

## **TOWN PLANNING BOARD**

### **Minutes of 657<sup>th</sup> Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 9.10.2020**

#### **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

Dr C.H. Hau

Dr Lawrence K.C. Li

Miss Winnie W.M. Ng

Mr K.W. Leung

Dr Venus Y.H. Lun

Mr Conrad T.C. Wong

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

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

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

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

Deputy Director of Planning/District  
Ms Lily Y.M. Yam

Secretary

**Absent with Apologies**

Mr K.K. Cheung

Mr L.T. Kwok

Dr Jeanne C.Y. Ng

Mr Ricky W.Y. Yu

Mr Y.S. Wong

**In Attendance**

Chief Town Planner/Town Planning Board  
Ms Caroline T.Y. Tang

Assistant Town Planner/Town Planning Board  
Ms Charlotte O.C. Ko

**Opening Remarks**

[Open Meeting]

1. The Chairman said that the meeting would be conducted with video conferencing arrangement. The Chairman and Members then congratulated Mr Peter K.T. Yuen for being awarded the Medal of Honour in recognition of his valuable contribution to the Town Planning Board and its Rural and New Town Planning Committee, as well as the planning and development of Hong Kong.

**Agenda Item 1**

Confirmation of the Draft Minutes of the 655<sup>th</sup> and 656<sup>th</sup> RNTPC Meetings held on 15.9.2020 and 18.9.2020

[Open Meeting]

2. The draft minutes of the 655<sup>th</sup> and 656<sup>th</sup> RNTPC meetings held on 15.9.2020 and 18.9.2020 respectively were confirmed without amendments.

**Agenda Item 2**

Matter Arising

[Open Meeting]

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

**Sai Kung and Islands District**

**Agenda Item 3**

**Section 12A Application**

[Open Meeting]

Y/SK-CWBN/10      Application for Amendment to the Approved Clear Water Bay Peninsula North Outline Zoning Plan No. S/SK-CWBN/6, To rezone the application site from “Green Belt” to “Government, Institution or Community (7)” and amend the Notes of the Zone applicable to the site, Various Lots in D.D. 229 and Adjoining Government Land, Clear Water Bay, Sai Kung  
(RNTPC Paper No. Y/SK-CWBN/10A)

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4.            The Secretary reported that Ronald Lu & Partners (Hong Kong) Limited (RLP) and Ove Arup & Partners Hong Kong Limited (ARUP) were two of the consultants of the applicants, and Mr K.K. Cheung had declared an interest on the item for his firm having current business dealings with RLP and ARUP.

5.            The Committee noted that the applicants’ representative had requested deferment of consideration of the application. Mr K.K. Cheung had tendered an apology for being unable to attend the meeting.

6.            The Committee noted that the applicants’ representative requested on 11.9.2020 deferment of consideration of the application for two months so as to allow time to prepare further information to address departmental comments. It was the second time that the applicants requested deferment of the application. Since the last deferment, the applicants had yet to submit further information.

7.            After deliberation, the Committee decided to defer a decision on the application as requested by the applicants pending the submission of further information from the applicants. 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 applicants. If the further information submitted by the applicants 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 applicants 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.

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

**Agenda Item 4**

**Section 12A Application**

[Open Meeting]

Y/YL-NTM/4                      Application for Amendment to the Approved Ngau Tam Mei Outline Zoning Plan No. S/YL-NTM/12, To rezone the application site from "Comprehensive Development Area" and "Green Belt" to "Residential (Group A)", "Government, Institution or Community" and "Comprehensive Development Area (1)", Various Lots in D.D. 105 and Adjoining Government land, Shek Wu Wai, Yuen Long  

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(RNTPC Paper No. Y/YL-NTM/4A)

8.            The Secretary reported that the application was submitted by Bonus Plus Company Limited, which was a subsidiary of Sun Hung Kai Properties Limited (SHK). Llewelyn-Davies Hong Kong Limited (LD) and AECOM Asia Company Limited (AECOM) were two of the consultants of the applicant. The following Members had declared interests on the item:

Mr K.K. Cheung                      - his firm having current business dealings with SHK;

Dr C.H. Hau                              - having past business dealings with AECOM;

- 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 Ricky W.Y. Yu - having past business dealings with LD; and
- Mr Conrad T.C. Wong - having current business dealings with SHK.

