

TOWN PLANNING BOARD

**Minutes of 628th Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 21.6.2019**

Present

Director of Planning
Mr Raymond K.W. Lee

Chairman

Mr H.W. Cheung

Vice-chairman

Dr F.C. Chan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Dr C.H. Hau

Mr Stephen L.H. Liu

Miss Winnie W.M. Ng

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

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

Assistant Director (Environmental Assessment),
Environmental Protection Department
Mr Terence S.W. Tsang

Assistant Director/Regional 3,
Lands Department
Ms Joyce S.Y. Ng

Deputy Director of Planning/District
Miss Fiona S.Y. Lung

Secretary

Absent with Apologies

Mr Ivan C.S. Fu

Mr Philip S.L. Kan

Mr K.K. Cheung

Dr Lawrence K.C. Li

Mr L.T. Kwok

Mr K.W. Leung

Dr Jeanne C.Y. Ng

Mr Ricky W.Y. Yu

In Attendance

Assistant Director of Planning/Board
Ms April K.Y. Kun

Chief Town Planner/Town Planning Board
Mr Kepler S.Y. Yuen

Town Planner/Town Planning Board
Miss Denise M.S. Ho

Agenda Item 1

Confirmation of the Draft Minutes of the 627th RNTPC Meeting held on 31.5.2019

[Open Meeting]

1. The draft minutes of the 627th RNTPC meeting held on 31.5.2019 were confirmed without amendments.

Agenda Item 2

Matters Arising

- (i) Section 12A Application No. Y/FSS/14
Rezoning from “Comprehensive Development Area” (“CDA”) to “CDA(1)” with maximum Plot Ratio of 3, Maximum Site Coverage of 27% and Maximum Building Height of 19 to 23 Storeys at Sheung Shui Lot 2 RP and Adjoining Government Land, New Territories

[Closed Meeting] [Confidential Item]

[Open Record]

2. The Secretary reported that the application was submitted by HUI Sai Fun, Sole Executor of the Estate of Late Hui Oi Chow, Deceased. Ove Arup & Partners Hong Kong Ltd. (Arup), ADI Ltd. (ADI) and Dennis Lau & Ng Chun Man Architects & Engineers (HK) Ltd. (DLN) were three of the consultants of the applicant. The following Members had declared interests on this item :

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|---------------------|--|
| Mr Ivan C.S. Fu | - having current business dealings with Arup and ADI; |
| Mr K.K. Cheung | - his firm having current business dealings with Arup; |
| Mr Stephen L.H. Liu | - having past business dealings with DLN; and |

Ms Winnie W.M. Ng - was a personal friend of the late applicant.

3. The Committee noted that Messrs Ivan C.S. Fu and K.K. Cheung had tendered apologies for being unable to attend the meeting, while Miss Winnie W.M. Ng had not yet arrived to join the meeting. As Mr Stephen L.H. Liu had no involvement in the application, the Committee agreed that he could stay in the meeting.

4. The Secretary reported the background of the application. On 7.12.2018, the Committee considered a section 12A application No. Y/FSS/14 for rezoning a site from “Comprehensive Development Area” (“CDA”) to “CDA(1)”. The application was submitted by HUI Sai Fun (the applicant), Sole Executor of the Estate of Late HUI Oi Chow, Deceased represented by Arup. As reported by the media on the day of the Committee Meeting, the applicant had passed away. The Committee decided to defer a decision on the application pending submission of further information (FI) from the applicant’s side to demonstrate the legal capacity of the representation of the applicant to continue taking forward the application.

5. On 8.4.2019, Arup, on behalf of Mr HUI Chun Hang Julian, Sole Executor of the Estate of the Late HUI Sai Fun, Deceased wrote to the Town Planning Board (the Board) submitting a letter from Mayer Brown, the legal representative of Mr HUI Chun Hang Julian, with a certified extract of the Grant of Probate to demonstrate the legal capacity of the representation of the applicant. It was stated that Mr HUI Chun Hang Julian as the executor of the Estate of the Late HUI Sai Fun had become the executor of the unadministered estate of the Late HUI Oi Chow by operation of law. As such, Mayer Brown applied to substitute Mr HUI Chun Hang Julian as such executor as the applicant in the subject section 12A application. Furthermore, Mr HUI Chun Hang Julian had authorised Arup as his authorised agent for the submission of the application.

6. Members noted that legal advice had been sought in relation to the legal capacity of the representation of the applicant. In brief, the advice was that an application ceased to exist upon the death of the applicant, and there was no provision under the Town Planning Ordinance for the substitution of an applicant of an application under section 12A.

7. After deliberation, the Committee agreed that the subject application ceased to exist upon the death of the applicant and decided not to further consider the application, and that Mr HUI Chun Hang Julian could not substitute the late HUI Sai Fun as the applicant in the subject application. The Committee also agreed that the Secretary would act on behalf of the Board in handling the reply to Arup on its decision.

8. The Committee also agreed that the above background and the Committee's decision on the application could be recorded in the open part of the minutes while the detailed legal advice and deliberation should be recorded under confidential cover.

Sha Tin, Tai Po and North District

Agenda Item 3

Section 12A Application

[Open Meeting]

Y/ST/40 Application for Amendment to the Approved Sha Tin Outline Zoning Plan No. S/ST/34, To Rezone the Application Site from "Residential (Group B)" and "Green Belt" to "Other Specified Uses" annotated "Religious Institution with Columbarium", Lots 2, 671 and 819 RP in D.D.181, Tai Wai, Sha Tin
(RNTPC Paper No. Y/ST/40B)

9. The Secretary reported that the application was for rezoning the application site from "Residential (Group B)" and "Green Belt" to "Other Specified Uses" annotated "Religious Institution with Columbarium". The following Members had declared interests on the item:

Mr H.W. Cheung - being a member of the Private Columbaria
(The Vice-chairman) Licensing Board; and

Mr Ivan C.S. Fu

- being a member of the Private Columbaria Appeal Board.

10. The Committee noted that Mr Ivan C.S. Fu had tendered apologies for being unable to attend the meeting. As the interest of Mr H.W. Cheung was indirect, the Committee agreed that he could stay in the meeting.

11. The Secretary reported that the Planning Department (PlanD) recommended deferment of the consideration of the application so as to allow time for the Food and Environmental Hygiene Department (FEHD) to complete the verification of the niche information and for the Transport Department (TD) to provide comments on the traffic impact arising from the proposed rezoning. The justifications for deferment request met the criteria for deferment as set out in the Town Planning Board (TPB) Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No. 33) in that more time was required for FEHD to verify the niche information and for TD to provide comments, the deferment period was not indefinite and the deferment would not affect the interests of other relevant parties.

