

## **TOWN PLANNING BOARD**

### **Minutes of 646<sup>th</sup> Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 15.5.2020**

#### **Present**

Director of Planning  
Mr Raymond K.W. Lee

Chairman

Mr Stephen L.H. Liu

Vice-chairman

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

Dr Venus Y.H. Lun

Mr Conrad T.C. Wong

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

Chief Engineer (Works), Home Affairs Department  
Mr Gavin C.T. Tse

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

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 Ricky W.Y. Yu

Mr Y.S. Wong

**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  
Mr Alvin C.H. Kan

**Opening Remarks**

1. The Chairman said that the meeting would be conducted with video conferencing arrangement.

**Agenda Item 1**

**Confirmation of the Draft Minutes of the 645<sup>th</sup> RNTPC Meeting held on 24.4.2020**

[Open Meeting]

2. The draft minutes of the 645<sup>th</sup> RNTPC meeting held on 24.4.2020 were confirmed without amendments.

**Agenda Item 2**

**Matters Arising**

[Open Meeting]

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

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

**Agenda Item 3**

**Section 12A Application**

[Open Meeting]

Y/FSS/15                      Application for Amendment to the Approved Fanling / Sheung Shui Outline Zoning Plan No. S/FSS/24, To rezone the application site from “Comprehensive Development Area” to “Comprehensive Development Area (1)”, Sheung Shui Lot 2 RP and adjoining Government land  
(RNTPC Paper No. Y/FSS/15A)

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4. The Secretary reported that Ove Arup & Partners Hong Kong Limited (ARUP)

was one of the consultants of the applicant. Mr K.K. Cheung had declared an interest on the item as his firm had current business dealings with ARUP.

5. The Committee noted that the applicant had requested deferment of consideration of the application. As Mr K.K. Cheung had no involvement in the application, the Committee agreed that he could stay in the meeting.

6. The Committee noted that the applicant's representative requested on 4.5.2020 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 second time that the applicant requested deferment of the application. Since the first deferment, according to the applicant, the outbreak of COVID-19 had delayed the traffic survey for revision of technical assessments.

7. 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 the submission of the further information, no further deferment would be granted unless under very special circumstances.

**Tuen Mun and Yuen Long West District**

**Agenda Item 4**

Section 12A Application

[Open Meeting]

Y/YL-LFS/11            Application for Amendment to the Approved Lau Fau Shan & Tsim Bei Tsui Outline Zoning Plan No. S/YL-LFS/9, To rezone the application site from “Recreation” to “Government, Institution or Community (1)”, Lots 1966 S.A, 1966 RP, 1968, 1969, 1970, 1975 RP, 2024 RP (Part) in D.D. 129 and adjoining Government Land, Lau Fau Shan, Yuen Long  
(RNTPC Paper No. Y/YL-LFS/11)

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8.            The Secretary reported that the application was for columbarium use. Mr K.K. Cheung had declared an interest on the item as his firm was the legal advisor of Private Columbaria Licensing Board.

9.            The Committee noted that the applicant had requested deferment of consideration of the application. As the interest of Mr K.K. Cheung was indirect, the Committee agreed that he could stay in the meeting.

10.           The Committee noted that the applicant’s representative requested on 21.4.2020 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.

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

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

[Ms Jane W.L. Kwan, Senior Town Planner/Sai Kung and Islands (STP/SKIs), was invited to the meeting at this point.]

#### **Agenda Item 5**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-CWBN/58      Proposed Public Utility Installation (LV Poles, Underground Cable and Overhead Cable) and Excavation and Filling of Land in “Conservation Area” Zone, Government Land in D.D. 238, Clear Water Bay, Sai Kung  
(RNTPC Paper No. A/SK-CWBN/58B)

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12.            The Secretary reported that the application was submitted by CLP Power Hong Kong Limited (CLP), which was a subsidiary of CLP Holdings Limited, with Kum Shing (K.F.) Construction Company Limited (KSCCL) as the consultant. The following Members had declared interests on the item:

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|----------------------|---|
| Dr Jeanne C.Y. Ng    | - being the Director-CLP Research Institute of CLP;                 |
| Mr K.K. Cheung       | - his firm having current business dealings with CLP and KSCCL; and |
| Mr Conrad T. C. Wong | - his firm having current business dealings with CLP.               |

13. The Committee noted that the interest of Dr Jeanne C.Y. Ng was direct, she should leave the meeting temporarily for the item. The Committee agreed that as Messrs K.K. Cheung and Conrad T. C. Wong had no involvement in the application, they could stay in the meeting.

[Dr Jeanne C.Y. Ng left the meeting temporarily at this point.]

#### Presentation and Question Sessions

14. Ms Jane W.L. Kwan, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed public utility installation (LV Poles, underground cable and overhead cable) and excavation and filling of land;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper;
- (d) during the first three weeks of the statutory publication periods, a total of six public comments from the Hong Kong Bird Watching Society, Designing Hong Kong Limited and three individuals objecting to and raising concerns on the application were received. Major views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The applicant failed to provide strong planning justification that the proposed installation was an essential infrastructure project with overriding public interest which warranted a departure from the planning intention of “Conservation Area” (“CA”) zone, and failed to provide sufficient

information to demonstrate that the proposed works were essential installations serving permitted uses in the area. Approval of the application would set an undesirable precedent for other similar applications within the “CA” zone. The cumulative effect of approving such similar applications would result in a general degradation of the natural environment of the area. Regarding the adverse public comments, the comments of government departments and the planning assessments above were relevant.

15. A Member raised a question regarding the background of the site under application, the existing power source of the farms on those sites, and the reason for making the application.

16. In response, Ms Jane W.L. Kwan, STP/SKIs, with reference to Plan A-2, said that a small portion of one of the sites and a farm to the immediate south were subject to enforcement action against unauthorised excavation and filling of land. According to the applicant, the farms were currently using solar energy and diesel generators for electrical supply but the efficacy was not enough to serve the sites and was not environmentally friendly.

#### Deliberation Session

17. The Vice-chairman noted that some of the areas as indicated by the applicant to be served by the proposed installation were subject to enforcement action of unauthorised excavation and filling of land, and agreed to PlanD’s recommendation.

18. In response to a Member’s enquiry on similar applications made by CLP, the Secretary pointed out that those applications generally involved electricity supply for village development and were mostly approved, while the current application involved electricity supply for individual farms within “CA” zone.

19. Members generally considered that the applicant had not provided sufficient information on why the proposed public utility installation was required for the proposed farm use and failed to provide justification that the proposed installation was essential.

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

- “(a) the proposed installation is not in line with the planning intention of the “Conservation Area” (“CA”) zone which is primarily to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as country park from the adverse effects of development. There is a general presumption against development within this zone. The applicant fails to demonstrate that the proposed installation is an essential infrastructure project with overriding public interest; and
- (b) approval of the application would set an undesirable precedent for other similar applications within the “CA” zone and the cumulative effect of approving such similar applications would result in a general degradation of the natural environment of the area.”

[Dr Jeanne C.Y. Ng returned to join the meeting at this point.]

