning Board Guidelines No. 10 in that the application site (the site) was located on a gentle slope partly covered with grasses and adjacent to a row of village houses to the north-west and a dense woodland to the immediate south. The proposed development was not incompatible with the surrounding areas. Regarding the Interim Criteria for Consideration of Application for

NTEH/Small House in New Territories, while more than 50% of the footprint of the proposed Small House fell within the village ‘environs’ of Kei Ling Ha San Wai, there was no general shortage of land with the concerned “Village Type Development” (“V”) zone to meet the Small House demand of the village. It was considered more appropriate to concentrate Small House development within the “V” zone. Whilst there was a general presumption against development within “GB” zone, the application might warrant sympathetic consideration as the site was the subject of a previously approved application (No. A/NE-SSH/87) for Small House development submitted by the same applicant with the same development parameters and footprint, and the processing of the Small House grant was at an advance stage pending execution. Whilst some similar applications within the same “GB” zone in the vicinity of the site had been rejected by the Committee, the planning circumstances of the subject application were different from those applications. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

18. In response to a Member’s enquiries, Mr Tony Y.C. Wu, STP/STN, said that at the time when the previous application was considered in 2014, the outstanding Small House applications in Kei Ling Ha San Wai and the 10-year Small House demand forecast for the same village were 12 and 35 respectively, and about 0.85 ha (or equivalent to about 34 Small House sites) were available within the “V” zone of the same village, and thus there was a general shortage of land for Small House development within the “V” zone in meeting the demand for Small House in the “V” zone (i.e. 47 Small Houses). As the number of outstanding Small House applications and the 10-year Small House demand forecast for the same village were now lower than in 2014, i.e. 5 and 16 respectively, and about 1.09 ha (or equivalent to about 43 Small House sites) vacant land were still available within the same “V” zone, there was no general shortage of land in meeting the demand for Small House in the “V” zone at present. Notwithstanding, the subject application might warrant sympathetic consideration taking into consideration that the site was the subject of a previously approved application for Small House development and the processing of the Small House grant was at an advance stage.

Deliberation Session

19. 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 16.11.2022, 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 conditions:

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

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

[Mr Peter K.T. Yuen arrived to join the meeting at this point.]

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/963 Proposed Eating Place (Restaurant) in “Village Type Development”
Zone, Ground Floor, 12A Ninth Street, Tai Wai Village, Tai Wai, Sha
Tin
(RNTPC Paper No. A/ST/963)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed eating place (restaurant);
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The District Lands Officer/Shu Tin, Lands Department (DLO/ST, LandsD) advised that the application premises (the premises) was located on an Old Scheduled Building Lot with registered area of 0.01 acre and there was no restriction on the user of the lot under the lease. However, the lessee should not erect or construct any building or structure at the subject site without obtaining approval from the Government. Neither ‘Certificate of Exemption’ nor ‘No Objection to Occupy’ Letter relating to the existing building could be found. The Chief Building Surveyor/New Territories East (2) and Rail, Buildings Department (CBS/NTE(2)&Rail, BD) also advised that there was no record of approval by the Building Authority in respect of the existing building at the subject site, and the subject building was a non-New Territories Exempted House (NTEH). Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, three public comments objecting to the application were received from a Sha Tin District Council member, the Chairperson of the Sha Tin Rural Committee and the executive committee of Tai Wai Village Office. Major objection grounds were set out in paragraph 9 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 10 of the Paper. Though the proposed eating place on part of the ground floor (G/F) of an existing four-storey building might serve the needs of the villagers, the subject building did not conform to the prescribed dimensions of NTEH and the four-storey building contravened the provisions of the Outline Zoning Plan (OZP) and was not in line with the planning intention of the “Village Type Development” (“V”) zone. According to PlanD’s recent

inspection, the premises together with the upper three floors were for commercial uses including 'eating place' and 'shop and services', which also formed part of the business at G/F operated by the same applicant. According to the Notes of the OZP, 'eating place' and 'shop and services' uses other than on G/F of a NTEH required planning permission from the Board. However, the applicant only applied for the proposed eating place on G/F of the subject building under the subject application. As the building was not a NTEH, planning permission was required for such development within "V" zone and the subject building of four storeys contravened the building height restriction of three storeys under the "V" zone and no planning permission had been granted. The subject application was a 'build first, apply later' case and approval of the application would set an undesirable precedent for similar applications and nullify the statutory planning system. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

22. Some Members raised the following questions:
- (a) whether the existing four-storey building was considered as an unauthorized development by the relevant departments;
 - (b) whether commercial uses within "V" zone required planning permission; and
 - (c) any reasons for the applicant only applying for the proposed eating place use on G/F of the subject four-storey building without including the other commercial uses at the upper three floors.
23. Mr Kenny C.H. Lau, STP/STN, made the following responses:
- (a) the subject site was on an Old Scheduled Building Lot with no restriction on the user of the lot. However, the lease stipulated that the lessee should not erect or construct any building or structure on the subject site without

first obtaining approval from the Government. According to DLO/ST, LandsD, no application for erecting a building or structure on the site had been received. If the concerned building was not a NTEH and no Certificate of Exemption had been issued by LandsD, general building plan would need to be submitted to the Building Authority for approval. According to CBS/NTE(2)&Rail, BD, there was also no record of approval by the Building Authority in respect of the existing building on site. The presence of the concerned building was made known to the concerned government departments during the processing of food business licence application by the Food and Environmental Hygiene Department (FEHD) and the subject planning application, and concerned departments would take necessary enforcement action under their purview wherever appropriate;

- (b) according to the Notes of the OZP, commercial uses such as ‘eating place’ and ‘shop and services’ uses on G/F of a NTEH were always permitted within “V” zone whereas ‘eating place’ and ‘shop and services’ uses located other than on G/F of a NTEH required planning permission from the Board; and
- (c) PlanD had kept the applicant and his representative informed of the departmental comments on the application but the applicant had not provided further information about the uses on the upper three floors nor any explanation why no application had been submitted for other commercial uses on the upper floors.

24. In response to the Chairman’s enquiry, Mr Kenny C.H. Lau said that the food business licence application submitted to FEHD was only for G/F of the subject four-storey building.

Deliberation Session

25. In response to a Member’s question, Mr Edwin W.K. Chan, Assistant Director/Regional 3, LandsD, said that for the subject site, there was neither user nor height

restriction under the lease but there was breach of lease condition as no approval from the Government had been obtained before erecting the existing building at the subject site. It was also understood that no prior approval and consent had been obtained from BD. Concerned departments would take necessary enforcement action against any breach of lease condition and the Buildings Ordinance in respect of the existing building at the subject site, as appropriate. He did not have the information at hand regarding the number of enforcement actions requiring demolition of unauthorized buildings or structures.

26. Members in general did not support the application and the Secretary suggested that the two recommended rejection reasons could be suitably revised to specify that the applied use was located within an existing four-storey commercial development which contravened the provisions of the OZP in terms of use and building height restriction and was not in line with the planning intention of “V” zone. Members agreed.

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

- “(a) the proposed eating place is located on part of the ground floor of a four-storey building which is not a New Territories Exempted House. The proposed eating place in a commercial development is not in line with the planning intention of the “Village Type Development” zone; and
- (b) the proposed eating place forms part of a four-storey commercial building which contravenes the provisions of the Outline Zoning Plan (in terms of use and building height restriction). The approval of the application will set an undesirable precedent for similar applications for uses in a building which is not permitted under the Town Planning Ordinance. The cumulative effect of approving such application would nullify the statutory planning control mechanism.”

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/964 Temporary Shop and Services (Real Estate Agency) for a Period of 3
Years in “Industrial” Zone, Portion of Workshop F9, LG/F, Wah Lok
Industrial Centre Phase 2, 31-35 Shan Mei Street, Sha Tin
(RNTPC Paper No. A/ST/964)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary shop and services (real estate agency) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments set out in paragraph 11 of the Paper. The applied use was small in scale and not incompatible with the industrial and industrial-related uses in the subject industrial building and the surrounding developments. The subject building was subject to a maximum permissible limit of 460m² for the aggregate commercial floor area on the upper and lower ground floors of an industrial building and the figure

would be 95.58m² if the floor area of the subject premises (20.13m²) was included, which was within the maximum permissible limit. The Director of Fire Services had no in-principle objection to the application subject to an approval condition on the provision of fire service installations and water supplies for fire fighting. The applied use generally complied with the Town Planning Board Guidelines No. 25D including fire safety and traffic aspects. Similar applications for shop and services uses on the lower ground floor of the subject industrial building had also been approved.

29. Members had no question on the application.

Deliberation Session

30. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 16.11.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) the submission and implementation of the fire safety measures within 6 months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 16.5.2019; and
- (b) if the above planning condition (a) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/672 Proposed Temporary Eating Place (Canteen) for a Period of 3 Years in
“Agriculture” Zone, Lot 926 (Part) in D.D. 83, Lung Ma Road, Fanling
(RNTPC Paper No. A/NE-LYT/672A)

Presentation and Question Sessions

32. 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 temporary eating place (canteen) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the application site (the site) possessed potential for agricultural rehabilitation for greenhouse cultivation or nursery and there were agricultural activities in the vicinity of the site. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had 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 encouraging similar applications to encroach onto the “Agriculture” (“AGR”) zone and result in further degradation on the landscape character in the area. The District Officer (North), Home Affairs Department conveyed that the Chairman of the Fanling District Rural Committee (FDRC), the incumbent North District Council member of the subject constituency cum Indigenous Inhabitant Representative (IIR) of Lung Yeuk Tau, the remaining two IIRs of Lung Yeuk Tau and the Resident Representative of Lung Yeuk Tau had no comment on the

application, whereas a resident from Lung Ma Road objected to the application. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, 838 public comments were received, with 831 public comments from a group of FDRC members, 229 local residents/villagers and 601 construction workers supporting the application; two public comments from the Chairmen of FDRC and the Sheung Shui District Rural Committee indicating no comment on the application; and the remaining five public comments from the representative of villagers in Queen's Hill and Ma Liu Shui San Tsuen, World Wide Fund For Nature Hong Kong, Designing Hong Kong Limited, the Hong Kong Bird Watching Society and an individual objecting to the application. Major views were set out in paragraph 10 of the Paper; and
- (e) PlanD's views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Though the applied use was not in line with the planning intention of the “AGR” zone and DAFC did not support the application, given that it was temporary in nature and small in scale and mainly to serve the workers from the nearby Queen's Hill construction site, approval of the application on a temporary basis would not frustrate the long-term planning intention of the “AGR” zone. The applied use was not entirely incompatible with the surrounding environment. Concerns of CTP/UD&L, PlanD could be addressed through the stipulation of approval conditions on the submission and implementation of landscape proposal. The planning circumstance of the subject application was different from the previously rejected application (No. A/NE-LYT/636) for temporary barbecue site which would generate adverse traffic impact on the area. There was no eating place in the vicinity of the site and the nearest one was in Fanling town which was about 1km from the site. Regarding the adverse local view and adverse public comments, the comments of concerned departments and the planning assessments above were relevant.