12. After deliberation, the Committee decided to defer a decision on the application as recommended by PlanD. The Committee agreed that the application should be submitted for its consideration within three months.

Sai Kung and Islands District

[Ms Kitty S.T. Lam and Ms Amy M.Y. Wu, Senior Town Planners/Sai Kung and Islands (STPs/SKIs), were invited to the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TKO/117 Proposed Religious Institution (Christian Church) in “Residential (Group A) 5” Zone, Shops 28 and 29, G/F, Commercial Accommodation of Corinthia By The Sea, 23 Tong Yin Street, Tseung Kwan O
(RNTPC Paper No. A/TKO/117)

13. The Secretary reported that the application site was located in Tseung Kwan O. Mr L.T. Kwok had declared interest on this item as he was the Chief Executive of the Christian Family Service Centre which had 14 social service units in Tseung Kwan O district. The Committee noted that Mr L.T. Kwok had tendered apologies for being unable to attend the meeting.

Presentation and Question Sessions

14. Ms Kitty S.T. Lam, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed religious institution (Christian Church);
- (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, four public comments were received with two supporting the application and two objecting to 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 church was considered not incompatible with other existing uses at the commercial portion of the subject development and the surrounding developments which were predominantly residential cum commercial developments with commercial uses on the lower floors. With separate access and small in scale, it was unlikely that the proposed use would cause nuisance to the residents or adverse impacts on the surroundings. Relevant government departments consulted had no objection to or adverse comment on the application. Regarding the adverse public comments, comments of concerned departments and the planning assessments above were relevant.

15. Members had no question on the application.

Deliberation Session

16. 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 21.6.2023, 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 condition :

“the provision of fire service installations and water supplies for fire-fighting before operation of the proposed use to the satisfaction of the Director of Fire Services or of the TPB.”

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

Agenda Items 5 to 7

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/I-TCV/9 Temporary Warehouse (Storage of Daily Necessities), Shop and Services (Retail Shop) with Ancillary Office for a Period of 3 Years in “Village Type Development” Zone, Lots 1561 S.A and 1561 RP in D.D.1 TC, Tung Chung Valley, Lantau Island
(RNTPC Paper No. A/I-TCV/9)

A/I-TCV/10 Temporary Warehouse and Open Storage of Construction Tools, Construction Machinery and Materials for a Period of 3 Years in “Village Type Development” Zone, Lots 1458 (Part), 1556 (Part), 1557, 1558 (Part), 1559 (Part), 1563 (Part), 1565 (Part), 1566, 1604 (Part) in D.D.1 TC and Adjoining Government Land, Tung Chung Valley, Lantau Island
(RNTPC Paper No. A/I-TCV/10)

A/I-TCV/11 Temporary Warehouse and Open Storage of Construction Tools, Construction Machinery and Materials for a Period of 3 Years in “Other Specified Uses” annotated “Stormwater Attenuation and Treatment Ponds” and “Village Type Development” Zones, Lots 1608 (Part), 1609 (Part), 1610 (Part), 1613 (Part), 1635, 1636, 1639 (Part), 1640, 1641, 1642 (Part) and 1648 (Part) in D.D.1 TC and Adjoining Government Land, Tung Chung Valley, Lantau Island
(RNTPC Paper No. A/I-TCV/11)

18. The Committee noted that replacement pages (Plans A-2 of the Papers) for three applications had been tabled for Member’s reference, and agreed that as the three applications were similar in nature and submitted by the same applicant, and the application sites were abutting each other, the three applications would be considered together.

Presentation and Question Sessions

19. Ms Amy M.Y. Wu, STP/SKIs, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) for application No. A/I-TCV/9, temporary warehouse (storage of daily necessities), shop and services (retail shop) with ancillary office; for application No. A/I-TCV/10, temporary warehouse and open storage of construction tools, construction machinery and materials; and for application No. A/I-TCV/11, temporary warehouse and open storage of construction tools, construction machinery and materials; all for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Papers. For the three applications, the Director of Environmental Protection (DEP) did not support the applications as there were residential dwellings in the surrounding of the sites (the Sites) and the proposed uses involved use of heavy vehicles, and environmental nuisance were expected. For applications No. A/I-TCV/10 and A/I-TCV/11, the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the applications from a landscape planning perspective as both the Sites and their adjacent areas were located at the southern part of the “Village Type Development” (“V”) zone at Shek Lau Po with rural landscape character. Dense vegetation was found surrounding the “V” zone in a wider landscape context. There had been extensive removal of existing trees/vegetation within the Sites, causing significant and adverse landscape impacts. Approval of the applications would encourage similar tree/vegetation removal prior to obtaining planning permission. Other government departments consulted had no objection to or no adverse comment on the applications;

- (d) during the first three weeks of the statutory publication periods, for applications No. A/I-TCV/9 and A/I-TCV/11, nine public comments from the World Wide Fund for Nature Hong Kong (WWF-HK), Designing Hong Kong Limited (DHK), private individuals and local villagers objecting to the applications were received, while for application No. A/I-TCV/10, ten public comments from WWF-HK, DHK, private individuals and local villagers objecting to the application were received. Major views were set out in paragraph 10 of the Papers; and
- (e) PlanD's views – PlanD did not support the applications based on the assessments set out in paragraph 11 of the Papers. For the three applications, the proposed developments were not in line with the general planning intention of Tung Chung Valley and of the “V” zone. There was no strong planning justification in the submissions to support a departure from the planning intention, even on a temporary basis. Seven applications for temporary open storage/warehouse of construction materials in Tung Chung Valley area were rejected by the Committee. Approval of the applications would set an undesirable precedent and encourage other applications for similar open storage/warehouse uses. For application No. A/I-TCV/11, the proposed development fell within “Other Specified Uses” annotated “Stormwater Attenuation and Treatment Ponds” (“OU (Stormwater Attenuation and Treatment Ponds)”) zone which was intended for the development of stormwater attenuation and treatment ponds. The approval of the application would frustrate the planning intention of the “OU (Stormwater Attenuation and Treatment Ponds)” zone. DEP did not support all the three applications. For applications No. A/I-TCV/10 and A/I-TCV/11, CTP/UD&L, PlanD had reservation on the applications from a landscape planning perspective. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

20. Members had no question on the applications.

Deliberation Session

21. A Member raised concern on the unauthorized developments on the Sites and stressed that enforcement action should be stepped up. Another Member was concerned that the acceptance of simple grassing as land restoration for compliance with a reinstatement notice was far from satisfactory.