9. The Committee noted that the applicant had requested deferment of consideration of the application. Messrs K.K. Cheung and Ricky W.Y. Yu had tendered apologies for being unable to attend the meeting and Mr Conrad T.C. Wong had not yet arrived to join the meeting. As the interest of Miss Winnie W.M. Ng was direct, the Committee agreed that she could stay in the meeting but should refrain from participating in the discussion. As Dr C.H. Hau had no involvement in the application, the Committee agreed that he could stay in the meeting.

10. The Committee noted that the applicant's representative requested on 28.9.2020 deferment of consideration of the application for 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.

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. 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.

**Tuen Mun and Yuen Long West District**

**Agenda Item 5**

**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/11A)

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12.            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.

13.            The Committee noted that the applicant had requested deferment of consideration of the application. Mr K.K. Cheung had tendered an apology for being unable to attend the meeting.

14.            The Committee noted that the applicant’s representative requested on 16.9.2020 deferment of consideration of the application for two months so as to allow time to prepare further information to address departmental and public 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.

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

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

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

[Ms Jane W.L. Kwan and Mr Kenneth C.K. Yeung, Senior Town Planners/Sai Kung and Islands (STPs/SKIs), were invited to the meeting at this point.]

#### **Agenda Item 6**

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

[Open Meeting]

A/SK-HC/316      Proposed Houses with Minor Relaxation of Building Height Restriction in "Residential (Group E)" Zone, Various Lots in D.D. 210 and Adjoining Government Land, Ho Chung, Sai Kung  
(RNTPC Paper No. A/SK-HC/316A)

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16.            The Secretary reported that CYS Associates (HK) Limited (CYS) was one of the consultants of the applicant. Mr K.K. Cheung had declared an interest on the item for his firm having current business dealings with CYS.

17.            The Committee noted that the applicant had requested deferment of consideration of the application. Mr K.K. Cheung had tendered an apology for being unable to attend the meeting.

18.            The Committee noted that the applicant's representative requested on 18.9.2020 deferment of consideration of the application for 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 including updated technical

assessments.

19. 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 is 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.

### **Agenda Item 7**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions only)]

A/SK-PK/259            Temporary Eating Place (Restaurant) for a Period of 3 Years in Area shown as 'Road', G/F, 11A Po Tung Road, Lot 1813 (Part) in D.D. 221, Sai Kung  
(RNTPC Paper No. A/SK-PK/259)

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

20. 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 temporary eating place (restaurant) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper;

- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 10 of the Paper. Although the applied use was not in line with the planning intention of the area shown as 'Road', the Commissioner for Transport and Chief Highway Engineer/New Territories East, Highways Department had no in-principle objection to or no comment on the application given that the site fell outside the boundary of the Hiram's Highway Improvement Project Stage 2 project. In addition, the applied use was not incompatible with the surrounding uses. The applied would unlikely cause nuisance, adverse traffic, drainage and environmental impacts on the surrounding area. There had been no major change in planning circumstances since the approval of the previous application (No. A/SK-PK/194). The Director of Fire Services had no objection to the application subject to imposition of approval condition related to fire safety. Other relevant government departments had no objection to or no adverse comment on the application.

21. Members had no question on the application.

#### Deliberation Session

22. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 9.10.2023, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) the provision of fire service installations within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.4.2021; and
- (b) if the above planning condition (a) is not complied with by the specified

date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.”