33. Some Members raised the following questions:
- (a) details and commencement date for the construction of Queen's Hill Public Housing Project;
 - (b) differences between the previously rejected application (No. A/NE-LYT/636) and the subject application; and
 - (c) whether the existing structures on the site were acceptable under the lease.
34. Mr Tim T.Y. Fung, STP/STN, made the following responses:
- (a) with reference to Plan A-1a of the Paper, Queen's Hill Public Housing Project was located to the south-east of the site and its foundation works had been commenced. According to the Housing Department, the first stage of construction works would be completed in 2021 and a total of about 12,000 public housing flats would be provided in stages;
 - (b) the previous application (No. A/NE-LYT/636) for temporary barbecue site for a period of 3 years was rejected by the Committee in 2017 on the grounds, amongst others, that the applicant failed to demonstrate that the applied use would not cause adverse traffic impact on the surrounding areas, and the Commissioner for Transport did not support the application. The applied use was different from the subject application; and
 - (c) with reference to Plan A-2 of the Paper and as advised by the Lands Department (LandsD), there was an existing structure on the site which was covered by Modification of Tenancy (MOT) for the purpose of dwelling and kitchen. There were other temporary structures on the site which were not acceptable under the MOT and the lease. If the subject planning application was approved, the owners of the site should apply to LandsD for a Short Term Waiver to cover the structures on the site.

Deliberation Session

35. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 16.11.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 5:00 p.m. and 11:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) 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 16.5.2019;
- (d) in relation to (c) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 16.8.2019;
- (e) 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 16.5.2019;
- (f) in relation to (e) 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 16.8.2019;
- (g) the submission 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 16.5.2019;
- (h) in relation to (g) above, the implementation of proposals for fire service installations and water supplies for firefighting within 9 months from the

date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.8.2019;

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

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

Agenda Item 11

Section 16 Application

[Open Meeting]

A/NE-TKL/597 Temporary Warehouse for Storage of Spare Parts for a Period of 3 Years in “Open Storage” and “Agriculture” Zones, Lots 2102 and 2103 (Part) in D.D. 76, Fanling
(RNTPC Paper No. A/NE-TKL/597A)

37. The Committee noted that the applicant’s representative requested on 29.10.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address comments of the Transport Department (TD). It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information of a response-to-comment table and a Traffic Review Report to address comments of TD.

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

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKLN/13 Proposed Temporary Eating Place and Shop and Services
(Convenience Store) for a Period of 3 Years in "Recreation" Zone, Lot
1499 in D.D. 78, Kaw Liu Village, Ta Kwu Ling North
(RNTPC Paper No. A/NE-TKLN/13A)

Presentation and Question Sessions

39. 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 temporary eating place and shop and services (convenience store) for a period of three years;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Commissioner for Transport (C for T) objected to the application as no information on the estimated traffic flow, justifications for the proposed parking spaces, vehicle manouvering, management/control measures, and provision and management of pedestrian facilities had been submitted. The Division Commander (Ta Kwu Ling), Hong Kong Police Force (DVC TKLDIV, HKPF) objected to the application as the applied use would have adverse impact on the heavy traffic flow on Lin Ma Hang Road. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as vegetation clearance had been taken place at the application site (the site) and the proposed vehicular access and approval of the application would set an undesirable precedent for encouraging similar vegetation removal (including intact scrubland and tree groups within “Recreation” (“REC”) zone) prior to obtaining planning permission, and result in further degradation of the landscape character in the area. The District Officer (North), Home Affairs Department conveyed that the incumbent North District Council member of the subject constituency had no comment on the application. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments were received, with one public comment from the Chairman of the Sheung Shui District Rural Committee indicating no comment on the application and the remaining public comment from an individual objecting to the application. Major objection grounds 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 applied use was not in line with the planning intention of the “REC” zone, and there was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis. Though the applied use

was not entirely incompatible with the surrounding environment with Lin Ma Hang Road widening works and the associated road works for Liantang/Heung Yuen Wai Boundary Control Point, CTP/UD&L, PlanD had reservation on the application. Both C for T and DVC TKLDIV, HKPF raised objections to the application and the applicant had failed to demonstrate in the submission that there was no adverse traffic impact arising from the development. Whilst a similar application had been approved by the Board, the planning circumstances of the subject application were different from that similar approved application as there were adverse departmental comments from C for T and DVC TKLDIV, HKPF on the subject application. Regarding the adverse public comment, the comments of government departments and planning assessments above were relevant.

40. In response to the Chairman's enquiry, Mr Tim T.Y. Fung, STP/STN, said that no traffic impact assessment (TIA) had been submitted by the applicant.

Deliberation Session

41. The Chairman remarked that there was a similar application (No. A/NE-TKLN/6) for temporary retail shop, canteen and ancillary office for a period of three years within the "REC" zone in the Ta Kwu Ling North area. No TIA was submitted by the applicant at the s.16 application stage and the application was rejected by the Committee on the grounds, amongst others, that the applicant failed to demonstrate in the submission that the development would have no adverse traffic impact on the surrounding areas. A TIA was subsequently submitted by the applicant at the s.17 review stage and C for T had no adverse comment on the review application and the application was approved with conditions by the Board upon review in 2018.

42. Members in general did not support the application. The Chairman remarked that one of the major considerations of the subject application was that whether the applicant had demonstrated that the applied use would not cause adverse traffic impact on the surrounding areas.

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

- “(a) the proposed temporary use under application is not in line with the planning intention of the “Recreation” zone for the Ta Kwu Ling North area which is primarily for low-density recreational developments for the use of the general public and encourages the development of active and/or passive recreation and tourism/eco-tourism. There is no strong planning justification in the submission to justify for a departure from the planning intention, even on a temporary basis; and
- (b) the applicant fails to demonstrate in the submission that the development would not result in adverse traffic impact on the surrounding areas.”

Agenda Items 13 to 16

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/643 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” Zones, Lots 1028 S.B ss.5, 1034 S.A ss.2 S.C and 1034 S.B ss.5 in D.D. 23, Po Sam Pai, Tai Po
(RNTPC Paper No. A/NE-TK/643 to 646A)

A/NE-TK/644 Proposed House (New Territories Exempted House - Small House) in “Village Type Development” and “Agriculture” Zones, Lots 1028 S.B RP, 1034 S.A RP, 1034 S.A ss.2 RP and 1034 S.B RP in D.D. 23, Po Sam Pai, Tai Po
(RNTPC Paper No. A/NE-TK/643 to 646A)

A/NE-TK/645 Proposed House (New Territories Exempted House - Small House) in “Village Type Development” and “Agriculture” Zones, Lot 1034 S.A ss.1 in D.D. 23, Po Sam Pai, Tai Po
(RNTPC Paper No. A/NE-TK/643 to 646A)

A/NE-TK/646 Proposed House (New Territories Exempted House - Small House) in “Village Type Development” and “Agriculture” Zones, Lots 1034 S.A ss.2 S.B and 1034 S.B ss.4 in D.D. 23, Po Sam Pai, Tai Po
(RNTPC Paper No. A/NE-TK/643 to 646A)

44. The Committee noted that the four applications for proposed house (New Territories Exempted House (NTEH) – Small House) were similar in nature and the application sites (the sites) were located in close proximity to one another and within the same “Agriculture” (“AGR”) and “Village Type Development” (“V”) zones. The Committee agreed that the applications could be considered together.

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) the proposed house (NTEH - Small House) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications as the sites possessed potential for agricultural rehabilitation and there were active agricultural activities in the vicinity of the sites. Other concerned government departments had no objection to or no adverse comment on the applications;
- (d) during the first three weeks of the statutory publication period, two public comments objecting to applications No. A/NE-TK/643, 644 and 646 were received from Designing Hong Kong Limited (DHK) and an individual; whereas three public comments objecting to application No. A/NE-TK/645 were received from DHK and two individuals. Major objection grounds

were set out in paragraph 10 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the applications based on the assessments set out in paragraph 11 of the Paper. The proposed developments were not in line with the planning intention of “AGR” zone and DAFC did not support the applications. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, while more than 50% of the footprints of the proposed Small Houses fell within the “V” zone of Po Sam Pai and San Tau Kok and land available within the “V” zone was insufficient to fully meet the future Small House demand, it was capable to meet the 57 outstanding Small House applications. It was considered 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 infrastructure and services. The site of application No. A/NE-TK/645 was the subject of a previously rejected application submitted by the same applicant for the same development with same development parameters. Seven similar applications in the vicinity of the sites had been approved by the Committee and six of them had been approved by the Committee between 2011 and 2013 before a more cautious approach was adopted by the Board. The remaining application was approved in 2018 given that there was a previous planning permission granted for the concerned site. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

46. Members had no question on the applications.

Deliberation Session

47. With reference to Plan A-3 of the Paper, Members noted that vegetation clearance was found in an area zoned “AGR” to the west of the sites in early 2018. According to the recent site inspection by PlanD, parking of vehicles was found in the northern part of the concerned area and such suspected unauthorized development had been referred to the Central Enforcement and Prosecution Section of PlanD for necessary action,

whereas the remaining areas had been regrassed. Newly constructed Small Houses were found in the “V” zone to the immediate south of the concerned area where no planning permission for Small House development was required.

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

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

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/654 Proposed House (New Territories Exempted House - Small House) in
 “Green Belt” Zone, Lot 602 S.A in D.D. 28, Tai Mei Tuk, Tai Po
 (RNTPC Paper No. A/NE-TK/654)

Presentation and Question Sessions

49. Ms Kathy C.L. Chan, STP/STN, drew Members’ attention that a replacement page (page 10) of the Paper, rectifying editorial errors of the Paper, was tabled at the meeting for Members’ reference. She then presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. Concerned government departments had no objection to or no adverse comment on the application;

[Mr K.K. Cheung arrived to join the meeting at this point.]

