

## **TOWN PLANNING BOARD**

### **Minutes of 625<sup>th</sup> Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 3.5.2019**

#### **Present**

Director of Planning  
Mr Raymond K.W. Lee

Chairman

Mr H.W. Cheung

Vice-chairman

Mr Ivan C.S. Fu

Dr F.C. Chan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Mr K.K. Cheung

Dr C.H. Hau

Dr Lawrence K.C. Li

Mr Stephen L.H. Liu

Miss Winnie W.M. Ng

Mr L.T. Kwok

Mr K.W. Leung

Mr Ricky W.Y. Yu

Chief Traffic Engineer/New Territories East,  
Transport Department  
Mr Ken K.K. Yip

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

Principal Environmental Protection Officer (Strategic Assessment),  
Environmental Protection Department  
Mr Stanley C.F. Lau

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**

Dr Jeanne C.Y. Ng

**In Attendance**

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

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

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

**Agenda Item 1**

**Confirmation of the Draft Minutes of the 624<sup>th</sup> RNTPC Meeting held on 12.4.2019**

[Open Meeting]

1. The draft minutes of the 624<sup>th</sup> RNTPC meeting held on 12.4.2019 were confirmed without amendments.

**Agenda Item 2**

**Matters Arising**

[Open Meeting]

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

**Tuen Mun and Yuen Long West District**

**Agenda Item 3**

**Section 12A Application**

[Open Meeting]

Y/YL/14                      Application for Amendment to the Approved Yuen Long Outline Zoning Plan No. S/YL/23, to Rezone Part of the Application Site from “Residential (Group A) 1” to “Government, Institution or Community” and Part from “Government, Institution or Community” to “Residential (Group A) 1”, Various Lots in D.D. 120 and Adjoining Government Land, Area 13, Yuen Long  
(RNTPC Paper No. Y/YL/14B)

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3. The Secretary reported that the application was submitted by Join Base Development Limited, Fortune Land Development Limited and Winpo Development Limited, which were subsidiaries of New World Development Company Limited (NWD), with Ove Arup & Partners Hong Kong Limited (Arup) as the consultant of the applicant. The following Members had declared interests on the item:

- Mr Ivan C.S. Fu - having current business dealings with NWD and Arup;
- Mr Stephen L.H. Liu - having past business dealings with NWD;
- Mr K.K. Cheung - having past business dealings with Automall Limited, which was a subsidiary of NWD, and his firm having current business dealings with NWD and Arup;
- Dr C.H. Hau - being a principal lecturer and programme director of the University of Hong Kong (HKU). K11 Concept Limited of NWD had been sponsoring his student learning projects in HKU since 2009; and
- Mr Ricky W.Y. Yu - being the Director and Chief Executive Officer of Light Be which had received donations from Chow Tai Fook Charity Foundation (related to NWD).

4. The Committee noted that the applicant had requested deferment of consideration of the application and Messrs Ivan C.S. Fu, K.K. Cheung and Ricky W.Y. Yu had not yet arrived to join the meeting. The Committee agreed that as the interest of Dr C.H. Hau was indirect and Mr Stephen L.H. Liu had no involvement in the application, they could stay in the meeting.

5. The Committee noted that the applicant's representative requested on 17.4.2019 deferment of the consideration of the application for two months in order to allow time to liaise with concerned departments and address their comments. It was the third time that the applicant requested deferment of the application. Concerned departments had raised concerns on the application regarding visual, air ventilation, landscape and traffic aspects, and the site swapping arrangement. The applicant had indicated that more time was required to liaise with concerned departments and address their comments.

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. 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.

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

#### **Agenda Item 4**

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

[Open Meeting]

Y/TKO/5                      Application for Amendment to the Approved Tseung Kwan O Outline Zoning Plan No. S/TKO/26, to Rezone the Application Site from "Residential (Group C)1", "Green Belt" and an area shown as 'Road' to "Residential (Group C)2" and "Green Belt", Lot 310 in D.D. 224 and Adjoining Government Land, Hang Hau Road, Tseung Kwan O  
(RNTPC Paper No. Y/TKO/5A)

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7.                      The Secretary reported that the application site was located in Tseung Kwan O. CYS Associates (Hong Kong) Limited (CYS) was one of the consultants of the applicant. The following Members had declared interests on the item:

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|---------------------|---|--|
| Mr Stephen L.H. Liu | - | having past business dealings with CYS; 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. |

8.                      The Committee noted that the applicant had requested deferment of consideration of the application and Mr L.T. Kwok had not yet arrived to join the meeting. The

Committee agreed that as Mr Stephen L.H. Liu had no involvement in the application, he could stay in the meeting.

9. The Committee noted that the applicant's representative requested on 10.4.2019 deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information to address further comments of the Transport Department and other departmental comments.

10. 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. 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 5**

**Section 16 Application**

[Open Meeting]

A/I-LI/30                      Proposed House (Redevelopment), Filling of Land/Excavation of Land  
and Amenity Planting in "Conservation Area" Zone, Lots 5 and 23 in  
D.D. 7, Mo Tat, Lamma Island  
(RNTPC Paper No. A/I-LI/30)

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11. The Secretary reported that Landes Limited (Landes) 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 Landes.

12. The Committee noted that the applicant had requested deferment of consideration of the application and Mr Ivan C.S. Fu had not yet arrived to join the meeting.

13. The Committee noted that the applicant's representative requested on 18.4.2019 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.

14. 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 6**

### **Section 16 Application**

[Open Meeting]

A/SK-CWBN/55      Proposed Temporary Private Vehicle Park for a Period of 3 Years in  
"Green Belt" Zone, Lot 123 (Part) in D.D. 238, Pan Long Wan, Clear  
Water Bay, Sai Kung  
(RNTPC Paper No. A/SK-CWBN/55)

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15. The Secretary reported that the application site (the site) was located in Clear Water Bay and Mr David Y.T. Lui had declared interest on the item for co-owning with spouse two houses in Clear Water Bay.

16. The Committee noted that the applicant had requested deferment of consideration of the application and agreed that Mr David Y.T. Lui could stay in the meeting as his properties did not have a direct view on the site.

17. The Committee noted that the applicants requested on 25.4.2019 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.

18. 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 7**

#### **Section 16 Application**

[Open Meeting]

A/SK-HC/301      Proposed Temporary Private Car Park (Private Cars Only) and Public Utility Installation (Solar Photovoltaic System) for a Period of 3 Years in "Village Type Development" Zone and an area shown as 'Road', Various Lots in D.D. 244, Ho Chung, Sai Kung  
(RNTPC Paper No. A/SK-HC/301A)

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19. The Committee noted that the applicant's representative requested on 8.4.2019 deferment of the consideration of the application for two months in order to allow time to

prepare further information to address concerns of the relevant government departments on the application. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information including a support letter from the Sai Kung Rural Committee.

20. 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 8**

#### **Section 16 Application**

[Open Meeting]

A/SLC/154                      Proposed Public Utility Installation (Sewage Pumping Station, Underground Sewers and Underground Effluent Pipe) and Excavation of Land for Underground Sewers in "Coastal Protection Area" Zone, Lot 2760 in D.D. 316L, Pui O and Government Land along Chi Ma Wan Road (Pui O and Ham Tin) and near South Lantau Road at San Shek Wan, Lantau Island

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(RNTPC Paper No. A/SLC/154)

21. The Secretary reported that 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;  
and
- Mr K.K. Cheung - his firm having current business dealings with  
B&V.

22. 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. 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.

23. The Committee noted that the applicant requested on 17.4.2019 deferment of the consideration of the application for one month in order to allow time to prepare further information to resolve departmental and public comments. It was the first time that the applicant requested deferment of the application.

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

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

[Messrs Kenny C.H. Lau, Tony Y.C. Wu 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.]

**Agenda Item 9**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/970                      Shop and Services (Money Exchange) in “Industrial” Zone, Portion C  
of Workshop B1, LG/F, Valiant Industrial Centre, 2-12 Au Pui Wan  
Street, Fo Tan, Sha Tin  
  
(RNTPC Paper No. A/ST/970)

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25.            The Secretary reported that Centaline Surveyors Limited, which was a subsidiary of Centaline Group, was the consultant of the applicant. Mr K.K. Cheung had declared interest on the item for his firm having current business dealings with Centaline Group. The Committee noted that Mr K.K. Cheung had not yet arrived to join the meeting.

**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the shop and services (money exchange);
- (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 five 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 aggregate commercial floor area on the ground floor would be 77.182m<sup>2</sup> if the floor area of the subject premises (25.732m<sup>2</sup>) was included, which was within the maximum permissible limit of 460m<sup>2</sup>. The Director of Fire Services had no in-principle objection to the application subject to an approval condition on the provision of fire safety measures. The applied use generally complied with the Town Planning Board Guidelines No. 25D including fire safety and traffic aspects. A previous application for the same use submitted by the same applicant had been approved by the Committee and there was no change in planning circumstances since the previous approval and similar applications for shop and services uses had also been approved. A temporary approval of five years was recommended in order not to jeopardise the long-term planning intention of industrial use for the premises and to monitor the supply and demand of industrial floor space in the area.

27. Members had no question on the application.

#### Deliberation Session

28. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 3.5.2024, 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 3.11.2019; and
- (b) if the above planning condition 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.”

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

[Messrs K.K. Cheung and L.T. Kwok arrived to join the meeting at this point.]

**Agenda Items 10 and 11**

**Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-SSH/127      Proposed House (New Territories Exempted House - Small House) and Minor Relaxation of Gross Floor Area Restrictions in “Comprehensive Development Area” Zone, Lots 1109 S.A ss.1 and 1124 S.A in D.D. 218, Che Ha Village, Shap Sz Heung, Sai Kung North  
(RNTPC Paper No. A/NE-SSH/127)

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A/NE-SSH/128      Proposed House (New Territories Exempted House - Small House) and Minor Relaxation of Gross Floor Area Restrictions in “Comprehensive Development Area” and “Village Type Development” Zones, Lots 1109 S.A RP and 1124 RP in D.D. 218, Che Ha Village, Shap Sz Heung, Sai Kung North  
(RNTPC Paper No. A/NE-SSH/128)

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30.            The Committee noted that the two 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 “Comprehensive Development Area” (“CDA”) zone. The Committee agreed that the applications could be considered together.

**Presentation and Question Sessions**

31.            Mr Tony Y.C. Wu, STP/STN, presented the applications and covered the following aspects as detailed in the Papers:

- (a) background to the applications;

- (b) the proposed house (NTEH - Small House) and minor relaxation of gross floor area restrictions at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 11 and Appendix VI of the Papers. 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, five public comments raising concerns on or objections to each application were received from Che Ha Village Office and four individuals. Major views were set out in paragraph 12 of the Papers; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the applications based on the assessments set out in paragraph 13 of the Papers. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, while the sites and the footprints of the proposed Small Houses fell entirely within the village 'environs' of Che Ha, land available within the "Village Type Development" ("V") zone was sufficient to fully meet the future Small House demand and the 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 sites of both applications were the subject of a previously approved application (No. A/NE-SSH/96 and 97) respectively, which were submitted by different applicants. Both planning permissions lapsed on 11.4.2019. The sites of the subject applications were both acquired by the applicants in April 2017 after the previous planning approval was granted and the applications for Small House grant were still processing. There were no special circumstances to warrant sympathetic considerations to the subject applications. The planning circumstances of similar approved applications in the vicinity of the sites were different from the subject applications. Regarding the adverse public comments, the comments of government departments and planning

assessments above were relevant.

[Mr Ivan C.S. Fu arrived to join the meeting during the presentation.]

32. Members had no question on the applications.

### Deliberation Session

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

- “(a) the proposed Small House development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that there is no general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of Che Ha; and
- (b) land is still available within the “V” zone of Che Ha which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.”

### Agenda Item 12

#### Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/689      Temporary Vehicle Park (Private Car and Motorcycle) for a Period of 3 Years in “Agriculture” Zone, Lots 1578 (Part), 1584 S.I to 1584 S.Q, 1584 S.R (Part), 1584 S.S and 1584 RP (Part) in D.D. 83, Lung Yeuk Tau  
  
(RNTPC Paper No. A/NE-LYT/689)

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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary vehicle park (private car and motorcycle) 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 rehabilitation for agricultural activities and there were active agricultural activities in the vicinity of the site. Other concerned government departments had no objection to or no adverse comment on the application. The District Officer (North), Home Affairs Department conveyed that the North District Council (NDC) member of the subject constituency cum the Indigenous Inhabitant Representative (IIR) of Lung Yeuk Tau and another IIR of Lung Yeuk Tau supported the application and the Vice-chairman of Fanling District Rural Committee (FDRC) objected to the application on the grounds as set out in paragraph 9.1.9 of the Paper, whereas the remaining IIR and Resident Representative of Lung Yeuk Tau had no comment on the application;
- (d) during the first three weeks of the statutory publication period, eight public comments were received, with one from a NDC member supporting the application; one from the Chairman of the Sheung Shui District Rural Committee indicating no comment on the application; and the remaining six public comments from the Vice-chairmen of FDRC, the Hong Kong Bird Watching Society and individuals objecting to the application. Major views were set out in paragraph 10 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Though the applied use was not in line with the planning intention of the “Agriculture” (“AGR”) zone and DAFC did not support the application, given that it was temporary in nature and small in scale, 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 uses. Relevant approval conditions had been recommended to minimise any potential environmental nuisances. Similar applications for temporary vehicle park within the same “AGR” zone had been approved by the Committee. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

[Mr Ricky W.Y. Yu arrived to join the meeting during the presentation.]

