

## **TOWN PLANNING BOARD**

### **Minutes of 639<sup>th</sup> Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 29.11.2019**

#### **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

Mr Philip S.L. Kan

Mr K.K. Cheung

Dr C.H. Hau

Dr Lawrence K.C. Li

Miss Winnie W.M. Ng

Mr L.T. Kwok

Mr K.W. Leung

Dr Jeanne C.Y. Ng

Chief Traffic Engineer/New Territories West,  
Transport Department  
Mr B.K. Chow

Chief Engineer (Works), Home Affairs Department  
Mr Paul Y.K. Au

Principal Environmental Protection Officer (Strategic Assessment),  
Environmental Protection Department  
Mr K.H. To

Assistant Director/Regional 3,  
Lands Department  
Mr Alan K.L. Lo

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

Secretary

**Absent with Apologies**

Mr Ivan C.S. Fu

Mr Stephen L.H. Liu

Mr Ricky W.Y. Yu

**In Attendance**

Assistant Director of Planning/Board  
Ms Lily Y.M. Yam

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

Town Planner/Town Planning Board  
Miss Kirstie Y.L. Law

**Agenda Item 1**

Confirmation of the Draft Minutes of the 638<sup>th</sup> RNTPC Meeting held on 15.11.2019

[Open Meeting]

1. The draft minutes of the 638<sup>th</sup> RNTPC meeting held on 15.11.2019 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

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

**Sai Kung and Islands District**

**Agenda Item 3**

**Section 12A Application**

[Open Meeting]

Y/SK-HC/4                      Application for Amendment to the Approved Ho Chung Outline Zoning Plan No. S/SK-HC/11, To Rezone the Application Site from “Conservation Area” to “Village Type Development”, Lot 764 in D.D.249 and Adjoining Government Land, Wang Che, Sai Kung  
(RNTPC Paper No. Y/SK-HC/4B)

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3.                      The Committee noted that the applicant’s representative requested on 18.11.2019 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 third time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information including responses to departmental comments and a Sewerage Impact Assessment.

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



applicant had submitted further information including responses to comments.

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

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

#### **Agenda Item 5**

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

[Open Meeting]

A/SK-SKT/22 Proposed 19 Houses and Minor Relaxation of Plot Ratio Restriction (from 0.75 to 0.756) in "Residential (Group E)2" and "Green Belt" Zones, Lots 8 S.B, 9 S.A and 9 S.B in D.D. 212 and Adjoining Government Land, 1 Hong Kin Road, Sai Kung  
(RNTPC Paper No. A/SK-SKT/22A)

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10. The Committee noted that the applicant's representative requested on 21.11.2019 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 second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information including a revised Environmental Assessment Report and responses to comments.

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

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

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

### **Agenda Item 6**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/977                      Renewal of Planning Approval for Temporary Public Vehicle Park (excluding container vehicle) under Application No. A/ST/908 for a Period of 3 Years in "Residential (Group A)" Zone, Commercial/Car Park Block (G/F, 1/F), Integrated Commercial/Car Park Accommodation at Sand Martin House (G/F, 1/F) & Osprey House (G/F, 1/F) and Open Car Parks, Sha Kok Estate, 5 Sha Kok Street, Sha Tin  
(RNTPC Paper No. A/ST/977)

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12. The Secretary reported that the application was submitted by Link Properties Ltd. (Link). Mr K.K. Cheung had declared an interest for his firm was having current business dealings with Link.

13. As Mr K.K. Cheung had no involvement in the application, the Committee agreed that he could stay in the meeting.

#### Presentation and Question Sessions

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

- (a) background to the application;
- (b) renewal of planning approval for temporary public vehicle park (excluding container vehicle) under application No. A/ST/908 for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, one comment was received from an individual providing comment on the application. Major views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. As only the surplus monthly vehicle parking spaces would be let out to non-residents, the parking need of the residents of Sha Kok Estate would not be compromised and it would help utilise resources more efficiently. The application generally complied with the Town Planning Board Guidelines No. 34C in that there was no material change in planning circumstances since the previous temporary approval had been granted, and

the approval period sought was not longer than the original validity period of the temporary approval. The planning permission sought was considered reasonable in that the vacant parking spaces could be let to non-residents flexibly while the parking demand of the residents could be further reviewed. Regarding the public comment received, the comments of the government departments and planning assessments above were relevant.

[Dr Billy C.H. Hau arrived to join the meeting at this point.]

15. In response to a Member's enquiry on the traffic flow, Mr Kenny C.H. Lau, STP/STN, replied that as the traffic impact assessment previously conducted was based on the total number of parking spaces provided at the car park, the traffic flow generated from the letting of vacant parking spaces to non-residents would not exceed the maximum traffic flow estimated in the assessment.

#### Deliberation Session

16. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 18.1.2020 to 17.1.2023, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following condition:

“priority should be accorded to the residents of Sha Kok Estate in the letting of the surplus vehicle parking spaces and the proposed number of vehicle parking spaces to be let to non-residents should be agreed with the Commissioner for Transport.”

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

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

**Agenda Item 7**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/578 Proposed Public Utility Installation (Solar Energy System) in  
“Agriculture” Zone, Lot 95 in D.D. 16, Lam Tsuen, Tai Po  
(RNTPC Paper No. A/NE-KLH/578)

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18. The Secretary reported that the application was related to the installation of solar energy system. Mr H.W. Cheung, the Vice-chairman, had declared an interest on the item for being the Chairman of the Hong Kong Green Building Council, which had been supporting the use of solar panel. As Mr H.W. Cheung had no involvement in the application, the Committee agreed that he could stay in the meeting.

**Presentation and Question Sessions**

19. 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) proposed public utility installation (solar energy system);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site possessed potential for agricultural rehabilitation. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservations on the application as the proposed development would be in direct conflict with existing mature trees and the Site was in close proximity to the natural hillslopes linking to Lam Tsuen Country Park. The adverse impact arising from the proposed development to the landscape resources within and adjacent to the Site and the Lam Tsuen Country Park could not be ascertained. The scale of the proposed

structures was also extensive, which would lead to a change in visual landscape of the surroundings and there was a lack of information in the applicant's submission to assess the overall visual impact on the surrounding environment. The Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) had reservation on the application as the Site was located within the upper indirect water gathering grounds (WGG). There was a risk of contamination to WGG and the applicant had not submitted sufficient information/justification/risk assessment report to prove and demonstrate that there was no material increase in pollution effect within WGG resulting from the proposed development;

- (d) during the first three weeks of the statutory publication period, four public comments were received from the Hong Kong Bird Watching Society, Designing Hong Kong Limited, WWF-Hong Kong and an individual raising objection to the application. Major grounds of objection were set out in paragraph 10 of the Paper; and
- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed development was not in line with the planning intention of the "Agriculture" ("AGR") zone. As the site possessed potential for agricultural rehabilitation and DAFC did not support the application, there was no strong planning justification in the submission for a departure from the planning intention. Despite no adverse comments on the objective of the proposed development to generate renewable energy were raised from relevant government departments such as the Director of Environmental Protection, there was no information in the applicant's submission to demonstrate that he had formally applied to the CLP Power Hong Kong Limited (CLP) to join the Feed-in Tariff (FiT) Scheme and whether CLP would consider it technically feasible and acceptable to connect its power network with the proposed solar energy system. CTP/UD&L had some reservations on the application as adverse landscape impact on the existing landscape resources within and adjacent to the Site and Lam Tsuen Country Park could not be ascertained and there was a lack of information from the

applicant's submission to address the overall visual impact on the surrounding environment. Also, CE/C of WSD had reservation on the application as there was a risk of contamination to WGG arising from the proposed development. As there was no similar application for installation of solar energy system within the "AGR" zone on the Kau Lung Hang Outline Zoning Plan, approval of the application would set an undesirable precedent for similar applications in the area, the cumulative effect of which would result in a general degradation of the landscape character of the area. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

20. Members had no question on the application.

#### Deliberation Session

21. A Member agreed with PlanD's recommendation on rejecting the application, but considered that the rejection should not be based on tree felling as the Site fell within "AGR" zone.

22. Another Member highlighted that the Committee had previously granted a five-year temporary approval instead of a permanent one to a similar application (i.e. No. A/NE-TK/649). Rejecting the current application might give the public an impression that the Committee was not giving enough support in promoting development of renewable energy.

23. The Committee noted the differences between the previous approved application and the current application. Application No. A/NE-TK/649 involved a site of about 242m<sup>2</sup>, with 71 solar panels installed on two 3m-high steel racks, and the space underneath the racks could be reserved for agriculture uses. Apart from DAFC which did not support the application, all other government departments had no objection to/adverse comments on the application. Upon requests by the Committee, the applicant also provided further information to demonstrate the technical feasibility of the application, including correspondences with CLP on arrangement for connecting to CLP's grid and CLP's positive

response to the applicant's FiT application. The applicant had also committed to appoint a building professional to submit building plans in support of the proposed installation.