- (d) during the first three weeks of the statutory publication period, two public comments objecting to the application were received from Designing Hong Kong Limited and an individual. Major objection grounds were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. Though the proposed development was not in line with the planning

intention of the “Green Belt” zone, the application site (the site) was vacant and covered with grass and weeds and not incompatible with the surrounding areas predominantly rural in character with village houses to the south and west. The Director of Agriculture, Fisheries and Conservation had no strong view on the application and the Chief Town Planner/Urban Design and Landscape, PlanD had no objection to the application. The Director of Environmental Protection had no objection to the application provided that the applicant should connect the proposed development to the existing public sewer at his own costs and adequate land should be reserved for the sewer connection work. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, more than 50% of the footprint of the proposed Small House fell within the village ‘environs’ of Lung Mei and Tai Mei Tuk. However, while land available within the “Village Type Development” zone was insufficient to fully meet the future Small House demand, it was capable to meet the 73 outstanding Small House applications. Notwithstanding the above, the site was the subject of a previously approved application (No. A/NE-TK/449) submitted by the same applicant. The applicant had slightly reduced the site area, total floor area and roofed over area of the proposed Small House in the current application in response to comments of the Lands Department and the Small House grant application was under active processing with the revised proposal circulated for departmental comments. The planning circumstances of the subject application were similar to one of the similar approved applications in close vicinity of the site, i.e. A/NE-TK/582, which was approved in 2016 on sympathetic consideration in that the proposed development was located in close proximity to the existing village cluster, and the concerned application site was the subject of a previously approved application. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

50. Members had no question on the application.

Deliberation Session

51. 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 16.11.2022, 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 conditions:

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

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

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/655 Renewal of Planning Approval for Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Recreation” Zone, Lots 1646 RP (Part), 1651 S.B RP (Part) and 1652 RP (Part) in D.D. 17, Lo Tsz Tin, Tai Po
(RNTPC Paper No. A/NE-TK/655)

53. The Committee noted that a replacement page (page 9) of the Paper, making revisions to approval conditions (c) and (d), was tabled at the meeting for Members’ reference.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary shop and services (real estate agency) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD 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. Though the applied use was not in line with the planning intention of the “Recreation” (“REC”) zone, approval of the application on a temporary basis would not jeopardize the long-term planning intention of the “REC” zone. The applied use was small in scale and not incompatible with the surrounding area which was predominantly rural in character with village houses, barbecue areas and vacant land. The application was in line with the Town Planning Board Guidelines No. 34B in that there had been no material change in planning circumstances of the application site and the surrounding area since the previous planning approval, all approval conditions under the previous approval had been complied with and the three-year approval period sought was of the same timeframe as the previous approval. Relevant approval conditions had been recommended to minimize any possible nuisance or to address the technical requirements of concerned government departments. Previous applications for the same use and similar applications for

temporary shop and services use within the same “REC” zone had been approved by the Committee and approval of the application was in line with the Committee’s previous decisions.

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 from 21.11.2018 until 20.11.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no night-time operation between 8:00 p.m. and 10:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) the existing drainage facilities on the application site shall be maintained at all times during the planning approval period;
- (c) the submission of a fire service installations and water supplies for fire fighting proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.5.2019;
- (d) in relation to (c) above, the implementation of the fire service installations and water supplies for fire fighting proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.8.2019;
- (e) if any of the above planning conditions (a) or (b) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and

- (f) if any of the above planning conditions (c) or (d) 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 the applicant to note the advisory clauses as set out at Appendix V of the Paper.

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/649 Proposed Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years in “Village Type Development” Zone, Government Land adjoining Lot 2060 in D.D. 6, No. 105 Kam Shek New Village, Tai Po
(RNTPC Paper No. A/TP/649B)

58. The Secretary reported that the application site (the site) was located in Tai Po and Mr H.W. Cheung, the Vice-chairman, had declared interest on the item for owning a flat in Tai Po Market. The Committee agreed that Mr H.W. Cheung could stay in the meeting as his property did not have a direct view on the site.

59. The Committee noted that two replacement pages (Appendix IV) of the Paper, rectifying editorial errors of the Paper, were tabled at the meeting for Members’ reference.

Presentation and Question Sessions

60. 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 temporary eating place (outside seating accommodation of a restaurant) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The District Officer (Tai Po), Home Affairs Department advised that villagers of Kam Shek New Village and Residents Representatives of Shek Kwu Lung lodged complaints to various departments against the applicant on obstruction of public pavement, erection of illegal structures, suspected violation of food business licence and noise pollution, etc.. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, 21 public comments were received, with 17 public comments mainly from local residents objecting to the application and the remaining four public comments from a member of Tai Po District Council member and individuals raising concerns on the application. Major objection grounds and 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. Though the applied use was not in line with the planning intention of the “Village Type Development” (“V”) zone, the site would not be feasible for village type development given its size and location, and no application for Small House/New Territories Exempted House for the site had been received. Approval of the application on a temporary basis would neither frustrate the long-term planning intention of the “V” zone, nor adversely affect the land availability for village type development. The applied use was small in scale and not incompatible with the surrounding uses. The applied use was generally in line with the Town Planning Board Guidelines No. 15A in that it would not cause significant adverse landscape, traffic, drainage, sewage disposal and fire safety impacts on the surrounding areas. Pedestrian flow would not be blocked by the applied use as there was an

existing footpath of about 1.5m wide between the site and planter. The operation of the outside seating accommodation was regulated by the existing environmental protection / pollution control legislations and there was no environmental complaint received in the past three years. A previous application was approved for the same use submitted by the same applicant although it was revoked in 2018 due to non-compliance with approval conditions. There had been no material change in the planning circumstances in the area since the previous planning approval. Shorter compliance period were recommended in order to closely monitor the progress of compliance. Regarding the adverse local views and public comments, the comments of government departments and planning assessments above were relevant.

61. Members had no question on the application.

Deliberation Session

62. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 16.11.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 9:30 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the application site during the planning approval period;
- (b) the submission of fire service installations and water supplies for fire fighting 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 16.2.2019;
- (c) in relation to condition (b) above, the implementation of fire service installations and water supplies for fire fighting 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 16.5.2019;

- (d) if the above planning condition (a) 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
- (e) if any of the above planning conditions (b) or (c) 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.”

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

Agenda Items 20 and 21

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/658 Proposed House (New Territories Exempted House) in “Green Belt”
Zone, Lot 20 in D.D. 12, Ha Hang, Tai Po

(RNTPC Paper No. A/TP/658 and 659)

A/TP/659 Proposed House (New Territories Exempted House) in “Green Belt”
Zone, Lot 24 S.C in D.D. 12, Ha Hang, Tai Po

(RNTPC Paper No. A/TP/658 and 659)

64. The Committee noted that the two applications for proposed house (New Territories Exempted House (NTEH)) were similar in nature and the application sites (the sites) were located in close proximity to one another and within the same “Green Belt” (“GB”) zone. The Committee agreed that the applications could be considered together.

Presentation and Question Sessions

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

- (a) background to the applications;

- (b) the proposed house (NTEH) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the applications as the proposed developments would necessitate extensive clearance of vegetation on government land and within the “GB” zone and suspected unauthorized tree felling was observed at/in the close vicinity of the sites. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the applications as the potential impact on surrounding landscape resources by the construction access and future access could not be ascertained given that no information on such accesses had been provided by the applicants, and approval of the applications would encourage similar developments in the area, which would cause adverse landscape impact on the area resulting in degradation of landscape character. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) advised that there was no information on whether any stud pipe had been reserved for the subject sites in view that the sites were within an area where connections to existing sewerage networks were available in the vicinity. Other concerned government departments had no objection to or no adverse comment on the applications;
- (d) during the first three weeks of the statutory publication period, seven public comments objecting to application No. A/TP/658 were received from the Hong Kong Bird Watching Society (HKBWS), World Wide Fund for Nature Hong Kong, Designing Hong Kong Limited (DHK) and individuals; whereas six public comments objecting to application No. A/TP/659 were received from HKBWS, DHK and individuals. Major objection grounds were set out in paragraph 11 of the Paper; and
- (e) PlanD’s views – PlanD had no objection to the applications based on the assessments set out in paragraph 12 of the Paper. Though the proposed

developments were not in line with the planning intention of the “GB” zone and both DAFC and CTP/UD&L, PlanD had reservations on the applications, the sites were held under Block Government Lease with building status and such exceptional circumstances of the building entitlement under the lease merited special consideration of the applications. Whilst CE/MN, DSD advised that there was no information regarding reserving stud pipe for the sites, the Director of Environmental Protection had no objection to the applications and advised that septic tank and soakaway system was an acceptable means for collection, treatment and disposal of the sewage provided that its design and construction followed the requirements of the Practice Note for Professional Person (ProPECC) PN 5/93 “Drainage Plans subject to Comment by the Environmental Protection Department”. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, more than 50% of the footprints of the proposed NTEHs fell within the village ‘environs’ of Ha Hang. The sites were the subject of previous applications (No. A/TP/263 and 264) submitted by the same applicants with no change to the development parameters which were approved by the Committee in 2000 based on exceptional circumstances in that the sites had a building status under the lease. Special consideration could be given to the current applications given that the establishing missing lots and rebuilding applications were being processed by the Lands Department. The circumstances of the similar applications within the same “GB” zone and in the vicinity of the sites were not similar or relevant to the subject applications. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

66. Members had no question on the applications.

Deliberation Session

67. After deliberation, the TPB decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the permissions should be valid until 16.11.2022, 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. Each of the permissions was subject to the following conditions:

- “(a) the provision of septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the TPB;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the submission of a natural terrain hazard study and the implementation of the mitigation measures identified therein to the satisfaction of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department or of the TPB.”