23. 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/SK-TMT/65            Proposed Excavation of Land (Installation of Electricity Meter Box for Permitted Agricultural Use and Lighting) in “Green Belt” Zone, Lot No. 684 (part) in D.D.369, Pak Tam Chung, Tsak Yue Wu Village, Sai Kung  
(RNTPC Paper No. A/SK-TMT/65)

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

24. 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 excavation of land (installation of electricity meter box for permitted agricultural use and lighting);
- (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, 12 public comments were received from the village representatives of Tsak Yue Wu Village and Pak Tam Chung Village and individuals. Ten comments objected to the application, one comment expressed concern on the application and the remaining one was illegible. Major views were set out

in paragraph 11 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The planning intention of the “Green Belt” (“GB) zone was to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl, as well as to provide passive recreational outlets. There was a general presumption against development within the “GB” zone. Whilst the government departments consulted had no objection to or no adverse comment on the application and the applicant claimed that the proposed excavation of land was for the installation of an electricity meter box for the permitted agricultural use and lighting, there was no strong justification in the submission for a departure from the planning intention. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

25. Members had no question on the application.

#### Deliberation Session

26. In response to a Member's enquiry on whether the two stacked converted containers to the immediate west of the application site were considered as unauthorised, the Chairman drew Members' attention to the information contained in the Paper that there was no information on the use of the containers and no application for any Short Term Waivers/Letters of Approval for agricultural structures had been received by relevant government departments. There was also no planning application received in relation to those containers. Should there be sufficient evidence on any unauthorised development, appropriate enforcement action would be taken by relevant government departments.

27. Members noted the applicant's claim that the proposed excavation work was required to facilitate installation of an electricity meter box for supplying electricity to support the agriculture activities that he intended to undertake. Although the proposed excavation work only involved a small area (0.8 m<sup>2</sup> in area and 0.7 m in depth) and would not have any adverse environmental impact, Members considered that there was insufficient

justification to support the application based on the following observations:

- (a) the scale of agriculture activities proposed to be undertaken by the applicant was relatively modest;
- (b) electricity supplies were generally available in the area; and
- (c) there was no explanation on why electricity could not be supplied to support the intended agriculture activities without the proposed excavation work and its associated installation of electricity meter box.

28. The Chairman suggested and Members agreed that the reason for rejecting the application, as set out in the Paper, should be suitably revised to reflect Members' concerns on the applicant's failure to provide strong justification for the proposed excavation of land.

29. After deliberation, the Committee decided to reject the application. The reason was:

“the proposed excavation of land is not in line with the planning intention of the “Green Belt” zone which is to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl, as well as to provide passive recreational outlets. There is a general presumption against development within this zone. The applicant fails to provide strong planning justification to demonstrate the need for excavation of land to install the electricity meter box.”

**Agenda Item 9**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions only)]

A/SLC/160                      Proposed Public Utility Installation (Public Utility Pipeline) and Filling and Excavation of Land in “Coastal Protection Area” Zone, Government Land at Upper Cheung Sha Beach, Lantau Island  
(RNTPC Paper No. A/SLC/160)

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30.            The Secretary reported that the application was submitted by CLP Power Hong Kong Limited, which was a subsidiary of CLP Holdings Limited (CLP). The following Members had declared interests on the item:

Dr Jeanne C.Y. Ng                      -    being the Director of the CLP Research Institute of CLP;

Mr Conrad T.C. Wong                      -    having current business dealings with CLP; and

Mr K.K. Cheung                              his firm having current business dealings with CLP.

31.            The Committee noted that Dr Jeanne C.Y. Ng and Mr K.K. Cheung had tendered apologies for being unable to attend the meeting and Mr Conrad T.C. Wong had not yet arrived to join the meeting.

**Presentation and Question Sessions**

32.            With the aid of a PowerPoint, Mr Kenneth C.K. Yeung, 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 (public utility pipeline) and filling and excavation 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, five public comments from individuals were received, in which four of them objected to or expressed concerns on the application, while the remaining one indicated 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 submarine cable would enable the gainful use of the recovered energy and was regarded as an essential part of the entire integrated waste management facility which embraced the long-term strategy of ‘Waste-to-Energy’. The Director of Environmental Protection had no objection to the application in view of the small scale of the proposed works. Since the proposed underground cables and the two cable markers were not incompatible with the surrounding area and no significant visual and landscape impacts were envisaged, the Chief Town Planner/Urban Design and Landscape, PlanD also had no objection to the application. Other concerned government departments had no objection to or no comment on the application. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

33. In response to the Chairman’s enquiry, Mr Kenneth C.K. Yeung, STP/SKIs, by referring to Plan A-2 of the Paper, said that part of the application site was within the boundary of the gazetted Upper Cheung Sha Beach and the beach would be reinstated upon completion of the proposed works.