24. For the current application, a larger site of about 1,926.6m<sup>2</sup> was involved, with 624 solar panels mounted on supporting-frames on ground, which would not allow much space retained for agricultural use. Adverse comments were received from CTP/UD&L of PlanD, CE/C of WSD and DAFC on the possible adverse impact on landscape, water quality in WGG and agricultural rehabilitation. The applicant did not provide any information on maintenance, operation and implementability of the proposed solar panel installation and CLP's response to his FiT application. With reference to Drawing A-2 and Plan A-4 of the Paper, Members also noted the Site would be extensively covered by solar panels under the applicant's proposal and that the topography of the Site was not entirely flat.

25. The Chairman remarked that there was a total of three applications for proposed solar panel installations scheduled for consideration in the same meeting, and invited Members to note the details, similarities and differences among them in giving consideration to the applications.

26. In response to a Member's question, the Secretary explained that according to the information provided by the applicant, the proposed development was to generate electricity for supply to CLP's grid under the FiT Scheme. The proposed installation of solar panels was regarded as 'Public Utility Installation' which was a Column 2 Use under "AGR" zone. Planning permission might not be required for small scale solar panel installation should it be regarded as an ancillary use only to support the permitted use on the Outline Zoning Plan.

27. Some Members raised the following main points:

- (a) the criteria for assessing applications for solar energy system were not clear at present. Assessment criteria/guidelines for installation of solar energy system would be useful to facilitate the Committee's consideration of such applications. Views from relevant Government departments should also be sought in that regard;
- (b) in formulating the assessment criteria, dual use of land for both

development of renewable energy and the intended use of the land with respect to the respective zoning should also be looked into;

- (c) there should be a positive message from the Government in encouraging the development of renewable energy by making it clear to the applicants on how they could successfully participate in those initiatives;
- (d) there were rising global and local trends and concerns in promoting development of renewable energy for environmentally friendly initiatives and lowering carbon dioxide emission, which the Government should be more pro-active in formulating clear guidelines on how to facilitate its development; and
- (e) granting permanent permission for applications for installation of solar energy panels might not be appropriate as it might jeopardize the long-term planning intention of the land, particularly in face of the current shortage of land resources for development.

28. The Chairman summarized that the Committee in general supported the development of renewable energy, but considered that clear assessment criteria would be required to facilitate the Committee's assessment of these applications. Views and inputs from government departments should be sought in preparing the assessment criteria.

29. In response to a Member's enquiry, the Committee noted that the effective period of the FiT scheme would last until end of 2033.

30. In view of the above discussion, the Committee agreed that the consideration of the subject application, as well as the other two applications for installation of solar energy system to be considered in the same meeting (i.e. application No. A/YL-KTS/832 and A/TM-SKW/105) should be deferred until some assessment criteria were formulated to facilitate consideration of those applications.

31. In formulating the assessment criteria, the Vice-chairman and some Members made some suggestions for consideration, including the planning intention of and

implications on various land use zones; the specific site context; and the feasibility of co-existence of installation of solar energy system with other uses at the same location.

32. The Chairman thanked Members for raising the above suggestions, and remarked that appropriate assessment criteria would be formulated to facilitate the Committee's future assessment of applications for installation of solar energy system. Members could provide further views, if any, based on their expertise and experience to the Secretariat to facilitate the preparation of assessment criteria.

33. After deliberation, the Committee decided to defer a decision on the application, pending the formulation of assessment criteria on applications for installation of solar energy system.

### **Agenda Item 8**

#### **Section 16 Application**

[Open Meeting]

A/NE-KLH/579      Temporary Warehouse with Ancillary Office for a Period of 3 Years in  
"Green Belt" Zone, Lots 617 S.B RP, 618 S.B ss.1 and 622 S.B RP  
(Part) in D.D. 9, Nam Wa Po, Kau Lung Hang, Tai Po  
(RNTPC Paper No. A/NE-KLH/579)

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34. The Committee noted that the applicant's representative requested on 15.11.2019 deferment of consideration of the application for a period of two months so as to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

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

### **Agenda Item 9**

#### **Section 16 Application**

[Open Meeting]

A/NE-LK/123            Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years in "Agriculture" Zone, Lot 1291 S.B RP in D.D. 39, Sha Tau Kok Road - Shek Chung Au  
(RNTPC Paper No. A/NE-LK/123)

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36.            The Committee noted that the applicant's representative requested on 11.11.2019 deferment of consideration of the application for a period of two months so as to allow time to prepare further information to address departmental comments. 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, and no further deferment would be granted unless under very special circumstances.

**Agenda Items 10 and 11**

**Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-MUP/144 Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” and “Village Type Development” Zones, Lot 556 S.B in  
D.D. 46, Loi Tung, Sha Tau Kok  
  
(RNTPC Paper No. A/NE-MUP/144 and 145)

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A/NE-MUP/145 Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” and “Village Type Development” Zones, Lot 556 S.C in  
D.D. 46, Loi Tung, Sha Tau Kok  
  
(RNTPC Paper No. A/NE-MUP/144 and 145)

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38. The Committee noted that as the two applications for proposed Houses were similar in nature and the application sites were located close to each other, within the same “Village Type Development” (“V”) and “Agriculture” (“AGR”) zones on the same Outline Zoning Plan. The Committee agreed that they could be considered together.

39. The Committee also noted that two pages at Appendix V of the Paper enclosing missing pages of the public comment from World Wide Fund (WWF) were tabled for Member’s reference.

**Presentation and Question Sessions**

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

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

Fisheries and Conservation (DAFC) did not support the applications from agriculture point of view as the Sites possessed potential for agricultural rehabilitation. The Commissioner for Transport (C for T) had reservation on the applications and advised that Small House development should be confined within “V” zone as far as possible but given that the proposed developments only involved the construction of one Small House each, the applications could be tolerated. Other concerned government departments had no objection to or no adverse comments on the applications. Local views conveyed by the District Officer (North), Home Affairs Department were set out in paragraph 9.1 of the Paper;

- (d) during the first three weeks of the statutory publication period, eight public comments were received on each application. Amongst them, the Chairman of Sheung Shui District Rural Committee supported the applications while a North District Council Member indicated no comment on the applications. The Kadoorie Farm and Botanic Garden, World Wide Fund, the Hong Kong Bird Watching Society, Designing Hong Kong Limited and two individuals objected to the applications. Major views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments set out in paragraph 11 of the Paper. While the two applications were not in line with the planning intention of the “AGR” zone and DAFC did not support the applications as the Sites possessed potential for agricultural rehabilitation, the proposed Small House developments were not incompatible with the surrounding environment. Regarding the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories, more than 50% of the footprint of the proposed Small Houses fell within the ‘Village Environs’ (‘VE’) of Loi Tung Village. While land available within the “V” zone was insufficient to meet the future Small House demand, land was still available within the “V” zone to meet the 33 outstanding Small House applications. The locations of the proposed Small Houses were sandwiched between the boundary of “V” zone and the

‘VE’ of Loi Tung village, and there were already a number of existing Small Houses, approved planning applications for Small House development and some Small House grant applications being processed/approved by the Lands Department in close proximity to the Site forming a new village cluster in the locality. In that regard, sympathetic consideration might be given to the applications. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

41. Members had no question on the applications.

#### Deliberation Session

42. After deliberation, the TPB decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the permissions should be valid until 29.11.2023, 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. Each of the permissions was subject to the following conditions:

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

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

**Agenda Items 12 and 13**

**Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/715 Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” Zone, Lots 1583 S.A and 1584 S.H in D.D.76, Kan Tau  
Tsuen, Fanling  
(RNTPC Paper No. A/NE-LYT/715 and 716)

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A/NE-LYT/716 Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” Zone, Lot 1584 S.B in D.D.76, Kan Tau Tsuen, Fanling  
(RNTPC Paper No. A/NE-LYT/715 and 716)

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44. The Committee noted that the two applications for proposed Houses were similar in nature and the application sites were located close to each other, within the same “Agriculture” (“AGR”) zone and on the same Outline Zoning Plan. The Committee agreed that they could be considered together.