35. Members had no question on the application.

#### Deliberation Session

36. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 3.5.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no vehicle without valid licence issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations is allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (b) no vehicles other than private cars and motorcycles are allowed to be parked or enter/exit the site at any time during the planning approval period;

- (c) no car washing/fuelling, vehicle repair, dismantling, paint spraying or other workshop activities is allowed on the site at any time during the planning approval period;
- (d) the peripheral fencing and paving on the site should be maintained at all times during the planning approval period;
- (e) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 3.11.2019;
- (f) in relation to (e) 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 3.2.2020;
- (g) the submission of proposals for water supplies for firefighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.11.2019;
- (h) in relation to (g) above, the provision of water supplies for firefighting and fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.2.2020;
- (i) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (j) if any of the above planning conditions (e), (f), (g) or (h) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and

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

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

### **Agenda Item 13**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/691      Renewal of Planning Approval for Temporary Public Vehicle Park for Private Cars, Light Goods Vehicles and Medium Goods Vehicles for a Period of 3 Years in “Agriculture” Zone, Lots 1445 S.B RP (Part), 1489, 1490 (Part), 1492 (Part) and 1494 in D.D. 76 and Adjoining Government Land, Ng Uk Tsuen, Sha Tau Kok Road, Fanling  
(RNTPC Paper No. A/NE-LYT/691)

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

38. 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 renewal of planning approval for temporary public vehicle park for private cars, light goods vehicles and medium goods vehicles for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The concerned government departments had no objection to or no adverse comment on the application. The District Officer (North), Home Affairs Department conveyed that the Indigenous

Inhabitant Representative (IIR) and Resident Representative (RR) of Kan Tau Tsuen objected to the application on the grounds as set out in paragraph 9.1.10 of the Paper, whereas the Chairman of the Fanling District Rural Committee (FDRC) cum the RR of Ko Po, the incumbent North District Council (NDC) member of the subject constituency, the IIR and RR of Hung Leng had no comment on the application;

- (d) during the first three weeks of the statutory publication period, five public comments were received, with two public comments from the Chairman of the Sheung Shui District Rural Committee and a NDC member indicating no comment on the application; and the remaining three public comments from the Vice-chairmen of FDRC, villagers of Ho Bar Village and an individual objecting to the application. Major views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Though the applied use was not in line with the planning intention of the “Agriculture” (“AGR”) zone, the Director of Agriculture, Fisheries and Conservation had no comment on the application. The application generally complied with the Town Planning Board Guidelines No. 34C in that there had not been 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. A previous application for the same use and four similar applications for temporary vehicle park within the same “AGR” zone had been approved by the Committee. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

39. Members had no question on the application.

Deliberation Session

40. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 year from 14.5.2019 until 13.5.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 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 vehicle without valid licence issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations is allowed to be parked/stored on the site at any time during the planning approval period;
- (c) no heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (d) a notice should be posted at a prominent location of the site to indicate that no heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) no car washing, vehicle repair, dismantling, paint spraying or other workshop activities is allowed on the site at any time during the planning approval period;
- (f) the boundary fence on the site should be maintained at all times during the planning approval period;
- (g) the existing drainage facilities should be maintained properly at all times during the planning approval period and rectified if they are found

inadequate/ineffective during operation;

- (h) the submission of proposals for water supplies for fire-fighting and fire service installations within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.11.2019;
- (i) in relation to (h) above, the provision of water supplies for fire-fighting and 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 14.2.2020;
- (j) the submission of a run-in/out proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Highways or of the TPB by 14.11.2019;
- (k) in relation to (j) above, the implementation of the run-in/out proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Highways or of the TPB by 14.2.2020;
- (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;
- (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; and
- (n) 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.”

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

#### **Agenda Item 14**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/692      Renewal of Planning Approval for Temporary Training Centre  
(Adventure Training Centre) for a Period of 3 Years in “Agriculture”  
Zone, Lots 1442 and 1444 RP in D.D. 76 and Adjoining Government  
Land, Sha Tau Kok Road, Fanling  
(RNTPC Paper No. A/NE-LYT/692)

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42. The Committee noted that two replacement pages (page 9 of the Main Paper and page 2 of Appendix IV) of the Paper, for rectifying editorial errors in paragraph 11.5 and advisory clause (e), were tabled at the meeting for Members’ reference.

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

43. 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 renewal of planning approval for temporary training centre (adventure training centre) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment indicating no comment on the application was received from the

Chairman of the Sheung Shui District Rural Committee; 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 “Agriculture” (“AGR”) zone, the Director of Agriculture, Fisheries and Conservation had no comment on the application. The application generally complied with the Town Planning Board Guidelines No. 34C in that there had not been any 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. Previous applications for the same use had been approved by the Committee.

44. Members had no question on the application.

#### Deliberation Session

45. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 12.6.2019 until 11.6.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no night time operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicants, is allowed on the site during the planning approval period;
- (b) no parking, loading/unloading and picking up/setting down are allowed on the site during the planning approval period;
- (c) the existing drainage facilities should be maintained properly at all times during the planning approval period and rectified if they are found inadequate/ineffective during operation;

- (d) the submission of proposals for water supplies for fire-fighting and fire service installations within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.12.2019;
- (e) in relation to (e) above, the provision of water supplies for fire-fighting and 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 12.3.2020;
- (f) if any of the above planning conditions (a), (b) or (c) 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;
- (g) if any of the above planning conditions (d) or (e) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (h) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

**Agenda Item 15**

**Section 16 Application**

[Open Meeting]

A/NE-KLH/565      Temporary Open Storage of Construction Machinery and Construction Materials with Ancillary Repair Workshop and Office for a Period of 3 Years in “Open Storage” and “Green Belt” Zones, Lots 617 S.B RP, 618 S.B ss.1, 622 S.B RP and 626 RP in D.D. 9, Nam Wa Po, Kau Lung Hang, Tai Po  
(RNTPC Paper No. A/NE-KLH/565)

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47.            The Committee noted that the applicant’s representative requested on 25.4.2019 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.

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

**Agenda Item 16**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/663            Proposed House (New Territories Exempted House - Small House) in  
                                 “Agriculture” Zone, Lots 1212 S.A ss.1 and 1214 S.A in D.D. 19, Lam  
                                 Tsuen San Tsuen, Tai Po  
                                 (RNTPC Paper No. A/NE-LT/663)

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**Presentation and Question Sessions**

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

- (a)    background to the application;
- (b)    the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c)    departmental comments – departmental comments were set out in paragraph 9 and Appendix V 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 and there were active agricultural activities in the vicinity of the site. The Commissioner for Transport (C for T) had reservation on the application but considered that the application involving construction of only one Small House could be tolerated. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as the existing trees within the site had been cleared since 2014 as compared with aerial photos in 2014 and 2015. Approval of the application would encourage similar site modification prior to 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, 15 public comments objecting to the application were received from the World Wide Fund for Nature Hong Kong, the Hong Kong Bird Watching Society, Indigenous Inhabitant Representative of San Tong Village and individuals. Major views were set out in paragraph 10 of the Paper; and
  
- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed development was not in line with the planning intention of “Agriculture” zone and DAFC did not support the application. CTP/UD&L, PlanD and C for T also had reservations on the application. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, more than 50% of the footprint of the proposed Small House fell within the village ‘environs’ of San Tsuen Lo Wai and Lam Tsuen San Tsuen and the proposed development within water gathering ground would be able to be connected to the public sewerage system. While land available within the “Village Type Development” (“V”) zone was insufficient to fully meet the future Small House demand, it was capable to meet the 43 outstanding Small House applications. It was considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services. The site was the subject of a previously rejected application and there had been no significant change in the planning circumstances since the previous rejection. The planning circumstances of the subject application were similar to a rejected application (No. A/NE-LT/591), which was located to the immediate north-east of the site. 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. Members noted that the site was subject to a previously rejected application for the same use, which was submitted by a different applicant.

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention; and
- (b) land is still available within the “Village Type Development” (“V”) zones of Lam Tsuen San Tsuen and San Tsuen Lo Wai which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the “V” zone for 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/665            Temporary Private Car Park for a Period of 3 Years in “Village Type Development” Zone, Lot 13 in D.D. 27, Sha Lan, Tai Po  
(RNTPC Paper No. A/NE-TK/665)

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Presentation and Question Sessions

53. 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 temporary private car park for a period of three 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) 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 10 of the Paper. Though the applied use was not entirely in line with the planning intention of the “Village Type Development” (“V”) zone, there was no Small House application under processing at the application site. Approval of the application on a temporary basis would not jeopardise the long-term planning intention of the “V” zone. Given the relatively small scale of the applied use providing six parking spaces for private cars only, it was unlikely that it would generate significant environmental nuisance. Relevant approval conditions had been recommended to minimise any potential environmental nuisance or to address the technical concerns of relevant government departments.

54. Members had no question on the application.

Deliberation Session

55. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 3.5.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no vehicles other than private cars are allowed to be parked on the site at any time during the planning approval period;
- (b) no vehicle dismantling, inspection, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the site at any time during the planning approval period;
- (c) the provision of boundary fencing 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 3.11.2019;
- (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 3.11.2019;
- (e) in relation to (d) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 3.2.2020;
- (f) the submission of a fire service installations (FSIs) and water supplies for fire fighting proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.11.2019;
- (g) in relation to (f) above, the implementation of the FSIs and water supplies for fire fighting proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.2.2020;

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

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

### **Agenda Item 18**

#### **Section 16 Application**

[Open Meeting]

A/NE-TK/666 Proposed Temporary Shop and Services (Store) for a Period of 3 Years in “Recreation” Zone, Lot 1366 in D.D. 17, Lo Tsz Tin, Tai Po  
(RNTPC Paper No. A/NE-TK/666)

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57. The Committee noted that the applicant’s representative requested on 23.4.2019 deferment of the consideration of the application for two months in order to allow time to prepare further information to support the application. It was the first time that the applicant requested deferment of the application.

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

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

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

## **Agenda Item 19**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/662                      Proposed House (New Territories Exempted House - Small House) in  
   “Green Belt” Zone, Lots 83 S.C RP and 470 S.D in D.D. 21, San Uk  
   Ka Village, Tai Po  
  
   (RNTPC Paper No. A/TP/662)

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### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from landscape planning point of view as the proposed development would inevitably involve site formation and/or slope works and the existing topography of the concerned area would be changed irreversibly and it was not in line with the planning intention of the “Green Belt” (“GB”) zone. The Head of Geotechnical

Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) had no comment on the Geotechnical Planning Review Report (GPRR) submitted by the applicant in respect of the application site (the site) being encroached onto an existing cut slope (feature No. 7NW-D/C427) and had no in-principle objection to the application from geotechnical aspect. The Commissioner for Transport had reservation on the application but considered that the application involving construction of only one Small House could be tolerated. 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 the World Wide Fund for Nature Hong Kong and an individual. Major views 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 application generally complied with the Town Planning Board Guidelines No. 10 (TPB PG-No. 10) in that the proposed development was not expected to generate significant adverse environmental, traffic, geotechnical, drainage and sewerage impacts. 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’ (‘VE’) of San Uk Ka. While land available within the “Village Type Development” (“V”) zone was insufficient to fully meet the future Small House demand, it was capable to meet the 44 outstanding Small House applications. The site was located at the south-western fringe of village proper of San Uk Ka and sandwiched between the cluster of village houses to the north and south. Approved Small House applications were found in the close vicinity, forming a new village cluster in the locality. Hence, sympathetic consideration might be given to the subject application. Regarding the adverse public comments, the comments of government

departments and planning assessments above were relevant.

60. Some Members raised the following questions:

- (a) the status of Small House developments in the vicinity of the site; and
- (b) the approval grounds for the similar application No. A/TP/641.

61. Ms Kathy C.L. Chan, STP/STN, made the following responses:

- (a) as indicated on Plan A-2a of the Paper, Small House applications approved by the Committee were found to the north and west of the site. Some of them had been granted Building Licences by the Lands Department (LandsD) and some were completed or under construction. The two areas denoted in red dotted pattern to the immediate east and south of the site were the subject of outstanding Small House grant applications being processed by LandsD but planning applications had not yet received by the Board; and
- (b) the application site of similar application No. A/TP/641 was the subject of a previous application (No. A/TP/562), which was rejected by the Committee in 2014 on the grounds, amongst others, that the proposed development would cause adverse landscape and geotechnical impacts on the surrounding areas. Subsequently, the same applicant submitted application No. A/TP/641 with the site boundary and disposition of the proposed Small House slightly amended and submission of GPRR to address the concerns on slope stability. Application No. A/TP/641, with the application site falling entirely within “GB” and ‘VE’, was approved with conditions by the Committee in 2018 on sympathetic considerations that the proposed Small House was in line with the TPB PG-No. 10 in that it would not cause adverse geotechnical impact, the application site was located in close proximity to the existing Small Houses and a cluster of approved Small House applications.