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

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

Fanling, Sheung Shui and Yuen Long East District

[Mr Tom C.K. Yip, District Planning Officer/Fanling, Sheung Shui and Yuen Long East (DPO/FSYLE), Ms S.H. Lam, Mr Otto K.C. Chan, 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 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KTN/54 Proposed Minor Relaxation of Plot Ratio and/or Building Height Restrictions for 8 Sites in Fanling North and Kwu Tung North New Development Areas in “Other Specified Uses” annotated “Commercial/Residential Development with Public Transport Interchange (1)”, “Residential (Group A) 2” and “Residential (Group A) 3” and “Residential (Group B)” Zones and Proposed Residential, Commercial, Government, Institution or Community and Market Development in 2 Areas Shown as ‘Road’ in Site K1, Various Lots in D.D. 51, D.D. 83, D.D. 95 and D.D. 96 and Adjoining Government Land in Fanling North and Kwu Tung North

(RNTPC Paper No. A/KTN/54)

69. The Secretary reported that the application sites (the sites) were located in Kwu Tung North New Development Area (KTN NDA) and Fanling North (FLN) NDA for proposed public housing developments, and the application was submitted by the Civil Engineering and Development Department (CEDD), with AECOM Asia Company Limited (AECOM) as the consultant of the applicant. The following Members had declared interests on the item:

Mr Raymond K.W. Lee - being a member of the Strategic Planning Committee (SPC) and the Building Committee of the Hong Kong Housing Authority (HKHA); and being an ex-officio member of the Supervisory Board of the Hong Kong Housing Society (HKHS);
as the Director of Planning

Mr Martin W.C. Kwan - being an alternate representative of the Director of Home Affairs who was a member of the SPC and the Subsidized Housing Committee of HKHA;
as the Chief Engineer (Works), Home Affairs Department

Dr Lawrence K.C. Li - being a full member of HKHS;

- Dr C.H. Hau - conducting contract research projects with CEDD; having current business dealings with AECOM; his institute having current business dealings with HKHA; and owning a property in Kwu Tung North;
- Mr K.K. Cheung - his firm having current business dealings with HKHA and HKHS;
- Mr Ivan C.S. Fu - having current business dealings with AECOM and having past business dealings with HKHA; and
- Mr Stephen L.H. Liu - having past business dealings with HKHA and HKHS.

70. The Committee noted that Mr Ivan C.S. Fu had tendered apologies for being unable to attend the meeting. As the interests of the Chairman, Mr Martin W.C. Kwan, Dr Lawrence K.C. Li and Dr C.H. Hau were direct, the Committee agreed that they should be invited to leave the meeting temporarily for the item. The Committee also agreed that Messrs K.K. Cheung and Stephen L.H. Liu could stay in the meeting as they had no involvement in the application. Mr H.W. Cheung, the Vice-chairman, took over the chairmanship at this point.

[Mr Martin W.C. Kwan left the meeting at this point, and the Chairman, Dr Lawrence K.C. Li and Dr C.H. Hau left the meeting temporarily at this point.]

Presentation and Question Sessions

71. With the aid of a PowerPoint presentation, Mr Tom C.K. Yip, DPO/FSYLE, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed minor relaxation of plot ratio (PR) and/or building height (BH) restrictions of eight sites in KTN and FLN NDAs and the proposed residential, commercial, government, institution or community and market

development in two areas shown as 'Road' in Site K1 in KTN NDA;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The District Officer/North, Home Affairs Department conveyed that the North District Council member of Tin Ping East Constituency objected to the application as additional flats would lead to pressure on the existing traffic and transport facilities and community facilities in the area, unless improvement measures were in place. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, 1,399 public comments were received. Three of them were from the Real Estate Developers Association of Hong Kong (REDA) and individuals respectively supporting the application; two public comments from individuals indicating no comment on the application; another 10 public comments from 馬屎埔環境關注組, 石湖新村(河北段)街坊會 and individuals objecting to the application; and the remaining 1,384 public comments from individuals not directly related to the subject application and objecting to development of NDAs. 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. It was considered reasonable to include the two 'Road' areas no longer required for road development in Site K1 for development. The current proposal had made optimal use of the planned infrastructure and the overall public to private housing unit ratio for the NDAs would increase from about 60 : 40 to about 68 : 32, which was in line with the 2018 Policy Address. The application dovetailed with the government's overall policy of increasing housing supply, in particular, for public housing. The established PR and BH profile could be maintained under the current proposal. The developments with the proposed relaxation of PR and/or BH restrictions were considered compatible in scale and height with the

planned developments in the area. The proposed minor relaxation of development restrictions would not compromise the original planning intentions of the concerned zonings, development framework, urban design concepts and BH profiles for FLN and KTN NDAs. Various technical assessments had been conducted by the applicant to demonstrate that the proposed minor relaxation of development restrictions was technically feasible in terms of traffic, sewerage, drainage, water supply, environmental, visual, landscape and air ventilation aspects. The application had strong planning merit of better utilization of land resources in the NDAs to provide additional 4,300 flats for about 11,000 persons to meet the imminent needs of the community. Regarding the adverse local views and public comments, the comments of government departments and planning assessments above were relevant. The proposed increase of PR for the sites ranging from 2% to 20% was considered minor in scale and could be processed by s.16 planning application.

Infrastructural Capacities and Development Potential

72. Some Members raised the following questions:
- (a) whether there was any assessment on the implications on public transportation;
 - (b) whether the infrastructure capacity in the area had been considered, in particular, if the sewage treatment capacity of Shek Wu Hui Sewage Treatment Works (SWHSTW) could be further increased, and whether other sewerage infrastructure in the area could be enhanced/expanded;
 - (c) whether the predicted growth of housing units and population in the area had been taken into account; and
 - (d) whether the PR could be further increased to 6.5 noting from the suggestion by REDA by further enhancing the infrastructure provision in the area.

73. Mr Tom C.K. Yip, DPO/FSYLE, made the following responses:

- (a) major residential developments in KTN NDA and FLN NDA would be located near the proposed Kwu Tung Station and the two proposed public transport interchanges in FLN NDA respectively, in order to encourage the use of mass transit and public transport system;
- (b) whilst the sewage treatment capacity was a limiting factor for the overall development potential of the NDAs, the enhanced sewage treatment capacity of SWHSTW after its two-phase upgrading and expansion as well as other sewerage infrastructure in the area had already been taken into account in proposing the increase in development intensity under the subject application;
- (c) the application had taken into account the planned and committed future developments as well as resulting additional population, and planned infrastructure provision/upgrading in the area; and
- (d) the current proposal had made optimal use of the planned infrastructure and development potential of the sites given the infrastructural constraints in the area. Nevertheless, the development potential could be further reviewed should opportunity for further enhancement of infrastructure provision in the area particularly sewage treatment facility could be identified in future.

Land Matters

74. A Member raised the following questions:

- (a) noting that the overall private to government land ratio would remain at about 55 : 45 for the sites, how the overall ratio between the public to private housing units could increase from about 60 : 40 to about 68 : 32; and

- (b) whether the proposed increase in PR under the current application would result in higher land resumption costs.

75. Mr Tom C.K. Yip made the following responses:

- (a) the private land covered by the sites would be resumed and the sites would be used for public housing developments. The proposed increase in PR under the subject application would be all for public housing, providing about 4,300 additional public housing units, resulting in a total number of public housing units of about 49,000 flats in the NDAs, while the total number of private housing units remained at about 23,000 flats. As such, the ratio between public and private housing units would change from 60 : 40 to 68 : 32; and
- (b) the consideration of s.16 application for minor relaxation of development restrictions had no implication on the land resumption costs. There was established practice for land resumption and compensation by the Government. After approval of the planning application, funding application for land resumption and site formation works for the Advance Works Phase would be submitted to the Legislative Council for approval.

Others

76. Some Members raised the following questions:

- (a) why CEDD was the applicant of the subject application;
- (b) the reason(s) for not revising the development parameters by amendments to the Outline Zoning Plans (OZPs) under Section 7 of Town Planning Ordinance as suggested by the public comment submitted by REDA; and
- (c) when the development of NDAs would be commenced and completed, and timetable for infrastructure works.

77. Mr Tom C.K. Yip made the following responses:

- (a) the technical assessments for the subject application were commissioned by CEDD who was the agent for the public works. A similar s.16 planning application for minor relaxation of development restrictions in the Kai Tak Development was also submitted by CEDD;
- (b) the proposed increase in PR and BH ranged from 2% to 20% and 4% to 14% respectively and it was considered minor in scale and could be processed by s.16 planning application under the provision of the OZP. Similar applications for minor relaxation of development restrictions in the Kai Tak Development with the similar level of increase in PR and BH had previously been considered by the Board; and
- (c) the FLN and KTN NDAs would be implemented in phases under Advance Works Phase and Remaining Phase with estimated flat production from 2023 to 2031. Subject to funding availability, land resumption and site formation works for Advance Works Phase was tentatively scheduled for commencement in 2019. The programme of the related highway and sewerage infrastructure works would tie in with the implementation plan of NDAs.

Deliberation Session

78. Members in general had no objection to the proposed minor relaxation of PR and/or BH restrictions for additional provision of public housing units in view of the shortage of land to meet the pressing housing need in the territory. It was noted that the application had taken into consideration the existing and planned infrastructure provision in the area to cater for the additional flats and population resulting from the proposed increase in development intensity. The Vice-chairman remarked that the scope for further increase in development intensity would be subject to infrastructure capacities. The proposed minor relaxation of PR up to 6 for new public housing developments was considered acceptable and it could offer better living conditions for those currently staying in subdivided units in old buildings in the urban area, which might have an even higher PR.

79. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. To cater for a longer development timeframe for the sites, the permission should be valid for a longer validity period until 16.11.2024, 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.

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

[The Chairman, Dr Lawrence K.C. Li and Dr C.H. Hau returned to join the meeting at this point.]

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/615 Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years in “Agriculture” Zone, Lots 1775 RP, 1785 RP and 1790 RP (Part) in D.D. 107, Fung Kat Heung, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/615A)

Presentation and Question Sessions

81. 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 place of recreation, sports or culture (hobby farm) for a period of three years;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) had no strong view on the application from agricultural point of view provided that a substantial portion of the application site (the site) would be retained for farming activities and no hard paving of land was proposed. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, three public comments objecting to the application were received from World Wide Fund for Nature Hong Kong, the Hong Kong Bird Watching Society and an individual. Major objection grounds were set out in paragraph 10 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments set out in paragraph 11 of the Paper. Though the applied use was not in line with the planning intention of the “Agriculture” (“AGR”) zone, DAFC had no strong view on the application. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “AGR” zone. The applied use was not incompatible with the surrounding areas predominantly rural in character with plant nurseries, vacant/unused land and a hobby farm. Regarding DAFC's concerns, the applicant indicated that the previously filled material had been removed and land preparation works would be carried out at the site upon granting of planning approval, loosening of soil would be carried out to increase the absorption of water and nutrients would be added to the soil after soil preparation works. Relevant approval conditions had been recommended to address the concerns or technical requirements of other government departments and to minimise any possible environmental nuisance. Similar applications for hobby farm within the same “AGR” zone had been approved by the Committee and approval of the application was in line with the Committee's previous decisions. Regarding the adverse public

comments, the comments of government departments and planning assessments above were relevant.