**Presentation and Question Sessions**

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

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House - Small House for each application);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications from agriculture point of view as the Sites possessed potential for agricultural rehabilitation. The Commissioner for Transport (C for T) had reservation on the applications and advised that Small House development should be confined within “Village Type Development” (“V”) zone as far as possible

but given that the proposed developments only involved the construction of one Small House each, the applications could be tolerated. Other concerned government departments had no objection to or no adverse comments on the applications. Local views conveyed by the District Officer (North), Home Affairs Department 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 on each application. The North District Council member supported both applications; the Chairman of Sheung Shui District Rural Committee indicated no comment on both applications and three objecting comments were received from the Hong Kong Bird Watching Society, Designing Hong Kong and an individual. Major views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessments set out in paragraph 11 of the Paper. While the two applications were not in line with the planning intention of the “AGR” zone and DAFC did not support the applications as the Sites possessed potential for agricultural rehabilitation, the proposed Small House developments were not incompatible with the surrounding environment. Regarding the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories, the footprints of the proposed Small Houses fell entirely within the ‘Village Environs’ (‘VE’) of Kan Tau Tsuen. While land available within the “V” zone was insufficient to fully meet the future Small House demand, available land was capable to meet the 62 outstanding Small House applications. As the Sites were in close proximity to the existing village proper of Kan Tau Tsuen with a number of existing village houses, implementation of those approved Small Houses was forming a new village cluster in the locality, and sympathetic consideration might be given to the subject applications. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

46. Members had no question on the applications.

### Deliberation Session

47. After deliberation, the TPB decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the permissions should be valid until 29.11.2023, 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. Each of the permissions was subject to the following conditions:

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

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

### **Agenda Item 14**

#### Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/717      Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” Zone, Lot 1569 S.B ss.1 in D.D. 83, Wing Ning Tsuen,  
Fanling  
(RNTPC Paper No. A/NE-LYT/717)

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#### Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agriculture point of view as the Site possessed potential for agricultural rehabilitation. The Commissioner for Transport (C for T) had reservation on the application and advised that Small House development should be confined within “Village Type Development” (“V”) zone as far as possible but given that the proposed development only involved the construction of one Small House, the application could be tolerated. Other concerned government departments had no objection to or no adverse comments on the application. Local views conveyed by the District Officer (North), Home Affairs Department were set out in paragraph 9.1 of the Paper;
- (d) during the first three weeks of the statutory publication period, three public comments were received. The Chairman of Sheung Shui District Rural Committee indicated no comment on the application. A supporting comment was received from a District Council Member and an objecting comment was received from an individual. Major views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. While the application was not in line with the planning intention of the “Agriculture” zone and DAFC did not support the application as the Site possessed potential for agricultural rehabilitation, the proposed Small House development was not incompatible with the surrounding environment. Regarding the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories, over 50% of the footprint of the proposed Small House fell within the ‘Village Environs’ (‘VE’) of Lung Yeuk Tau village cluster.

While land available within the “V” zone was insufficient to fully meet the future Small House demand, available land was capable to meet the 174 outstanding Small House applications. As the Site was in close proximity to the existing village houses with a number of temporary structure for domestic use in area as well as approved Small House applications at different stages of development, implementation of those approved Small Houses was forming a new village cluster in the locality and sympathetic consideration might be given to the subject application. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

50. Members had no question on the application.

#### Deliberation Session

51. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 29.11.2023, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

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

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

**Agenda Item 15**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/668            Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” and “Village Type Development” Zones, Lot 271 S.A  
ss.1 in D.D.10, Pak Ngau Shek Ha Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/668)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agriculture point of view as the Site possessed potential for agricultural rehabilitation. Other concerned government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication periods, seven public comments were received from individuals objecting to the application. Major grounds of objection were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. While the application was not in line with the planning intention of the “Agriculture” (“AGR”) zone and DAFC did not support the application as

the Site possessed potential for agricultural rehabilitation, the proposed Small House development was not incompatible with the surrounding environment. Regarding the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories, more than 50% of the footprint of the proposed Small House fell within the “Village Type Development” (“V”) zone of Pak Ngau Shek and the proposed development located within Water Gathering Ground would be able to be connected to the public sewerage system. While land available within the “V” zone was insufficient to fully meet the future Small House demand, available land was capable to meet the 26 outstanding Small House applications. As the Site formed part of a previous application (No. A/NE-LT/470) for four proposed Small houses, of which Houses 1 to 3 were approved in 2013. The current application was submitted by the same applicant of the said House 1. As compared with the previously approved application, there was no change to the Small House footprint and the development parameters. Moreover, as advised by the District Lands Officer/Tai Po of Lands Department, the Small House grant application was under processing. Hence, sympathetic consideration might be given to the subject application. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

54. Members had no question on the application.

#### Deliberation Session

55. 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 29.11.2023, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

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

- (b) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (c) the provision of adequate protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.”

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

### **Agenda Item 16**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/679            Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” Zone, Lot 1525 RP in D.D.19, Tin Liu Ha Village, Lam  
Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/679)

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57. The Committee noted that a missing page at Appendix I of the Paper was tabled at the meeting for Member’s reference.

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

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

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

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agriculture point of view as the Site possessed potential for agricultural rehabilitation. The Commissioner for Transport (C for T) had general reservation on the application but given that the proposed development only involved the construction of one Small House, the application could be tolerated. Other concerned government departments had no objection to or no adverse comments on the application;
  
- (d) during the first three weeks of the statutory publication period, four objecting public comments were received from the Hong Kong Bird Watching Society, World Wide Fund for Nature Hong Kong, Designing Hong Kong Limited and an individual. 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 assessment set out in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of “Agriculture” (“AGR”) zone, and DAFC did not support the application as the Site possessed potential for agricultural rehabilitation and there was no strong justification in the application for a departure from the planning intention. Regarding the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories (the Interim Criteria), more than 50% of the proposed Small House footprint fell within the ‘Village Environ’ (‘VE’) of Sheung Tin Liu Ha and the proposed development located within the Water Gathering Ground would be able to be connected to the public sewerage system. While land available within the subject “Village Type Development” (“V”) zone was insufficient to fully meet the future Small House demands, such available land was capable to meet the ten outstanding Small House applications. It should be noted that the Board had adopted a more cautious approach in approving applications for Small House development in recent years and it was considered more appropriate to concentrate the proposed Small House

development within the “V” zone. The Site was the subject of two previous applications rejected by the Board on review mainly for the reasons of being not in line with the planning intention of the “AGR” zone and land being still available within the concerned “V” zone for Small House development. As there was no major change in planning circumstances since the rejection of the last application (No. A/NE-LT/666) in May 2019, rejecting the current application was in line with the Committee’s previous decision. Among the four similar applications rejected by the Committee/the Board on review, the planning circumstances of the current application were similar to the latest application (No. A/NE-LT/640) rejected in August 2018. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

59. In response to a Member’s question, Ms Kathy C.L. Chan, STP/STN, replied that the house development located to the west of the subject Site was the subject of a planning application (No. A/NE-LT/179) approved by the Committee in 1998, before the promulgation of the Interim Criteria.

#### Deliberation Session

60. In response to a Member’s query, the Chairman explained that the Committee had adopted a more cautious approach in approving applications for Small House development in recent years. As there was still land available in the “V” zone, and that the consideration for the subject application was different from that of application No. A/NE-LT/179 approved in 1998, the application was recommended for rejection.

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation

for cultivation and other agricultural purposes. There is no strong planning justification in the current submission for a departure from the planning intention; and

- (b) land is still available within the “Village Type Development” (“V”) zone of Ha Tin Liu Ha, Sheung Tin Liu Ha and Ko Tin Hom which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.”

### **Agenda Item 17**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

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

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62. The Secretary reported that the application was for columbarium development and the application site was located in Tai Po. The following Members had declared interests on the item:

- |  |   |   |
|--|---|---|
| Mr K.K. Cheung                                 | - | involving in the application and his firm being the legal advisor of the Private Columbaria Licensing Board (PCLB); |
| Mr H.W. Cheung<br>( <i>the Vice-Chairman</i> ) | - | being a Member of the PCLB and owning a flat in Tai Po; and   |
| Mr Ivan C.S. Fu                                | - | being a member of the Private Columbaria Appeal Board.  |

63. The Committee noted that Mr Ivan C.S. Fu had tendered apologies for being unable to attend the meeting. As the interest of Mr K.K. Cheung was direct, the Committee

agreed that he should be invited to leave the meeting temporarily for the item. As the interest of the Vice-Chairman was indirect, and the flat owned by him had no direct view of the application, the Committee agreed that he could stay in the meeting.