Deliberation Session

62. A Member did not support the application as it would result in further extension of developments into the “GB” zone. The Member said given that land was still available within the “V” zone, Small House developments should be concentrated within the “V” zone for a more orderly development. Another Member concurred and added that approving the application would set an undesirable precedent in particular that Small House grant applications had been submitted to the immediate east and west of the site.

63. A Member, however, supported the application as the proposed development was not incompatible with the adjoining village clusters. The Member highlighted that similar applications in the vicinity of the site were approved with conditions by the Committee between 2014 and 2018 after the adoption of cautious approach in considering Small House applications. The proposed development generally followed the contour of those approved Small House applications to the west of the site.

64. Referred to Plan A-4 of the Paper, a Member however pointed out that the site encroached onto the foot of the vegetated slope and did not support the application as the Small House development would result in removal of the vegetated slope and pose adverse impact on the natural environment. Another Member added that the disruption of vegetation would be larger than the footprint of the Small House as the vegetated slope would likely be cut for building a platform for the proposed development.

65. Members noted that a GPRR had been submitted by the applicant and H(GEO), CEDD had no comment on the GPRR and no in-principle objection to the application. A Member pointed out that construction of Small Houses on slopes should not pose insurmountable problems, though the disruption to natural landscape might be irreversible.

66. A Member said that unlike the approved application No. A/TP/641, there was no previous application for Small House development at the site. With reference to Plans A-2a and A-3 of the Paper, another Member pointed out that as compared with application No. A/TP/641, the subject application would pose adverse impact on the integrity of the strip of vegetation (on slope No. 7NW-D/C427) within the “GB” zone which was serving as a buffer between the two clusters of Small House developments.

67. In sum, Members in general did not support the application on the grounds that the site fell within the “GB” zone and the proposed Small House development would involve site formation and/or slope works and cause adverse landscape impact on the surrounding areas; and land was still available within the “V” zone for Small House development.

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

- “(a) the proposed development is not in line with the planning intention of “Green Belt” (“GB”) zone, which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong planning justification in the submission to justify a departure from the planning intention;
- (b) the proposed development does not comply with the Town Planning Board Guidelines No. 10 for Application for Development within “GB” Zone under Section 16 of the Town Planning Ordinance in that the proposed development would involve clearance of existing natural vegetation affecting the existing natural landscape, and the applicant fails to demonstrate that the proposed development would have no adverse landscape impact on the surrounding areas;
- (c) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the proposed development would cause adverse landscape impact on the surrounding areas; and
- (d) land is still available within the “Village Type Development” (“V”) zone of San Uk Ka, Cheung Uk Tei, Sheung Wun Yiu and Ha Wun Yiu which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within

the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.”

[The Chairman thanked Messrs Kenny C.H. Lau, Tony Y.C. Wu 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 Otto K.C. Chan, Ms S.H. Lam, Ms Ivy C.W. Wong and Mr Billy W.M. Au Yeung, Senior Town Planners/Fanling, Sheung Shui and Yuen Long East (STPs/FSYLE), were invited to the meeting at this point.]

**Agenda Item 20**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/252            Temporary Shop and Services (Real Estate Agency) for a Period of 3  
Years in “Village Type Development” Zone, Lot 319 S.B RP (Part) in  
D.D. 112, Lin Fa Tei, Yuen Long  
(RNTPC Paper No. A/YL-SK/252)

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**Presentation and Question Sessions**

69.            Mr Otto K.C. Chan, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper:

- (a)    background to the application;
  
- (b)    the temporary shop and services (real estate agency) for a period of three years;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The concerned government departments had no objection to or no adverse comment on the application. The District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD) received two public comments objecting to the application on the grounds as set out in paragraph 9.1.9 of the Paper;
- (d) during the first three weeks of the statutory publication period, two public comments objecting to the application were received, which were identical to those conveyed by DO(YL), HAD. 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 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 entirely in line with the planning intention of the “Village Type Development” (“V”) zone, it could provide real estate agency service to serve the needs of residents. There was no Small House application approved or under processing at the application site and approval of the application on a temporary basis would not jeopardize the long-term planning intention of the “V” zone. The applied use was not incompatible with the surrounding uses. In view of its small scale, business nature and frontage onto Kam Sheung Road, significant adverse environmental, traffic, landscape and drainage impacts on the surrounding area were not envisaged. Relevant approval conditions had been recommended to minimise possible environmental nuisance or to address the technical requirements of concerned government departments. While there was no similar application for shop and services use within the same “V” zone, there were 12 similar applications for such use within other “V” zones in the area. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

70. Members had no question on the application.

Deliberation Session

71. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 3.5.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 8:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (d) the implementation of the agreed 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 3.11.2019;
- (e) in relation to (d) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (f) the submission of 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 3.11.2019;
- (g) in relation to (f) 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 3.2.2020;
- (h) if any of the above planning conditions (a), (b), (c) or (e) is not complied with during the planning approval period, the approval hereby given shall

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

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

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

### **Agenda Item 21**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/253                      Renewal of Planning Approval for Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Village Type Development” Zone, Lot 225 S.D (Part) in D.D. 112, Kam Sheung Road, Yuen Long  
(RNTPC Paper No. A/YL-SK/253)

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

73. Mr Otto K.C. Chan, 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 shop and services (real estate agency) 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 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. Though the applied use was not in line with the planning intention of the “Village Type Development” (“V”) zone, it could provide real estate agency service to serve the needs of local villagers. The application was in line with the Town Planning Board Guidelines No. 34C in that there had been 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 mitigate potential environmental impacts on the surrounding areas or to address the technical requirements of concerned government departments.

74. Members had no question on the application.

#### Deliberation Session

75. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 4.5.2019 until 3.5.2022, 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) all existing trees within the site shall be maintained at all times during the planning approval period;
- (c) the existing fire service installations implemented on the site should be maintained in efficient working order at all times during the planning approval period;

- (d) the existing drainage facilities implemented on the site should be maintained at all times during the planning approval period;
- (e) 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 4.8.2019;
- (f) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (g) if the above planning condition (e) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

## **Agenda Item 22**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/KTN/58                      Proposed Temporary Shop and Services (Selling of Converted Container and Showrooms for Koi, Steel Door and Aluminium Window) and Office for a Period of 3 Years in “Agriculture” and “Other Specified Uses” annotated “Amenity Area” Zones, Lot 540 RP (Part) in D.D. 92 and Adjoining Government Land, Castle Peak Road, Kwu Tung North  
  
(RNTPC Paper No. A/KTN/58A)

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77. The Secretary reported that the application site (the site) was located in Kwu Tung North and Dr C.H. Hau had declared interest on the item for owning a property in Kwu Tung North. The Committee agreed that Dr C.H. Hau could stay in the meeting as his property did not have a direct view on the site.

#### Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary shop and services (selling of converted container and showrooms for koi, steel door and aluminium window) and office for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The concerned government departments had no objection to or no adverse comment on the application. The District Officer (North), Home Affairs Department conveyed that the Chairman of the Sheung Shui District Rural Committee, the Resident Representative (RR) of Kwu Tung (North) and the North District Council (NDC) member of the subject constituency had no comment on the application, whereas the RR of Kwu Tung (South) objected to the application on the grounds as set out in paragraph 9.1.12 of the Paper;
- (d) during the first three weeks of the statutory publication period, four public comments were received, with two public comments from individuals indicating no comment on the application, and the remaining two public comments from a NDC member and an individual objecting to the application. Major views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the

assessments set out in paragraph 11 of the Paper. Though the applied use was not in line with the planning intentions of the “Agriculture” and “Other Specified Uses” annotated “Amenity Area” zones, the Director of Agriculture, Fisheries and Conservation had no strong view on the application and the Project Manager/North, Civil Engineering and Development Department had no objection to the application in view that the site fell within the Remaining Packages of Kwu Tung North New Development Area project. Approval of the application on a temporary basis would not jeopardize the long-term development of the concerned zonings in the area. The applied use was not incompatible with the surrounding uses. Relevant approval conditions had been recommended to mitigate any potential environmental impact. Previous applications for similar use at the site had been approved by the Committee and approval of the application was generally in line with the Committee’s previous decisions. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

79. Members had no question on the application.

#### Deliberation Session

80. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 3.5.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 8:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to enter/exit the site, as proposed by the applicant, at any time during the planning approval period;

- (c) no workshop activities are allowed within the site, as proposed by the applicant, at any time during the planning approval period;
- (d) the submission of a proposal for fire service installations and water supplies for fire-fighting within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.11.2019;
- (e) in relation to (d) above, the implementation of the proposal for fire service installations and water supplies for fire-fighting within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.2.2020;
- (f) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 3.11.2019;
- (g) in relation to (f), 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 3.2.2020;
- (h) 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 3.11.2019;
- (i) in relation to (h) 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 3.2.2020;
- (j) if any of the above planning conditions (a), (b) or (c) is not complied with during the planning approval period, the approved hereby given shall cease to have effect and shall be revoked without further notice;
- (k) if any of the above planning conditions (d), (e), (f), (g), (h) or (i) is not complied with by the specified date, the approval hereby given shall cease

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

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

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

### **Agenda Item 23**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/KTN/59                      Renewal of Planning Approval for Temporary Warehouses and Open Storage of Metal and Steel, Scrap Metals and Materials, Construction Materials and Miscellaneous Objects and an Ancillary Office for a Period of 3 Years in “Agriculture” and “Other Specified Uses” annotated “Amenity Area” Zones, Lot 542 S.A RP in D.D. 92, Castle Peak Road, Kwu Tung, Sheung Shui  
  
(RNTPC Paper No. A/KTN/59)

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82. The Secretary reported that the application site (the site) was located in Kwu Tung North and Dr C.H. Hau had declared interest on the item for owning a property in Kwu Tung North. The Committee agreed that Dr C.H. Hau could stay in the meeting as his property did not have a direct view on the site.

83. The Committee noted that two replacement pages (pages 1 and 2 of Appendix V) of the Paper, making revisions to advisory clause (d), were tabled at the meeting for Members’ reference.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary warehouses and open storage of metal and steel, scrap metals and materials, construction materials and miscellaneous objects and an ancillary office for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site possessed potential for agricultural rehabilitation and there were active agricultural activities in the vicinity of the site. Other concerned government departments had no objection to or no adverse comment on the application. The District Officer (North), Home Affairs Department conveyed that the North District Council (NDC) member of the subject constituency supported the application, whereas the Chairman of the Sheung Shui District Rural Committee, the Indigenous Inhabitant Representative and Resident Representative of Yin Kong had no comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments were received, with one from a NDC member objecting to the application, and the other from an individual indicating no comment on the application. Major views were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Though the applied use was not in line with the planning intention of the “Agriculture” zone and DAFC did not support the application, the site had been formed and

planning permission on a permanent basis was first granted in 1991 for warehouse use and planning permissions for temporary open storage and warehouses on the site were also subsequently granted. A portion of the site zoned “Other Specified Uses” annotated “Amenity Area” fell within the Remaining Phase of the Kwu Tung North New Development Area project and the Project Manager/North, Civil Engineering and Development Department had no comment on the application. Approval of the application on a temporary basis would not jeopardize the long-term intentions of the concerned zonings. The applied use was not incompatible with the surrounding uses. The application was generally in line with the Town Planning Board Guidelines No. 13E and 34C in that the site fell within Category 3 areas where previous planning approvals for similar open storage/warehouse uses had been granted, there was no material change in planning circumstances to the site and its surrounding area since the previous planning approval, all approval conditions under the previous approval had been complied with, and adverse planning implications arising from the renewal of the planning approval were not anticipated. Relevant approval conditions had been recommended to mitigate any potential environmental impact. Seven previous applications for similar uses at the site had been granted and approval of the application was in line with the Committee’s previous decisions. Regarding the adverse public comment, the comments of government departments and planning assessments above were relevant.

85. A Member raised the following questions:

- (a) whether rearing of animals was permitted use within “AGR” zone where the potential for agricultural rehabilitation was low as assessed by DAFC; and
- (b) the assessment criteria for planning applications for non-agricultural uses within “AGR” zone.

86. On the invitation of the Chairman, the Secretary explained that DAFC's assessment of agricultural rehabilitation was mainly based on the soil quality of the site. Nevertheless, in land use planning terms, agricultural use included growing of crops and plants, and rearing of animals and fish. It also included nursery grounds and green house. The Chairman supplemented that in general, factors including the planning intention, site conditions and departmental comments would be taken into account in assessing planning applications within "AGR" zone.