22. The Chairman said that the Planning Authority might also require, in a reinstatement notice, removal of fill materials or pond restoration if the site conditions warranted. Manpower resources had been strengthened to undertake enforcement and prosecution actions against unauthorized developments. He said that a briefing could be arranged to give Members an overview on the planning enforcement and prosecution works.

For Application No. A/I-TCV/9

23. 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 “Village Type Development” zone. There is no strong planning justification in the submission to support a departure from the planning intention, even on a temporary basis;
- (b) the applicant fails to demonstrate that the proposed development will not have adverse environmental impact on the surrounding areas; and
- (c) the approval of the application, even on a temporary basis, would set an undesirable precedent and encourage other applications for similar developments in the surrounding area. The cumulative effect of approving such applications would result in a general degradation of the rural environment and landscape character of the area.”

For Application No. A/I-TCV/10

24. 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 “Village Type Development” zone. There is no strong planning justification in the submission to support a departure from the planning intention, even on a temporary basis;
- (b) the applicant fails to demonstrate that the proposed development will not have adverse environmental and landscape impacts on the surrounding areas; and
- (c) the approval of the application, even on a temporary basis, would set an undesirable precedent and encourage other applications for similar developments in the surrounding area. The cumulative effect of approving such applications would result in a general degradation of the rural environment and landscape character of the area.”

For Application No. A/I-TCV/11

25. 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 “Village Type Development” zone and will frustrate the planning intention of the “Other Specified Uses” annotated “Stormwater Attenuation and Treatment Ponds” zone. There is no strong planning justification in the submission to support the departure from the planning intentions, even on a temporary basis;
- (b) the applicant fails to demonstrate that the proposed development will not have adverse environmental and landscape impacts on the surrounding

areas; and

- (c) the approval of the application, even on a temporary basis, would set an undesirable precedent and encourage other applications for similar developments in the surrounding area. The cumulative effect of approving such applications would result in a general degradation of the rural environment and landscape character of the area.”

[The Chairman thanked Ms Kitty S.T. Lam and Ms Amy M.Y. Wu, STPs/SKIs, for their attendance to answer Members’ enquiries. They left the meeting at this point.]

Sha Tin, Tai Po and North District

[Mr Tony Y.C. Wu and Mr. Tim T.Y. Fung, Senior Town Planners/Shu Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-PK/135 Renewal of Planning Approval for Temporary Animal Boarding Establishment and Ancillary Facilities for a Period of 3 Years in “Recreation” Zone, Lots 3252, 3262 (Part), 3263, 3264, 3265 S.A (Part) and 3265 S.B (Part) in D.D. 91 and Adjoining Government Land, On Po Tsuen, Sheung Shui
(RNTPC Paper No. A/NE-PK/135)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) renewal of planning approval for temporary animal boarding establishment and ancillary facilities for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application. Local views conveyed by the District Officer (North), Home Affairs Department (DO(N), HAD) were set out in paragraph 9.1.10 of the Paper;
- (d) during the first three weeks of the statutory publication period, one objecting comment from an individual, and two comments indicating no comment from a North District Council Member and the Chairman of Sheung Shui District Rural Committee were received. 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 further period of three years based on the assessments set out in paragraph 11 of the Paper. The application was for renewal of the planning permission under previous application No. A/NE-PK/80 for the same use at a site zoned “Recreation” (“REC”). The application was generally in line with Town Planning Board Guidelines No. 34B in that there had been no material change in planning circumstances since the granting of the previous approval, the approval conditions had been complied with, and the three-year approval period sought was of the same timeframe as the previous approval. Regarding the adverse public comment received and the local views conveyed by DO(N), HAD, the planning assessments and comments of the government departments above were relevant.

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 3 years, and be renewed from 13.8.2019 until 12.8.2022, 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 10:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) the existing boundary fence on the site should be maintained at all times during the planning approval period;
- (c) the existing vegetation including trees, shrub and lawn on the site shall be maintained at all times during the planning approval period;
- (d) the existing drainage facilities on the site should be maintained at all times during the planning approval period and rectified if they are found inadequate/ ineffective during operation;
- (e) the existing fire services installations on the site should be maintained at all times during the planning approval period; and
- (f) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during planning approval, the approval hereby given shall cease to have effect and shall be revoked immediately 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.

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/191 Proposed 5 Houses (New Territories Exempted Houses - Small Houses) in “Agriculture” Zone, Lots 208 S.A to 208 S.E & 208 RP in D.D. 52, Sheung Shui Wa Shan, Sheung Shui
(RNTPC Paper No. A/NE-FTA/191)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed five houses (New Territories Exempted Houses - Small Houses);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the application site (the Site) possessed potential for agricultural rehabilitation. The Commissioner for Transport (C for T) had reservation on the application and considered that Small House development should be confined within the “Village Type Development” (“V”) zone but given that the proposed development only involved five Small Houses, it could be tolerated. Other government departments consulted had no objection to or no adverse comment on the application. Local views conveyed by the District Officer (North), Home Affairs Department (DO(N), HAD) were set out in paragraph 9.1 of the Paper;
- (d) during the first three weeks of the statutory publication period, five public comments were received. The Chairman of Sheung Shui District Rural Committee indicated no comment, while four comments submitted by the

World Wide Fund for Nature Hong Kong, The Hong Kong Bird Watching Society, Designing Hong Kong Limited and an individual objected to the application. The major objection grounds were set out in paragraph 10 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed Small Houses developments were not in line with the planning intention of the “Agriculture” (“AGR”) zone and DAFC did not support the application. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, whilst the Site and the footprints of the proposed Small Houses fell entirely within the village ‘environs’ of Wa Shan Village and land available within the “V” zone was insufficient to fully meet the future Small House demand, land was still available within the “V” zone and capable to meet 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. Regarding the public comments received, the relevant government departments’ comments and planning assessments above were relevant.

31. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed developments are not in line with the planning intention of the “Agriculture” zone in the Fu Tei Au and Sha Ling area which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is

no strong planning justification in the submission for a departure from the planning intention; and

- (b) land is still available within the “Village Type Development” zone of Wa Shan Village where land is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructures and services.