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

#### Presentation and Question Sessions

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

- (a) background to the application;
- (b) columbarium;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or adverse comments on the application;
- (d) during the first three weeks of the statutory publication periods, a total of 2,274 public comments were received with 2,251 supporting comments received from local residents and individuals, and 23 objecting comments from a Tai Po District Council Member, villagers and individuals. Major views were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The Site was located at a secluded and tranquil location. As the application was to regularize the columbarium and associated uses within the existing 2-storey building without changes in the overall building bulk and built form of the existing building, the development was not expected to cause significant visual and landscape impacts on the surrounding areas. The applied use was the subject of a previous application rejected by the Committee in 2012 solely on traffic grounds. As compared with the

previous application, the major development parameters were similar in the current application, except that there was a reduction in the number of niches and there was no provision of car parking spaces, loading/unloading facilities and vehicular access in the current application. To address the potential traffic problems caused by the columbarium use, the applicant had submitted a proposed Management Plan and a traffic impact assessment report and the Commissioner for Transport and Commissioner of Police had no objection to the application. Concerned government departments had no objection to or adverse comments on the application. While there was no similar application for columbarium use within the same “Government, Institution or Community” (“G/IC”) zone or other “G/IC” zones on the Tai Po Outline Zoning Plan (OZP), the Committee had approved a columbarium use at Siu Ling Shan in “Green Belt” (“GB”) zone falling within the same Kam Shan/Shek Kwu Lung Cluster. The circumstances of the current application was similar to that approved application. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

65. In response to a Member’s enquiry on the number of similar applications for columbarium development received after the enactment of the Private Columbaria Ordinance (PCO), the Secretary said that among the received s.16 applications for columbarium development, three were approved, four were rejected and eight were yet to be considered.

66. Noting that the Site was restricted to home for the aged purpose under the lease, a Member enquired the historical background of the Site and the current provision of residential care home for the elderly (RCHE) facilities in Tai Po area. Ms Kathy C.L. Chan, STP/STN, provided the following responses:

- (a) there was an existing structure at the Site used as a Buddhist religious institution before the gazettal of the first statutory plan for the area;
- (b) according to the applicant, the Site was occupied in 1971 by Poh Yea Ching Shea for a home for the aged providing quarters to homeless elderly people. Part of the 1/F of the existing building was converted into

columbarium use in 2009 while retaining substantial portion of the building for religious institution use; and

- (c) there was currently a deficit of 139 beds in the provision for RCHE in the area covered by the Tai Po OZP.

67. The Chairman raised questions regarding the location and accessibility of the Site, and similar applications in the locality. In response, Ms Chan made the following main points:

- (a) the distance of the Site from the nearest residential area (Kam Shek New Village) was about 80m;
- (b) it took about ten minutes to walk from Tai Wo MTR Station to the Site;
- (c) no car parking spaces were provided within the Site and no vehicular access was proposed except for an Emergency Vehicular Access. Visitors could only access the Site on foot from the nearby public transport facilities, or park their cars at the nearby public carpark; and
- (d) apart from the subject columbarium under the current application, there were four other applications for columbarium use in the same cluster, with one s.16 application (No. A/TP/652) approved with conditions by the Committee in 2019, one s.12A application (No. Y/TP/23) rejected by the Committee in 2015, and two s.12A applications (No. Y/TP/27 and 29) to be considered by the Committee.

68. With the aid of Plan A-3 of the Paper, Ms Chan explained the vehicular access route to the Site.

69. A Member enquired if the use of joss paper furnace at the development was necessary. Ms Chan explained that according to the information provided by the applicant, a smokeless joss paper furnace would be used, and no objection was raised by the Environmental Protection Department after their inspection of the proposed joss paper

furnace at the Site.

### Deliberation Session

70. A Member opined that the current application to regularize an existing columbarium development was the result of a lack of enforcement action taken against unauthorised conversion of the original RCHE use to columbarium use. The Chairman responded that the enactment and implementation of PCO aimed to provide better regulation, supervision and control of columbarium developments in Hong Kong.

71. The Vice-chairman provided the following information to facilitate Members' discussion:

- (a) as set out in PCO, all private columbaria should comply with the requirements of the licensing system. Those existing columbaria which could not satisfying the requirements could apply for a temporary exemption which would allow them time for regularising their existing columbarium development while continuing their operation without a full licence on a temporary basis;
- (b) compliance with the statutory requirements under the Town Planning Ordinance was one of the requirements for granting a licence for columbarium development by the PCLB;
- (c) in consideration of planning applications related to columbarium development, the Town Planning Board (the Board) would consider whether the concerned columbarium development would have adverse impact on various aspects and implications on the surrounding environment; and
- (d) the Board would also take into account the cumulative impact if a cluster of columbarium developments was located in an area as in the case of the subject application.

72. In response to a Member's enquiry on how the ashes would be handled for applications not approved by the Board or the PCLB, the Vice-chairman said that the public could apply for placing the ashes in public columbarium facilities provided/allocated by the Government.

73. Another Member expressed that the Government should take initiatives to look into environmentally friendly means to handle the remains of the deceased with the aid of advance technology.

74. While having no objection to the subject application, a Member enquired if any approval condition could be recommended to ensure the existing trees at the Site would not be adversely affected by the development. In response, the Secretary said that as the application was submitted for regularization of an existing columbarium development which did not involve erection of new structures at the Site, impacts on the existing trees were not anticipated. In response to the Chairman's question, Mr Alan K.L. Lo, Assistant Director (Regional 3), Lands Department (LandsD), said that as he had no information in hand regarding whether there was a tree preservation clause for the Lot, he would supplement such details for the Committee's information after the meeting.

[Post-meeting note: Mr Alan K.L. Lo confirmed that the existing lease of the Site (Lot 1006 RP in D.D.5, No.2) contained a tree preservation clause.]

75. In response to a Member's enquiry on whether land premium implication was involved in the change of use, Mr Alan K.L. Lo supplemented that should the application be approved, the applicant would be required to submit an application to LandsD for a lease waiver/tenancy to implement the applied use. LandsD would consult the Food and Health Bureau regarding the details of the subject case in considering the payment of waiver fee/rent and administration fee that might be imposed. In general, relevant payment might be waived for columbarium niches sold before the pre-cut-off date of 18 June 2014, if policy support from concerned bureaux/departments was given, having regard to the circumstances and merit of individual cases.

76. 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 29.11.2023, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- “(a) the number of niches and memorial plates within the Site shall not exceed 5 302 and 174 respectively;
- (b) the submission and implementation of fire service installations and water supplies for fire-fighting proposal to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB.

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

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

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

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

[Ms Ivy C.W. Wong, Senior Town Planner/Fanling, Sheung Shui and Yuen Long East (STP/FSYLE), was invited to the meeting at this point.]

**Agenda Item 18**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/673      Temporary Open Storage of Construction Materials for a Period of 3 Years in “Other Specified Uses” annotated “Railway Reserve” Zone, Lots 49 S.B RP (Part), 379 S.B (Part), 383 (Part), 384 RP, 385 RP (Part), 394 S.A RP (Part), 395, 396 (Part), 397 RP, 398, 399 RP and 401 RP in D.D. 107 and Adjoining Government Land, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/673A)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) temporary open storage of construction materials 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 immediately next to the Site and environmental nuisance was expected. Concerned government departments had no objection to or no adverse comments on the application;

- (d) during the first three weeks of the statutory publication period, two public comments were received from a Yuen Long District Council Member and an individual providing comments on the application. Major views were set out in paragraph 11 of the Paper; and
  
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. While the applied use was not in line with the planning intention of “Other Specified Uses” annotated “Railway Reserve” (“OU(Railway Reserve)”) zone and as advised by the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department that the alignment of the proposed Northern Link (NOL) was still under review, approval of the application on a temporary basis would not frustrate the long-term planning intention of the “OU(Railway Reserve)” zone. The development was not incompatible with the surrounding land uses. The application was generally in line with the Town Planning Board Guidelines No. 13E. Approval conditions were recommended to address any possible environmental nuisance and the technical concerns of concerned departments. Two previous applications for the same applied use submitted by the same applicant were approved by the Committee, and as the current application was the same in terms of the applied use, total floor area and layout except with an increase in site area, approval of the application was in line with the Committee's previous decision. Regarding the public comment, the comments of government departments and planning assessments above were relevant.