#### Deliberation Session

87. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 14.5.2019 until 13.5.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 5:30 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 exceeding 5.5 tonnes is allowed to access the site, as proposed by the applicant, at any time during the planning approval period;
- (d) the stacking height of the materials stored within five metre of the periphery of the site shall not exceed the height of the boundary fence at any time during the planning approval period;
- (e) no workshop activity is allowed on the site at any time during the planning approval period;
- (f) the existing trees within the site shall be maintained in healthy condition at all times during the planning approval period;

- (g) the existing drainage facilities on the site shall be properly maintained and rectified if they are found inadequate/ineffective at all times during the planning approval period;
- (h) the submission of a condition record of the existing drainage facilities implemented on the site within 3 months from the date of commencement of renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.8.2019;
- (i) the provision of fire extinguishers within 6 weeks from the date of commencement of renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.6.2019;
- (j) the submission of proposal for fire service installations within 6 months from the date of commencement of renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.11.2019;
- (k) in relation to (j) above, the provision of fire service installations within 9 months from the date of commencement of renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.2.2020;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (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; and
- (n) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

88. 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/NE-KTS/465 Proposed Residential Development and Minor Relaxation of Plot Ratio and Site Coverage Restrictions in “Comprehensive Development Area” Zone, Lots 1124 RP, 1125 RP, 1126 and 1127 RP (Part) in D.D. 92 and Lots 343 RP, 344A S.1 RP (Part), 402 S.A RP, 404 RP, 407 S.A RP, 407 S.A ss.1 RP, 408 S.A RP, 408 S.C ss.2 RP, 408 S.D ss.1, 408 S.D RP and 408 RP in D.D. 94 and Adjoining Government Land, Hang Tau Tai Po, Kwu Tung South  
(RNTPC Paper No. A/NE-KTS/465A)

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89. The Secretary reported that LWK & Partners Architects Limited (LWK) and MVA Hong Kong Limited (MVA) were two of the consultants of the applicant. The following Members had declared interests on the item:

- Mr Ivan C.S. Fu - being a shareholder and director of LWK and having current business dealings with MVA; and
- Mr Stephen L.H. Liu - having past business dealings with LWK.

90. The Committee noted that the applicant had requested deferment of consideration of the application. As the interest of Mr Ivan C.S. Fu was direct, the Committee agreed that he could stay in the meeting but should refrain from participating in the discussion. The Committee also agreed that Mr Stephen L.H. Liu could stay in the meeting as he had no involvement in the application.

91. The Committee noted that the applicant’s representative requested on 25.4.2019 deferment of the consideration of the application for two months in order to allow time to prepare further information to update the relevant technical assessments and clarify the

concerns raised by the relevant government departments. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information to address departmental comments.

92. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of 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 25**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/468 Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” Zone, Lot 496 S.F in D.D. 94, Hang Tau, Sheung Shui  
(RNTPC Paper No. A/NE-KTS/468)

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### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);

- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the application site (the site) possessed potential for agricultural rehabilitation. The Commissioner for Transport (C for T) had reservation on the application but considered that the application involving construction of only one Small House could be tolerated. Other concerned government departments had no objection to or no adverse comment on the application. The District Officer (North), Home Affairs Department conveyed that while the North District Council member of the subject constituency supported the application and the Chairman of the Sheung Shui District Rural Committee and the Indigenous Inhabitant Representatives of Hang Tau had no comment on the application, the Resident Representative of Hang Tau objected to the application on the grounds as set out in paragraph 10.1.13 of the Paper;
- (d) during the first three weeks of the statutory publication period, three public comments were received from individuals, with one indicating no comment on the application and the remaining objecting to/raising concerns on the application. Major views were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of “Agriculture” zone and DAFC did not support the application. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria), the whole footprint of the proposed Small House fell within the village ‘environs’ of Hang Tau. While land available within the “Village Type Development” (“V”) zone was insufficient to fully meet the future Small House demand, it was capable to meet the outstanding Small House applications. It was considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern,

efficient use of land and provision of infrastructure and services. Though the site was the subject of a previous application (No. A/NE-KTS/314) for the same use approved in 2011, the application was submitted by a different applicant with the planning permission lapsed in 2015. There was no special circumstance to support the subject application. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

94. In response to the Chairman's enquiry, Ms S.H. Lam, STP/FSYLE, said that the site was subject to a previously approved planning application submitted by a different applicant.

#### Deliberation Session

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

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

**Agenda Item 26**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/648      Renewal of Planning Approval for Temporary Private Car Park for Medium Goods Vehicles and Storage of Construction Materials for a Period of 3 Years in “Agriculture” Zone, Lots 381 RP (Part), 382 RP (Part) and 412 RP (Part) in D.D. 110, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-KTN/648)

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**Presentation and Question Sessions**

96.            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 private car park for medium goods vehicles and storage of construction materials for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there was a sensitive receiver of residential structure to the south-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 “Agriculture” (“AGR”) zone, the Director of Agriculture, Fisheries and Conservation had no adverse comment 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 uses. The application was generally in line with the Town Planning Board Guidelines No. 13E and 34C in that the site fell within Category 2 areas, previous approvals for vehicle park and/or open storage 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. 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 minimise any possible environmental nuisance or to address the technical requirements of concerned government departments.

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 11.6.2019 until 10.6.2022, 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 heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance is allowed to be

parked/stored on or enter/exit the site at any time during the planning approval period;

- (d) a notice should be posted at a prominent location of the site to indicate that no heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the site at all times during the planning approval period;
- (e) no vehicle without valid licence issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations is allowed to be parked/stored on the Site at any time during the planning approval period;
- (f) 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;
- (g) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (h) the existing boundary fencing along the site shall be maintained at all times 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 existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (k) 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 11.9.2019;

- (l) the provision of fire extinguisher(s) 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 23.7.2019;
- (m) the submission of a fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.12.2019;
- (n) in relation to (m) above, the implementation of the fire service installations proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.3.2020;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h), (i) or (j) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (p) if any of the above planning conditions (k), (l), (m) or (n) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (q) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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 27**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/649      Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 5 Years in “Agriculture” Zone, Lots 1750A4 RP (Part), 1750A5 RP and 1750A6 RP (Part) in D.D. 107, Fung Kat Heung, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/649)

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**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 proposed temporary place of recreation, sports or culture (hobby farm) for a period of five years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as the vegetation on a large portion of the application site (the site) had been cleared as compared with aerial photos in 2013 and 2015. Approval of the application would set an undesirable precedent for similar site modification prior to application. The Director of Agriculture, Fisheries and Conservation (DAFC) had no strong view on the application in view that agricultural activities were involved in the proposed use and no pavement was proposed, and advised that the site possessed potential for agricultural rehabilitation and necessary measures should be adopted by the applicant to avoid disturbance and pollution to the drainage channel adjacent to the site which supported some wetland-dependent birds. Other concerned government departments had no objection to or no adverse

comment on the application;

- (d) during the first three weeks of the statutory publication period, four public comments objecting to the application were received from the Hong Kong Bird Watching Society, World Wide Fund for Nature Hong Kong, Designing Hong Kong Limited and an individual. Major views were set out in paragraph 10 of the Paper; and
  
- (e) PlanD's views – PlanD had no objection to the application on a temporary basis for a period of five years based on the assessments set out in paragraph 11 of the Paper. The proposed use was generally in line with the planning intention of the “Agriculture” (“AGR”) zone in view that about 53% of the site would be farming area and the remaining area would be soil ground, and DAFC had no strong view on the application. Though CTP/UD&L, PlanD had reservation on the application, the applied use was considered not incompatible with the surrounding uses and the existing landscape setting. In view of the nature and scale of the applied use, it would unlikely cause significant adverse traffic, landscape, environmental or drainage impacts. To minimise any possible environmental nuisance and address the concerns or technical requirements of relevant government departments, relevant approval conditions had been recommended. The site was the subject of a previous application (No. A/YL-KTN/394) for proposed temporary field study/education centre and hobby farm for a period of five years submitted by a different applicant, which was rejected upon review mainly on the grounds, amongst others, that the site was subject to unauthorized land filling and the filling materials were not suitable for cultivation. The reinstatement works for the unauthorized land filling at the site (including removing the debris and grassing the land) had been carried out and Compliance Notices were issued in September 2013. The current application was subject to different circumstances when compared with the previous application. Similar applications for temporary hobby farm within the same “AGR” zone had been approved. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

101. Members had no question on the application.

Deliberation Session

102. Members noted that hobby farm, subsumed under ‘Place of Recreation, Sports or Culture’, was a Column 2 use within “AGR” zone. While planning applications for hobby farm on a permanent basis could be submitted to the Board, the subject application was for temporary use of five years.

103. Members also noted that the previous application (No. A/YL-KTN/394) for proposed temporary field study/education centre and hobby farm for a period of five years submitted by a different applicant was rejected upon review by the Board in 2013 mainly on the grounds that the site was the subject of unauthorized land filling and the filling material were not suitable for cultivation as advised by DAFC; there was no detail on the design and operation of the proposed development, in particular the hobby farm; the applicant failed to demonstrate that the development would not generate adverse landscape and drainage impacts on the surrounding areas; and setting of undesirable precedent.

104. For the subject application, Members noted that DAFC advised that the site possessed potential for agricultural rehabilitation and had no strong view on the application on the understanding that the proposed use involved agricultural activities. Yet, no specific comment had been offered by DAFC regarding the suitability of the materials found on site for farming purposes.

105. A Member did not support the application and pointed out that the site was previously part of Kam Tin Buffalo Fields, and unauthorized dumping of construction waste was found at wetlands in the area and the natural habitat had been destroyed. Though the site had been reinstated, the site level had been raised and materials found on site were not suitable for farming. Approving the current application would imply encouraging “Destroy first, apply later” activities. Another Member concurred and added that approval of the application would set an undesirable precedent.

106. On the invitation of the Chairman, the Secretary explained that for planning applications involving “Destroy first, apply later” activities, in general, assessment on planning applications would be based on the site conditions before “Destroy first, apply later” activities took place.

107. A Member pointed out that should there be no major change in planning circumstances since the rejection of the previous application No. A/YL-KTN/394, the Committee’s previous decisions should be maintained. Some Members however noted that the previous application was submitted by a different applicant, and a similar application (No. A/YL-KTN/610) for similar use to the immediate east of the site (not subject to any enforcement action) was approved by the Committee in 2018.

108. Noting that the site had been reinstated with Compliance Notice issued, a Member considered that the current application was subject to different circumstances when compared with the previous application, and the application could be favourably considered. Another Member opined that as long as the applied use was technically feasible and the applied use was a genuine hobby farm, favourable consideration could be given to the application.

109. Referring to Plan A-4b of the Paper and noting comments of CTP/UD&L, PlanD that sand, stone, debris and wild grass were currently found at the site, a Member cast doubt on the suitability of the site for farming and whether the site had been genuinely reinstated. Some Members considered that further information on the site conditions and history of enforcement action(s) at the site would be necessary for assessment of the application. Some Members cast doubt on the disproportionate number of temporary structures to support the proposed maximum of 30 visitors for the applied use.

110. In response to a Member’s query, the Secretary explained that under the Definition of Terms, hobby farm was regarded as a kind of ‘Place of Recreation, Sports or Culture’ use, whereas it was generally regarded as farming use by DAFC.

111. As further information was required for consideration of the application, the Chairman suggested and Members agreed to defer a decision on the application pending the submission on (a) background information on the site including the site history and details of

enforcement action(s); (b) clarification from the applicant on the rationale of providing 11 temporary structures to support the proposed maximum number of 30 visitors; and (c) DAFC's advice on the suitability of the soil found on site for farming.

[Mr Philip S.L. Kan arrived to join the meeting during the deliberation.]

112. After deliberation, the Committee decided to defer a decision on the application pending the submission of the required further information set out in paragraph 111 above.

### **Agenda Item 28**

#### **Section 16 Application**

[Open Meeting]

A/YL-KTN/650 Proposed Temporary Public Vehicle Park (excluding Container Vehicle) for a Period of 5 Years in "Comprehensive Development Area (1)" Zone, Lots 1866 S.A RP (Part), 1866 S.B RP, 1876 S.B (Part) and 1905 RP (Part) in D.D. 107 and Adjoining Government Land, Sha Po, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/650)

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113. The Committee noted that the applicant's representative requested on 25.4.2019 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.

114. 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 29**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/819          Renewal of Planning Approval for Temporary Storage and Parking of Private Vehicles for a Period of 3 Years in “Agriculture” Zone, Lots 425 S.A (Part) and 429 RP (Part) in D.D. 103, Ko Po San Tsuen, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTS/819)

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Presentation and Question Sessions

115.          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 storage and parking of private vehicles for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment objecting to the application was received from an individual. Major views were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the

assessments set out in paragraph 12 of the Paper. Though the applied use was not in line with the planning intention of the “Agriculture” (“AGR”) zone, the Director of Agriculture, Fisheries and Conservation had no strong view on the application. The application was in line with the Town Planning Board Guidelines No. 34C in that previous planning approvals for the same use had been granted since 2007, there had been 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 minimise any possible nuisance or to address technical requirements of relevant government departments. Similar applications for temporary warehouse 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 comment, the comments of government departments and planning assessments above were relevant.