## **Agenda Item 6**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-PK/254            Proposed Redevelopment of House (New Territories Exempted House)  
in “Conservation Area” Zone, Lot 110 in D.D. 219, Kei Pik Shan, Tai  
Chung Hau, Sai Kung  
(RNTPC Paper No. A/SK-PK/254B)

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### **Presentation and Question Sessions**

21. Ms Jane W.L. Kwan, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed redevelopment of House (New Territories Exempted House);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper;
- (d) during the first three weeks of the statutory publication periods, a total of four public comments from a member of Sai Kung District Council, Kadoorie Farm & Botanic Garden Corporation, Designing Hong Kong Limited and an individual objecting to and raising concerns on the application were received. Major views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed development was not in line with the planning intention of the “Conservation Area” (“CA”) zone. The applicant failed to provide strong justification for a departure from the planning intention of the “CA” zone. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD had reservation on the application on the ground that the applicant failed to demonstrate that the proposed house redevelopment would not result in a general degradation of the landscape character of the area. Approval of the application would set an undesirable precedent for other similar applications within the “CA” zone. Regarding the adverse public comments, the comments of government departments and the planning assessments above were relevant.

22. A Member asked about the background of the site and the details of the statutory development controls on the site.

23. In response, Ms Jane W.L. Kwan, STP/SKIs, made the following points :

- (a) according to the Notes of the approved Pak Kong and Sha Kok Mei Outline Zoning Plan (OZP) No. S/SK-PK/11, 'House (Redevelopment only)' was a Column 2 use within the "CA" zone and required planning permission from the Town Planning Board. Also, the Remarks of the "CA" zone stipulated that no redevelopment, including alteration and/or modification, of an existing house should result in a total redevelopment in excess of the plot ratio (PR), site coverage (SC) and height of the house which was in existence on the date of the first publication in the gazette of the notice of the interim development permission area (IDPA) plan;
- (b) notwithstanding that the applicant had provided the survey plan from the Lands Department (LandsD) dated February 1963 indicating that the site was a ruin site with relics of structure, there was no information provided to demonstrate a house had been erected on the site and that the development intensity of the proposed house under application would not result in a total redevelopment in excess of PR, SC and height of the house which was in existence on the date of the first publication in the gazette of the notice of the IDPA plan;
- (c) according to the District Lands Officer / Sai Kung (DLO/SK), LandsD, approval was granted to a previous landowner to redevelop a building by way of approval letter issued on 21.8.1979. The site was not redeveloped and the approval for rebuilding of the site was withdrawn on 31.5.1982 because of the change of land ownership; and
- (d) the site was also the subject of a previous application (No. A/SK-PK/44) for House (Redevelopment) submitted by a different applicant which was rejected and the Town Planning Board upon review on 26.9.1997. The applicant lodged an appeal to the Town Planning Appeal Board and the appeal was subsequently dismissed on 9.12.1998.

[Dr Lawrence K.C. Li joined the meeting at this point.]

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Conservation Area” zone which is to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as Country Park from the adverse effects of development. There is a general presumption against development in this zone. The applicant fails to provide strong justification in the submission for a departure from the planning intention; and
  
- (b) the applicant fails to demonstrate a house had been erected on the Site and that the development intensity of the proposed house will not result in a total redevelopment in excess of the plot ratio, site coverage and height of the house which was in existence on the date of the first publication in the gazette of the notice of the interim development permission area plan.”

[The Chairman thanked Ms Jane W.L. Kwan, STP/SKIs, for her attendance to answer Members’ enquiries. She left the meeting at this point.]

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

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

**Agenda Item 7**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/983                      Renewal of Planning Approval for Temporary Shop and Services for a Period of 3 Years in “Industrial” Zone, Workshop G2, LG/F, Valiant Industrial Centre, 2-12 Au Pui Wan Street, Fo Tan, Sha Tin  
(RNTPC Paper No. A/ST/983)

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25.            The Secretary reported that the application was submitted by the Dairy Farm Company Limited, which was an associate company of Jardines Group, with Centaline Surveyors Limited as one of the consultants. Mr K.K. Cheung had declared an interest on the item as his firm had current business dealings with Jardines Group and Centaline Surveyors Limited.

26.            The Committee agreed that as Mr K.K. Cheung had no involvement in the application, he could stay in the meeting.

**Presentation and Question Sessions**

27.            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 shop and services for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper;
- (d) during the first three weeks of the statutory publication period, one public comment was received from the Sha Tin West One Area Committee indicating no comment on the application; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The application was in line with the Town Planning Board Guidelines (TPB PG) No. 34C for renewal of planning approval in that there had been no material change in planning circumstances since the previous temporary approval was granted. The applied use was considered not incompatible with the industrial and industrial-related uses in the subject industrial building and the surrounding developments and generally complied with the relevant considerations set out in the TPB PG-No. 25D. Concerned government departments had no objection to or adverse comment on the application. Regarding the public comment, the comments of government departments and the planning assessments above were relevant.

28. Members had no question on the application.

#### Deliberation Session

29. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 14.6.2020 to 13.6.2023, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission and implementation of the proposal for provision of fire service installations and equipment within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.12.2020; and
- (b) if the above planning condition is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

## **Agenda Item 8**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/662            Proposed Temporary Educational Institution (Teaching Farm) for a Period of 3 Years and Excavation of Land in “Green Belt” and “Recreation” Zones, Lots 335 S.B (Part), 336 S.A, 336 S.B, 336 S.C, 337 S.B, 338, 339, 340, 341, 345 S.A and 346 in D.D. 16, Wo Tong Pui, Tai Po  
  
(RNTPC Paper No. A/NE-LT/662D)

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31.            The Secretary reported that the application was submitted by City University of Hong Kong (CityU), with Beria Consultants Limited as one of the consultants. Mr K.K. Cheung had declared an interest on the item as he had past business dealings with Beria Consultants Limited and his firm had current business dealings with CityU.

32.            The Committee agreed that as Mr K.K. Cheung had no involvement in the application, he could stay in the meeting.

### **Presentation and Question Sessions**

33.            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 temporary educational institution (teaching farm) for a period of three years and excavation of land;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper;
- (d) during the first three weeks of the statutory publication periods, a total of 47 public comments were received, with 43 objecting comments from the

Village Representatives of Hang Ha Po Village, Designing Hong Kong Limited, local villagers and individuals, a supporting comment from an individual and three comments providing views from WWF-Hong Kong. Major views were set out in paragraph 10 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed development could be tolerated for a period of three years based on the assessments set out in paragraph 10 of the Paper. Although the proposed development was not entirely in line with the planning intention of the “Recreation” (“REC”) zone which was primarily for recreational developments for the use of the general public, there was not yet any programme or known intention to implement the zoned use on the OZP. Hence, approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “REC” zone. Concerned government departments had no objection to or no adverse comment on the application. Appropriate approval conditions were recommended to minimise any potential environmental nuisances and address the technical requirements of the concerned government departments. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

34. In response to a Member's question, Ms Kathy C.L. Chan, STP/STN, said that the proposed development was mainly in support of the teaching and learning activities of University Grants Committee-funded programmes operated by the Jockey Club College of Veterinary Medicine and Life Sciences of the CityU.