79. Members had no question on the application.

#### Deliberation Session

80. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 29.11.2022, 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, 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 maintenance of the existing boundary fencing on the Site at all times during the planning approval period;
- (e) no stacking of materials above the height of peripheral fencing shall be allowed on the Site at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 29.5.2020;
- (h) in relation to (g) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 29.8.2020;
- (i) in relation to (h) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (j) 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 10.1.2020;

- (k) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.5.2020;
- (l) in relation to (k) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.8.2020;
- (m) if any of the above planning condition (a), (b), (c), (d), (e), (f) or (i) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (n) if any of the above planning condition (g), (h), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

**Agenda Item 19**

**Section 16 Application**

[Open Meeting]

A/YL-KTN/682 Proposed Temporary Animal Boarding Establishment for a Period of 5 Years and Filling of Land in “Agriculture” Zone, Lots 1226 (Part), 1227 (Part), 1230 (Part) in D.D. 107, Fung Kat Heung, Yuen Long  
(RNTPC Paper No. A/YL-KTN/682)

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82. The Committee noted that the applicant’s representative requested on 19.11.2019 deferment of consideration of the application for a period of two months so as to allow time

to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

## **Agenda Item 20**

### **Section 16 Application**

[Open Meeting]

A/YL-KTN/683      Proposed Temporary Animal Boarding Establishment for a Period of 5 Years and Filling of Land in "Agriculture" Zone, Lots 1223 (Part), 1224 (Part), 1226 (Part) and 1227 (Part) in D.D. 107, Fung Kat Heung, Yuen Long  
(RNTPC Paper No. A/YL-KTN/683)

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84. The Committee noted that the applicant's representative requested on 19.11.2019 deferment of consideration of the application for a period of two months so as to allow 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, and no further deferment would be granted unless under very special circumstances.

## **Agenda Item 21**

### **Section 16 Application**

[Open Meeting]

A/YL-KTN/684      Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 5 Years and Filling of Land in "Agriculture" Zone, Lots 1222 (Part), 1224 (Part), 1225 (Part), 1226 (Part) and 1230 (Part) in D.D. 107, Fung Kat Heung, Yuen Long  
(RNTPC Paper No. A/YL-KTN/684)

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86.            The Committee noted that the applicant's representative requested on 19.11.2019 deferment of consideration of the application for a period of two months so as to allow time to prepare further information to address departmental comments. 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, and no further deferment would be granted unless under very special circumstances.

**Agenda Item 22**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/685      Temporary Open Storage of Tail Lift for a Period of 3 Years in “Other Specified Uses” annotated “Railway Reserve” Zone, Lots 382, 418 RP, 419 S.A ss.1 RP, 420 S.B RP (Part) and 420 S.C RP (Part) in D.D.107, Fung Kat Heung Road, Yuen Long  
(RNTPC Paper No. A/YL-KTN/685)

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**Presentation and Question Sessions**

88.      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 tail lift 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 comments on the application;
- (d)    during the first three weeks of the statutory publication period, one public comment was received from an individual raising concern on the application. Major views were set out in paragraph 11 of the Paper; and
- (e)    the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. While the applied use was not in line with the planning intention of “Other Specified Uses” annotated “Railway Reserve” (“OU(Railway Reserve)”) zone and as advised by the Chief Engineer/Railway Development 2-2, Railway

Development Office, Highways Department that the alignment of the proposed Northern Link (NOL) was still under review, approval of the application on a temporary basis would not frustrate the long-term planning intention of the “OU(Railway Reserve)” zone. The development was not incompatible with the surrounding land uses. The application was generally in line with the Town Planning Board Guideline No. 13E. Approval conditions were recommended to address any possible environmental nuisance and the technical concerns of concerned departments. A previous application for the same applied use was approved by the Committee, and the current application was the same in terms of the applied use with increase in site area and total floor area. Sixteen similar applications for various temporary open storage uses were approved with conditions by the Committee within the same “OU(Railway Reserve)” zone since 2008, the approval of the application was in line with the Committee’s previous decision. Regarding the public comment, the comments of government departments and planning assessments above were relevant.

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 29.11.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 7:00 p.m. and 9:00 a.m. as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the Site at any time during the

planning approval period;

- (d) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the implementation of the accepted drainage proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or the TPB by 29.5.2020;
- (g) in relation to (f) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (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 10.1.2020;
- (i) the submission of a fire service installations (FSIs) proposal within 6 months from the date of planning approval to the satisfaction to the Director of Fire Services or the TPB by 29.5.2020;
- (j) in relation to (i) above, the implementation of the FSIs proposal within 9 months from the date of planning approval to the satisfaction to the Director of Fire Services or the TPB by 29.8.2020;
- (k) if any of the above planning condition (a), (b), (c), (d), (e) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and

- (l) if any of the above planning condition (f), (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.”

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

### Agenda Item 23

#### Section 16 Application

[Open Meeting]

A/YL-KTN/686      Temporary Dog Kennel cum Dog Recreation Centre for a Period of 3 Years in “Residential (Group C) 2” Zone, Lots 81 S.A RP (Part) and 81 S.B (Part) in D.D. 110 and Adjoining Government Land, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/686)

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92. The Committee noted that the applicant’s representative requested on 15.11.2019 deferment of consideration of the application for a period of two months so as to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

**Agenda Item 24**

**Section 16 Application**

[Open Meeting]

A/YL-KTS/831      Proposed Temporary Animal Boarding Establishment for a Period of 5 Years and Filling of Land in “Agriculture” Zone, Lots 1720 S.A, 1720 S.B, 1720 S.C, 1720 RP, 1721 (Part), 1723 and 1724 in D.D. 106, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-KTS/831)

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94.            The Committee noted that the applicant’s representative requested on 19.11.2019 deferment of consideration of the application for a period of two months so as to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

**Agenda Item 25**

**Section 16 Application**

[Open Meeting]

A/YL-KTS/832 Proposed Public Utility Installation (Solar Panels) in “Village Type Development” Zone, Lots 1289 and 1293 in D.D. 113, Kam Tin South, Yuen Long  
(RNTPC Paper No. A/YL-KTS/832)

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96. The Secretary reported that the application was related to the installation of solar energy system. Mr H.W. Cheung, the Vice-chairman, had declared an interest on the item for being the Chairman of the Hong Kong Green Building Council, which had been supporting the use of solar panel. As Mr H.W. Cheung had no involvement in the application, the Committee agreed that he could stay in the meeting.

97. As per the Committee’s earlier consideration of application No. A/NE-KLH/578, the Committee decided to defer the consideration of the subject application pending the formulation of assessment criteria on applications for installation of solar energy system.

**Agenda Item 26**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/821 Proposed Temporary Open Storage of Scrap Vehicles for a Period of 3 Years in “Agriculture” and “Residential (Group D)” Zones, Lots 2878 (Part), 2879 (Part), 2889 (Part), 2890 (Part), 2891 (Part), 2892 (Part), 2898 (Part) and 2900 (Part) in D.D. 111 and Adjoining Government Land, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/821)

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**Presentation and Question Sessions**

98. 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) proposed temporary open storage of scrap vehicles 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) considered that there was insufficient information in the submission to support the application and the outstanding comments were yet to be addressed by the applicant. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as agricultural infrastructures such as road access and water source were available and the Site possessed potential for agricultural rehabilitation. Other concerned government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, six objecting comments were received from Kadoorie Farm and Botanic Garden Corporation, the Hong Kong Bird Watching Society, World Wide Fund for Nature Hong Kong, Designing Hong Kong Limited and two individuals. Major grounds of objection 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 intentions of the “Agriculture” (“AGR”) and “Residential (Group D)” (“R(D)”) zones. DAFC did not support the application as the Site possessed potential for agricultural rehabilitation. There was no strong planning justification in the submission for a departure from the planning intentions, even on a temporary basis. While the surrounding area was intermixed with open storage/storage yards, warehouse and vacant/unused land, some of them were suspected unauthorised development subject to enforcement action. The Site fell within Category 3 areas of the Town Planning Board

Guidelines No. 13E (TPB PG-No. 13E). The application did not comply with the TPB PG-No. 13E in that there was no previous approval granted at the Site for open storage use and that further proliferation of such use was not acceptable. Also, C for T advised that there was insufficient information in the submission to support the application. Among the 29 similar applications for various open storage uses within the same “AGR” and “R(D)” zones, 21 involving six sites were approved mainly based on the consideration that previous approval was granted. The other applications were rejected mainly on grounds of not complying with TPB PG-No. 13E in that there was no previous planning approval granted to the sites and there were adverse departmental comments and local objections against the applications. The circumstances of the current application were similar to those of the rejected cases. Regarding the adverse public comment, the comments of government departments and the planning assessments above were relevant.

99. Members had no question on the application.

#### Deliberation Session

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

- “(a) the proposed development is not in line with the planning intentions of the “Agriculture” (“AGR”) and “Residential (Group D)” (“R(D)”) zones. The planning intention of the “AGR” zone 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. The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings and for low-rise, low-density residential developments subject to planning permission from the Town Planning Board (TPB). There is no strong

planning justification in the submission for a departure from the planning intentions, even on a temporary basis;

- (b) the application does not comply with the TPB Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance in that there is no previous planning approval for open storage use granted at the Site and there are adverse departmental comments and local objections against the proposed development; and
- (c) the approval of the application, even on a temporary basis, would set an undesirable precedent for other similar applications within the “AGR” zone. The cumulative effect of approving such similar application would result in a general degradation of the rural environment of the area.”