116. Members had no question on the application.

#### Deliberation Session

117. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 25.6.2019 until 24.6.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) 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;
- (b) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the site at any time during the planning approval period;

- (c) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (d) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (e) the existing trees on the site shall be maintained at all times during the planning approval period;
- (f) 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 25.9.2019;
- (g) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.12.2019;
- (h) in relation to (g) 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 25.3.2020;
- (i) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (j) if any of the above planning conditions (f), (g) or (h) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (k) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the

TPB.”

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

**Agenda Item 30**

**Section 16 Application**

[Open Meeting]

A/YL-PH/794 Proposed Temporary Public Vehicle Park for Private Cars for a Period of 3 Years in “Village Type Development” Zone, Lots 208 (Part), 209 S.D, 209 S.E, 209 S.F, 209 S.G (Part), 209 RP (Part) and 215 S.B ss.2 (Part) in D.D. 111, Sheung Che, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/794B)

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119. The Committee noted that the applicant’s representative requested on 18.4.2019 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. It was the third time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information to address departmental comments.

120. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee’s consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of 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 31**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/805           Renewal of Planning Approval for Temporary Open Storage of Second-Hand Vehicles for Export, Vehicle Parts and Construction Materials for a Period of 3 Years in “Agriculture” and “Open Storage” Zones, Lot 1845 (Part) in D.D. 111 and Lots 9 RP (Part), 10 RP (Part), 12 RP, 13 RP (Part), 14 (Part), 32 (Part), 33 RP, 34 (Part), 35 S.A (Part), 35 S.B, 36 (Part), 37 (Part), 38, 39 (Part) and 40 (Part) in D.D. 114 and Adjoining Government Land, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/805)

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121.           The Committee noted that a replacement page (page 2) of the Paper, for rectifying editorial errors of the Paper, was tabled at the meeting for Members’ reference.

Presentation and Question Sessions

122.           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 second-hand vehicles for export, vehicle parts and construction materials 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/structures to the north-east and north-west 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 “Agriculture” (“AGR”) zone, the Director of Agriculture, Fisheries and Conservation had no adverse comment 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 open storage uses within the “Open Storage” zone to the immediate north of the site. The application was generally in line with the Town Planning Board Guidelines No. 13E and 34C in that the site fell within Category 1 areas, previous planning approvals for the same/similar open storage 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. 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 any possible environmental nuisance or the technical requirements of concerned government departments.

123. Members had no question on the application.

#### Deliberation Session

124. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 11.6.2019 until 10.6.2022, 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. to 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no 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;
- (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 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 11.9.2019;
- (i) the provision of fire extinguisher(s) with a valid fire certificate (FS 251) 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 23.7.2019;

- (j) the implementation of the accepted 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 11.12.2019;
- (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;
- (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; and
- (m) upon expiry of the planning permission, the reinstatement of the site, at the applicant's own cost, to a condition which is suitable for agricultural uses with a view to preserving agricultural land to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB."

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

**Agenda Item 32**

**Section 16 Application**

[Open Meeting]

A/YL-PH/806

Proposed Temporary Recycling Materials Collection Centre (Garment and Cloth Collection Centre with Ancillary Office) for a Period of 3 Years in “Residential (Group D)” Zone, Lots 64 S.A, 73 S.B ss.4 and 76 S.B RP in D.D. 108 and Adjoining Government Land (formerly known as Lot 77 RP in D.D. 108), Fan Kam Road, Pat Heung, Yuen Long

(RNTPC Paper No. A/YL-PH/806)

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126. The Committee noted that the applicant’s representative requested on 26.4.2019 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.

127. 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]

A/YL-PH/807

Proposed Temporary Shop and Services with Ancillary Facilities for a Period of 5 Years in “Open Storage” Zone, Lots 1458 S.B (Part) and 1459 S.B in D.D. 111, and Adjoining Government Land in D.D. 110, Pat Heung, Yuen Long

(RNTPC Paper No. A/YL-PH/807)

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128. The Committee noted that the applicant’s representative requested on 25.4.2019 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.

129. 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 34**

**Section 16A Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NSW/204-3 Application for Extension of time for Compliance with Condition (i) in relation to the Submission of Updated Traffic Impact Assessment Report for the Approved Columbarium under Application No. A/YL-NSW/204  
(RNTPC Paper No. A/YL-NSW/204-3)

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130. The Secretary reported that the application was related to an approved columbarium development. The following Members had declared interests on the item:

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

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

131. The Committee agreed that as the interests of Messrs H.W. Cheung and Ivan C.S. Fu were indirect, they could stay in the meeting.

**Presentation and Question Sessions**

132. Mr Billy W.M. Au Yeung, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the application for extension of time (EOT) for compliance with condition (i) in relation to the submission of updated traffic impact assessment (TIA) report for the approved columbarium under application No. A/YL-NSW/204;
- (c) departmental comments – departmental comments were set out in paragraph 5 of the Paper. The concerned government departments had no

objection to or no adverse comment on the application. The District Officer (Yuen Long) (DO(YL)) advised that the local community had strong objection to application No. A/YL-NSW/204 and the decision of the Town Planning Appeal Board (the TPAB) and their views should be considered as appropriate; and

- (d) the Planning Department (PlanD)'s views – PlanD had no objection to the EOT application based on the assessments set out in paragraph 6 of the Paper. The proposed columbarium use under application No. A/YL-NSW/204 was approved by the TPAB on 14.11.2017 with conditions. The first EOT application was approved by the Committee on 4.5.2018 to extend the time limit for compliance with seven approval conditions until 14.11.2018. The second EOT application was approved by the Committee on 2.11.2018 to extend the time limit for compliance with approval conditions (i) and (xii) in relation to the submission of updated TIA report and revised Landscape Master Plan until 14.5.2019. Since then, approval condition (xii) had been complied with on 28.3.2019. The applicant had also made effort to comply with approval condition (i) by submission of an updated TIA to the Police, Pok Oi Hospital, Hospital Authority and PlanD between November 2018 and March 2019. The subject EOT application sought EOT for compliance with approval condition (i) until 14.11.2019 as the traffic consultant of the applicant was currently preparing further information to address comments of the concerned departments/parties on the TIA. Regarding the local objections conveyed by DO(YL), TPAB had taken into account local objections when considering the application, and an additional condition had been imposed in the permission requiring the applicant to liaise with the local residents to address their concerns on the proposed development. The application was considered in line with the Town Planning Board Guidelines No. 34C in that reasonable actions had been taken to comply with the approval condition, concerned departments had no objection to the EOT application, and more time was required by the applicant to address departmental comments on the TIA. Sympathetic consideration could be given to the application.

133. Members had no question on the application.

Deliberation Session

134. Members noted that planning applications for different uses could be submitted for the same application site/premises under the planning application system.

135. After deliberation, the Committee decided to approve the application for extension of time for compliance with approval condition (i) from the original 6 months to 24 months until 14.11.2019, as proposed by the applicant. The Committee also agreed to advise the applicant to expedite action on fulfilling the approval condition. Since a total of 24 months had been allowed for compliance with approval condition (i), no further extension would be granted unless under very special circumstances.

**Agenda Item 35**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NSW/269      Renewal of Planning Approval for Temporary Education Kiosk for “Hong Kong Got Fishpond – Eco-fishpond Management Agreement Scheme” for a Period of 22 Months in “Other Specified Uses” annotated “Comprehensive Development and Wetland Enhancement Area 1” Zone, Government Land in D.D. 123, Nam Sang Wai, Yuen Long  
(RNTPC Paper No. A/YL-NSW/269)

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136. The Secretary reported that the application was submitted by the Hong Kong Bird Watching Society (HKBWS). The following Members had declared interests on the item:

- |               |   |   |
|---------------|---|---|
| Mr K.W. Leung | - | being a member of the Executive Council of HKBWS; and |
| Dr C.H. Hau   | - | being an ordinary member of HKBWS.                    |

137. The Committee agreed that as the interest of Mr K.W. Leung was direct, he should be invited to leave the meeting temporarily for the item. The Committee noted that following the Procedure and Practice of the Town Planning Board, a member who was just an ordinary member of HKBWS having no involvement in the application could be allowed to stay in the meeting, and agreed that Dr C.H. Hau could stay in the meeting.

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

#### Presentation and Question Sessions

138. Mr Billy W.M. Au Yeung, 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 education kiosk for “Hong Kong Got Fishpond – Eco-fishpond Management Agreement Scheme” for a period of 22 months;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment indicating no comment on the application was received from a Yuen Long District Council member; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of 22 months based on the assessments set out in paragraph 12 of the Paper. The applied use was in line with the planning intention of the “Other Specified Uses” annotated “Comprehensive Development and Wetland Enhancement Area 1” zone and also the Town Planning Board Guidelines No. 12C in that it would help

support the conservation of the ecological value of the fish ponds, through public education. The application generally complied with the Town Planning Board Guidelines No. 34C in that there had been no major change in planning circumstances since the previous planning approval and the approval period sought was of the same timeframe as the previous approval. Three previous applications for the same use had been approved by the Committee and approval of the application was in line with the Committee's previous decisions.

139. Members had no question on the application.

#### Deliberation Session

140. Members noted that the approval period sought by the applicant was 22 months, which was to tally with the expiry of the funding support obtained from the Environment and Conservation Fund for the applied use.

141. Noting that the applied use only comprised two removable marquees and the application site was involved in three previously approved applications for the same applied use since 2014 and there had been no change in planning circumstances, Members in general considered that concerned government department(s) and the applicant could explore to apply for a longer approval period in order to streamline the administrative work for processing future renewal applications.

142. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 22 months from 15.5.2019 until 14.3.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following condition:

“upon the expiry of the planning permission, the reinstatement of the site to the satisfaction of the Director of Planning or of the TPB.”

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

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

**Agenda Item 36**

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/532B)

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144.            The Committee noted that the applicant’s representative requested on 9.4.2019 deferment of the consideration of the application for two months in order to allow time to complete an ecological assessment to analyse the current ecological conditions on the application site and its surrounding area, and the potential ecological impact arising from the proposed development to address requirements of the Environmental Protection Department. It was the third time that the applicant requested deferment of the application. Since the last deferment, the applicant had appointed an ecological consultant to undertake the ecological assessment.

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. 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.

[The Chairman thanked Mr Otto K.C. Chan, Ms S.H. Lam, Ms Ivy C.W. Wong and Mr Billy W.M. Au Yeung, STPs/FSYLE, for their attendance to answer Members' enquiries. They left the meeting at this point.]

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

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

### **Agenda Item 37**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/532                      Proposed Comprehensive Residential Development in “Comprehensive Development Area (3)” Zone, Lots 398 RP, 406 RP, 407, 408 RP, 409, 410 RP, 411 RP, 412 S.B, 412 RP, 413, 442 RP, 443 RP, 444, 445 S.A, 445 RP, 446 S.A, 446 RP, 447, 448, 449, 450, 451, 453 (Part), 454, 455, 456, 457, 458, 459 (Part), 462 (Part), 464 RP and 466 RP in D.D. 374 and Lots 248 RP, 249 S.A RP, 249 S.B, 250 RP, 251, 253 (Part), 255 RP (Part) in D.D. 375 and Adjoining Government land, So Kwun Wat, Area 56, Tuen Mun  
(RNTPC Paper No. A/TM/532C)

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146.            The Secretary reported that the application site (the site) was located in Tuen Mun. The application was submitted by Fill Year Limited, which was a subsidiary of Sun Hung Kai Properties Limited (SHK), with Llewelyn-Davies Hong Kong Limited (LD), Black & Veatch Hong Kong Limited (B&V), LWK & Partners Architects Limited (LWK) and MVA Hong Kong Limited (MVA) as four 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; and being a shareholder and director of LWK;
- 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 LWK;
- Mr K.K. Cheung - his firm having current business dealings with SHK and B&V;
- Mr Ricky W.Y. Yu - his firm having current business dealings with LD; and
- Dr Jeanne C.Y. Ng - co-owning with spouse a flat in Tuen Mun.

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

[Miss Winnie W.M. Ng left the meeting and Mr Ivan C.S. Fu temporarily left the meeting at this point.]