#### Deliberation Session

35. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.5.2023, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the proposed development shall not cause any water pollution to the water

gathering ground at any time during the planning approval period;

- (b) no cattle occupation on the Site is allowed prior to the compliance of approval conditions (e) and (g);
- (c) the maintenance of the existing trees on the Site at all times during the planning approval period;
- (d) the submission of a revised Environmental Assessment Report within 6 months from the date of planning approval to the satisfaction of the Director of Environmental Protection and the Director of Water Supplies or of the TPB by 15.11.2020;
- (e) in relation to (d) above, the implementation of the mitigation and preventive measures identified therein within 9 months from the date of planning approval to the satisfaction of the Director of Environmental Protection and the Director of Water Supplies or of the TPB by 15.2.2021;
- (f) the submission of water monitoring programme within 6 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the TPB by 15.11.2020;
- (g) in relation to (f) above, the implementation of water monitoring programme within 9 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the TPB by 15.2.2021;
- (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 15.11.2020;
- (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 15.2.2021;

- (j) the submission of a fire service installations (FSIs) and water supplies for firefighting proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.11.2020;
- (k) in relation to (j) above, the implementation of the FSIs and water supplies for firefighting proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.2.2021;
- (l) if the above planning conditions (a), (b) or (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (m) if any of the above planning conditions (d), (e), (f), (g), (h), (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

**Agenda Item 9**

**Section 16 Application**

[Open Meeting]

A/NE-LT/682            Proposed Two Houses (New Territories Exempted Houses) in  
“Agriculture” Zone, Lots 1712 and 1713 in D.D. 19, Tin Liu Ha Tsuen,  
Tai Po  
(RNTPC Paper No. A/NE-LT/682)

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37. The Committee noted that the applicant’s representative requested on 16.4.2020 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.

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

### **Agenda Item 10**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/724      Proposed House (New Territories Exempted House - Small House) in  
"Agriculture" Zone, Lot 1771 S.D ss. 1 in D.D. 76, Ma Mei Ha Leng  
Tsui, Fanling  
(RNTPC Paper No. A/NE-LYT/724A)

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

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

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

- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix VI of the Paper;
- (d) during the first three weeks of the statutory publication period, five public comments were received, with four objecting comments from the Chairman, the First Vice Chairman of Fanling District Rural Committee, Designing Hong Kong Limited and an individual, and one comment from the Sheung Shui District Rural Committee indicating no comment. Major views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed Small House development was not in line with the planning intention of the “Agriculture” (“AGR”) zone. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural development point of view 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 NTEH/Small House in New Territories, more than 50% of the footprint of the proposed Small House fell within the ‘village environ’ of Ma Mei Ha Leng Tsui and Leng Pei Tsuen. Land available within the “Village Type Development” zone was insufficient to meet the outstanding Small House applications and 10-year Small House demand forecast. The application was generally considered in compliance with the interim criteria and sympathetic consideration could be given to the applicant. Other concerned government departments had no objection to or no adverse comment on the application. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

40. Members had no question on the application.

Deliberation Session

41. Member noted that the application site was the subject of a previously approved application for the same use and was located within a village cluster.

42. 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 15.5.2024, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. 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.”

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

**Agenda Item 11**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/638 Proposed Temporary Warehouse and Office for a Period of 3 Years in  
“Agriculture” Zone, Lot 1110 S.A (Part) in D.D. 82, Ta Kwu Ling  
(RNTPC Paper No. A/NE-TKL/638)

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Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed temporary warehouse and office for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper;
- (d) during the first three weeks of the statutory publication period, two public comments were received, with one comment from the Chairman of Sheung Shui District Rural Committee indicating no comment and one comment from an individual objecting to the application. Major views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The temporary use was not in line with the planning intention of the “Agriculture” (“AGR”) zone and the Director of Agriculture, Fisheries and Conservation did not support the application as the site possessed potential for agricultural rehabilitation. The applicant had not provided strong planning justifications in the submission to merit a departure from the planning intention of the “AGR” zone, even on a temporary basis. The Chief Town Planner/Urban Design and Landscape, PlanD had reservation on the application as the site was densely vegetated in 2015 and it had been hard paved and structures had been erected for operation in 2018. Besides, the Commissioner for Transport did not support the application as there was insufficient information to demonstrate that the temporary development would not induce significant traffic impact on the surroundings. Other concerned government departments had no objection to or adverse comment on the application. Regarding the public comments and local objection, the comments of government departments and the planning assessments above were relevant.

45. In response to a Member’s question related to unauthorised development on the site, Mr Tim T.Y. Fung, STP/STN, said that the site was subject to enforcement action

against storage use.

### Deliberation Session

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

- “(a) the development is not in line with the planning intention of the “Agriculture” zone, which is intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong justification in the submission for a departure from such planning intention, even on a temporary basis; and
- (b) the applicant fails to demonstrate that the development would have no adverse traffic impacts on the surrounding areas.”

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

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

#### **Agenda Item 12**

#### **Section 16 Application**

[Open Meeting]

A/YL-KTN/678 Proposed Temporary Shop and Services (Retail of Forklift) for a Period of 3 Years in “Agriculture” Zone, Lots 484 (Part), 486 (Part), 487 (Part), 488, 489 (Part), 490 and 1643 (Part) in D.D. 107, Fung Kat Heung, Yuen Long  
(RNTPC Paper No. A/YL-KTN/678B)

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47. The Secretary reported that the application was submitted by Harvest Hill (Hong Kong) Limited. Mr K.K. Cheung had declared an interest on the item as his firm had current business dealings with Harvest Hill (Hong Kong) Limited.

48. The Committee noted that the applicant had requested deferment of consideration of the application. As Mr K.K. Cheung had no involvement in the application, the Committee agreed that he could stay in the meeting.

49. The Committee noted that the applicant's representative requested on 4.5.2020 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 third time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information to address departmental comments.

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

**Agenda Item 13**

**Section 16 Application**

[Open Meeting]

A/YL-KTN/679 Proposed Temporary Shop and Services (Selling of Hardware Accessories) for a Period of 3 Years in “Agriculture” and “Village Type Development” Zones, Lots 1674 (Part), 1676 (Part), 1680 (Part), 1681, 1682, 1683 and 1684 in D.D.107, Fung Kat Heung, Yuen Long (RNTPC Paper No. A/YL-KTN/679B)

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51. The Secretary reported that the application was submitted by Harvest Hill (Hong Kong) Limited. Mr K.K. Cheung had declared an interest on the item as his firm had current business dealings with Harvest Hill (Hong Kong) Limited.

52. The Committee noted that the applicant had requested deferment of consideration of the application. As Mr K.K. Cheung had no involvement in the application, the Committee agreed that he could stay in the meeting.

53. The Committee noted that the applicant’s representative requested on 4.5.2020 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 third time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information to address departmental comments.

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

unless under very special circumstances.