#### Deliberation Session

34. A Member noted that PlanD had indicated no objection to the application and

opined that such type of environmentally sustainable project might be supported. The Committee generally agreed that the application could be supported.

35. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 9.10.2024, 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.

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

[The Chairman thanked Ms Jane W.L. Kwan and Mr Kenneth C.K. Yeung, STPs/SKIs, for their attendance to answer Members' enquiries. They left the meeting at this point.]

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

[Ms Kathy C.L. Chan, Ms Hannah H.N. Yick 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 10**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/684            Eating Place (Outside Seating Accommodation of a Restaurant) in  
"Village Type Development" Zone, Government Land Adjoining Lot  
2471 in D.D. 19, 4C Fong Ma Po, Lam Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/684A)

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

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

- (a) background to the application;
- (b) the eating place (outside seating accommodation of a restaurant);
- (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, four opposing comments were received from individuals. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. Although the applied use was not in line with the planning intention of the “Village Type Development” zone (“V”) zone, there was no Small House application received for the site and approval of the application on a temporary basis for three years would neither frustrate the long-term planning intention of the “V” zone nor adversely affect the land available for village type development. The applied use was considered not incompatible with the surrounding area and would not cause significant adverse traffic, drainage, sewerage and fire safety impacts on the surrounding areas. The application was also generally in line with the Town Planning Board Guidelines No. 15A for application for eating place within the “V” zone. Concerned government departments had no objection to or adverse comment on the application. There were three approved similar applications within the same “V” zone and approval of the application was in line with the Committee’s previous decisions. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

38. Members had no question on the application.

39. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 9.10.2023, 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 11:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no permanent structure or support for any structure shall be erected within the site;
- (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 9.4.2021;
- (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 9.7.2021;
- (e) the submission of a sewerage connection proposal within 6 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the TPB by 9.4.2021;
- (f) in relation to (e) above, the implementation of the sewerage connection proposal within 9 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the TPB by 9.7.2021;
- (g) the submission of a fire service installations and water supplies for fire fighting proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.4.2021;
- (h) in relation to (g) above, the implementation of the fire service installations and water supplies for fire fighting proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or

of the TPB by 9.7.2021;

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

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

### **Agenda Item 11**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/987                      Shop and Services (Fast Food Shop) in “Industrial” Zone, Workshop G3 (Portion), LG/F, Valiant Industrial Centre, Nos. 2-12 Au Pui Wan Street, Fo Tan, Sha Tin  
(RNTPC Paper No. A/ST/987)

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41. The Secretary reported that the application was submitted by Sunday Limited. Mr K.K. Cheung had declared an interest for his firm having current business dealings with Sunday Limited.

42. The Committee noted that Mr K.K. Cheung had tendered an apology for being unable to attend the meeting.

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

43. Ms Hannah H.N. Yick, STP/STN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the shop and services (fast food shop);
- (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 opposing comment from an individual was received. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of five years based on the assessments set out in paragraph 11 of the Paper. The applied use was small in scale and considered not incompatible with the subject industrial building and the surroundings. The Director of Fire Services had no objection to the application subject to imposition of approval condition on the provision of fire service installations and that the fast food shop could be exempted from the restriction of a maximum permissible limit of 460m<sup>2</sup> for aggregate commercial floor area on the ground floor. The applied use generally complied with the Town Planning Board Guidelines No. 25D. Other concerned government departments had no objection to or no adverse comment on the application. There were two previous approved applications and 31 approved similar applications on the ground or lower ground floor of the subject industrial building. Approval of the application was in line with the Committee's previous decisions. A temporary approval of five years was recommended in order not to jeopardise the long-term planning intention of industrial use of the subject industrial building and to allow the Committee to monitor the supply and demand of industrial floor space in the area. Regarding the public comment, the comments of government departments and planning assessments above were relevant.