### **Agenda Item 27**

#### **Section 16 Application**

[Open Meeting]

A/YL-PH/822

Proposed Temporary Recyclable Collection Centre (Waste Metalware Recycling Centre with Ancillary Office) for a Period of 3 Years in “Residential (Group D)” Zone, Lots 91 and 98 in D.D. 108, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/822)

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101. The Committee noted that the applicant’s representative requested on 20.11.2019 deferment of consideration of the application for a period of two months so as to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

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

[The Chairman thanked Ms Ivy C.W. Wong, STP/FSYLE, for her attendance to answer Members' enquiries. She left the meeting at this point.]

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

[Mr. David Y.M. Ng, District Planning Officer/Shu Tin, Tai Po and North (DPO/STN), Mr Simon P.H. Chan, Ms Stella Y. Ng and Mr Steven Y.H. Siu, Senior Town Planners/Tuen Mun and Yuen Long West (STPs/TMYLW), were invited to the meeting at this point.]

### **Agenda Item 28**

#### **Section 16 Application**

[Open Meeting]

A/TM-SKW/105      Proposed Public Utility Installation (Solar Energy System) in "Green Belt" Zone, Lot 37 in D.D. 383, So Kwun Wat Village, Tuen Mun  
(RNTPC Paper No. A/TM-SKW/105)

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103.            The Secretary reported that the application was related to the installation of solar energy system. Mr H.W. Cheung, the Vice-chairman, had declared an interest on the item for being the Chairman of the Hong Kong Green Building Council, which had been supporting the use of solar panel. As Mr H.W. Cheung had no involvement in the application, the Committee agreed that he could stay in the meeting.

104.            As per the Committee's earlier consideration of Application No. A/NE-KLH/578, the Committee decided to defer the consideration of the subject application pending the

formulation of assessment criteria on applications for installation of solar energy system.

**Agenda Item 29**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/193                      Proposed Shop and Services (Showroom) with Ancillary Office (Display of Solar Panels and Ancillary Facilities) for a Period of 3 Years in “Government, Institution or Community” Zone, Lots 108 S.A (Part), 108 S.B ss.1 (Part), 108 S.B ss.2, 108 S.B ss.3 (Part), 110 (Part) and 112 (Part) in D.D. 128 , Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/HSK/193)

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105.            Mr Simon P.H. Chan, STP/TMYLW, drew Members’ attention that there were editorial errors at paragraph 1.2 and paragraph 5 of the Paper. The proposed use of the previous application No. A/HSK/133 should be ‘proposed temporary open storage of construction machinery’ instead of ‘proposed temporary open storage of recyclable materials’.

Presentation and Question Sessions

106.            Mr Chan presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) proposed shop and services (showroom) with ancillary office (display of solar panels and ancillary facilities) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, one public

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

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment set out in paragraph 12 of the Paper. The proposed shop and services (showroom) use was not in line with the planning intention of the “Government, Institution or Community” (“G/IC”) zone. There was no strong planning justification given in the submission for a departure from the planning intention of the “G/IC” zone, even on a temporary basis. The applied use, which involved storage and display of items, was not compatible with the surrounding environment, in particular the village cluster of Fung Kong Tsuen. The proposed development was related to a previously rejected application (No. A/HSK/133) for proposed temporary open storage of construction machinery (including electric generators and miniature excavators) mainly on the grounds of not compatible with the surrounding land uses which were predominantly residential in nature and setting of an undesirable precedent for similar applications. Rejecting the current application was in line with the Committee's previous decision. Besides, there had been no other case either involving storage or shop and services use within the subject “G/IC” zone approved by the Committee before. Regarding the public comment received, the planning considerations and assessment above were relevant.

107. Members had no question on the application.

#### Deliberation Session

108. 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 “Government, Institution or Community” (“G/IC”) zone which is intended primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district,

region or the territory. No strong planning justification has been given in the submission for a departure from such planning intention, even on a temporary basis;

- (b) the proposed development is not compatible with the surrounding land uses which are predominantly residential in nature; and
- (c) approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the same “G/IC” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.”

### **Agenda Item 30**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/530 Columbarium Use in “Government, Institution or Community” Zone,  
Lot 2011 (Part) in D.D. 132, Tuen On Lane, Tuen Fu Road, Fu Tei,  
Tuen Mun  
(RNTPC Paper No. A/TM/530C)

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109. The Secretary reported that the application was for columbarium development and the Site was located in Tuen Mun. Landes Ltd. (Landes) and Ramboll Hong Kong Limited (Ramboll) were two of the consultants of the applicant. The following Members had declared interests on the item:

- Mr H.W. Cheung  
*(the Vice-Chairman)* - being a Member of the Private Columbaria Licensing Board (PCLB);
- Mr K.K. Cheung - his firm being the legal advisor of the PCLB;
- Mr Ivan C.S. Fu - being a member of the Private Columbaria Appeal Board; and
- Dr Jeanne C.Y. Ng - co-owning a flat with her spouse in Tuen Mun.

110. The Committee noted that Mr Ivan C.S. Fu had tendered apologies for being unable to attend the meeting. As the interests of the Mr H.W. Cheung, the Vice-Chairman, and Mr K.K. Cheung were indirect, and as the flat co-owned by Dr Jeanne C.Y. Ng and her spouse had no direct view of the application, the Committee agreed that they could stay in the meeting.

#### Presentation and Question Sessions

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

- (a) background to the application;
- (b) columbarium use;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Commissioner of Police (C of P) advised that since the Site adjoined a residential development, Parkland Villas, which shared the same access with Gig Lok Monastery (GLM), nuisance to the residents might be caused as a large amount of visitors during Ching Ming and Chung Yeung Festival would be anticipated. The Chief Building Surveyor/New Territories West, Buildings Department (BD) advised that there was no record of approval by the Building Authority (BA) for the structures existing on the Site. For unauthorised building works (UBWs) erected on the leased land, enforcement action might be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD) advised that a number of structures erected on the Lot were not in compliance with the lease conditions and two warning letters issued had been registered in the Land Registry against the lot. Other concerned government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication periods, a total of

93,984 public comments were received. Amongst the public comments received, 52,803 supporting comments were received from individuals including followers of GLM and columbarium niche owners. 41,155 objecting comments were received from two Tuen Mun District Members, incorporated owners/management company of nearby residential developments, other organizations and members of the general public. Major views were set out in paragraph 11.4 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 did not comply with the Town Planning Board Guidelines No. 16 in that the proposed columbarium use was not compatible with the medium density residential development of Parkland Villas comprising nine residential blocks and sharing the same access road at Tuen On Lane with entrances close to each other. A large amount of visitors and possible illegal parking/queuing of vehicles waiting to enter the Site during festival days were expected and would cause nuisance to the residents. C of P also raised concerns on the effectiveness of the Traffic and Crowd Management Plan (TCMP) during festival days and their shadow periods. Moreover, a number of structures on the lot were not in compliance with the lease and there was no record of approval by the BA regarding some existing structures on Site, which would be regarded as UBWs subject to enforcement action. No approval for columbarium use had been given within the subject “Government, Institution or Community” (“G/IC”) zone and the approval of the subject application would set an undesirable precedent for other similar applications within the subject “G/IC” zone. Regarding the adverse public comments, the comments of concerned departments and the planning assessments above were relevant.

112. In response to the Chairman's request, Mr David Y.M. Ng, DPO/TMYLW, clarified that the application involved only columbarium niches (i.e. 1,567 niches) sold before 30.6.2017.

113. The Secretary informed Members that a petition was staged by the Incorporated

Owners of Parkland Villas before the meeting. The petition letter contained similar views as the comment they had previously submitted on the application which had already been included in the Paper (i.e. Appendix V-21) for Member's consideration. Members noted that the petition letter which was received after the public inspection period and agreed that it should not be treated as public comment submitted under the provision of the Town Planning Ordinance.

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

- (a) background of the application;
- (b) when the columbarium uses started and Parkland Villas was built;
- (c) distance of the Site from the nearest residential block of Parkland Villas;
- (d) uses at the nearby Ching Leung Nunnery; and
- (e) access to the Site and related traffic management measures.