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/615 Proposed Temporary Open Storage of Building Materials for a Period of 3 Years in “Agriculture” Zone, Lots 359, 360 and 361 in D.D. 77, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/615)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed temporary open storage of building materials 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 from the agricultural development point of view as the application site (the Site) had potential

for agricultural rehabilitation. There was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the Site and the closest one was located to the immediate southeast. The Commissioner for Transport (C for T) did not support the application as there was insufficient information to demonstrate that the temporary development would not induce significant traffic impact on the surrounding areas. Other concerned government departments had no objection to or no adverse comment on the application. Local views conveyed by the District Officer (North), Home Affairs Department (DO(N), HAD) were set out in paragraph 10.1.10 of the Paper;

- (d) during the first three weeks of the statutory publication period, four public comments by the World Wide Fund for Nature Hong Kong, Designing Hong Kong Limited, The Hong Kong Bird Watching Society and Kadoorie Farm and Botanic Garden objecting to the application were received. Major grounds were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone. DAFC, DEP and C for T did not support the application. The application did not comply with the Town Planning Board Guidelines No. 13E in that the site, wholly falling within Category 3 areas, was not subject to any previous planning permission, there were adverse departmental comments and local objection, and the applicant failed to demonstrate that the proposed development would not cause adverse impacts on the surrounding areas. Regarding the public comments, comments of concerned departments and the planning assessments above were relevant.

34. Members had no question on the application.

Deliberation Session

35. 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 “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 such planning intention, even on a temporary basis; and
- (b) the application does not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No.13E) in that there is no previous planning approval for open storage use granted at the site; there are adverse comments from the relevant government departments and local objections against the application; and the applicant has failed to demonstrate that the development would have no adverse traffic impact on the surrounding areas.”

Agenda Item 11

Section 16 Application

[Open Meeting]

A/NE-TK/668 Proposed House (New Territories Exempted House - Small House) in “Green Belt” Zone, Lot 551 S.D ss.4 in D.D. 28, Tai Mei Tuk, Tai Po
(RNTPC Paper No. A/NE-TK/668)

36. The Committee noted that the applicant’s representative requested on 12.6.2019 deferment of consideration of the application for two months so as to allow time for preparation of further information in support of the application. It was the first time that the

applicant requested deferment of the application.

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

Agenda Item 12

Section 16 Application

[Open Meeting]

A/NE-TK/669 Proposed Temporary Place of Recreation, Sports or Culture (Outdoor Electric Go-kart Ground) for a Period of 3 Years in "Agriculture" Zone, Lots 460 S.A, 462, 463, 464 (Part), 465, 466 (Part), 467 (Part) and 481 (Part) in D.D. 17, Ting Kok, Tai Po
(RNTPC Paper No. A/NE-TK/669)

38. The Committee noted that the applicant's representative requested on 11.6.2019 deferment of consideration of the application for two months so as to allow time for preparation of further information in support of the application. It was the first time that the applicant requested deferment of the application.

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

meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, no further deferment would be granted unless under very special circumstances.

[The Chairman thanked Mr Tony Y.C. Wu and Mr. Tim T.Y. Fung, STPs/STN, for their attendance to answer Members' enquiries. They left the meeting at this point.]

Fanling, Sheung Shui and Yuen Long East District

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

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KTN/62 Renewal of Planning Approval for Temporary Container Tractor/Trailer Park for a Period of 3 Years in "Open Space (1)" and "Other Specified Uses" annotated "Amenity Area" and "Other Specified Uses" annotated "Business and Technology Park" and "Residential (Group B)" Zones and an area shown as 'Road', Lots 868 RP (Part), 869, 870, 871 (Part), 872, 873 and 874 in D.D.95, Kwu Tung North, Sheung Shui
(RNTPC Paper No. A/KTN/62)

40. The Secretary reported that the application site (the Site) was located in Kwu Tung North and Dr C.H. Hau had declared an 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

41. 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) renewal of planning approval for temporary container tractor/trailer park for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as the applied use would attract heavy vehicle traffic and there were residential premises within 50m of the access road. Other concerned departments had no objection to or no adverse comment on the application. Local views conveyed by the District Officer (North), Home Affairs Department (DO(N), HAD) were set out in paragraph 10.1.11 of the Paper;
- (d) during the first three weeks of the statutory publication period, two public comments from individuals both indicating no comment were received; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Whilst the applied use was not in line with the planning intentions of the “Residential (Group B)” (“R(B)”), “Open Space (1)” (“O(1)”), “Other Specified Uses” annotated “Business and Technology Park” (“OU(B&TP)”), “Other Specified Uses” annotated “Amenity Area” (“OU(A)”) zones and an area shown as ‘Road’, approval of the application on a temporary basis would not jeopardise the long-term development of the Site. The applied use was considered not incompatible with the surrounding land uses which comprised mainly logistic centres, open storage yards and workshops. The Site fell within Category 3 areas under the Town Planning Board Guidelines No. 13E (TPB

PG-No. 13E). The application complied with TPB PG-No. 13E in that the Site was previously approved for the same use and concerned Government departments had no major adverse comments. Whilst DEP did not support the application, there was no environmental complaint case related to the Site in the past three years. The applied use was in line with TPB PG-No. 34B in that there had been no material change in planning circumstances since the previous temporary approval was granted. Approval of the renewal application was in line with the previous decisions of the Committee. Regarding the local view conveyed by DO(N), HAD, the comments of government departments and planning assessments above were relevant.

42. Members had no question on the application.

Deliberation Session

43. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years, and be renewed from 14.7.2019 until 13.7.2022, 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 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) the existing access road should be managed and maintained at all times during the planning approval period;
- (d) the existing noise mitigation measures should be managed and maintained at all times during the planning approval period;

- (e) the existing peripheral fencing should be maintained at all times during the planning approval period;
- (f) the existing drainage facilities shall be properly maintained and rectified if they are found inadequate/ineffective at all times during the planning approval period;
- (g) 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 14.10.2019;
- (h) 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 14.1.2020;
- (i) in relation to (h) 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 14.4.2020;
- (j) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (k) if any of the above planning conditions (g), (h) or (i) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

Agenda Item 14

Section 16 Application

[Open Meeting]

A/NE-KTS/466 Proposed Residential Development (Houses) and Minor Relaxation of Plot Ratio and Building Height Restrictions in “Residential (Group D)” Zone, Lots 344A RP (Part), 402 S.B (Part) and 448 RP (Part) in D.D. 94 and Adjoining Government Land, Hang Tau Tai Po, Kwu Tung South, Sheung Shui
(RNTPC Paper No. A/NE-KTS/466A)

45. The Secretary reported that Landes Ltd. (Landes) was one of the consultants of the applicant. Mr Ivan C.S. Fu had declared an interest on this item as his firm was having current business dealings with Landes.