[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 14**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/693      Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm and Caravan Holiday Camp) for a Period of 3 Years and Filling of Land in “Agriculture” Zone, Lots 1786, 1787 S.B and 1787 RP in D.D.107, Fung Kat Heung, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/693A)

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

55.            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 place of recreation, sports or culture (hobby farm and caravan holiday camp) for a period of three years and filling of land;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper;
- (d) during the first three weeks of the statutory publication period, two public comments objecting to the application were received from Designing Hong Kong Limited and an individual. Major views were set out in paragraph 10 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The applied use (hobby farm) was generally not in conflict with the planning intention of the “Agriculture” (“AGR”) zone. While the other part of the applied use (caravan holiday camp) was not entirely in line with the planning intention and filling of land at part of the site would reduce the use for cultivation, the Director of Agriculture, Fisheries and Conservation had no strong view on the application from the agricultural point of view. Approval of the application on a temporary basis of three years would not frustrate the long-term planning intention of the “AGR” zone. The applicant also undertook to reinstate the site for agricultural purpose after the approval period. Besides, the applied use was not incompatible with the surrounding areas. Concerned government departments had no objection to or adverse comment on the application. Appropriate approval conditions were recommended to minimise any potential environmental nuisances and address the technical requirements of the concerned government departments. Given that there was a previously approved application for the same use submitted by the same applicant at the site, and 24 similar applications for temporary hobby farm (with three involving caravan holiday camp and one involving filling of land) were approved with conditions by the Committee between 2015 and 2020 in the same “AGR” zone, and the circumstances of the only rejected similar case were different, approval of the application was in line with the Committee's previous decisions on the previous and similar applications. Regarding the adverse public comments, the comments of government departments and the planning assessments above were relevant.

56. In response to a Member's question related to the previous approval, Ms Ivy C.W. Wong, STP/FSYLE, said that the proposed development had not been in operation since the last approval as the applicant could not purchase suitable caravans and furniture for the proposed use. She added that the applicant was renovating the caravan to fulfill fire safety requirements and would apply for the relevant licence for caravan camp for future operation.

Deliberation Session

57. A Member noted that the proposed development would involve filling of land by concrete and expressed concern on the viability of reinstating the site for agricultural purpose after the approval period.

58. Members noted that the proposed filling of land of 0.2m was mainly for vehicular access and site formation for some structures, and it would only cover an area of about 438m<sup>2</sup> (about 10%) of the site. Members generally considered that the proposed filling of land was not excessive and approval of the application was in line with the Committee's decision on the previous application.

59. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.5.2023, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no public announcement system, whistle blowing, portable loudspeaker or any form of audio amplification system is allowed to be used on the Site at any time during the planning approval period;
- (b) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (c) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.11.2020;
- (d) in relation to (c) 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 15.2.2021;
- (e) in relation to (d) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;

- (f) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.11.2020;
- (g) in relation to (f) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.2.2021;
- (h) if any of the above planning conditions (a), (b) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (i) if any of the above planning conditions (c), (d), (f) or (g) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (j) upon expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

**Agenda Item 15**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/695      Proposed Temporary Animal Boarding Establishment for a Period of 5 Years in “Agriculture” Zone, Lot 954 S.A, 954 RP and 955 in D.D. 107, Fung Kat Heung, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/695A)

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Presentation and Question Sessions

61. 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 animal boarding establishment for a period of five years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application on a temporary basis for a period of five years based on the assessments set out in paragraph 11 of the Paper. While the applied use was not entirely in line with the planning intention of the “Agriculture” (“AGR”) zone, and the Director of Agriculture, Fisheries and Conservation did not support the application from the agricultural point of view as the site possessed potential for agricultural rehabilitation, approval of the application on temporary basis for a period of five years would not jeopardise the long-term planning intention of the “AGR” zone. The applied use was considered not incompatible with the surrounding area. Concerned government departments had no objection to or adverse comment on the application. Appropriate approval conditions were recommended to minimise any potential environmental nuisances and address the technical requirements of the concerned government departments. Given that there was a previously approved application for the same use submitted by the same applicant at the site, and 29 similar applications were approved with conditions by the Committee between 2005 and 2019, and the circumstances of the only rejected application were

different, approval of the application was in line with the Committee's previous decisions.

62. Members raised the following questions :

- (a) the reason why the comment of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) regarding an affected existing water main was not included as an approved condition; and
- (b) details of non-compliance of approval conditions in the applicant's previous revoked application.

63. In response, Ms Ivy C.W. Wong, STP/FSYLE, made the following points :

- (a) Part of an existing water mains was within the site. CE/C, WSD advised that should the application be approved, the applicant should be responsible for the diversion work or providing a waterworks reserve. An advisory clause was hence recommended to address the relevant requirement; and
- (b) the site was subject to a previous application (No. A/YL-KTN/562) for the same use and submitted by the same applicant which was approved with conditions by the Committee in 2017. While the applicant had complied with the conditions on the submission of landscape, drainage and fire service installations proposals, the planning permission was revoked on 1.11.2020 due to non-compliance with approval conditions on the implementation of the proposals. The applicant committed to comply with the approval conditions if the current application was approved.

#### Deliberation Session

64. Members noted that not more than 30 dogs would be accommodated at the site, and generally had no objection to the proposed temporary animal boarding establishment for a period of five years.

65. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 15.5.2025, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 5:00 p.m. and 10:00 a.m. (except for overnight animal boarding), as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) all animals shall be kept inside the enclosed animal boarding establishment on the Site, as proposed by the applicant, at all times during the planning approval period;
- (c) no public announcement system, portable loudspeaker, any form of audio amplification system, or whistle blowing is allowed to be used on the Site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the submission of a record of the existing drainage facilities on the Site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or the TPB by 15.8.2020;
- (f) 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 the TPB by 15.11.2020;
- (g) in relation to (f) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (h) the implementation of the accepted fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.11.2020;

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

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

### **Agenda Items 16 and 17**

#### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/700 Temporary Eating Place (Outside Seating Accommodation) for a Period of 3 Years in “Village Type Development” Zone, Lots 216 S.E ss.1, 216 S.E RP (Part), 216 S.F ss.1 (Part) in D.D.103, Ko Po Tsuen, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/700A and 701A)

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A/YL-KTN/701 Temporary Eating Place (Outside Seating Accommodation) for a Period of 3 Years in “Village Type Development” Zone, Lots 216 S.E ss.2 and 216 S.F RP (Part) in D.D.103, Ko Po Tsuen, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/700A and 701A)

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67. The Committee noted that the two section 16 applications for temporary eating place (outside seating accommodation (OSA)) for a period of three years were similar in

nature and the sites were in close proximity to each other within the same “Village Type Development” (“V”) zone, and agreed that they could be considered together.