115. In response to the above enquiries, Mr David Y.M. Ng, DPO/TMYLW and Ms Stella Y. Ng, STP/TMYLW, made the following main points:

- (a) the application was made with a view to regularise the existing columbarium (1,567 niches sold before 30.6.2017) located in House 2 and 3 at the Site so as to comply with the regulatory requirement of the Private Columbaria Ordinance (PCO);
- (b) there was no information on when the columbarium uses started to exist at the Site. As compared with the previously rejected application (No. A/TM/419), the existing main monastery building to the south of the Site was not included in the subject planning application. Also, no columbarium use was involved in the main monastery building. Since religious institution use was a Column 1 use of the "G/IC" zone, no planning permission for the main monastery building was required;

- (c) the nearby residential estate, Parkland Villas, was built in 2000. The distance of the nearest residential tower of the Parkland Villas was about 40m from the Site;
- (d) the nearby Ching Leung Nunnery was for religious institution use. There was no record of existing columbarium use nor planning applications submitted for columbarium use at Ching Leung Nunnery;
- (e) the Parkland Villas and GLM shared the same access road at Tuen On Lane, which was about 110m long;
- (f) the time required to reach the Site on foot from the nearest MTR (West Rail) Siu Hong Station was about 8 to 10 minutes; and
- (g) a TCMP was prepared by the applicant in support of the application. Visitors could reach GLM on foot from MTR Siu Hong Station by crossing Castle Peak Road to Tuen Fu Road and arriving at Tuen On Lane. For visitors reaching the Site by car, they could reach the Site by parking their cars at the nearby Fu Tai Estate, and access the Site on foot by crossing Castle Peak Road to arrive at Tuen Fu Road. According to the applicant, staff of GLM would be deployed to guide the pedestrian flow inside the facility with one-way anti-clockwise direction. Visitors would be guided to exit the Site on the opposite side of the road.

116. Two Members enquired the related enforcement actions taken at the Site and details of the relevant lease restrictions. In response, Mr David Y.M. Ng, DPO/TMYLW, with illustration of a chronology of major events on the visualizer, replied that enforcement actions on GLM had been carried out repeatedly for the unauthorised occupation of Government Land and UBWs by both LandsD and BD, and GLM was prosecuted in November 2013 and July 2014. GLM was prosecuted again in February 2015 upon LandsD's enforcement action.

117. Mr Alan K.L. Lo, Assistant Director (Regional 3), LandsD, provided the

following supplementary information:

- (a) apart from the abovementioned enforcement actions on Government Land, LandsD had issued two warning letters relating to the owner's breach of lease restrictions on the private lot in 2014 and 2016, which were both registered in the Land Registry against the Lot; and
- (b) similar to other leases prepared in the 1960s, a condition for the subject Lot which stated 'no grave shall be made on the Lot, nor shall any human remains whether in earthenware jars or otherwise be interred therein or deposited thereon the Lot' had been included in the lease. As such, columbarium use, which involved interment of ashes, was not permitted under the leases.

118. A Member enquired whether the existing main monastery building would require planning permission should it be physically connected to the structures with columbarium uses. In response, the Secretary replied that planning permission would be required should the columbarium use become a predominant use. The placement of a very small number of niches for deceased monks in the monastery building could be considered as an ancillary use to the permitted religious institution use and might not require planning permission.

119. Another Member enquired what action would be required to handle the niches at the Site which had already been occupied, should the subject application be rejected by the Committee. In response, Mr David Y.M. Ng, DPO/TMYLW, replied that according to PCO, a grace period would be allowed for the operator to inform the family members owning the niches to retrieve the ashes for further handling. The family members of the deceased could also apply for columbarium places at the public columbarium facilities to accommodate the ashes.

#### Deliberation Session

120. A Member opined that the penalty on illegal occupation of Government Land and UBWs in general might be too lenient that rendered the long existence of the columbarium at the Site. Another Member expressed that the columbarium use at the Site and the selling of

niches indeed had all along been unauthorised.

121. The Committee in general considered that the applied use was not compatible with the surrounding environment, and could not offer support to the application. The proposed columbarium was in close proximity to Parkland Villas and their sharing of the same access road would bring nuisance to the local residents. Yet, given the concerns over the follow-up action of handling the interred ashes should the columbarium cease to operate, Members had a discussion on whether sympathetic consideration could be given so as to alleviate grievances from family members of the deceased due to the intractable follow-up work for handling the interred ashes.

122. The Vice-chairman said that according to the current practices adopted by the Food and Environmental Hygiene Department (FEHD), should the columbarium use fail to complete the licensing requirement within the grace period of Temporary Suspension of Liability, the operator had to carry out the “prescribed ash disposal procedures” under PCO, including exerting all reasonable efforts to get in touch with the descendants for proper return of the ashes. The family members who needed to inter ashes might apply for niches provided by the Government.

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123. Members noted that for the remaining unclaimed ashes after the completion of the prescribed ash disposal procedures by the operator, the ashes could be delivered to FEHD for disposal in accordance with the relevant legislation.

124. A Member said despite the columbarium was already in operation, it was not a reason for the Committee to grant permission for the applied use, bearing in mind that it was an unauthorised development and there were appropriate provisions and procedures to handle the interred ashes that would be displaced as a result of closures of private columbarium. The operator should bear the responsibility to get in touch with the affected family members for follow-up actions relating to the handling of the interred ashes.

125. The Chairman noted that the Committee in general did not support the application and was not in favour of giving sympathetic consideration to application since the columbarium development was not compatible with the surrounding areas in land use terms.

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

- “(a) the proposed development is not in line with the Town Planning Board Guidelines No. 16 in that the columbarium use, which is in close proximity to the residential developments and sharing the same access road with the adjoining residential development, is not compatible with surrounding areas in land use terms; and
- (b) approval of the application would set an undesirable precedent for other similar applications within the “Government, Institution or Community” zone. The cumulative effect of approving such similar applications would cause nuisances to the residential neighbourhood.”

### **Agenda Item 31**

#### **Section 16 Application**

[Open Meeting]

A/TM-LTY Y/381 Proposed Residential Development (Flat) in “Residential (Group E)” Zone, Lots 212 RP, 232, 233, 234, 235, 236 RP, 237, 238, 239, 243, 244, 246 RP, 246 S.A, 246 S.B, 247, 367 and 368 RP in D.D. 130 and Adjoining Government Land, Lam Tei, Tuen Mun  
(RNTPC Paper No. A/TM-LTY Y/381A)

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127. The Secretary reported that the application was submitted by Joint Smart Ltd., which was the subsidiary of Sun Hung Kai Properties Ltd. (SHKP). Masterplan Ltd. (Masterplan), AECOM Asia Co. Ltd. (AECOM), and Ronald Lu & Partners (RLP) and Ramboll Hong Kong Ltd. (Ramboll) were four of the consultants of the applicant. The following Members had declared interests on the item:

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

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

128. The Committee noted that Mr Ivan C.S. Fu and Mr Stephen L.H. Liu had tendered apologies for being unable to attend the meeting. As the application was recommended for deferment of consideration, while the interest of Miss Winnie W.M. Ng was direct, the Committee agreed that she could stay in the meeting but should refrain from participating in the discussion. As Dr Billy C.H. Hau and Mr K.K. Cheung had no involvement in the application, the Committee agreed that they could stay in the meeting.

129. The Secretary reported that the applicant had submitted further information (FI) on 27.11.2019, after the issue of the Paper, providing further justifications to support the application and responses to the views and assessments made by the Planning Department. The FI was tabled at the meeting for Members' information. As legal points were raised in the FI submission, the Secretary suggested that legal advice should be sought before the consideration of the application. Members were invited to decide whether or not to defer consideration of the subject application.

130. After deliberation, the Committee decided to defer a decision on the application pending legal advice was sought.

**Agenda Item 32**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL/260                      Proposed Education Institution in “Other Specified Uses” annotated  
“Public Car Park with Ground Floor Retail Shops” Zone, Shop No. 41,  
Ground Floor, Golden Plaza, 28 Shui Che Kwun Street, Yuen Long  
(RNTPC Paper No. A/YL/260)

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131.            The Secretary reported that the application site was located in Yuen Long. Mr K.H. To had declared an interest on the application as his spouse owned a property in Yuen Long.

132.            As the property owned by Mr K.H. To’s spouse had no direct view of the application site, the Committee agreed that he could stay in the meeting.

**Presentation and Question Sessions**

133.            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) proposed education institution;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper.

Although the applied use for an education institution was not entirely in line with the planning intention, it could provide education programmes for school leavers and adults in the neighbourhood. The applied use was considered not incompatible with the existing uses on the G/F of the subject building. The proposed education institution was small in scale and would unlikely cause significant adverse environmental and traffic impacts on the surrounding areas. Relevant government departments consulted had no adverse comment on the application. Technical concerns on the fire safety aspect could be addressed by imposing relevant approval conditions. Two previous applications for similar uses and three similar applications for the same use on the same floor of the subject building had been approved, hence the approval of the application was in line with the Committee's previous decisions.

134. Members had no question on the application.

#### Deliberation Session

135. 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 29.11.2023, 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 submission and implementation of a fire services installations proposal to the satisfaction of the Director of Fire Services or of the TPB.”