#### Presentation and Question Sessions

148. Ms Jessica Y.C. Ho, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed comprehensive residential development;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The concerned government departments had no objection to or no adverse comment on the application. The District Officer (Tuen Mun), Home Affairs Department conveyed the views and concerns of Tuen Mun District Council (TMDC) members and locals as set out in paragraph 10.1.13 of the Paper;
- (d) during the first three weeks of the statutory publication period, 82 public comments were received, with 68 from individuals supporting the application and 14 from a TMDC member, the Owners Committee of Aegean Coast and individuals objecting to the application. Major views 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. The proposed development was in line with the planning intention of the “Comprehensive Development Area (3)” (“CDA(3)”) zone and the proposed development parameters complied with the plot ratio and building height (BH) restrictions stipulated on the Outline Zoning Plan (OZP). The proposed development was not incompatible with the surrounding areas. Technical assessments had been submitted to demonstrate that the proposed development was technically feasible in terms of visual, landscape, air ventilation, traffic, infrastructural and environmental aspects. Building separations, podium-free design, building setbacks and variations in BH of different residential towers and other mitigation measures had been proposed and significant adverse visual and air ventilation impacts on the surrounding areas were not anticipated. With the proposed improvement works and mitigation measures and taking into account the planned and known potential housing developments in Tuen Mun East, the proposed development would not result in adverse traffic impacts. Relevant approval conditions had been recommended to address technical requirements of concerned government departments. When considering the previous s.12A application (No. Y/TM/16), the Board agreed that opportunity for providing retail facilities in the future residential

development should be explored by the applicant. As such, a study had been conducted by the applicant. The findings showed that the provision of retail facilities at the neighbourhood and the district was sufficient to meet the needs of the future residents of the proposed development. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

*Urban Design Perspective*

149. In response to a Member's enquiry, Ms Jessica Y.C. Ho, STP/TMYLW, said that the Chief Town Planner/Urban Design and Landscape, PlanD previously suggested the applicant to consider the feasibility of breaking up residential towers T2/T3 and T4/T5. The applicant had responded that due to adverse traffic noise impact, such proposal was considered not environmentally desirable.

*Phase B Development*

150. Some Members raised the following questions:

- (a) the arrangement for the two private lots that were yet to be acquired by the applicant; and
- (b) the proposed plot ratio (PR) for Phases A and B developments.

151. In response, Ms Jessica Y.C. Ho said that the proposed development would be implemented in two phases (Phase A and Phase B), and technical assessments had been undertaken for both phases. About 99% of the land of the "CDA(3)" site forming Phase A had been acquired by the applicant. For the remaining 1% of land (i.e. the two private lots, with an area of about 190m<sup>2</sup>) still under negotiation, development intensity based on a pro-rata calculation of the site area in Phase B had been set aside and access to those lots would be provided.

*Provision of Social Welfare Facilities*

152. A Member enquired whether the Director of Social Welfare (DSW) had been consulted on the application on any requirement for provision of social welfare facilities within the proposed comprehensive residential development.

153. In response, Ms Jessica Y.C. Ho said that DSW was not consulted on the subject application. Yet, the site was the subject of a previously agreed s.12A application for rezoning from “CDA” to “CDA(3)” to facilitate a comprehensive residential development with a maximum PR of 2.6, and there had been no requirement from government departments for incorporating any social welfare facilities in the proposed development. In processing the subsequent OZP amendment in 2017, there was also no requirement from DSW to incorporate social welfare facilities in the proposed development.

Deliberation Session

154. Members noted that to echo the government’s policy to encourage the provision of elderly services and facilities in new private developments, the requirement to provide residential care home for the elderly had been included in a number of government land sale sites recently. As for the application site, it fell within private lots and was subject to a long planning history as set out in paragraph 5 of the Paper.

155. 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 3.5.2023, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- “(a) the submission and implementation of a revised Master Layout Plan to take into account conditions (b) to (i) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a landscape master plan to the satisfaction of the Director of Planning or of the TPB;

- (c) the submission and implementation of a development programme for the proposed development to the satisfaction of the Director of Planning or of the TPB;
- (d) the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB;
- (e) the submission of a consolidated Traffic Impact Assessment and the design and implementation of the proposed traffic improvement measures to the satisfaction of the Commissioner for Transport or of the TPB;
- (f) the design and provision of vehicular access and car parking and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB;
- (g) the implementation of drainage and sewerage facilities, as proposed by the applicant, to the satisfaction of the Director of Drainage Services or of the TPB;
- (h) the submission of a noise impact assessment and implementation of noise mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the TPB; and
- (i) the design and provision of pedestrian/vehicular access to Ngau Kok Lung village, Lot 444 in D.D. 374 and Lot 248 RP in D.D. 375 to the satisfaction of the Director of Lands or of the TPB.”

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

[Mr Ivan C.S. Fu returned to join the meeting at this point.]

**Agenda Item 38**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TMYLW/1            Renewal of Planning Approval for Temporary Public Vehicle Park (excluding Container Vehicle) (Letting of Surplus Parking Spaces to Non-residents) for a Period of 3 Years in “Residential (Group A)” Zone, (a) Car Park in Shui Pin Wai Estate, Yuen Long; and (b) Car Park in Tin Heng Estate, Tin Shui Wai (RNTPC Paper No. A/TMYLW/1)

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157.            The Secretary reported that the application was submitted by the Hong Kong Housing Authority (HKHA), with the Housing Department as its executive arm. The following Members had declared interests on the item:

- |  |   |   |
|--|---|---|
| Mr Raymond K.W. Lee<br>(the Chairman)<br><i>as the Director of<br/>Planning</i>              | - | being a member of the Strategic Planning Committee (SPC) and the Building Committee of HKHA;  |
| Mr Martin W.C. Kwan<br><i>as the Chief Engineer<br/>(Works), Home Affairs<br/>Department</i> | - | being an alternate representative of the Director of Home Affairs who was a member of the SPC and the Subsidized Housing Committee of HKHA; |
| Dr C.H. Hau  | - | his institute having current business dealings with HKHA;   |
| Mr K.K. Cheung   | - | his firm having current business dealings with HKHA; and  |
| Mr Ivan C.S. Fu  | } | having past business dealings with HKHA.  |
| Mr Stephen L.H. Liu  |   |   |

158.            As the interests of the Chairman and Mr Martin W.C. Kwan 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, Ivan C.S. Fu and Stephen L.H. Liu and Dr C.H. Hau 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.

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

#### Presentation and Question Sessions

159. Ms Bonnie K.C. Lee, STP/TMYLW, drew Members' attention that a replacement page (page 3) of the Paper, for rectifying editorial errors 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 public vehicle park (excluding container vehicle) (letting of surplus parking spaces to non-residents) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments objecting to the application were received from a District Council member and an individual. 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 on a temporary basis for a period of three years based on the assessments set out in paragraph 11 of the Paper. The application was generally in line with the Town Planning Board Guidelines No. 34C in that there had been no material change in planning circumstances since the previous planning approval, there was no adverse planning implication arising from the renewal of planning approval; and the three-year approval period sought was considered reasonable as vacant vehicle parking spaces

could be let to non-residents flexibly while the parking demand of the residents could be further reviewed. The letting of the surplus vehicle parking spaces to non-residents would help utilise public resources more efficiently. Given that only surplus monthly parking spaces would be let out to non-residents, the parking need of the residents would not be compromised. An approval condition had been recommended to accord priority to residents of Shui Pin Wai Estate and Tin Heng Estate in renting of the vehicle parking spaces. Ten previous applications for the same use had been approved 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.

160. In response to a Member's enquiry, Ms Bonnie K.C. Lee, STP/TMYLW, said that only surplus monthly parking spaces, instead of hourly parking spaces, would be let out to non-residents.

#### Deliberation Session

161. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 15.5.2019 to 14.5.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following condition:

“priority should be accorded to the respective residents of Shui Pin Wai Estate and Tin Heng Estate in the letting of the surplus vehicle parking spaces and the proposed number of vehicle parking spaces to be let to non-residents should be agreed with the Commissioner for Transport.”

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

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

**Agenda Item 39**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL/252                      Proposed Composite School and Religious Institution (Church) Development, with Minor Relaxation of Building Height Restriction in “Government, Institution or Community (1)” and “Village Type Development” Zones, Lots 1694, 1695 S.F RP and 3721 in D.D. 120, Tai Kei Leng, Yuen Long  
(RNTPC Paper No. A/YL/252A)

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**Presentation and Question Sessions**

163.            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 composite school and religious institution (church) development, with minor relaxation of building height (BH) restriction;
- (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, five public comments were received, with three from a Yuen Long District Council member and individuals supporting the application and one from an individual raising concerns on the application. Major views were set out in paragraph 9 of the Paper; and
- (e) the Planning Department (PlanD)’s views –PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper.

The proposed development was in line with the planning intention of the “Government, Institution or Community” (“G/IC”) zone. While the proposed development was not entirely in line with the planning intention of the “Village Type Development” (“V”) zone, the “V” zone portion of the application site (the site), which was owned by the applicant, would only be used for landscaping area and there was no Small House application under processing at the site. The proposed development was not incompatible with the surrounding areas. The proposed design and mitigation measures such as façade design and variation of BHs to minimise the potential visual impact arising from the proposed development were acceptable to relevant government departments. The proposed minor relaxation of BH restriction from three to eight storeys with two storeys basements for carparking and loading/unloading was compatible with the medium-rise GIC uses north of Ma Tong Road. Relevant approval conditions had been recommended to address the technical requirements of relevant government departments. Regarding the adverse public comment, the comments of government departments and planning assessments above were relevant.

*Proposed Development and Ancillary Quarters*

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

- (a) noting from a public comment that ancillary quarters would be located on one of the floors of the proposed development, whether quarters was included in the definition of terms for ‘School’ use;
- (b) whether the proposed ancillary quarters were related to the proposed kindergarten or church development;
- (c) whether the proposed cooking classroom and learning resource area were regarded as ‘School’ uses; and
- (d) whether registration for the proposed school was required.

165. Mr Alan Y.L. Au, STP/TMYLW, made the following responses:

- (a) the floor area of the proposed ancillary quarters would be about 250m<sup>2</sup>, i.e. about 3% of the total floor area of the proposed development (8,282m<sup>2</sup>) and it was considered as an ancillary use to the proposed development;
- (b) the proposed ancillary quarters would be used by the staff of the proposed kindergarten who might also be the church reverends or pastors;
- (c) cooking classroom and learning resource area could be regarded as part of a 'School' use. The proposed learning resource area would be for the use of teachers, trainers and trainees of special education; and
- (d) the registration of the proposed school with the Education Bureau was required in accordance with the Education Ordinance (Cap. 279) and relevant guidelines.

*BH Issues*

166. A Member raised the following questions:

- (a) whether a planning application for minor relaxation of BH restriction was required given that the proposed development would comprise both school and church uses; and
- (b) the rationale for imposition of a maximum BH of eight storeys for 'School' and 'Hospital' uses.

167. Mr Alan Y.L. Au, STP/TMYLW, made the following responses:

- (a) planning permission was required for the proposed school and religious institution (church) within "V" zone and minor relaxation of BH restriction for the proposed eight-storey composite development within "G/IC(1)" zone. No planning permission was required for pure school development

with a BH of eight storeys within “G/IC(1)” zone; and

- (b) the BH restriction was imposed in order to ensure the future developments were in keeping with the adjacent village environment.

#### Deliberation Session

168. 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 3.5.2023, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- “(a) the submission and implementation of a Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection or of the TPB;
- (b) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) the submission and implementation of a detailed traffic management plan to the satisfaction of the Commissioner for Transport or of the TPB;
- (e) the design and provision of traffic mitigation measures including the lay-by and relocation of zebra-crossing, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB; and
- (f) the design and provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.”

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

**Agenda Item 40**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/143 Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Village Type Development” Zone, Lot 977 RP (Part) in D.D. 125, Sik Kong Tsuen, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/HSK/143)

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Presentation and Question Sessions

170. 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 proposed temporary shop and services use (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. Whilst the applied use was not in line with the planning intention of the “Village Type

Development” (“V”) zone, it could provide shop and services to meet any such demand in the area. There was no Small House application approved or under processing at the application site and approval of the application on a temporary basis would not frustrate the long-term planning intention of the area. The applied use was not incompatible with the surrounding uses. In view of its small scale, significant adverse environmental, visual, traffic or drainage impacts on the surrounding areas were not envisaged. Relevant approval conditions had been recommended to address the technical concerns of relevant government departments. Whilst the previously approved application was revoked due to non-compliance with the approval condition on the implementation of fire service installations (FSIs) proposal, a FSIs proposal had been submitted in the subject application and the Director of Fire Services (D of FS) had no adverse comment on the application. Sympathetic consideration might be given to the subject application but shorter compliance periods were recommended in order to closely monitor the progress of compliance with approval conditions. A previous application and a number of similar applications within the same “V” zone for the same use had been approved and approval of the application was in line with the Committee’s previous decisions.

171. A Member raised the following questions:

- (a) as compared with the previous application, whether the proposed addition of water tank and pump room in the subject application was to meet the requirement of D of FS; and
- (b) the reason(s) for requiring a pump room for the applied use.

172. In response, Mr Simon P.H. Chan, STP/TMYLW, made the following responses:

- (a) the proposed addition of water tank and pump room was in accordance with D of FS’s requirements, resulting in an increase of about 11m<sup>2</sup> in the total floor area; and

- (b) the applied use would be located within a temporary structure. A water tank and pump room were thus required for water storage for fire fighting purpose.