#### Presentation and Question Sessions

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

- (a) background to the applications;
- (b) temporary eating place (OSA) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments set out in paragraph 12 of the Paper. While the applied use was not entirely in line with the planning intention of the “Village Type Development” (“V”) zone, according to the District Lands Officer/Yuen Long, Lands Department, there was no Small House application approved or under processing at the sites (apart from the existing New Territories Exempted Houses (NTEH) adjoining the subject OSA). Approval of the applications on a temporary basis for three years would not jeopardise the long-term planning intention of the “V” zone. The developments were considered not incompatible with the surrounding land uses. The applications were generally in line with the Town Planning Board Guidelines No. 15A in that the developments were located at the fringe of the “V” zone and residential cluster of Ko Po Tsuen. The sites were also readily accessible from Ying Ho Road via a very short local track and would unlikely cause inconvenience to the residents nearby. Concerned government departments had no objection to or adverse

comment on the applications. Appropriate approval conditions were recommended to minimise any potential environmental nuisances and address the technical requirements of the concerned government departments. Given that four similar applications for eating place (OSA) (with or without shop and services/ ancillary parking spaces) in the same “V” zone were approved with conditions by the Committee between 2011 and 2018, approval of the applications was in line with the Committee’s previous decisions.

69. In response to a Member’s question, Ms Ivy C.W. Wong, STP/FSYLE, said that the proposed OSAs were the extension of the adjoining existing eating places on the ground floor of the NTEHs, with moveable sunshades for visitors.

#### Deliberation Session

70. Members noted that according to the Notes of the Outline Zoning Plan, ‘Eating Place’, ‘Library’, ‘School’ and ‘Shop and Services’ uses were always permitted on the ground floor of a NTEH. Mr Alan K.L. Lo, Assistant Director/Regional 3, Lands Department (AD/R3, LandsD), supplemented that ‘Eating Place’ and ‘Shop and Services’ would be considered as ‘Non-Industrial Use’, which would normally be allowed in NTEH lease or licence.

71. A Member said that eating place was always permitted on the ground floor of a NTEH to provide supporting facilities for local villagers. In Ko Po Tsuen, where a large number of restaurants/eating places were concentrated forming a cluster to serve the general public at large, the original intention might have been defeated and result in interface problem with the domestic uses in the village.

72. Members noted that concerned government departments had no objection to or adverse comment on the applications. Appropriate approval conditions were recommended to minimise any potential environmental nuisances and address the technical requirements of the concerned government departments. They generally had no objection to the applications on a temporary basis for a period of three years.

73. After deliberation, the Committee decided to approve the applications on a temporary basis for a period of 3 years until 15.5.2023, each on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) 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 15.11.2020;
- (c) in relation to (b) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.2.2021;
- (d) in relation to (c) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (e) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.11.2020;
- (f) in relation to (e) 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 15.2.2021;
- (g) if any of the above planning conditions (a) or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (h) if any of the above planning conditions (b), (c), (e) or (f) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

**Agenda Item 18**

Section 16 Application

[Open Meeting]

A/YL-KTN/702 Temporary Eating Place (Outside Seating Accommodation) for a Period of 3 Years in “Village Type Development” Zone, Lot 216 S.U (Part) in D.D. 103, Yuen Long  
(RNTPC Paper No. A/YL-KTN/702)

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75. The Committee noted that the applicant’s representative requested on 8.5.2020 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.

76. 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 19**

**Section 16 Application**

[Open Meeting]

A/YL-KTN/703      Temporary Eating Place (Outside Seating Accommodation) for a Period of 3 Years in “Village Type Development” Zone, Lot 216 S.A ss. 1 RP (Part) in D.D. 103, Yuen Long  
(RNTPC Paper No. A/YL-KTN/703)

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77.            The Committee noted that the applicant’s representative requested on 8.5.2020 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.

78.            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 (Presentation and Question Sessions Only)]

A/YL-KTN/704      Renewal of Planning Approval for Temporary Open Storage of Building Materials with Ancillary Site Office and Staff Lounge for a Period of 3 Years in “Agriculture” Zone, Lots 377 S.C RP (Part), 379 RP (Part), 380 RP (Part), 381 RP (Part), 382 RP (Part), 412 RP (Part) and 414 (Part) in D.D. 110, Kam Tin North, Yuen Long  
(RNTPC Paper No. A/YL-KTN/704)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) renewal of planning approval for temporary open storage of building materials with ancillary site office and staff lounge for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper;
- (d) during the first three weeks of the statutory publication period, one public comment objecting to the application was received from an individual. Major view was set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the applied use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Although the applied use was not in line with the planning intention of “Agriculture” (“AGR”) zone, the Director of Agriculture, Fisheries and Conservation had no strong

view on the application. Temporary approval of the application would not frustrate the long-term planning intention of the “AGR” zone. The development was considered not incompatible with the surrounding land uses. The application was also in line with the Town Planning Board Guidelines No. 13F in which the site fell within Category 2 areas. Concerned government departments had no adverse comments on or no objection to the application. Appropriate approval conditions were recommended to minimise the possible environmental nuisance and address the technical requirements of the concerned departments. Regarding the adverse public comment, the comments of government departments and planning assessments above were relevant.

80. Members had no question on the application.

#### Deliberation Session

81. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 24.5.2020 to 23.5.2023, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (d) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the Site at any time during the

planning approval period;

- (e) the existing boundary fencing on the Site shall be maintained at all times during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) the existing landscape plantings on the Site shall be maintained satisfactorily at all times during the planning approval period;
- (h) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (i) the submission of a 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 24.8.2020;
- (j) the existing fire service installations implemented on the Site shall be maintained in efficient working order at all times during the planning approval period;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (j) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (l) if the above planning condition (i) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (m) upon expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

### **Agenda Item 21**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/705 Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years in “Agriculture” Zone, Lots 959 RP (Part), 960 RP (Part), 961 RP (Part), 962 RP (Part) in D.D.107, Fung Kat Heung, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/705)

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

83. 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 place of recreation, sports or culture (hobby farm) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper;
- (d) during the first three weeks of the statutory publication period, two public comments were received, with one comment from Designing Hong Kong Limited objecting to the application and one comment from an individual providing views. Major views were set out in paragraph 10 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The applied use was generally not in conflict with the planning intention of the “Agriculture” (“AGR”) zone. The Director of Agriculture, Fisheries and Conservation had no strong view against the application from agricultural point of view. Approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “AGR” zone. The applied use was considered not incompatible with the surrounding land uses. Concerned government departments had no adverse comments on or no objection to the application. Appropriate approval conditions were recommended to minimise the possible environmental nuisance and address the technical requirements of the concerned departments. Besides, given that 24 similar applications were approved with conditions by the Committee between 2015 and 2020 in the same “AGR” zone, and the circumstances of the only rejected similar case were different, approval of the application was in line with the Committee's previous decisions. Regarding the public comment, the comments of government departments and planning assessments above were relevant.

84. In response to the Chairman's question, Ms Ivy C.W. Wong, STP/FSYLE, said that the site was currently vacant. To the northeast of the site were three sites for temporary hobby farm use and a site for temporary animal boarding establishment use with planning permissions.