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

47. The Committee noted that the applicant’s representative requested on 11.6.2019 deferment of consideration of the application for two months so as to allow time for preparation of additional information and amendments of the submitted documents to address comments from the Environmental Protection Department and the Transport Department. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information to address departmental comments.

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

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/472 Temporary Warehouse (Antique Vehicles, Food and Beverages) with Ancillary Office for a Period of 3 Years in “Recreation” Zone, Lots 1669 S.A ss.1 RP (Part), 1670 S.A ss.1 RP, 1671 S.A ss.1, 1673 S.A and 1675 S.B ss.1 S.A RP (Part) in D.D. 100 and Adjoining Government Land, Kwu Tung South, Sheung Shui
(RNTPC Paper No. A/NE-KTS/472)

Presentation and Question Sessions

49. 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) temporary warehouse (antique vehicles, food and beverages) with ancillary office for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government department had no objection to or no adverse comment on the application. Local views conveyed by the District Officer (North), Home Affairs Department (DO(N), HAD) were set out in paragraph 9.1.11 of the Paper;
- (d) during the first three weeks of the statutory publication period, two public

comments by individuals were received with one indicating no comment and the other 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. Whilst the applied use was not in line with the planning intention of “Recreation” (“REC”) zone, temporary planning permissions for various open storage/storage/workshop uses had been granted since 2004 and there was no known programme or intention to use the application site (the Site) for recreation activities. Approval of the application would not frustrate the long-term planning intention of the “REC” zone. The applied use was considered not incompatible with the surroundings land uses, which were predominantly warehouses, workshops and open storage yards with some domestic structures in the vicinity. Relevant government departments consulted had no adverse comment on or no objection to the application. The Committee had previously approved five applications for similar use at the Site. Approval of the current application was in line with the previous decisions of the Committee. Regarding the public comments received and local views conveyed by DO(N), HAD, the comments of government departments and planning assessments above were relevant.

50. In response to Members' enquiries, Ms S.H. Lam, STP/FSYLE, replied that there were some structures not tallying with the Modification of Tenancy and Government Land Licences and some structures erected on the government land within the Site without prior approval. If the planning permission was granted, the owner(s) of the lots concerned should apply to the Lands Department (LandsD) for a Short Term Wavier (STW) and Short Term Tenancy (STT) covering all the actual occupation area. Ms Joyce S.Y. Ng, Assistant Director/Regional 3 (AD/R3), LandsD, supplemented LandsD would only process the STW and STT applications to be made by the land owner if planning permission was granted.

51. A Member raised concern on the unlawful occupation of government land. In response, Ms Joyce S.Y. Ng, AD/R3, LandsD, said that LandsD had strengthened its

enforcement actions and tightened its arrangements for processing applications for “regularisation of unlawful occupation of government land” since March 2017. The penalties for unlawful occupation of government land had been increased. If planning permission was not given, enforcement action by LandsD would be carried out.

52. In response to a Member’s enquiry on the specification on storage of antique vehicles, the Chairman said the applied use was proposed by the applicant.

Deliberation Session

53. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 21.6.2022, 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 8:00 a.m., as proposed by the applicants, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicants, is allowed on the site during the planning approval period;
- (c) no vehicle repairing and other workshop activities are allowed to be carried out 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 submission of proposal for fire service installations and water supplies for fire-fighting within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.12.2019;

- (g) in relation to (f) above, the implementation of proposal for fire service installations and water supplies for fire-fighting within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.3.2020;
- (h) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.12.2019;
- (i) in relation to (h) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.3.2020;
- (j) 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 without further notice; and
- (k) if any of the above planning conditions (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.”

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

Agenda Item 16

Section 16 Application

[Open Meeting]

A/YL-KTN/647 Proposed Residential Development (Flat) in “Residential (Group E)” Zone, Lots 215 S.C, 242 S.B RP, 264 S.B RP, 266 S.A, 266 RP, 267, 268, 269 S.B RP, 269 S.B ss.2 RP, 270, 271, 272, 275, 277 (part), 295 (part) and 296 S.B RP (part) in D.D.103 and Adjoining Government Land, Ha Ko Po Tsuen, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/647A)

55. The Secretary reported that the application was submitted by Ease Gold Development 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), Ramboll Environ Hong Kong Limited (Ramboll), Urbis Limited (Urbis) and Hyder Consulting Limited (Hyder) as five of the consultants of the applicant. The following Members had declared interests on this item:

- | | |
|---------------------|--|
| Mr Ivan C.S. Fu | - having current business dealings with SHK, Ramboll and Urbis; |
| Mr K.K. Cheung | - his firm having current business dealings with SHK, B&V and Hyder; |
| Mr Stephen L.H. Liu | - having past business dealings with SHK and LD; |
| Miss Winnie W.M. Ng | - being a Director of the Kowloon Motor Bus Company (1933) Limited (KMB) and SHK was one of the shareholders of KMB; and |
| Mr Ricky W.Y. Yu | - his firm having current business dealings with LD. |

56. 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 tendered apologies for being unable to join the meeting, while Miss Winnie W.M. Ng had not yet arrived to join the meeting. As Mr Stephen L.H. Liu had no involvement in the application, the Committee agreed that he could stay in the meeting.

57. The Committee noted that the applicant's representative requested on 14.6.2019 deferment of consideration of the application for two months so as to allow time to prepare further information in response to further comments from the 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.

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

Agenda Item 17

Section 16 Application

[Open Meeting]

A/YL-KTN/660 Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years in “Agriculture” Zone, Lots 1204 and 1208 in D.D. 107, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/660)

59. The Committee noted that the applicant requested on 13.6.2019 deferment of consideration of the application for two months so as to allow time for preparation of further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/661 Renewal of Planning Approval for Temporary Private Car Park (Private Cars) for a Period of 3 Years in “Comprehensive Development Area” Zone, Lots 3316 RP (Part), 3331 RP (Part), 3337 RP, 3338 RP (Part), 3339, 3340 RP (Part) , 3341 RP (Part), 3342 (Part), 3343 to 3346, 3347 (Part), 3348 (Part), 3349 RP (Part), 3350, 3351 (Part), 3359 RP and 3360 RP in D.D.104 and Adjoining Government Land, Long Ha, San Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/661)

61. The Secretary reported that the application was submitted by Mission Hills Management Services Limited. Mr K.K. Cheung had declared an interest on the item for being a member of Mission Hills Golf Club and using the application site (the Site) on a weekly basis. The Committee noted that Mr K.K. Cheung had tendered apologies for being unable to attend the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) renewal of planning approval for temporary private car park (private cars) 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 periods, one public

comment objecting to the application was received. 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. Whilst the proposed private car park was not in line with the planning intention of the “Comprehensive Development Area” (“CDA”) zone, there was no known development programme to implement the “CDA” zone. Approval of the application on a temporary basis of three years would not frustrate the long-term planning intention of the “CDA” zone. The development was considered not incompatible with the surrounding land uses. The renewal of planning approval was in line with the Town Planning Board Guidelines No. 34C in that since the last approval, there had been no major change in planning circumstances, no objection from concerned government departments and the approval conditions under the previous approval had been complied with. Regarding the adverse public comment, comments of concerned departments and the planning assessments above were relevant.