82. Members had no question on the application.

Deliberation Session

83. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 16.11.2021, 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 public announcement system, portable loudspeaker or any form of audio amplification system is allowed to be used on the site at any time during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (d) 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;
- (e) 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 16.5.2019;
- (f) in relation to (e) 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 16.8.2019;

- (g) 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 16.5.2019;
- (h) in relation to (g) 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 16.8.2019;
- (i) in relation to (h) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (j) if any of the above planning conditions (a), (b), (c), (d) or (i) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (k) 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; and
- (l) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 24

Section 16 Application

[Open Meeting]

A/YL-KTN/633 Temporary Public Car Park (Excluding Container Vehicle) for a Period of 5 Years in “Village Type Development” Zone, Lots 1243 S.B RP (Part) and 1296 RP in D.D. 109, Kong Tai Road, Kam Tin, Yuen Long (RNTPC Paper No. A/YL-KTN/633)

85. The Committee noted that the applicant requested on 8.11.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/634 Proposed Temporary Private Car Park for a Period of 3 Years in “Comprehensive Development Area” Zone, Lots 3307 RP (Part), 3308 RP (Part), 3312 RP, 3313 RP (Part) and 4202 RP (Part) in D.D. 104, Long Ha, San Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/634)

87. The Secretary reported that the application was submitted by Mission Hills Management Services Limited. Mr K.K. Cheung had declared interest on the item for being a member of Mission Hills Golf Club and used the application site (the site) on a weekly basis. As the interest of Mr K.K. Cheung was direct, the Committee agreed that he should be invited to leave the meeting temporarily for the item.

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

Presentation and Question Sessions

88. Ms Ivy C.W. Wong, STP/FSYLE, drew Members’ attention that a replacement page (page 13) of the Paper, making revisions to approval conditions (a) and (k), was dispatched to Members before the meeting. She then presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed temporary private car park for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;

- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Though the applied use was not in line with the planning intention of the “Comprehensive Development Area” (“CDA”) zone, there was no known development programme for the site. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “CDA” zone. The applied use was not incompatible with the surrounding areas. Previous approvals for the same use at the site had been granted and there was no major change in planning circumstance since the last planning approval, sympathetic consideration could be given. Similar applications within the same “CDA” zone had been approved by the Committee. Relevant approval conditions had been recommended to address the technical requirements of concerned government departments or to minimise the potential nuisance.

89. Members had no question on the application.

Deliberation Session

90. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 16.11.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation on Mondays to Fridays (except public holidays), as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities are allowed on the site at any time during the planning approval period;

- (c) no vehicle other than private car is allowed to access 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 as defined in the Road Traffic Ordinance are allowed to be parked on the site at any time during the planning approval period;
- (e) no 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;
- (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 boundary fencing on the site shall be maintained at all times during the planning approval period;
- (h) the maintenance of the existing mitigation measures to minimize any possible nuisance of noise and artificial lighting on-site to the residents nearby at all times during the planning approval period;
- (i) the existing drainage facilities at the site shall be maintained at all times during the planning approval period;
- (j) 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 16.5.2019;
- (k) in relation to (j) 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 16.8.2019;
- (l) the submission of condition records of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction

of the Director of Drainage Services or of the TPB by 16.2.2019;

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

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

[Mr K.K. Cheung returned to join the meeting at this point.]

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/635 Renewal of Planning Approval for Temporary Open Storage of Private Vehicles and Vehicle Parts for a Period of 3 Years in “Residential (Group D)” Zone, Lots 629 S.Q, 630 S.B ss.15 and 653 S.B RP (Part) in D.D. 110, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTN/635)

Presentation and Question Sessions

92. 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 renewal of planning approval for temporary open storage of private vehicles and vehicle parts for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential dwellings to the immediate west of the application site (the site) and in the vicinity and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD considered 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. Though the applied use was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone, there was no known development proposal for the site and approval of the application on a temporary basis would not frustrate the long-term planning intention of the “R(D)” zone. The applied use was considered not incompatible with the surrounding areas. The application was generally in line with the Town Planning Board Guidelines Nos. 13E and 34B in that the site fell within Category 3 areas where previous planning approvals for the same use had been granted, there was no major change in planning circumstances since the previous planning approval and all approval conditions under the previous approval had been complied with, and the applicant had submitted relevant technical proposals in the subject application. Though DEP did not support the application, there was no environmental complaint received in the past three years, and the access of the site abutted Kam Tin Road without passing through the residential dwellings/structures. Relevant approval conditions had been recommended to address any possible environmental nuisance or technical requirements of other government departments. Previous applications for

the same use and a number of similar applications within the same “R(D)” zone had been approved by the Committee and approval of the application was in line with the Committee’s previous decisions.

93. Members had no question on the application.

Deliberation Session

94. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 21.11.2018 until 20.11.2021, 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 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 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) 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;
- (e) the setting back of the southern boundary of the site by 25m from Kam Tin Road, as proposed by the applicant, at all times during the planning approval period;
- (f) the stacking height of vehicles and vehicle parts should not exceed the height of the peripheral fencing of the site at any time during the planning approval period;

approval period;

- (g) the existing fencing erected should be maintained at all times during the planning approval period;
- (h) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (i) the existing trees within the site shall be maintained at all times during the planning approval period;
- (j) the submission of a revised drainage proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.5.2019;
- (k) in relation to (j) above, the implementation of the drainage proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.8.2019;
- (l) in relation to (k) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (m) the provision of fire extinguisher(s) with a valid fire certificate (FS251) within 6 weeks from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.1.2019;
- (n) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.5.2019;
- (o) in relation to (n) above, the provision of fire service installations within 9 months from the date of commencement of the renewed planning

approval to the satisfaction of the Director of Fire Services or of the TPB by 21.8.2019;

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

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

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/804 Renewal of Planning Approval for Temporary Open Storage of Vehicles and Modification Workshop for Vans and Lorries for a Period of 3 Years in “Residential (Group D)” Zone, Lots 1319 (Part) and 1336 S.A (Part) in D.D. 106, Kong Ha Wai, Kam Sheung Road, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTS/804)

Presentation and Question Sessions

96. Ms Ivy C.W. Wong, STP/FSYLE, drew Members’ attention that a replacement page (page 6) of the Paper, rectifying editorial error of the Paper, was dispatched to Members before the meeting. She then presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the renewal of planning approval for temporary open storage of vehicles and modification workshop for vans and lorries for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential structures to the south-east of the application site (the site) and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD considered 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. Though the applied use was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone, there was no known development proposal for the site and approval of the application on a temporary basis would not jeopardize the long-term planning intention of the “R(D)” zone. The application was generally in line with the Town Planning Board Guidelines Nos. 13E and 34B in that the site fell within Category 3 areas where previous planning approvals for similar applied uses had been granted, there was no major change in planning circumstances since the previous planning approval and all approval conditions under the previous approval had been complied with, and the applicant had submitted relevant technical proposals in the subject application. Though DEP did not support the application, there was no environmental complaint received in the past three years. Relevant approval conditions had been recommended to address any potential environmental nuisance or technical requirements of other government departments. Previous applications for the site and a number

of similar applications in the same and adjoining “R(D)” zone had been approved by the Committee and approval of the application was in line with the Committee’s previous decisions.

97. Members had no question on the application.

Deliberation Session

98. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 19.12.2018 until 18.12.2021, 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 paint-spraying activities shall be carried out at the open area of the site at any time during the planning approval period;
- (d) 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;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the existing trees and landscape plantings on the site shall be maintained at all times during the planning approval period;

- (g) the existing drainage facilities implemented on the site shall be maintained at all times during the planning approval period;
- (h) the submission of a record of the existing drainage facilities on the site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.3.2019;
- (i) the provision of fire extinguisher(s) with a valid fire certificate (FS251) within 6 weeks from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 30.1.2019;
- (j) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.6.2019;
- (k) in relation to (j) above, the provision of fire service installations within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.9.2019;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (m) if any of the above planning conditions (h), (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/805 Renewal of Planning Approval for Temporary Warehouse for Storage of Building Material Products for a Period of 3 Years in “Residential (Group D)” Zone, Lot 1336 S.A (Part) in D.D. 106, Kong Ha Wai, Kam Sheung Road, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTS/805)

Presentation and Question Sessions

100. 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 renewal of planning approval for temporary warehouse for storage building material products for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) 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. Though the applied use was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone, there was no known development proposal for the application site (the site) and approval of the application on a temporary

basis would not jeopardize the long-term planning intention of the “R(D)” zone. The application was generally in line with the Town Planning Board Guidelines No. 34B in that previous planning approvals for the same use had been granted, there was no major change in planning circumstances since the previous planning approval and all approval conditions under the previous approval had been complied with. Relevant approval conditions had been recommended to address any possible environmental nuisance or technical requirements of concerned government departments. Previous applications for the same use at the site and similar applications within the same “R(D)” zone had been approved by the Committee and approval of the application was in line with the Committee’s previous decisions.

101. Members had no question on the application.

Deliberation Session

102. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 9.1.2019 until 8.1.2022, 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 dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities are allowed on the site at any time during the planning approval period;
- (d) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the site at any time during the

planning approval period;

- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the existing trees and landscape plantings on the site shall be maintained at all times during the planning approval period;
- (g) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (h) the submission of records of the existing drainage facilities on the site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.4.2019;
- (i) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.7.2019;
- (j) in relation to (i) above, the provision of fire service installations within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.10.2019;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (l) if any of the above planning conditions (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.”

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

Agenda Item 29

Section 16 Application

[Open Meeting]

A/YL-SK/240 Proposed Temporary Warehouse and Ancillary Workshop for Recyclable Materials for a Period of 3 Years in “Government, Institution or Community” Zone, Government Land in D.D. 114, Lam Kam Road, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-SK/240)

104. The Committee noted that the applicant’s representative requested on 2.11.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments. It was the second time that the applicant requested deferment of the application. The applicant explained that the relevant technical report was being prepared and more time was required to prepare further information to address departmental concerns.