### Deliberation Session

173. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 3.5.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 8:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) the existing trees and landscape plants on the site shall be maintained at all times during the planning approval period;
- (c) 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 3.8.2019;
- (d) the existing 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 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.8.2019;
- (f) in relation to (e) 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 3.11.2019;
- (g) if any of the above planning conditions (a), (b) or (d) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and

- (h) if any of the above planning conditions (c), (e) or (f) 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.”

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

[Mr Edwin W.K. Chan left the meeting at this point.]

### **Agenda Item 41**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/144 Temporary Eating Place for a Period of 3 Years in “Village Type Development” Zone, Lots 924 RP (Part) and 1007 RP (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/HSK/144)

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

175. 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 eating place 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 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. Whilst the applied use was not entirely in line with the planning intention of the “Village Type Development” (“V”) zone, it could provide catering service to meet any such demand in the area. There was no Small House application approved or under processing at the application site (the site) and approval of the application on a temporary basis would not jeopardise the long-term planning intention 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. 15A in that it was located at the fringe of the “V” zone and adjacent to recreational uses and would unlikely cause significant adverse environmental, traffic, drainage and environmental hygiene impact on the surrounding areas. Relevant approval conditions had been recommended to minimise possible nuisance or to address the technical requirements of concerned government departments. The site was the subject of a previous application for the same use and there had been no major change in planning circumstances of the site and the surrounding areas since the previous approval and approval of the application was in line with the Committee's previous decision.

176. Members had no question on the application.

#### Deliberation Session

177. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 3.5.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

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

- (b) no vehicle is allowed to queue back to or reverse onto/from the public road at any times during the planning approval period;
- (c) 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 3.8.2019;
- (d) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (e) the existing trees and landscape planting on the site shall be maintained at all time during the planning approval period;
- (f) the 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 3.11.2019;
- (g) in relation to (f) 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 3.2.2020;
- (h) if any of the above planning conditions (a), (b), (d) or (e) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (i) if any of the above planning conditions (c), (f) or (g) 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.”

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

**Agenda Item 42**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/145            Renewal of Planning Approval for Temporary Logistics Centre with Ancillary Site Office for a Period of 3 Years in “Residential (Group B) 2”, “Open Space” and “Residential (Group B) 1” Zones and an area shown as ‘Road’, Lots 2941 RP (Part), 3066 (Part), 3077 (Part), 3092 (Part), 3094 (Part), 3095, 3096 (Part), 3098 S.B (Part), 3098 S.C (Part), 3098 S.D (Part), 3099, 3100 (Part), 3101, 3102, 3103, 3104, 3105 (Part), 3114 RP (Part), 3115 RP (Part) and 3116 RP (Part) in D.D. 129 and Ajoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/HSK/145)

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**Presentation and Question Sessions**

179.            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 renewal of planning approval for temporary logistics centre with ancillary site office for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the 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. Whilst the applied use was not in line with the planning intentions of the “Residential (Group B) 2” (“R(B)2”), “Open Space” (“O”) and “Residential (Group B) 1” (“R(B)1”) zones, 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 and the Director of Leisure and Cultural Services had no objection to the temporary use of the site for three years. Approval of the application on a temporary basis would not jeopardise the long-term development of the site. The applied use was not incompatible with the surrounding uses. The application was generally in line with the Town Planning Board Guidelines No. 13E and 34C in that the site fell within Category 1 areas, there had been no major change in planning circumstances of the site and the surrounding areas 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. 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. Seven previous applications and nine similar applications within the subject “R(B)2”, “O” and “R(B)1” zones had been approved and approval of the application was in line with the Committee's previous decisions.

180. Members had no question on the application.

#### Deliberation Session

181. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 14.5.2019 until 13.5.2022, on the terms of the

application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 7:00 p.m. and 11:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no repairing, recycling, cleaning, dismantling work and workshop activity, as proposed by the applicant, is allowed on site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from the public road at all times during the planning approval period;
- (e) the existing fencing on the site shall be maintained at all time during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.8.2019;
- (g) the existing drainage facilities on the 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 time during the planning approval period;
- (i) the submission of a fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.11.2019;

- (j) in relation to (i) above, the implementation of the fire service installations proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.2.2020;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e), (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
- (l) if any of the above planning conditions (f), (i) or (j) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

**Agenda Item 43**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/146            Temporary Open Storage of Containers with Ancillary Logistics Uses, Vehicle Repair Workshop, Container Repair Workshop and Parking of Tractors for a Period of 3 Years in “Residential (Group A) 2”, “Government, Institution or Community”, “Open Space” and “Other Specified Uses” annotated “Parking and Operational Facilities for Environmentally Friendly Transport Services” Zones and an area shown as ‘Road’, Lots 112 (Part), 113 (Part), 133 (Part), 134 (Part), 135 (Part), 136 (Part), 137 (Part), 166 (Part), 256 (Part), 257 (Part), 258 (Part), 259 (Part), 260 S.A , 260 S.B (Part), 261 (Part), 262, 263, 264, 265 (Part), 266, 267 (Part), 268 (Part), 270 (Part), 271, 272 (Part), 273, 274, 275 (Part), 277 (Part), 278 (Part), 279 (Part) and 281 (Part) in D.D. 125, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/HSK/146)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary open storage of containers with ancillary logistics uses, vehicle repair workshop, container repair workshop and parking of tractors 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 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. Whilst the applied use was not in line with the planning intentions of the “Residential (Group A) 2” (“R(A)2”), “Government, Institution or Community” (“G/IC”), “Open Space” (“O”) and “Other Specified Uses” annotated “Parking and Operational Facilities for Environmentally Friendly Transport Services” (“OU(POFEFTS)”) zones, the implementation programme for this part of the Hung Shui Kiu New Development Area (HSK NDA) was still being formulated and the concerned departments had no objection to the temporary use of the site for three years. Approval of the application on a temporary basis would not jeopardise the long-term development of the site. The applied use was not incompatible with the surrounding uses. The application was generally in line with the Town Planning Board Guidelines No. 13E in that the majority of the site fell within Category 1 and 2 areas (about 98%). 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 minimise any potential environmental impact or to address the technical concerns of relevant government departments. 18 previous applications at the site and 11 similar applications for similar uses within the subject “R(A)2”, “G/IC”, “O” and “OU(POFEFTS)” zones had been approved and approval of the application was in line with the Committee's previous decisions.

184. In response to a Member's enquiry, Mr Simon P.H. Chan, STP/TMYLW, said that as advised by the Project Manager/New Territories West, Civil Engineering and Development Department, the site fell within the boundary of HSK NDA. According to the Planning and Engineering Study for the HSK NDA, to ensure timely and orderly implementation, the development of HSK NDA and relevant site formation and infrastructure

works would be implemented in five stages, viz. Advance Works and Stage 1 to Stage 4. The lot(s) concerned under the subject application fell within a site under Stage 3 and it was envisaged that clearance of the site would not be arranged before the first population intake of the HSK NDA expected in 2024.

#### Deliberation Session

185. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 3.5.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 8:00 p.m. to 8:00 a.m., as proposed by the applicant, is allowed on the site during the approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) the stacking height of containers stored within 5m of the periphery of the site shall not exceed the height of the boundary fence, as proposed by the applicant, at any time during the planning approval period;
- (d) the stacking height of containers stored within the site shall not exceed eight units, as proposed by the applicant, at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from the public roads at any time during the planning approval period;
- (f) the existing trees and landscape plants on the site shall be maintained at all times during the approval period;
- (g) the existing fencing on the site shall be maintained at all times during the approval period;

- (h) the submission of the 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 3.8.2019;
- (i) the existing drainage facilities on the site shall be maintained at all times during the approval period;
- (j) the provision of the fire extinguisher(s) and the submission of a valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.6.2019;
- (k) the submission of a 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 3.11.2019;
- (l) in relation to (k) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 3.2.2020;
- (m) if any of the above planning conditions (a), (b), (c), (d) (e), (f), (g) or (i) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (n) if any of the above planning conditions (h), (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.”

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

**Agenda Items 44 and 45**

**Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/362 Proposed House (New Territories Exempted House - Small House) in “Residential (Group E)” and “Village Type Development” Zones, Lots 190 S.D RP and 190 S.E in D.D. 130, San Hing Tsuen, Lam Tei, Tuen Mun  
(RNTPC Paper No. A/TM-LTY Y/362A)

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A/TM-LTY Y/363 Proposed House (New Territories Exempted House - Small House) in “Residential (Group E)” Zone, Lots 190 S.D ss.2 and 190 S.Q in D.D. 130, San Hing Tsuen, Lam Tei, Tuen Mun  
(RNTPC Paper No. A/TM-LTY Y/363A)

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187. 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 “Residential (Group E)” (“R(E)”) zone. The Committee agreed that the applications could be considered together.

**Presentation and Question Sessions**

188. Ms Stella Y. Ng, STP/TMYLW, presented the applications and covered the following aspects as detailed in the Papers:

- (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 10 and Appendix IV of the Papers. 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 on each application were received, with one from a Tuen Mun District Council member supporting the applications and the remaining from an individual objecting to the applications. Major views were set out in paragraph 11 of the Papers; and
  
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessments set out in paragraph 12 of the Papers. The sites were located in close proximity to the “Village Type Development” (“V”) zone of San Hing Tsuen and the existing cluster of village houses. The proposed developments were not incompatible with the low-rise developments in the surrounding areas and would unlikely be susceptible to industrial/residential interface problems. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, the sites and the footprints of the proposed Small Houses fell wholly within the village ‘environs’ of Tsing Chuen Wai, Tuen Tsz Wai and San Hing Tsuen. While land available within the “V” zone was insufficient to fully meet the future Small House demand, it was capable to meet the 150 outstanding Small House applications. The site of application No. A/TM-LTY Y/362 was partly zoned “R(E)” (84%) and partly zoned “V” (16%) and the site of application No. A/TM-LTY Y/363 fell wholly within “R(E)” zone. Taking into account that the proposed Small House developments were generally in line with the planning intention of the “R(E)” zone and would unlikely be susceptible to industrial/residential interface problems, sympathetic consideration might be given to the subject applications. Seven similar applications had been approved within the same “R(E)” zone and amongst others, the application site of application No. A/TM-LTY Y/301 was located to the immediate north and east of the sites of applications No. A/TM-LTY Y/362 and A/TM-LTY Y/363 respectively. Approval of the applications was in line with the Committee’s previous decisions. Regarding the adverse public comment, the comments of government departments and planning assessments above were relevant.

189. In response to a Member's enquiry, Ms Stella Y. Ng, STP/TMYLW, said that similar applications No. A/TM-LTYYY/283, 284 and 285 were approved with conditions by the Committee on 12.12.2014 mainly on considerations that the proposed developments were in line with the planning intention of the "R(E)" zone primarily to phase out existing industrial uses through redevelopment for residential use on application to the Board.

#### Deliberation Session

190. A Member did not support the applications on the grounds that land was still available within the "V" zone to accommodate the outstanding Small House applications and thus Small House developments should be confined within the "V" zone for more orderly development pattern, efficient use of land and provision of infrastructure and services. Some Members concurred.

191. Noting that the planning intention of "R(E)" zone was to phase out existing industrial uses through redevelopment for residential use on application, the same Member added that the phasing out of industrial uses should be achieved by other types of residential developments instead of Small Houses, particularly in light of land was still available within "V" zone and Small House developments should not proliferate outside "V" zones.

192. Another Member also did not support the applications, and cast doubt on the 'catalyst' effect of the two proposed Small Houses under the applications for phasing out the existing industrial uses in "R(E)" zone.

193. Members noted that similar applications No. A/TM-LTYYY/301, 307, 335 and 336 for one proposed Small House at each of the application site within the same "R(E)" zone were approved with conditions by the Committee between 2016 and 2017 after adoption of a cautious approach by the Board in approving planning applications for Small House development. The Chairman reminded Members to duly consider the Committee's previous decisions of similar planning applications for Small House developments within the same "R(E)" zone.

194. A Member considered that there had been changes in planning circumstances in the territory in that there had been increasing shortage of land to meet the acute housing

demand. Since land was still available within the “V” zone for Small House development, the proposed Small Houses should thus be concentrated within “V” zone instead of spreading out to other residential zones where land could be used for other types of residential developments. The same Member also added that the consideration of similar applications for Small House developments in the same zone in the past should only serve as a reference for Members’ consideration of the subject applications. Another Member recalled that the consideration of whether Small House developments should be allowed to spread to other residential zones had recently been discussed during the consideration of other planning applications for Small House development in “Residential (Group D)” zone.

195. Members noted that except NTEHs, developments within “R(E)” zone were subject to a maximum plot ratio (PR) of 1.0, a maximum site coverage of 40% and a maximum building height of 4 storeys over single-storey car park (15m). A Member was of view that the permitted PR within “R(E)” zone was relatively low in view of the scarce land resources to meet the acute housing demand in Hong Kong.

196. In sum, Members in general did not support the applications on the grounds that the land available within the “V” zone could accommodate the outstanding Small House applications and thus Small House developments should be confined within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.