63. Members had no question on the application.

Deliberation Session

64. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years, and be renewed from 13.8.2019 until 12.8.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no vehicles without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations are allowed to be parked/stored on the site at any time during the planning approval period;
- (b) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;

- (c) all existing mitigation measures to minimize any possible nuisance of noise and artificial lighting on-site to the residents nearby shall be maintained at all times during the planning approval period;
- (d) the existing drainage facilities implemented on the site shall 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 13.11.2019;
- (f) the implementation of the accepted fire services 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 13.2.2020;
- (g) 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
- (h) if any of the above planning conditions (e) or (f) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

Agenda Item 19

Section 16 Application

[Open Meeting]

A/YL-KTN/662 Proposed Temporary Shop and Services (Motor Vehicle Showroom) with Storage of Vehicles/Vehicles Parts and Ancillary Offices Use for a Period of 3 Years in “Village Type Development” Zone, Lots 457 (Part), 458 (Part) and 465 S.A (Part) in D.D. 109 and Adjoining Government Land, Kam Tin Road, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/662)

66. The Committee noted that the applicant’s representative requested on 13.6.2019 deferment of consideration of the application for two months so as to allow time for preparation of further information in response to departmental comments. It was the first time that the applicant requested deferment of the application.

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

Agenda Item 20

Section 16 Application

[Open Meeting]

A/YL-KTN/663 Proposed Amendments to the Approved Development (under Application No. A/YL-KTN/118-2) - Proposed 'Flat' Use with Minor Relaxation of Building Height Restrictions in "Comprehensive Development Area (1)" and "Comprehensive Development Area" Zones, Lots 1783 (Part), 1784 RP, 1788 RP, 1789 RP, 1790 RP (Part), 1791 RP, 1795 (Part), 1796 (Part), 1797 (Part), 1836 (Part), 1927 S.A and 1927 RP (Part) in D.D. 107 and Adjoining Government Land, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/663)

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

- | | |
|---------------------|---|
| Mr Ivan C.S. Fu | - having current business dealings with SHK, AECOM and Urbis; |
| Mr K.K. Cheung | - his firm having current business dealings with SHK and RLP; |
| Dr C.H. Hau | - having current business dealings with AECOM; |
| Mr Stephen L.H. Liu | - having past business dealings with SHK, LD and RLP; |

Miss Winnie W.M. Ng - being a Director of the Kowloon Motor Bus Company (1933) Ltd. (KMB) and SHK was one of the shareholders of KMB; and

Mr Ricky W.Y. Yu - his firm having current business dealings with LD.

69. 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 tendered apologies for being unable to join the meeting, while Miss Winnie W.M. Ng had not yet arrived to join the meeting. As Dr C.H. Hau and Mr Stepheni L.H. Liu had no involvement in the application, the Committee agreed that they could stay in the meeting.

70. The Committee noted that the applicant's representative requested on 14.6.2019 deferment of consideration of the application for two months so as to allow time to prepare further information in response to departmental comments. It was the first time that the applicant requested deferment of the application.

71. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, 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 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/821 Temporary Open Storage of Vehicle Parts with Ancillary Workshop for a Period of 3 Years in “Agriculture” Zone, Lots 460 RP (Part) and 461 RP (Part) in D.D.103, Kam Tin Road, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/821)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary open storage of vehicle parts with ancillary workshop for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment providing view to the application was received. Major views were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD considered the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Whilst 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 to the application from agricultural perspective. Temporary approval of the application would not frustrate the long-term planning intention of

the “AGR” zone. The development was considered not incompatible with the surrounding areas. The site fell within Category 2 areas under the Town Planning Board Guidelines No. 13E (TPB PG-No. 13E). The application was generally in line with the TPB PG-No. 13E in that relevant departments consulted had no adverse comment. Regarding the public comment, comments of concerned departments and the planning assessments above were relevant.

73. Members had no question on the application.

Deliberation Session

74. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 21.6.2022, 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 medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, and no vehicle exceeding 7 m long, are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the existing boundary fencing on the site shall be maintained at all times during the planning approval period;
- (f) the existing drainage facilities on the site shall be maintained at all times

during the planning approval period;

- (g) the submission of a condition record of the existing drainage facilities on site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.9.2019;
- (h) the provision of fire extinguisher(s) with 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 2.8.2019;
- (i) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.12.2019;
- (j) in relation to (i) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.3.2020;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (l) if any of the above planning conditions (g), (h), (i) or (j) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (m) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/822 Renewal of Planning Approval for Temporary Open Storage of Vehicles, Metal, Plastic Pipes, Machinery, Vehicle Parts and Construction Materials for a Period of 3 Years in “Other Specified Uses” annotated “Rural Use” Zone, Lots 476 RP (Part) and 477 in D.D.106, Kam Sheung Road, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTS/822)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) renewal of planning approval for temporary open storage of vehicles, metal, plastic pipes, machinery, 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 located in the vicinity and the development involved the use of heavy goods vehicles, environmental nuisance was expected. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment providing views was received. Major views were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD considered the

temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Whilst the applied use was not in line with the planning intention of the “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) zone, there was no known programme for long-term development at the application site (the Site). Approval of the application on temporary basis would not jeopardize the lone-term planning intention of the “OU(RU)” zone. The development was considered not incompatible with the surrounding areas. There were previous applications for the same applied use and similar applications for various temporary open storage uses approved with conditions by the Committee in the same “OU(RU)” zone. Approval of the application was in line with the Committee’s previous decisions. The Site fell within Category 3 areas under the Town Planning Board Guidelines No. 13E (TPB PG-No. 13E). The development was in line with the TPB PG-No. 13E in that there were previous planning approvals at the Site and there was no adverse comment from concerned departments except DEP. Although DEP did not support the application, there was no substantiated environmental complaint pertaining to the Site in the past three years. To minimize any possible environmental impacts and nuisance on the surrounding developments, and to address the technical requirements of the concerned departments, relevant approval conditions were recommended. Regarding the public comment, comments of concerned departments and the planning assessments above were relevant.