#### Deliberation Session

85. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.5.2023, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 5:00 p.m. and 10:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;

- (b) no public announcement system, portable loudspeaker or any form of audio amplification system is allowed to be used on the Site at any time during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (d) 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 15.11.2020;
- (e) in relation to (d) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.2.2021;
- (f) in relation to (e) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (g) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.11.2020;
- (h) in relation to (g) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.2.2021;
- (i) if any of the above planning conditions (a), (b), (c) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (j) if any of the above planning conditions (d), (e), (g) or (h) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and

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

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

## **Agenda Item 22**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/706      Renewal of Planning Approval for Temporary Open Storage of Construction Materials with Ancillary Office and Storage for a Period of 3 Years in “Agriculture” Zone, Lots 126 S.B and 126 RP in D.D.110, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-KTN/706)

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### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) renewal of planning approval for temporary open storage of construction materials with ancillary office and storage for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper;
- (d) during the first three weeks of the statutory publication period, one public comment objecting to the application was received from an individual. Major views were set out in paragraph 11 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the applied use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Although the applied use was not in line with the planning intention of the “Agriculture” (“AGR”) zone, the Director of Agriculture, Fisheries and Conservation had no strong view on the application. The application was in line with the Town Planning Board Guidelines (TPB PG) No. 34C and TPB PG-No. 13F in that previous approvals for the same applied use were granted since 2011 and all the approval conditions under the last approved application No. A/YL-KTN/559 had been complied with. As there was no major change in planning circumstances since the last planning approval, sympathetic consideration could be given to the current application. Appropriate approval conditions were recommended to mitigate potential environmental impacts on the surrounding areas and address the technical requirements of the concerned government departments. Regarding the adverse public comment, the comments of government departments and planning assessments above were relevant.

88. Members had no question on the application.

#### Deliberation Session

89. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 21.5.2020 to 20.5.2023, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 7:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and statutory holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;

- (c) no heavy goods vehicles exceeding 24 tonnes, including container trailers/tractors, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (d) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities are allowed on the Site at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the existing trees on the Site shall be maintained satisfactorily at all times 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 existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (i) the Site should be kept in a clean and tidy condition and the materials stored at the Site should be covered up at all times during the planning approval period;
- (j) the submission of a record of the existing drainage facilities on the Site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.8.2020;
- (k) the existing fire service installations implemented on the Site shall be maintained in efficient working order at all times during the planning approval period;

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

90. 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 (Presentation and Question Sessions Only)]

A/YL-PH/836            Proposed Temporary Public Vehicle Park (excluding container vehicle) for a Period of 3 Years in “Residential (Group D)” Zone, Lots 135 RP (Part), 136 (Part), 138 S.B. RP (Part) and 139 RP (Part) in D.D. 108, Ta Shek Wu, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/836)

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

91. 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 public vehicle park (excluding container vehicle) for a

period of three years;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper;
- (d) during the first three weeks of the statutory publication period, two public comments were received from the Village Representatives of Sheung Che Village and an individual objecting to the application. Major views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The applied use was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone. No strong planning justification was given in the submission for a departure from the planning intention, even on a temporary basis. The proposed development involved the parking of medium goods vehicles and was considered not compatible with the surrounding area. The Director of Environmental Protection did not support the application as there were residential structures/dwellings in the vicinity, and environmental nuisance was expected. Other concerned government departments had no adverse comments on the application. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

92. In response to the Chairman’s question, Ms Ivy C.W. Wong, STP/FSYLE, said that the site was currently vacant.

#### Deliberation Session

93. After deliberation, the Committee decided to reject the application for the following reason :

“the proposed development is not in line with the planning intention of the “Residential (Group D)” zone, which 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 Board. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.”

## **Agenda Item 24**

### **Section 16 Application**

[Open Meeting]

A/YL-PH/837            Proposed Temporary Shop and Service for a Period of 3 Years in “Village Type Development” Zone, Lots 745 S.B ss.1, 745 S.B ss.2 (Part) and 745 S.B RP (Part) in D.D. 111, Fan Kam Road, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/837)

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94.            The Committee noted that the applicant’s representative requested on 6.5.2020 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.

[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**

**Agenda Item 25**

**Section 16 Application**

[Open Meeting]

A/TM-SKW/106 Proposed Excavation of Land (for Ground Investigation Works for Natural Terrain Hazard Study) in "Green Belt" Zone, Government Land in Tai Lam Chung, Tuen Mun  
(RNTPC Paper No. A/TM-SKW/106)

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96. The Secretary reported that the application was submitted by Host Duty Limited, which was a subsidiary of Sun Hung Kai Properties Limited (SHK), with Llewelyn-Davies Hong Kong Limited (LD) and AECOM Asia Company Limited (AECOM) as two of the consultants. 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 SHK was one of the shareholders of KMB; |
| Mr K.K. Cheung      | - | his firm having business dealings with SHK;  |
| Dr C.H. Hau         | - | having current business dealings with AECOM;<br>and  |
| Mr Ricky W.Y. Yu    | - | his firm having past business dealings with LD.  |

97. The Committee noted that the applicant had requested deferment of consideration of the application and Mr Ricky W.Y. Yu had tendered an apology for being unable to join the meeting. The Committee noted that the interest of Miss Winnie W.M. Ng was direct,

she could be allowed stay in the meeting but should refrain from participating in the discussion. As Mr K.K. Cheung and Dr C.H. Hau had no involvement in the application, the Committee agreed that they could stay in the meeting.

98. The Committee noted that the applicant's representative requested on 27.4.2020 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.

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

## **Agenda Item 26**

### **Section 16 Application**

[Open Meeting]

A/TM-LTY Y/390 Proposed Temporary Shop and Services (Retail of Family Goods) with Ancillary Office for a Period of 3 Years in "Village Type Development" Zone, Lots 3835 S.A and 3836 in D.D. 124, Lam Tei, Tuen Mun  
(RNTPC Paper No. A/TM-LTY Y/390A)

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100. The Committee noted that the applicant's representative requested on 26.4.2020 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 second time

that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information to address departmental comments.

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

[Mr Alexander W.Y. Mak 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 27**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/397      Renewal of Planning Approval for Temporary Office for a Period of 3  
Years in "Village Type Development" Zone, Lot 694 S.L RP in D.D.  
130 and adjoining Government Land, Lam Tei, Tuen Mun  
(RNTPC Paper No. A/TM-LTY Y/397)

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

102. Mr Alexander W.Y. Mak, 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 office for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the applied use could be tolerated for a period of three years based on the assessments set out in paragraph 13 of the Paper. Whilst the applied development was not entirely in line with the planning intention of the “Village Type Development” (“V”) zone, there was no Small House application at the Site. The application was in line with the Town Planning Board Guidelines No. 34C in that there had been no major change in planning circumstances since the last approval. Concerned government departments had no adverse comments on or no objection to the application. Appropriate approval conditions were recommended to minimise the possible environmental nuisance and address the technical requirements of the concerned departments.

103. Members had no question on the application.

#### Deliberation Session

104. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 27.5.2020 to 26.5.2023, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 9:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;

- (b) a minimum horizontal clearance of 500mm from Lam Tei Main Street and a minimum vertical clearance of 3.5m over the road verge shall be maintained at all times during the planning approval period to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (d) 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 27.8.2020;
- (e) the existing fire service installations implemented on the Site should be maintained in efficient working order at all times during the planning approval period;
- (f) if the above planning conditions (a), (b), (c) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (g) if the above planning condition (d) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

**Agenda Item 28**

**Section 16 Application**

[Open Meeting]

A/TSW/72                      Proposed ‘Flat’ and Permitted Commercial Development with Minor Relaxation of Gross Floor Area Restriction in “Commercial” Zone, Tin Shui Wai Town Lot No.4  
(RNTPC Paper No. A/TSW/72A)

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106.            The Secretary reported that the application was submitted by Harbour Plaza Resort City Limited, which was a subsidiary of CK Hutchison Holdings Limited (CKHH) and Mr K.K. Cheung had declared an interest on the item as his firm had current business dealings with CKHH.