197. After further deliberation, the Committee decided to reject the applications. The reason for each of the applications was:

“ land is still available within the “Village Type Development” (“V”) zone of Tsing Chuen Wai, Tuen Tsz Wai and San Hing Tsuen where land is primarily intended for Small House development. It is considered more appropriate to concentrate Small House development close to the existing village cluster within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.”

[Messrs Stephen L.H. Liu and Ricky W.Y. Yu left the meeting at this point.]

**Agenda Item 46**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTYYY/366 Proposed Temporary Shop and Services (Retail Shop) with Ancillary Office for a Period of 5 Years in “Village Type Development” Zone, Lot 694 S.L ss.1 in D.D. 130 and Adjoining Government Land, G/F, No. 28 Lam Tei Main Street, Tuen Mun  
(RNTPC Paper No. A/TM-LTYYY/366)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed temporary shop and services (retail shop) with ancillary office for a period of five 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 five years based on the assessments set out in paragraph 11 of the Paper. Whilst the applied use was not entirely in line with the planning intention of the “Village Type Development” (“V”) zone, it could provide shop and services to meet any such demand in the area. There was no Small House application approved

at the application site (the site) and approval of the application on a temporary basis would not jeopardise the long-term planning intention of the “V” zone. The applied use was not incompatible with the surrounding uses predominated by shops, restaurants and local stores. Adverse traffic, environmental, drainage, landscape or visual impacts on the surrounding areas were not envisaged. Relevant approval conditions had been recommended to minimise any potential environmental nuisance and to address the technical requirements of concerned government departments. Four previous applications for shop and services uses at the site and two similar applications within the same “V” zone had been approved and approval of the application was in line with the Committee’s previous decisions. The latest planning permission under A/TM-LTYT/328 for a similar use was revoked due to non-compliance with approval conditions. Shorter compliance periods were recommended in order to closely monitor the progress of compliance with approval conditions.

199. Members had no question on the application.

#### Deliberation Session

200. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 3.5.2024, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 9:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) the submission of an updated drainage proposal within 3 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 3.8.2019;
- (c) in relation to (b) above, the implementation of the updated drainage proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by

3.11.2019;

- (d) in relation to (c) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (e) the implementation of the accepted 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 3.11.2019;
- (f) 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
- (g) if any of the above planning conditions (b), (c) or (e) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

#### **Agenda Item 47**

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

[Open Meeting]

A/TM-LTY Y/367 Proposed Temporary Shop and Services (Pet Supplies and Food Shop) for a Period of 3 Years in “Residential (Group C)” Zone, Lots 1156 RP (Part) and 1157 (Part) in D.D. 130 and Adjoining Government Land, Wong Kong Wai Road, Lam Tei, Tuen Mun  
(RNTPC Paper No. A/TM-LTY Y/367)

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202. The Committee noted that the applicant’s representative requested on 4.4.2019 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.

203. 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 48**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/462            Temporary Shop and Services (Retail of Construction Materials) for a Period of 3 Years in "Village Type Development" Zone, Lot 4773 RP (Part) in D.D. 116, Tai Tong Road, Yuen Long  
(RNTPC Paper No. A/YL-TT/462)

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204. The Committee noted that a replacement page (page 5) of the Paper, for rectifying editorial errors of the Paper, was dispatched to Members before the meeting.

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

205. Ms Floria Y.T. Tsang, TP/TMYLW, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;

- (b) the temporary shop and services (retail of construction materials) 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. Whilst the applied use was not entirely in line with the planning intention of the “Village Type Development” (“V”) zone, the applied use was intended to serve local residents and could meet any such demand in the area. There was no Small House application 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 area. The applied use was not incompatible with the surrounding uses. Significant adverse traffic, environmental and drainage impacts on the surrounding areas were not envisaged. Relevant approval conditions had been recommended to address the technical requirements of concerned government departments and to minimise any possible environmental concern. Nine similar applications for various shop and services uses within the same “V” zone had been approved and approval of the application was considered in line with the Committee’s previous decisions.

206. Members had no question on the application.

#### Deliberation Session

207. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 3.5.2022, on the terms of the application as

submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 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 repairing, paint spraying, car washing or any other workshop activities, as proposed by the applicant, is allowed on the site 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, as proposed by the applicant, at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the submission of a run in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 3.11.2019;
- (g) in relation to (f) above, the implementation of run in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 3.2.2020;
- (h) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 3.11.2019;
- (i) in relation to (h) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the

Director of Drainage Services or of the TPB by 3.2.2020;

- (j) in relation to (i) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (k) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.11.2019;
- (l) in relation to (k) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.2.2020;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e) or (j) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (n) if any of the above planning conditions (f), (g), (h), (i), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

**Agenda Item 49**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/957 Temporary Warehouse for Storage of Exhibition Materials and Construction Materials and Open Storage of Construction Machinery and Construction Materials with Ancillary Office and Repair Workshop for a Period of 3 Years in “Undetermined” Zone, Lots 2387 RP (Part), 2388 (Part), 2389 (Part), 2391 (Part), 2407 (Part), 2408 (Part), 2409 S.B (Part), 2410 (Part), 2411 S.AB & C (Part), 2412, 2413, 2414, 2415 (Part) and 2419 (Part) in D.D. 120, Tong Yan San Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/957)

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**Presentation and Question Sessions**

209. Ms Floria Y.T. Tsang, TP/TMYLW, drew Members’ attention that a replacement page (page 8) of the Paper, for 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 temporary warehouse for storage of exhibition materials and construction materials and open storage of construction machinery and construction materials with ancillary office and repair workshop for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential use in the vicinity and the applied use 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 application site (the site) fell within the boundary of the Yuen Long South (YLS) Development – Stage 1 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 considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The applied use was not in conflict with the planning intention of the “Undetermined” (“U”) 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, 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 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 jeopardise the long-term development of the area and the applicant would be advised that the site and site access might be subject to land resumption for the implementation of YLS 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, 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 possible environmental nuisance or the technical requirements of concerned government departments. Previous approvals for similar open storage uses at the site and various similar applications in this part of the “U” zone had been approved, and approval of the application was in line with the Committee’s previous decisions.

210. Members had no question on the application.

### Deliberation Session

211. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 3.5.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 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 workshop activities, except in compartment No. 7, as proposed by the applicant, are allowed at any time during the planning approval period;
- (d) no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;

- (f) no storage or handling (including loading and unloading) of electrical appliances and electronic/computer parts (including cathode-ray tubes) is allowed on the site, as proposed by the applicant, at any time during the planning approval period;
- (g) the existing boundary fencing on the site shall be maintained at all times during the planning approval period;
- (h) all existing trees within the site shall be maintained at all times during the planning approval period;
- (i) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (j) the submission of a 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 3.8.2019;
- (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 14.6.2019;
- (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 3.11.2019;
- (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 3.2.2020;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (i) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and

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

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

### **Agenda Items 50 and 51**

#### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/958 Temporary Warehouse for Storage of Construction Materials for a Period of 3 Years in “Green Belt” and “Undetermined” Zones, Lots 696, 697 and 702 in D.D. 119 and Adjoining Government Land, Pak Sha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/958)

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A/YL-TYST/959 Temporary Warehouse for Storage of Exhibition Materials for a Period of 3 Years in “Green Belt” Zone, Lots 617 S.A, 617 RP, 618 and 620 in D.D. 119 and Adjoining Government Land, Pak Sha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/959)

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213. The Committee noted that the two applications for temporary warehouse use submitted by the same applicant 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**

214. Ms Floria Y.T. Tsang, TP/TMYLW, presented the applications and covered the following aspects as detailed in the Papers:

- (a) background to the applications;

- (b) the temporary warehouse for storage of construction materials for a period of three years at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Papers. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the applications as blanket vegetation clearance and adverse impact on existing landscape resources were observed as compared with aerial photos between April 2014 and December 2015, and approval of the applications might set an undesirable precedent for encouraging other similar unauthorized developments in “GB” zone prior to obtaining planning approval. The Director of Agriculture, Fisheries and Conservation (DAFC) advised that the sites were previously vegetated as shown in the aerial photo of January 2011. The history of the sites, in particular, whether “Destroy First, Build Later” activities were involved, should be taken into account. 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, four public comments objecting to each application were received from the Kadoorie Farm and Botanic Garden Corporation, the Hong Kong Bird Watching Society, Designing Hong Kong Limited and an individual. Major views were set out in paragraph 11 of the Papers; and
- (e) PlanD’s views – PlanD did not support the applications based on the assessments set out in paragraph 12 of the Papers. The applied uses were not in line with the planning intention of the “GB” zone and no strong planning justifications had been provided in the submissions for a departure from the planning intention, even on a temporary basis. The applied uses were not compatible with the surrounding areas with woodland and vegetated slopes. Both CTP/UD&L, PlanD and DAFC had adverse comments on the applications. Approval of the applications would set an undesirable precedent, resulting in further encroachment onto “GB” zone

and general degradation of the rural environment and landscape quality of the area. Though the sites were located at the fringe of the “GB” zone, further proliferation of brownfield operations into the “GB” zone would have adverse impact on the existing landscape resources in the area. Taking into account the above, the applied uses did not comply with the Town Planning Board Guidelines No. 10. No similar application within the same “GB” zone had been approved and parts of the sites were the subject of a previously rejected application for temporary war game field. Rejection of the applications 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.

215. Members had no question on the applications.

#### Deliberation Session

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

- “(a) the development is not in line with the planning intention of the “Green Belt” (“GB”) zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets and there is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the development is not in line with the Town Planning Board Guidelines No. 10 for Application for Development within “GB” Zone under Section 16 of the Town Planning Ordinance in that the development has affected the existing natural landscape; and
- (c) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “GB” zone. The

cumulative effect of approving such applications would result in further encroachment onto the “GB” zone and general degradation of the rural environment of the area.”

## **Agenda Item 52**

### **Section 16 Application**

[Open Meeting]

A/YL-TYST/960      Temporary Warehouse for Storage of General Goods for a Period of 3 Years in “Undetermined” Zone, Lots 1195 (Part), 1197 S.A (Part), 1198 S.C (Part) and 1198 S.F (Part) in D.D. 119, Pak Sha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/960)

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217.            The Committee noted that the applicant’s representative requested on 25.4.2019 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 first time that the applicant requested deferment of the application.

218.            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 Ms Jessica Y.C. Ho, Ms Bonnie K.C. Lee, Messrs Alan Y.L. Au and Simon P.H. Chan and Ms Stella Y. Ng, STPs/TMYLW, and Ms Floria Y.T. Tsang, TP/TMYLW, for their attendance to answer Members’ enquiries. They left the meeting at

this point.]

**Agenda Item 53**

Any Other Business

(i) Section 16A Application

[Open Meeting]

A/YL-KTN/583-5      Application for Extension of Time for Compliance with Planning Conditions, 1/F, Kam Tin Centre, Lot 1684 in D.D. 109, Kam Tin Road, Kam Tin, Yuen Long, New Territories

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219.            The Secretary reported that an application for extension of time (EOT) for compliance with approval conditions (a) and (b) up till 26.7.2019 under application No. A/YL-KTN/583 was received by the Town Planning Board on 15.4.2019. The subject application was approved with conditions by the Committee on 26.1.2018. The deadline for compliance with approval conditions (a) and (b) was 26.4.2019.

220.            The subject EOT application was received on 15.4.2019, which was only eight working days before the expiry of the specified time limit for the approval conditions (a) and (b). It was recommended not to consider the application as the deadline for compliance with conditions (a) and (b) had already expired on 27.4.2019, and the planning permission was no longer valid at the time of consideration.

221.            After deliberation, the Committee agreed not to consider the section 16A application as approval conditions (a) and (b) had already expired and the planning approval for the subject application had ceased to have effect and had been revoked on 27.4.2019.

(ii) Section 16A Application

[Open Meeting]

A/YL-TT/397-9      Application for Extension of Time for Compliance with Planning Conditions, Lots 2865 RP and 2990 in D.D. 120, Tin Liu Tsuen, Yuen Long, New Territories

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222.      The Secretary reported that an application for extension of time (EOT) for compliance with approval conditions (h), (j), (k) and (l) up till 3.8.2019 under application No. A/YL-TT/397 was received by the Town Planning Board on 17.4.2019. The subject application was approved with conditions by the Committee on 3.2.2017. The deadline for compliance with approval conditions (h), (j), (k) and (l) was 3.5.2019.

223.      The subject EOT application was received on 17.4.2019, which was only 10 working days before the expiry of the specified time limit for the approval conditions (h), (j), (k) and (l). It was recommended not to consider the application as there was insufficient time to process the application before the expiry of the specified time limit for compliance with the conditions (h), (j), (k) and (l) which were essential for the consideration of the application.

224.      After deliberation, the Committee agreed not to consider the section 16A application as there was insufficient time to process the application before the expiry of the specified time limit for compliance with the conditions (h), (j), (k) and (l).

225.      There being no other business, the meeting closed at 6:20 p.m..