77. Members had no question on the application.

Deliberation Session

78. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years, and be renewed from 14.7.2019 until 13.7.2022, 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 8:30 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) 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) the boundary fence along the site shall be maintained at all times during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (g) the submission of a record of the existing drainage facilities on site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.10.2019;
- (h) 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 25.8.2019;
- (i) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.1.2020;
- (j) in relation to (i) above, the provision of fire service installations within 9 months from the date of commencement of the renewed planning

approval to the satisfaction of the Director of Fire Services or of the TPB by 14.4.2020;

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

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

Agenda Item 23

Section 16 Application

[Open Meeting]

A/YL-PH/811 Proposed Houses in “Residential (Group D)” Zone, Lots 101 S.F RP, 101 S.G, 101 S.H, 101 S.I and 101 S.J in D.D. 111, Fan Kam Road, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/811)

80. The Committee noted that the applicant’s representative requested on 4.6.2019 deferment of consideration of the application for two months so as to allow time for preparation of further information in response to departmental comments. It was the first time that the applicant requested deferment of the application.

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

applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, no further deferment would be granted unless under very special circumstances.

Agenda Item 24

Section 16 Application

[Open Meeting]

A/YL-MP/281 Proposed School (Expansion of Hong Chi Morninglight School) with Minor Relaxation of the Plot Ratio and Building Height Restrictions in "Residential (Group C)" Zone, Lot 4748 in D.D. 104, Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/281)

82. The Secretary reported that the application site was located in Fairview Park, Mai Po and Meinhardt (M&E) Limited and Meinhardt (C&S) Limited was two of the consultants of the applicant. The following Members had declared interests on this item:

- | | |
|-----------------|---|
| Mr Ivan C.S. Fu | - his firm having current business dealings with Meinhardt (M&E) Limited and Meinhardt (C&S) Limited; |
| Mr K.K. Cheung | - his firm having current business dealings with Meinhardt (M&E) Limited and Meinhardt (C&S) Limited; and |
| Mr K.W. Leung | - owning a property in Fairview Park, Mai Po. |

83. The Committee noted that the applicant had requested deferment of consideration of the application and Messrs Ivan C.S. Fu, K.K. Cheung and K.W. Leung had tendered apologies for being unable to attend the meeting.

84. The Committee noted the applicant's representative requested on 13.6.2019 deferment of consideration of the application for two months to allow more time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

Agenda Item 25

Section 16 Application

[Open Meeting]

A/YL-MP/282 Proposed Temporary Field Study Centre and Organic Farm for a Period of 3 Years in "Village Type Development" Zone, Government Land in D.D.104, Ha Chuk Yuen Tsuen, San Tin, Yuen Long (Former Chuk Hing Public School)
(RNTPC Paper No. A/YL-MP/282)

86. The Committee noted that the applicant requested on 13.6.2019 deferment of the consideration of the application for two months so as to allow time for preparation of further information to address comments from the Transport Department. It was the first time that the applicant requested deferment of the application.

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

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/546 Temporary Open Storage of Recyclable Metal with Ancillary Office
for a Period of 3 Years in "Residential (Group D)" Zone, Lot 156 S.B
RP (Part) in D.D. 105 and Adjoining Government Land, San Tin, Yuen
Long
(RNTPC Paper No. A/YL-ST/546)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary open storage of recyclable metal with 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 Environmental Protection

(DEP) did not support the application as there were residential dwellings within 100m from the boundary of the application site (the Site) and environmental nuisance was expected. Other concerned departments had no objection to or no adverse comment on the application;

- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD considered the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Whilst the applied use was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone, there was no immediate development proposal for the Site. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “R(D)” zone. The applied use was not incompatible with the surrounding land uses. The application was in line with the Town Planning Board Guidelines No. 13E in that the Site, falling within Category 2 areas, was subject to previous approvals for open storage yards or container vehicle parks and there was no adverse comment from concerned departments, except DEP. There was no environmental complaint against the Site in the past three years and relevant approval conditions were recommended to address DEP's concern and technical requirements of other concerned departments.

89. Members had no question on the application.

Deliberation Session

90. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 21.6.2022, 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 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 dismantling, repairing, cleansing or any other workshop activities shall be carried out on the site at any time during the planning approval period;
- (d) the provision of boundary fencing within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.12.2019;
- (e) no vehicle is allowed to queue back to or reverse onto/from the site at any time during the planning approval period;
- (f) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.12.2019;
- (g) in relation to (f) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.3.2020;
- (h) in relation to (g) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (i) the provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 2.8.2019;
- (j) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.12.2019;

- (k) in relation to (j) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.3.2020;
- (l) if any of the above planning conditions (a), (b), (c), (e) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (m) if any of the above planning conditions (d), (f), (g), (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.”

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

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/547 Temporary Container Vehicle Park with Ancillary Facilities (including Site Office and Storage) for a Period of 3 Years in “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” Zone, Lot 769 RP (Part) in D.D.99 and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/547)

92. The Committee noted that a replacement page (Appendix II of the Paper) for revision to the advisory clauses was tabled for Member’s reference.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary container vehicle park with ancillary facilities (including site office and storage) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Commissioner for Transport (C for T) advised that the applicant should demonstrate sufficient space within the application site (the Site) would be provided for manoeuvring of the container vehicles, the width of the ingress/egress should be reviewed, and sufficient queuing space within the Site should be given. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the Site and environmental nuisance was expected. The Commissioner of Police (C of P) was concerned about the road safety issues. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one supporting comment from the president of Lok Ma Chau China-Hong Kong Freight Association and five objecting comments from World Wide Fund for Nature Hong Kong, Hong Kong Bird Watching Society, Kadoorie Farm and Botanic Garden Corporation, Designing Hong Kong Limited and an individual were received. 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 applied use was not in line with the planning intention of the “Other Specified Uses” annotated “Comprehensive Development to include

Wetland Restoration Area” (“OU(CDWRA)”) zone. No strong justification had been given in the submission for a departure from the planning intention even on a temporary basis. DEP did not support the application, while C for T and C of P expressed concerns on the adequacy of turning space on Castle Peak Road for long/container vehicles. The application did not comply with the Town Planning Board Guidelines No. 13E (TPB PG-No.13E) in that the Site fell within Category 4 areas where applications would normally be rejected except under exceptional circumstances. The Site was not the subject of any previous planning approval and there were adverse comments from concerned departments. The applicant failed to demonstrate that the proposed use would not have adverse environmental and traffic impacts on the surrounding areas. Approval of the application would set an undesirable precedent and encourage other applications for similar developments in the area. The cumulative effect of approving the similar applications would result in general degradation of the environment of the area. Regarding the adverse public comments, the planning considerations and assessment above were relevant.