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

Agenda Item 30

Section 16 Application

[Open Meeting]

A/YL-NSW/265 Proposed Temporary Place of Recreation, Sports or Culture (Chinese Culture) for a Period of 3 Years in “Undetermined” Zone, Former Small Traders New Village Public School, Small Traders New Village, Nam Sang Wai, Yuen Long
(RNTPC Paper No. A/YL-NSW/265A)

106. The Committee noted that the applicant requested on 12.11.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address comments of the Transport Department. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information on 4.10.2018, 9.10.2018 and 7.11.2018 to address departmental comments.

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

Agenda Item 31

Section 16 Application

[Open Meeting]

A/YL-NSW/267 Proposed Private Secondary School and Residential Institution in “Undetermined” Zone, Lots 693 RP, 694 RP, 698 S.B, 1272 RP and 1283 in D.D. 115 and Adjoining Government Land, Small Traders New Village, Nam Sang Wai, Yuen Long (including Part of Former Small Traders New Village Public School)
(RNTPC Paper No. A/YL-NSW/267)

108. The Secretary reported that Mott MacDonald Hong Kong Limited (MMHK) was one of the consultants of the applicant. Mr Ivan C.S. Fu had declared interest on the item for having current business dealings with MMHK.

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

110. The Committee noted that the applicant’s representative requested on 2.11.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information including relevant technical assessments to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

Agenda Item 32

Section 16 Application

[Open Meeting]

A/YL-NTM/373 Proposed Temporary Shop and Services (Vehicle Parts Shop) for a Period of 3 Years in “Open Storage” Zone, Lot 113 RP in D.D. 98 and Adjoining Government Land, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/373)

112. The Committee noted that the applicant’s representative requested on 1.11.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/374 Proposed Temporary Shop and Services (Real Estate Office and Transportation Office) with Ancillary Car Park and Storage for a Period of 3 Years in “Residential (Group D)” Zone, Lot 2616 (Part) in D.D. 104, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/374)

Presentation and Question Sessions

114. 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 (real estate office and transportation office) with ancillary car park and storage for a period of three years;

[Mr David Y.T. Lui left the meeting at this point.]

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments were received with one from a Yuen Long District Council member objecting to the application and one from an individual providing comments on the application. Major objection grounds were set out in paragraph 10 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments set out in paragraph 11 of the Paper. Though the applied use was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone, it could provide services to the nearby residents and the local community. There was no immediate development proposal for the application site and approval of the application on a temporary basis would not frustrate the long-term planning intention of the “R(D)” zone. The applied use was not incompatible with the surrounding uses. Relevant approval conditions had been recommended to mitigate any potential environmental impact or to address the technical requirements of concerned government departments. Regarding the adverse public comments indicating that the previous planning permission was revoked, the concerned planning application was submitted by a different applicant. For other views raised in the public comments, the comments of government departments and planning assessments above were relevant.

115. Members had no question on the application.

Deliberation Session

116. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 16.11.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no night-time operation between 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) only private cars as defined in the Road Traffic Ordinance are allowed to enter/be parked on the site at all times 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 fence on the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 16.5.2019;
- (e) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 16.5.2019;
- (f) in relation to (e) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 16.8.2019;
- (g) the submission of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 16.5.2019;
- (h) in relation to (g) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 16.8.2019;
- (i) the submission of 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 16.5.2019;
- (j) in relation to (i) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 16.8.2019;
- (k) if any of the above planning conditions (a), (b) or (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (l) if any of the above planning conditions (d), (e), (f), (g), (h), (i) or (j) is not complied with by the specified date, the approval hereby given shall cease

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

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

Agenda Item 34

Section 16 Application

[Open Meeting]

A/YL-ST/532 Proposed Temporary Eco Bike Riding Depot for a Period of 3 Years in “Conservation Area” Zone, Lots 2 (Part), 3 (Part) and 4 (Part) in D.D. 99, Ha Wan Tsuen, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/532)

118. The Committee noted that the applicant’s representative requested on 31.10.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address comments of the Environmental Protection Department. It was the first time that the applicant requested deferment of the application.

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

[The Chairman thanked Mr Tom C.K. Yip, DPO/FSYLE, Ms S.H. Lam, Mr Otto K.C. Chan, 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

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

Agenda Item 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/573 Temporary Warehouse (Storage of Daily Necessities) for a Period of 3 Years in "Comprehensive Development Area" Zone, Lots 139 (Part), 140 (Part), 141 (Part), 145 (Part), 146, 147, 148 (Part), 149 (Part), 151, 152, 155 (Part), 159, 160 (Part), 164 (Part), 165 (Part), 166 (Part), 167, 168 (Part), 169, 170, 177, 178 (Part) and 179 (Part) in D.D. 122 and Adjoining Government Land, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/573)

Presentation and Question Sessions

120. 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 warehouse (storage of daily necessities) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP)

did not support the application as there were sensitive receivers in the vicinity of the application site (the site) and along the local track connecting the application site (the site) to Ha Mei San Tsuen Road and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD considered 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. Though the applied use was not in line with the planning intention of the “Comprehensive Development Area” (“CDA”) zone, there was no permanent development proposal for the site. Approval of the application on a temporary basis would not jeopardize the long-term planning intention of the “CDA” zone. The applied use was not incompatible with the surrounding areas. Though DEP did not support the application, there was no substantiated environmental complaint pertaining to the site in the past three years. Relevant approval conditions had been recommended to address any possible environmental nuisance or technical requirements of other concerned government departments. A previous application for the same use at the site and similar applications in the adjacent “CDA” zone had been approved by the Committee and approval of the application was in line with the Committee's previous decisions.

121. In response to a Member's enquiry, Ms Stella Y. Ng, STP/TMYLW, said that according to the applicant, the daily necessities to be stored at the site included clothings and toys, and no dangerous goods would be stored.

Deliberation Session

122. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 16.11.2021, 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 the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the site at any time during the planning approval period;
- (d) no vehicle repair, dismantling or other workshop activity, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the existing fencing of the site shall be maintained at all times during the approval period;
- (g) the existing trees and landscape planting on the site shall be maintained at all times during the planning approval period;
- (h) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (i) the submission of a condition record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 16.2.2019;
- (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 16.5.2019;

- (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 16.8.2019;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the 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 above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

123. 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-HTF/1092 Proposed Temporary Warehouse of Electric Spare Parts for a Period of 2 Years in “Agriculture” Zone, Lot 384 RP in D.D. 128, Deep Bay Road, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-HTF/1092)

124. The Committee noted that the applicant’s representative requested on 2.11.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

125. 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 further information and 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/250 Proposed Temporary Shop and Services (Beauty Parlour with Ancillary Office) for a Period of 6 Years in "Village Type Development" Zone, Lot 2078 RP (Part) in D.D. 116 and Adjoining Government Land, Ha Yau Tin Tsuen, Yuen Long

(RNTPC Paper No. A/YL/250)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary shop and services (beauty parlour with ancillary office) for a period of six years;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned government departments had no

objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, eight public comments objecting to the application were received from a Yuen Long District Council member, the village representatives of Ha Yau Tin Tsuen and individuals. Major objection grounds were set out in paragraph 9 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of six years based on the assessments set out in paragraph 10 of the Paper. Though the applied use was not entirely in line with the planning intention of the “Village Type Development” (“V”) zone, it could provide shop and services to serve any such demand in the area. There was no Small House application under processing at the application site (the site) and approval of the application on a temporary basis would not frustrate the long-term planning intention of the “V” zone. The applied use was not incompatible with the surrounding uses. Adverse environmental, traffic, drainage, fire safety and landscape impacts were not anticipated. Relevant approval conditions had been recommended to minimise any potential adverse impact and nuisance or to address the technical requirements of concerned government departments. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

127. Some Members raised the following questions:

- (a) the reason(s) for recommending approval on a temporary basis for a period of six years, instead of three years normally for planning applications for temporary uses;
- (b) whether approval of the application would have any implication on future Small House development at the site though no Small House application was under processing by the Lands Department at the site at the moment; and

- (c) whether the applied use would all be under the same roof.

128. The Chairman and Mr Alan Y.L. Au, STP/TMYLW, made the following responses:

- (a) according to the covering Notes of the Yuen Long Outline Zoning Plan (OZP), which was a new town OZP, temporary uses (expected to be five years or less) of any land or building were always permitted as long as they complied with other relevant legislation, the conditions of the lease and any other government requirements. For temporary uses expected to be over five years, the uses must conform to the zoned use or the Notes. As 'shop and services' use was a Column 2 use within "V" zone of the Yuen Long OZP, planning application for the applied use for a period of six years was thus required. That was different from rural OZPs in that for uses that were not provided for in terms of the OZP, planning permission could only be granted for temporary uses not exceeding a period of three years;
- (b) noting that the site fell within the "V" zone and the subject planning application was submitted by the lot owner of the site, Small House grant application could be submitted to the Lands Department without the need for obtaining planning permission; and
- (c) the site was occupied by a vacant two-storey structure. According to the applicant, a corrugated metal roof would be built to cover the entire site including the existing structure subsequent to obtaining planning permission and the applied use (i.e. beauty parlour with ancillary office) would be accommodated under the same roof.

Deliberation Session

129. Members noted that with reference to the covering Notes of the OZPs in the urban and new town areas, temporary uses (expected to be five years or less) of any land or building were always permitted as long as they complied with other relevant legislation, the

conditions of the lease and any other government requirements, and for temporary uses expected to be over five years, the uses had to conform to the zoned use or the Notes. If the applied uses were located within temporary buildings/structures for a temporary period more than five years, planning permission would be required.

130. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 6 years until 16.11.2024, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 7:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) 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 16.5.2019;
- (c) in relation to (b) 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 16.8.2019;
- (d) in relation to (c) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (e) the submission of 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 16.5.2019;
- (f) in relation to (e) 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 16.8.2019;
- (g) if any of the above planning conditions (a) 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

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

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

Agenda Item 38

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/104 Temporary Warehouse for Storage of Vehicle Parts for a Period of 3 Years in “Government, Institution or Community” Zone, Lots 2949 (Part), 2950 RP (Part) and 2956 (Part) in D.D. 129, Ha Tsuen, Yuen Long

(RNTPC Paper No. A/HSK/104)

Presentation and Question Sessions

132. 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 warehouse use for storage of vehicle parts for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the application site (the site) and along the access road (Lau Fau Shan) and environmental nuisance was expected. Other concerned government

departments had no objection to or no adverse comment on the application;

- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Whilst the applied use was not in line with the planning intention of the “Government, Institution or Community” zone, the implementation programme for this part of the Hung Shui Kiu New Development Area was still being formulated and the Project Manager (New Territories West), Civil Engineering and Development Department had no objection to the temporary use of the site for three years. Approval of the application on a temporary basis would not jeopardize the long-term development of the site. The applied use was not incompatible with the surrounding uses. Though DEP did not support the application, there was no environmental complaint pertaining to the site in the past three years and relevant approval conditions had been recommended to address the concerns on the possible environmental nuisance or the technical requirements of concerned government departments. Previous applications for various open storage uses at the site had been approved by the Committee and approval of the application was in line with the Committee's previous decisions.

133. Members had no question on the application.

Deliberation Session

134. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 16.11.2021, 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) no vehicle queuing back to public road and reverse onto/from the public road is allowed at any time during the planning approval period;
- (d) no cleaning, repairing and dismantling, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (e) the existing trees and landscape planting on the site shall be maintained at all time during the planning approval period;
- (f) the existing fencing on the site shall be maintained at all times during the planning approval period;
- (g) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (h) the submission of a condition record of the existing drainage facilities on site within 3 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 16.2.2019;
- (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 16.5.2019;
- (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 16.8.2019;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) is not complied with during the approval period, the approval hereby given shall

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

- (l) if any of the above planning conditions (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.”

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

Agenda Item 39

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/105 Temporary Storage of Construction Materials and Containers, Logistics Centre and Ancillary Workshop for a Period of 3 Years in “Government, Institution or Community”, “Open Space”, “Residential (Group A) 4” and “Residential (Group A) 3” Zones and an area shown as ‘Road’, Lots 1802 S.B RP (Part), 1807 (Part), 1808 RP (Part), 1819 (Part), 1825 (Part), 1826, 1827 S.A, 1827 S.B (Part), 1828 (Part), 1829 (Part), 1830 (Part), 1831 (Part), 1835 (Part), 1836 (Part), 1837, 1838, 1839 (Part), 1843 (Part) and 1844 (Part) in D.D. 125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/HSK/105)

Presentation and Question Sessions

136. 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 storage of construction materials and containers, logistics centre and ancillary workshop for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) 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. Whilst the applied use was not in line with the planning intentions of the “Government, Institution or Community” (“G/IC”), “Open Space” (“O”), “Residential (Group A)3” (“R(A)3”) and “Residential (Group A)4” (“R(A)4”) zones, the implementation programme for this part of the Hung Shui Kiu New Development Area (HSK NDA) was still being formulated, and the Director of Leisure and Cultural Services and the Project Manager (New Territories West), Civil Engineering and Development Department had no objection to the temporary use of the application site (the site) for three years. Approval of the application on a temporary basis would not jeopardize the long-term development of the site. The applied use was not incompatible with the surrounding uses. The applied use was generally in line with the Town Planning Board Guidelines No. 13E in that the site fell within Category 1 areas. Relevant approval conditions had been recommended to minimize any possible environmental impact and nuisance and to address the technical requirements of concerned government departments. A previous application for the same use at the site and similar applications within the same “G/IC”, “O”, “R(A)3” and “R(A)4” zones had been approved by the Committee and approval of the application was in line with the Committee’s previous decisions.

137. In response to a Member's enquiry, Mr Simon P.H. Chan, STP/TMYLW, said that the application site of application No. A/HSK/104 was located near Lau Fau Shan Road, whereas the site under the subject application was accessible from Ping Ha Road.

Deliberation Session

138. While a Member had no comment on the application, the Member raised concerns on whether the current brownfield operations would be relocated from the HSK NDA and whether there was land within the HSK NDA reserved for such operations.

139. In response, the Chairman said that with a view to tackling the issue of brownfield operations in the New Territories, feasibility studies were being carried out to examine the options of accommodating brownfield operations within multi-storey buildings. With reference to the Hung Shui Kiu and Ha Tsuen Outline Zoning Plan, land had been reserved for brownfield operations, e.g. areas zoned "Other Specified Uses" ("OU") annotated "Enterprise and Technology Park", "OU" annotated "Logistics Facility" and "OU" annotated "Port Back-up, Storage and Workshop Uses". These zones within the HSK NDA would not be able to accommodate all brownfield operations, other measures would need to be examined.

140. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 16.11.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 8:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;

- (d) the existing trees and landscape planting on the site shall be maintained at all time during the planning approval period;
- (e) the existing fencing on the site shall be maintained at all times during the planning approval period;
- (f) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (g) the submission of a condition record of 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 16.2.2019;
- (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 16.5.2019;
- (i) in relation to (h) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.8.2019;
- (j) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; 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.”

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

Agenda Item 40

Section 16 Application

[Open Meeting]

A/HSK/106 Proposed Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles Not Exceeding 5.5 Tonnes) with Ancillary Shroff for a Period of 3 Years in “Other Specified Uses” annotated “Sewage Pumping Station”, “Residential (Group A) 2” and “Open Space” Zones and an area shown as ‘Road’, Lot 1768 RP in D.D. 130 and Adjoining Government Land, Tsing Yick Road, Yick Yuen Tsuen, Hung Shui Kiu (RNTPC Paper No. A/HSK/106)

142. The Secretary reported that after issuance of the RNTPC paper, the applicant’s representative requested on 13.11.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments. The letter from the applicant’s representative was tabled at the meeting for Members’ reference. It was the first time that the applicant requested deferment of the application.

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

Agenda Item 41

Section 16 Application

[Open Meeting]

A/YL-TT/444 Temporary Animal Boarding Establishment and Dog Breeding Centre for a Period of 3 Years in “Agriculture” and “Green Belt” Zones, Lots 1384 (Part), 1385 RP, 1386, 1387 S.A and 1387 S.B in D.D. 117 and Adjoining Government Land, Tai Tong, Yuen Long
(RNTPC Paper No. A/YL-TT/444)

144. The Committee noted that the applicant’s representative requested on 7.11.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

Agenda Item 42

Section 16 Application

[Open Meeting]

A/YL-TT/445 Proposed Temporary Shop and Services (Interior Design and Decoration Engineering Company) for a Period of 3 Years in “Village Type Development” Zone, Lots 4891 RP (Part), 4892 RP (Part), 4893 (Part) and 4894 in D.D. 116 and Adjoining Government Land, Tai Tong Road, Yuen Long
(RNTPC Paper No. A/YL-TT/445)

146. The Committee noted that the applicant requested on 31.10.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

Agenda Item 43

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/446 Proposed Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years in “Village Type Development” Zone, Lots 3564 S.A RP (Part) and 3564 S.A ss.5 RP (Part) in D.D. 116, Tong Tau Po Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TT/446)

Presentation and Question Sessions

148. 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 eating place (outside seating accommodation (OSA) of a restaurant) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments were received with one from a District Council member indicating no comment the application and one from an individual raising concerns on the application. Major concerns were set out in paragraph 11 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 12 of the Paper. The proposed OSA was the extension of a proposed restaurant at the ground floor of an existing

New Territories Exempted House adjacent to the application site (the site) and 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 planning intention of the “Village Type Development” zone. The applied use was not incompatible with the surrounding uses. The application was in line with the Town Planning Board Guidelines No. 15A in that the applied use was located at the fringe of Tong Tau Po Tsuen abutting Tai Shu Ha Road East and would unlikely cause inconvenience to the nearby residents. The applied use would unlikely cause significant adverse environmental hygiene, traffic, drainage, fire safety, sewerage and environmental impacts on the surrounding areas in view of its scale. No environmental complaint had been received in the past three years. Regarding the public comment raising concerns, the comments of government departments and planning assessments above were relevant.

149. Members had no question on the application.

Deliberation Session

150. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 16.11.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 10:00 p.m. and 11:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no car parking, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no filling/excavation of land, as proposed by the applicant, is allowed on the site 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 16.5.2019;
- (e) 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 16.8.2019;
- (f) in relation to (e) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (g) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.5.2019;
- (h) in relation to (g) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.8.2019;
- (i) if any of the above planning conditions (a), (b), (c) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; 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.”

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

Agenda Item 44

Section 16 Application

[Open Meeting]

A/YL-TYST/903 Proposed Temporary Public Vehicle Park for Private Car and Light Goods Vehicle for a Period of 3 Years in “Village Type Development” Zone, Lots 2681 S.A&S.B (Part), 2682 (Part) and 2683 (Part) in D.D. 120, Lam Hau Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/903A)

152. 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 prepare further information to address further comments of the Transport Department (TD). It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information to address the comments of TD.

153. 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 further information. Since it was the second deferment and a total of four months had been allowed for preparation of the submission of further information, 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/YL-TYST/913 Temporary Logistics Centre for a Period of 3 Years in “Industrial (Group D)” Zone, Lots 1092 S.A, 1819 (Part) and 2008 S.H RP (Part) in D.D. 121 and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/913A)

Presentation and Question Sessions

154. 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 logistics centre for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential structures to the south and south-east of the application site (the site) and the applied use would cause traffic of heavy vehicles and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments objecting to the application were received from a Yuen Long District Council member and an individual. Major objection grounds were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the

assessments set out in paragraph 12 of the Paper. The applied use was not in conflict with the “Industrial (Group D)” (“I(D)”) zone and was not incompatible with the surrounding uses in the subject “I(D)” zone. Whilst the site fell within an area zoned “Other Specified Uses” annotated “Storage Use 1” and an area shown as ‘Road’ on the Recommended Outline Development Plan of Yuen Long South, the Chief Engineer/Cross-boundary Infrastructure and Development, PlanD and the Project Manager (New Territories West), Civil Engineering and Development Department had no objection to the application. Approval of the application on a temporary basis would not jeopardize the long-term development of the area. The applied use was generally in line with the Town Planning Board Guidelines No. 13E in that the site fell within Category 1 areas. Though DEP did not support the application, there was no environmental complaint concerning the site received in the past three years. Relevant approval conditions had been recommended to address the concerns on the possible environmental nuisance or the technical requirements of other concerned government departments. Previous approvals for the similar use had been granted and approval of the application was in line with the Committee’s previous decisions. Whilst the two previously approved applications were revoked due to non-compliance with approval conditions, the subject application was submitted by a different applicant and the applicant had submitted relevant technical proposals. However, the site condition and proposed layout of the site under the current application were similar to those under the previously revoked planning permissions and the site had not been cleared before the submission of the current application. Sympathetic consideration might be given to the subject application but shorter compliance period were recommended in order to closely monitor the progress of compliance with approval conditions. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

155. Members had no question on the application.

Deliberation Session

156. Members noted that the previous planning approvals were revoked due to non-compliance with approval conditions, and ‘logistics centre’ was regarded as ‘cargo handling and forwarding facility (container freight station, logistics centre only)’ use, which was a Column 2 use within “I(D)” zone.

157. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 16.11.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 9:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) a “SLOW” road marking shall be painted on Tong Yan San Tsuen Road, as proposed by the applicant, at any time during the planning approval period;
- (d) a lookout man at the site access shall be provided when vehicles leave the site, as proposed by the applicant, at any time during the planning approval period;
- (e) no vehicles other than medium/heavy goods vehicles, 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) the existing boundary fencing on site shall be maintained at all times during the planning approval period;
- (h) the existing trees and landscape planting on the site shall be maintained at all times during the planning approval period;
- (i) 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 16.5.2019;
- (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 implementation of the accepted fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.5.2019;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) 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
- (m) if any of the above planning conditions (i) 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.”

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

Agenda Item 46

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/924 Proposed Temporary Plant Nursery and Shop and Services (Retail Shop for Plants) for a Period of 3 Years in “Residential (Group C)” and “Undetermined” Zones, Lots 1319, 1320 S.A, 1320 RP, 1321 S.A, 1321 S.B, 1322 (Part) and 1323 (Part) in D.D. 119, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/924)

Presentation and Question Sessions

159. 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 plant nursery and shop and services (retail shop for plants) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) had no adverse comment on the application provided that the applicant would follow the commitments in the application, including setting back of the proposed tree in order not to generate direct conflict with the preserved bamboo clumps to the south-west of the application site (the site), scheduling all site formation and construction works (including fencing/hoarding, filling/excavation of land, installation of drainage facilities and erection of structures within the site as well as planting of new trees along the site periphery) outside the breeding season of ardeids (i.e. from March to August inclusive). Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, two public comments were received with one from an land owner of a surrounding lot objecting to the application and one from an individual raising concerns on the application. Major objection grounds and concerns 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. Though the applied use was not in line with the planning intention of the “Residential (Group C)” (“R(C)”) zone, approval of the application on a temporary basis would not frustrate the long-term planning intention of the “R(C)” zone and the applied use was not incompatible with the surrounding uses. Though an active egret was located immediately adjacent to the site, the applicant had proposed measures, including restricting the operation hours of the applied use, preserving the existing bamboo clumps, setting back of the proposed trees near the bamboo clumps and scheduling the site formation and construction works outside the breeding season of ardeids. DAFC had no adverse comment on the application and the aforementioned measures. Significant adverse environmental, traffic, landscape and drainage impacts on the surrounding areas were not envisaged. Relevant approval conditions had been recommended to minimize any potential nuisance or to address the technical requirements of the concerned departments. Two previous applications for proposed temporary hydroponics farm and the same applied use at the site and similar applications for various shop and services use in the same “R(C)” zone had been approved by the Committee and approval of the application was in line with the Committee's previous decisions. The previously approved planning applications submitted by the same applicant were revoked due to non-compliance with approval condition(s). Notwithstanding, the applicant had submitted relevant technical proposals for the subject application. Sympathetic consideration might be given to the application but shorter compliance periods on the approval conditions were

recommended to closely monitor the progress of compliance. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

160. A Member raised the following questions:

- (a) noting from Plan A-2 of the Paper that there was an egret in the vicinity of the site, whether DAFC and the Director of Environmental Protection (DEP) had raised any comment on the interface issue; and
- (b) whether there was any interface issue between the applied use and the mitigation measures for the egret in the Environmental Impact Assessment (EIA) report for the “Planning and Engineering Study for Housing Sites in Yuen Long South (YLS) – Investigation” endorsed by the Advisory Council on the Environment.

161. Ms Bonnie K.C. Lee, STP/TMYLW, made the following responses:

- (a) the egret was located to the immediate south-west of the site. Both DAFC and DEP had no adverse comment on the application. The applicant had also proposed some mitigation measures, including restricting the operation hours of the applied use; preserving the existing bamboo clumps; setting back of the proposed trees near the bamboo clumps; and scheduling the site formation and construction works outside the breeding season of ardeids. Relevant approval conditions had been recommended should the application be approved; and
- (b) DEP was consulted on the subject application and did not raise comment in respect of the concerned EIA report.

Deliberation Session

162. Members noted that an egret was located to the immediate south-west of the site, and two specific approval conditions had been imposed for the previously approved

application for the same use, i.e. (i) preserving the existing bamboo clumps at the southwestern corner of the site; and (ii) no site formation and construction works were allowed on the site at any time within the breeding season of ardeids from March to August inclusive in order to protect the egret nearby. The previous planning approval was revoked due to non-compliance with the aforementioned approval condition (ii). It was noted that the same two approval conditions had been recommended for the subject application to the satisfaction of DAFC.

163. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 16.11.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 5:00 p.m. to 9:00 a.m., as proposed by the applicant, is allowed on the site during the approval period;
- (b) no medium and 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, as proposed by the applicant, at any time during the planning approval period;
- (c) no workshop activities, as proposed by the applicant, shall be carried out on the site at any time during the planning approval period;
- (d) the existing bamboos clumps at the southwestern corner of the site shall be preserved at all times during the planning approval period to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (e) no site formation and construction works (including fencing/hoarding, filling/excavation of land, installation of drainage facilities and erection of structures within the site as well as planting of new trees along the site periphery), are allowed on the site at any time within the breeding season of ardeids from March to August inclusive in order to protect the egret nearby to the satisfaction of the Director of Agriculture, Fisheries and

Conservation or of the TPB;

- (f) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;
- (g) the provision of boundary fence 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 16.2.2019;
- (h) the submission of a revised 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 16.2.2019;
- (i) in relation to (h) above, the implementation of the revised drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 16.5.2019;
- (j) in relation to (i) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (k) the existing trees and landscape planting on the site shall be maintained at all times during the planning approval period;
- (l) the submission of a revised fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.2.2019;
- (m) in relation to (l) above, the implementation of the fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.5.2019;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (j) or (k) is not complied with during the planning approval period, the approval hereby

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

- (o) if any of the above planning conditions (g), (h), (i), (l) or (m) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice”

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

Agenda Item 47

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/925 Temporary Open Storage of Building and Recycling Materials, Construction Machinery and Used Electrical/Electronic Appliances with Ancillary Packaging Activities for a Period of 3 Years in “Undetermined” Zone, Lots 2722 RP, 2724 (Part), 2727 (Part), 2728, 2729, 2730, 2731, 2732, 2733, 2734 RP (Part), 2735 (Part), 2736 RP (Part), 2737 RP (Part) and 2738 (Part) in D.D. 120 and Lots 1678 RP, 1679 RP, 1681 RP, 1682 (Part), 1683 (Part), 1684 (Part), 1685, 1686, 1687, 1688, 1689, 1690, 1691 (Part), 1692 and 1693 in D.D. 121, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/925)

Presentation and Question Sessions

165. 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 open storage of building and recycling materials, construction machinery and used electrical/electronic appliances with ancillary packaging activities for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential use in the vicinity and the development would cause traffic of heavy vehicles and environmental nuisance was expected. The Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD) advised that the majority of the application site (the site) fell within the boundary of Stage 1 Work of the Yuen Long South (YLS) development and land clearance of the site was planned to commence in Q3 of 2021 to meet the target first population intake by Q1 of 2028, and objected to the application unless the period of the applied use was granted till September 2021 only. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments set out in paragraph 12 of the Paper. The applied use was not in conflict with the planning intention of the “Undetermined” zone which was generally intended for open storage use. While the site fell within an area zoned “Special Residential – Public Rental Housing (with Commercial)”, “Local Open Space” and an area shown as ‘Road’ on the Recommended Outline Development Plan of YLS and the Chief Engineer/Cross-boundary Infrastructure and Development, PlanD had no objection to the application. In view of the programme of the YLS development, PM(W), CEDD would not object to the application if the period of the applied use was granted till September 2021 only. The

District Lands Officer/Yuen Long also advised that the programme of land resumption would follow the project programme notwithstanding the validity period of the planning permission. Approval of the application on a temporary basis would not jeopardize the long-term development of the area and the applicant would be advised that the land might be resumed by the government at any time during the planning approval period. The applied use was not incompatible with the surrounding areas comprising similar uses. The application was generally in line with the Town Planning Board Guidelines No. 13E in that the site fell within Category 1 areas. Though DEP did not support the application, relevant approval conditions had been recommended to address the concerns on possible environmental nuisance or the technical requirements of other government departments. The previous application for the site and a number of similar applications in the vicinity had been approved by the Committee. Approval of the application was in line with the Committee's previous decisions.

166. Members had no question on the application.

Deliberation Session

167. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 16.11.2021, 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 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no dismantling, repairing, cleansing or other workshop activities, except ancillary packaging activities, as proposed by the applicant, are allowed on the site at any time during the planning approval period;

- (d) no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste, as proposed by the applicant, is allowed outside the concrete-paved covered structures on the site at any time during the planning approval period;
- (e) no dusty operation including cutting, grinding and polishing, as proposed by the applicant, is allowed to be carried out at the open area of the site;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) the existing trees and landscape planting on the site shall be maintained at all times during the planning approval period;
- (h) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (i) the provision of boundary fence on the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 16.5.2019;
- (j) 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 16.2.2019;
- (k) the provision of fire extinguisher(s) with valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.12.2018;
- (l) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire

Services or of the TPB by 16.5.2019;

- (m) in relation to (l) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.8.2019;
- (n) 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
- (o) if any of the above planning conditions (i), (j), (k), (l) or (m) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

[The Chairman thanked Ms Stella Y. Ng, Mr Alan Y.L. Au, Mr Simon P.H. Chan and Ms Bonnie K.C. Lee, STPs/TMYLW, for their attendance to answer Members' enquiries. They left the meeting at this point.]

Agenda Item 48

Any Other Business

169. There being no other business, the meeting closed at 5:00 p.m..