107.            The Committee noted that the applicant had requested deferment of consideration of the application. As Mr K.K. Cheung had no involvement in the application, the Committee agreed that he could stay in the meeting.

108.            The Committee noted that the applicant’s representative requested on 8.5.2020 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 second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information to address departmental comments.

109.            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 the submission of further information, no further deferment would be

granted unless under very special circumstances.

**Agenda Item 29**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL/259                      Proposed Minor Relaxation of Plot Ratio Restriction for Permitted Office, Shop and Services and Eating Place Uses in “Other Specified Uses” annotated “Business” Zone, 21-35 Wang Yip Street East, Tung Tau Industrial Area, Yuen Long (Yuen Long Town Lot No. 362)  
(RNTPC Paper No. A/YL/259B)

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**Presentation and Question Sessions**

110.            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 minor relaxation of plot ratio restriction for permitted office, shop and services and eating place uses;
- (c)    departmental comments – departmental comments were set out in paragraph 9 of the Paper;
- (d)    during the first three weeks of the statutory publication periods, a total of four public comments were received, with one supporting comment from an individual, two opposing comments from a member of Yuen Long District Council and an operator in the existing Lai Sun Yuen Long Centre, and one comment providing views 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. The proposed development was generally in line with the planning intention of the Other Specified Uses” annotated “Business” (“OU(B)”) zone. The proposed commercial uses would help facilitate the gradual transformation of the Tung Tau Industrial Area for non-polluting commercial uses. The proposed minor relaxation of plot ratio (PR) generally followed the policy on revitalisation of pre-1987 industrial buildings. The proposal was in line with the building height restriction of the “OU(B)” zone and was considered not incompatible with the adjacent developments. Concerned government departments had no objection to or adverse comment on the application. The proposed design enhancements and public benefit components, including setbacks and landscape features, could be regarded as planning and design merits attributed to the proposed development. Regarding the adverse public comment, the comments of government departments and the planning assessments above were relevant.

111. Members raised the following questions :

- (a) details of the maximum site coverage (SC) under the Building (Planning) Regulations (B(P)R) for the development;
- (b) building height of the proposed development;
- (c) design and accessibility of the proposed landscape and greenery features including the communal gardens; and
- (d) whether the setbacks and green design features were proposed by the applicant voluntarily.

112. In response, Mr Steven Y.H. Siu, STP/TMYLW, made the following points :

- (a) according to the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD), the proposed SC in the application was 65%

which exceeded the maximum permitted SC of 60% under the first schedule of B(P)R. Detailed checking would be carried out by BD during building plan submission stage;

- (b) the application was for the redevelopment of the existing 10-storey industrial building into a 15-storey (excluding one basement carpark floor) commercial building, which was within the building height restriction on the Outline Zoning Plan (OZP);
- (c) two full height setbacks along Wang Yip Street East and the service lane near Keung Yip Street Rest Garden with at-grade feature paving were proposed. They would be opened for public use at all times to improve the local streetscape. Communal gardens with landscaping were also proposed at 2/F and 3/F, which would be opened for occupants and visitors' use at reasonable hours, and would enhance air ventilation and visual permeability; and
- (d) there was no statutory requirement to provide any setback under the OZP. The applicant voluntarily proposed setbacks and other design features, which would likely improve the streetscape and generally meet the criteria for considering applications for minor relaxation of PR.

### Deliberation Session

113. Members generally considered that the application was in line with the Government's policy on revitalising industrial buildings, and the proposed voluntary setbacks and green design features were design merits of the current scheme.

114. 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 15.5.2024, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission of a consolidated Traffic Impact Assessment to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the design and implementation of relocation of parking meter for goods vehicle at Wang Yip Street East, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the design and provision of vehicular access, car parking and loading/unloading facilities for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) the submission of documentary justification to substantiate whether there is any land contamination issue for the Site and, where appropriate, the implementation of appropriate land decontamination works in accordance with relevant prevailing guidelines prior to the construction works or development of the Site to the satisfaction of the Director of Environmental Protection or of the TPB;
- (e) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (f) the submission and implementation of sewerage proposal to the satisfaction of the Director of Drainage Services or of the TPB.”

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

**Agenda Item 30**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/495            Proposed Temporary Shop and Services for a Period of 3 Years in  
                                 “Other Specified Uses” annotated “Rural Use” Zone, Lot 1005 S.B  
                                 (Part) in D.D. 118, Tai Tong, Yuen Long  
                                 (RNTPC Paper No. A/YL-TT/495)

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**Presentation and Question Sessions**

116.            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 shop and services for a period of three years;
- (c)    departmental comments – departmental comments were set out in paragraph 10 of the Paper;
- (d)    during the first three weeks of the statutory publication period, one public comment was received from an individual providing views. 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 on a temporary basis for a period of three years based on the assessments set out in paragraph 12 of the Paper. Although the applied use was not entirely in line with the planning intention of the “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) zone, the proposed retail shop for pet food could serve any such demand in the area. There was no known programme for the long-term development of the site. Approval of the application on a temporary basis for three years would not frustrate the long-term planning intention of the area. The applied use

was considered not incompatible with the surrounding uses. Concerned government departments had no adverse comments on or no objection to the application. Appropriate approval conditions were recommended to minimise the possible environmental nuisance and address the technical requirements of the concerned departments. Given that there were one previous approved application on the site and five similar approved applications within the same “OU(RU)” zone for temporary shop and services uses, approval of the application was generally in line with the Committee’s previous decisions. Regarding the public comment received, the comments of government departments and planning assessments above were relevant.

117. Members had no question on the application.

#### Deliberation Session

118. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.5.2023, 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 medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractor/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the Site, as proposed by the applicant, at any time during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (d) all existing trees within the Site shall be maintained at all times during the planning approval period;

- (e) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities on the Site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.8.2020;
- (g) the submission of a fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.8.2020;
- (h) in relation to (g) above, the implementation of the fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.11.2020;
- (i) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (j) if any of the above planning conditions (f), (g) or (h) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

### **Agenda Item 31**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/999 Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 5 Years in “Green Belt” Zone, Lots 40, 124, 125, 126, 130, 417RP, 418, 419, 422RP, 496, 497, 498, 499, 500, 501, 502, 503, 504 (Part), 506, 507, 508, 509, 510, 511, 512, 544 and 2154 in D.D. 119 and Adjoining Government Land, Lam Tai West Road, Yuen Long (RNTPC Paper No. A/YL-TYST/999A)

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

120. 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 place of recreation, sports or culture (hobby farm) for a period of five years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper;
- (d) during the first three weeks of the statutory publication periods, a total of five public comments from individuals were received, with one supporting comment, two objecting comments and two comments providing views on the application. Major views were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application on a temporary basis for five years based on the assessments set out in paragraph 12 of the Paper. The nature of the proposal was considered not entirely in conflict with the planning intention of the “Green

Belt” (“GB”) zone. Whilst the site fell within the Recommended Outline Development Plan of Yuen Long South, the Chief Engineer/Cross-Boundary Infrastructure and Development, PlanD and the Project Manager (West), Civil Engineering and Development Department had no objection to the proposal. The applied use was generally not incompatible with the surrounding uses. The proposal was generally in line with the Town Planning Board Guidelines (TPB PG) No. 10 in that passive recreational uses which were compatible with the character of surrounding areas might be given sympathetic consideration. Concerned government departments had no adverse comments on or no objection to the application. Appropriate approval conditions were recommended to minimise the possible environmental nuisance and address the technical requirements of the concerned departments. Given that five previous approvals for the same/similar uses had been granted to the site, approval of the application was generally in line with the Committee’s previous decisions. Regarding the public comments received, the comments of government departments and planning assessments above were relevant.