94. In response to a Member’s question, Ms Emily P.W. Tong, STP/FSYLE, said that the Site was subject to planning enforcement action against unauthorized development involving uses for parking of vehicles and for fuel filling station, while the subject application did not include fuel filling station. In response to the Chairman’s enquiry, Ms Emily P.W. Tong, STP/FSYLE, said the applicant was not the owner of the Site and the enforcement action by the Planning Authority in relation to the Site was not taken against the 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 “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” zone, which is to provide incentive for

the restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential and/or recreational development to include wetland restoration area, and to phase out existing sporadic open storage and port back-up uses on degraded wetlands. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis; and

- (b) the applicant has failed to demonstrate that the proposed development would not generate adverse traffic impact on the surrounding areas.”

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

Tuen Mun and Yuen Long West District

[Mr Steven Y.H. Siu, Senior Town Planner/Tuen Mun and Yuen Long West (STP/TMYLW), was invited to the meeting at this point.]

Agenda Item 28

Section 16 Application

[Open Meeting]

A/HSK/152 Proposed Temporary Warehouse with Ancillary Office for a Period of 3 Years in “Village Type Development” Zone, Lots 2061, 2062 (Part), 2063 RP (Part) and 2064 (Part) in D.D. 124 and Adjoining Government Land, Tin Ha Road, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/HSK/152)

96. The Committee noted that the applicant’s representative requested on 14.6.2019 deferment of the consideration of the application for two months so as to allow time to prepare further information to address public comments and prepare relevant proposals to

support the application. It was the first time that the applicant requested deferment of the application.

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

Agenda Item 29

Section 16 Application

[Open Meeting]

A/YL-TYST/965 Proposed Temporary Shop and Services (Motor-vehicle Showroom) for a Period of 3 Years in "Residential (Group A) 1" and "Residential (Group B) 1" Zones, Lots 1387 S.A RP, 1387 RP (Part), 1388 (Part), 1389 S.A RP (Part), 1389 RP (Part), 1396 S.A, 1396 S.B (Part) and 1396 RP (Part) in D.D. 121 and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/965)

98. The Committee noted that the applicant's representative requested on 13.6.2019 deferment of the consideration of the application for two months so as to allow time to address the public comments and to prepare further information. It was the first time that the applicant requested deferment of the application.

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

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

Agenda Item 30

Section 16 Application

[Open Meeting]

A/YL-TYST/966 Temporary Warehouse for Storage of Construction Materials with Ancillary Workshop and Site Office for a Period of 3 Years in "Undetermined" Zone, Lots 1018 S.B, 1156, 1157 S.A, 1157 S.B and 1158 S.A & B in D.D. 119, Kung Um Road, Yuen Long
(RNTPC Paper No. A/YL-TYST/966)

100. The Committee noted that the applicant's representative requested on 17.6.2019 deferment of the consideration of the application for two months so as to allow time to prepare a revised layout plan to coincide with the fire service installations plan in support of the application. It was the first time that the applicant requested deferment of the application.

101. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, 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-TYST/967 Temporary Social Welfare Facility (Residential Care Home for Persons with Disabilities) for a Period of 3 Years in “Undetermined” Zone, Lot 1504 S.B in D.D. 119, Pak Sha Tsuen, Kung Um Road, Yuen Long
(RNTPC Paper No. A/YL-TYST/967)

Presentation and Question Sessions

102. Mr Steven Y.H. Siu, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) temporary social welfare facility (residential care home for persons with disabilities) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment supporting the application was received; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Whilst the applied use was not in line with the planning intention of the “Undetermined” (“U”) zone, the Director of Social Welfare (DSW) had no adverse comment on the application from the licensing point of view. Whilst the application site fell within an area zoned “Residential – Zone 1 (Subsidised Sale Flats with

Commercial)” on the Recommended Outline Development Plan of Yuen Long South, the Chief Engineer/Cross-Boundary Infrastructure and Development, PlanD (CE/CID, PlanD) did not raise objection to the application and the Director of Housing and the Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD) had no objection to the proposed temporary use for three years. Approval of the application on a temporary basis would not jeopardise the long-term development of the area. The applied use was considered not incompatible with the existing uses in the immediate surrounding areas. Relevant departments consulted had no objection to the application.

103. In response to a Member’s enquiry on whether the proposed use complied with the requirements under the existing regulations, Mr Steven Y.H. Siu, STP/TMYLW stated that the rehabilitation dormitory had been operating as a residential care home for persons with disabilities (RCHD) since 2010 before the commencement of the Residential Care Homes (Persons with Disabilities) Ordinance, Cap 613. The RCHD was currently operated under a Certificate of Exemption (CoE) with conditions of improvements for full compliance with the licensing requirements. The improvement works under licensing requirements on fire safety and building safety were underway.

Deliberation Session

104. A Member considered that planning approval should only be granted after the applicant had fulfilled the licensing requirements on various aspects. In this regard, Members noted that according to paragraph 9.1.8 (b) of the Paper, the rectification works on fire safety and building safety items would soon be completed.

105. The Vice-chairman and a Member considered that taking into account the history of the site and the CoE issued by DSW was valid until 31.10.2019, sympathetic consideration should be given to the subject application.

106. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 21.6.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) only private cars as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (b) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (c) all existing trees within the site shall be maintained at all times during the planning approval period;
- (d) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.12.2019;
- (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 21.3.2020;
- (f) in relation to (e) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (g) the submission of 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 21.12.2019;
- (h) in relation to (g) above, the implementation of the proposals for 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 21.3.2020;

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

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

[The Chairman thanked Mr Steven Y.H. Siu, STP/TMYLW, for his attendance to answer Members' enquiries. He left the meeting at this point.]

Agenda Item 32

Any Other Business

108. There being no other business, the meeting closed at 4:00 p.m..