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

**Agenda Item 33**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/477            Proposed House (New Territories Exempted House - Small House) in  
                                 “Agriculture” and “Village Type Development” Zones, Lot 2964 S.B  
                                 in D.D. 116, Kong Tau Tsuen, Yuen Long  
                                 (RNTPC Paper No. A/YL-TT/477A)

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**Presentation and Question Sessions**

137.            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) the proposed House (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) advised that in view of existing village houses in the vicinity, the proposed use was considered not incompatible with the surrounding environment. 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, four objecting comments were received from Designing Hong Kong Limited and individuals. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) PlanD’s views – PlanD did not support the application based on the assessment set out in paragraph 12 of the Paper. Regarding the Interim

Criteria for Consideration of Application for NTEH/Small House in the New Territories (the Interim Criteria), the proposed Small House fell entirely outside the ‘Village Environ’ of any recognised village and the land available within the relevant “Village Type Development” (“V”) zone for Kong Tau Tsuen, Kong Tau San Tsuen, Nga Yiu Tau and Tong Tau Po Tsuen could accommodate the outstanding Small House applications and the 10-year forecast of Small House demand. As such, the proposed development did not comply with the Interim Criteria in that there was no general shortage of land in meeting the demand for Small House development in the concerned “V” zone. While there was one previous application approved before the promulgation of the Interim Criteria, the special circumstances of the previous approval was not relevant to the current application and the prevailing Interim Criteria should be used in assessing the current case. There were five similar applications within or straddling the subject “Agriculture” zone which were all rejected by the Committee and the situation and consideration of the current application was similar. The approval of the current application would set an undesirable precedent and attract similar applications within the “AGR” zone. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

138. In response to a Member’s enquiry, Mr Steven Y.H. Siu, STP/TMYLW, explained that the applicant, being a company, was authorized by an indigenous villager of Tung Tau Tsuen, Yuen Long to submit the application for planning permission. Mr Alan K.L. Lo, Assistant Director (Regional 3), Lands Department, supplemented that only indigenous villager(s) of recognized village(s) would be eligible for applying for small house grant.

#### Deliberation Session

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

“(a) the proposed development does not comply with the Interim Criteria for

Consideration of Application for New Territories Exempted House/Small House in New Territories in that there is no general shortage of land in meeting the demand for Small House development in the “Village Type Development” zone of Kong Tau Tsuen, Kong Tau San Tsuen, Nga Yiu Tau and Tong Tau Po Tsuen; and

- (b) approval of the application would set an undesirable precedent for similar applications at the subject “Agriculture” zone resulting in a general degradation of the rural agricultural character of the area.”

### **Agenda Item 34**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/991      Temporary Warehouse for Storage of Electronic Goods for a Period of 3 Years in “Undetermined” Zone, Lots 1402 (Part), 1487 (Part), 1488 S.A (Part), 1488 RP (Part) and 1489 (Part) in D.D. 119, Kung Um Road, Yuen Long  
(RNTPC Paper No. A/YL-TYST/991)

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

140.      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 warehouse for storage of electric goods for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of

residential use in the vicinity and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comments on the application;

- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment set out in paragraph 11 of the Paper. While the applied use was not in line with the planning intention of the “Undetermined” (“U”) zone, the development was generally not incompatible with the surrounding uses and concerned departments had no objection to or no adverse comments on the application. Approval of the application on a temporary basis of three years would not jeopardise the long-term development of the area. Relevant approval conditions could be imposed to address the concerns from DEP. Given that there was one previous approval for similar warehouse use at the Site and 52 similar approved applications in that part of the “U” zone since the promulgation of the Town Planning Board Guidelines No. 13E, approval of the current application was in line with the Committee's previous decisions.

141. Members had no question on the application.

#### Deliberation Session

142. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 29.11.2022, 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 open storage, repairing, cleaning, dismantling, other workshop activities and handling/storage of cathode-ray tubes and electronic waste, as proposed by the applicant, shall be carried out on the Site at any time during the planning approval period;
- (d) no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site, as proposed by the applicant, at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) all existing trees within the Site shall be maintained at all times, as proposed by the applicant, during the planning approval period;
- (g) the existing boundary fencing on the Site shall be maintained at all times during the planning approval period;
- (h) 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 29.5.2020;
- (i) in relation to (h) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 29.8.2020;
- (j) in relation to (i) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (k) the submission of a fire services installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.5.2020;

- (l) in relation to (k) above, the implementation of the fire services installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.8.2020;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (j) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (n) if any of the above planning conditions (h), (i), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

**Agenda Item 35**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/992      Renewal of Planning Approval for Temporary Warehouse for Storage of Vehicles and Spare Parts with Ancillary Site Office for a Period of 3 Years in “Undetermined” Zone, Lots 1149 S.A (Part) and 1149 RP (Part) in D.D. 119, Pak Sha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/992)

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**Presentation and Question Sessions**

144. 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) renewal of planning approval for temporary warehouse for storage of vehicle and spare parts with ancillary site office for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The applied use was not in conflict with the planning intention of the “Undetermined” (“U”) zone and was generally not incompatible with the surrounding uses. Concerned departments had no objection to or no adverse comments on the application. Approval of the application on a temporary basis of three years would not jeopardise the long-term development of the area. Relevant approval conditions were recommended to minimise any potential environmental nuisances or to address the technical requirements of other concerned government departments. Also, the application was generally in line with the Town Planning Board Guidelines No. 34C (TPB PG-No. 34) in that there had been no material change in the planning circumstances since the granting of the previous approval. Given that three previous approvals for the same warehouse use had been granted to the Site and 109 similar applications had been approved in that part of the “U” zone since the promulgation of TPB PG-No. 13E, approval of the current application was in line with the Committee’s previous decision. While four similar applications in that part of the “U” zone were rejected, the considerations were not applicable to the current application.

145. Members had no question on the application.

Deliberation Session

146. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 9.12.2019 to 8.12.2022, 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 9:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no repairing, dismantling, paint-spraying, cleansing, maintenance or other workshop activities, as proposed by the applicant, are allowed on the Site at any time during the planning approval period;
- (d) no light, medium or heavy goods vehicles, including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the Site, as proposed by the applicant, at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the 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 the Site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.3.2020;
- (h) the existing fire services installations implemented on the Site should be

maintained in efficient working order at all times during the planning approval period;

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

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

### **Agenda Item 36**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/993 Proposed Temporary Open Storage of Construction Materials and Vehicle Spare Parts for a Period of 3 Years in “Undetermined” Zone, Lots 1652 (Part), 1653 RP (Part), 1663 (Part) and 1664 (Part) in D.D. 121, Shan Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/993)

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

148. 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) proposed temporary open storage of construction materials and vehicle

spare parts 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 comments on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The proposed use was not in conflict with the planning intention of the “Undetermined” (“U”) zone and was generally not incompatible with the surrounding uses. Concerned departments had no objection to or no adverse comments on the application. Approval of the application on a temporary basis of three years would not jeopardise the long-term development of the area. Relevant approval conditions were recommended to minimise any potential environmental nuisances or to address the technical requirements of other concerned government departments. The application was generally in line with the Town Planning Board Guidelines No. 13E. Given that four approvals for similar open storage uses had been granted to the Site and 139 similar applications for open storage use had been approved in that part of the “U” zone, approval of the current application was in line with the Committee’s previous decision. While two similar applications for open storage uses in that part of the “U” zone were rejected, the considerations were not applicable to the current application.

149. Members had no question on the application.

#### Deliberation Session

150. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 29.11.2022, on the terms of the application as

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

- “(a) no operation between 7:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site, as proposed by the applicant, at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) no repairing, dismantling, spraying, cleaning, cutting, other workshop activities and handling/storage of used electrical appliances, computer/electronic parts, cathode-ray tubes and electronic waste, as proposed by the applicant, are allowed on the Site at any time during the planning approval period;
- (f) the provision of boundary fencing on the Site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 29.5.2020;
- (g) the implementation of the accepted drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 29.5.2020;
- (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) with valid fire certificate (FS 251)

within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.1.2020;

- (j) the submission of a fire services installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.5.2020;
- (k) in relation to (j) above, the implementation of the fire services installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.8.2020;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (m) if any of the above planning conditions (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.”

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

[The Chairman thanked Mr David Y.M. Ng, DPO/TMYLW, Mr Simon P.H. Chan, Ms Stella Y. Ng and Mr Steven Y.H. Siu, STPs/TMYLW, for their attendance to answer Members' enquiries. They left the meeting at this point.]

### **Agenda Item 37**

#### **Any Other Business**

152. There being no other business, the meeting closed at 5:10 p.m..