121. A Member noted that the applicant was not the “current land owner” of the site and an objecting public comment was received from an alleged inheritor for parts of the site. The same Member enquired whether the potential land ownership issue would be a matter of consideration in the application.

122. The Chairman explained that according to TPB PG-No. 31A on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance, in submitting an application for planning permission, the applicant had to obtain the consent of or notify each and every “current land owner” of the site in writing, or demonstrate that reasonable steps had been taken to obtain/give the necessary owner’s consent/notification.

123. Mr Steven Y.H. Siu, STP/TMYLW, supplemented that in the subject application, the alleged inheritor for parts of the site objected to the application mainly on the grounds that the applicant had illegally occupied his land and had not obtained prior consent from the landowners before submitting the application. Yet, the applicant had already complied with

the requirements of TPB PG-No. 31A by taking reasonable steps to give notification to the land owners.

124. The Chairman further explained that in general, apart from obtaining a planning permission from the Town Planning Board, the applicant still had to conform to any other relevant legislation and the requirements of government department as might be applicable. Should the application be approved, the applicant would need to liaise with the land owners of the site for the implementation of the proposed development.

[Messrs Philip S.L. Kan and K.K. Cheung left the meeting at this point.]

### Deliberation Session

125. Some Members opined that the Committee was not the venue for resolving any land ownership issue or the legality of land title. A Member was of the view that the Committee should consider the application based on land use planning considerations. Relevant authorities, including LandsD, would exercise their power on the respective aspect. In that regard, Mr Alan K.L. Lo, AD/R3, LandsD, explained that the application for Short Term Waiver (STW) generally required the submission from the land owner. LandsD was undertaking a review on the existing STW procedures with an aim to streamlining the process. The requirement of statutory declaration by the applicant to confirm the right of occupation under specified circumstances was being examined in the review. He further added that before any new building works were to be carried out on the site, prior approval and consent of the Building Authority should also be obtained in accordance with the Buildings Ordinance.

126. The Chairman remarked that the granting of any planning permission should not be construed as an acceptance of any other relevant legislation and requirements, and an advisory clause was recommended to advise the applicant to resolve any land issues relating to the development with the concerned owners of the site.

127. Members noted that the previous application (No. A/YL-TYST/858) for temporary place of recreation, sports or culture (hobby farm), picnic area, barbecue spot and tent camping ground was rejected by the Committee mainly on the grounds that the

development was not in line with the planning intention of the “Green Belt” zone and the proposed development would affect the existing natural landscape. For the current application, as only a minor portion of the site would be hard-paved, significant change and disturbance to the existing landscape resources was not anticipated.

128. A Member noted that as the Committee had previously approved five out of six applications involving the site, approval of the application was generally in line with the Committee’s previous decisions.

129. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 15.5.2025, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 6:00 p.m. and 10:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no loudspeakers, audio amplifier and public announcement systems, barbecue/camping activities and overnight stay of visitors are allowed within the Site, as proposed by the applicant, at any time during the planning approval period;
- (c) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractor/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) all existing trees within the Site shall be maintained at all times during the planning approval period;
- (f) the provision of boundary fence on the Site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the

TPB by 15.11.2020;

- (g) the submission of a run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 15.11.2020;
- (h) in relation to (g) above, the implementation of the run-in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 15.2.2021;
- (i) the submission of a Drainage Impact Assessment within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.11.2020;
- (j) in relation to (i) above, the implementation of the drainage facilities identified therein in the Drainage Impact Assessment within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.2.2021;
- (k) in relation to (j) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (l) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.11.2020;
- (m) in relation to (l) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.2.2021;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e) or (k) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;

- (o) if any of the above planning conditions (f), (g), (h), (i), (j), (l) or (m) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (p) upon expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

### **Agenda Item 32**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/1014 Renewal of Planning Approval for Temporary Open Storage of Construction Machinery, Construction Material and Ancillary Site Office for a Period of 3 Years in “Undetermined” Zone, Lots 2685 (Part), 2686 (Part), 2687 (Part), 2688 (Part), 2689, 2690 (Part), 2700 (Part), 2701 (Part), 2702, 2703 (Part), 2704 S.A & S.B (Part), 2705 (Part) and 2713 (Part) in D.D. 120, Shan Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-TYST/1014)

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

131. 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 open storage of construction machinery, construction material and ancillary site office for a period of

three years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper;
- (d) during the first three weeks of the statutory publication period, one public comment was received from a member of the Yuen Long District Council objecting to 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 applied use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The applied use was not in conflict with the planning intention of the “Undetermined” (“U”) zone. Whilst the site fell within the Recommended Outline Development Plan of Yuen Long South, the Chief Engineer/Cross-Boundary Infrastructure and Development, PlanD and the Project Manager (West), Civil Engineering and Development Department had no objection to the proposed temporary use for a further three years. The application was in line with the Town Planning Board Guidelines (TPB PG) No. 13F in which the site fell within Category 1 areas. The application was generally in line with TPB PG-No. 34C in that there had been no major change in planning circumstances since the last approval, and the approval conditions of the last approval had been complied with. Concerned government departments had no adverse comments on or no objection to the application. Approval conditions were recommended to address the technical requirements of the concerned departments. Regarding the public comment received, the comments of government departments and planning assessments above were relevant.

132. Members had no question on the application.

#### Deliberation Session

133. After deliberation, the Committee decided to approve the application on a

temporary basis for a period of 3 years from 27.5.2020 to 26.5.2023, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 11:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no dismantling, repairing, cleansing or other workshop activities, as proposed by the applicant, are allowed on the Site at any time during the planning approval period;
- (d) no heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the existing trees within the Site shall be maintained at all times during the planning approval period;
- (g) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (h) the submission of 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 27.8.2020;
- (i) the existing fire service installations implemented on the Site should be

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

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

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

[The Chairman thanked Mr Alexander W.Y. Mak and Mr Steven Y.H. Siu, STPs/TMYLW, for their attendance to answer Members’ enquiries. They left the meeting at this point.]

**Agenda Item 33**

Any Other Business

135. There being no other business, the meeting closed at 4:45 p.m.