44. Members had no question on the application.

### Deliberation Session

45. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 9.10.2025, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) the submission and implementation of the fire safety measures within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 9.4.2021; 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.”

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

### **Agenda Item 12**

#### Section 16 Application

[Open Meeting]

A/NE-LYT/725      Temporary Public Vehicle Park (Private Car and Light Goods Vehicle Only) for a Period of 3 Years in “Village Type Development” Zone, Lot 1573 S.A (Part) in D.D. 76, Kan Tau Tsuen, Lung Yeuk Tau  
(RNTPC Paper No. A/NE-LYT/725A)

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47. The Committee noted that the applicant’s representative requested on 22.9.2020 deferment of consideration of the application for two months so as to allow time to prepare further information to address further comments from the Transport Department. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information to address departmental comments.

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

### **Agenda Item 13**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-MUP/148 Proposed Temporary Wholesale Trade (Fruit and Vegetable Market)  
for a Period of 2 Years in "Agriculture" Zone, Lots 23, 25 and 26 in  
D.D. 38 and Lot 803 in D.D. 46, Loi Tung, Sha Tau Kok  
(RNTPC Paper No. A/NE-MUP/148A)

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

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

- (a) background to the application;
- (b) the proposed temporary wholesale trade (fruit and vegetable market);
- (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, nine public comments were received. Two comments from individuals supported the application, six comments from Kadoorie Farm and Botanic Garden, Hong Kong Bird Watching Society, Designing Hong Kong Limited, a local resident and an individual objected to the application, and the remaining one from the Chairman of Sheung Shui District Rural Committee indicated no comment. 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 “Agriculture” (“AGR”) zone and the Director of Agriculture, Fisheries and Conservation had reservation on the application. Besides, the proposed development with two structures covering an area of 1,201m<sup>2</sup> was considered not entirely compatible with the surrounding area. The Commissioner for Transport did not support the application in view of the adverse traffic impact brought by the proposed development. The Chief Town Planner/Urban Design and Landscape, PlanD had reservation on the application and considered that approval of the application would set an undesirable precedent for similar applications in the “AGR” zone and the cumulative effect of approving such application would result in a general degradation of the rural environment of the area. Other concerned Government departments had no comment on or no objection to the application. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

50. In response to a Member's enquiry regarding the duration of the approval period sought under the application, Mr Tim T.Y. Fung, STP/STN, said that the applicant applied for a temporary approval of two years instead of three years with a view to trying out the operation. In response to the Chairman's enquiry, Mr Fung said that there was no record of approval by the Building Authority for the existing structures on the application site. The District Lands Officer/North, Lands Department also advised that those structures were erected without their approval. In that regard, enforcement actions would be taken by the relevant government departments, as appropriate.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is primarily to retain and safeguard good 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;
- (b) the applicants fail to demonstrate that the proposed development would have no adverse traffic impacts on the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the rural environment of the area.”

**Agenda Item 14**

Section 16 Application

[Open Meeting]

A/NE-TKL/644 Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years in “Agriculture” Zone, Lots 605 (Part), 628 RP (Part), 629 RP (Part) and 632 in D.D. 77 and Lot 394 RP (Part) in D.D. 84, Ping Che  
(RNTPC Paper No. A/NE-TKL/644)

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52. The Secretary reported that the application site was located in Ta Kwu Ling. The application was submitted by Beauty Power Development Limited, Moreway Limited

and Topfront Development Limited, which were the subsidiaries of Henderson Land Development Company Limited (HLD). The following Members had declared interests on the item:

- Mr K.K. Cheung - his firm having current business dealings with HLD;
- Dr C.H. Hau - being an employee of the University of Hong Kong which had received a donation from a family member of the Chairman of HLD before;
- Dr Lawrence K.C. Li - being the Deputy Chairman of the Council of the Hong Kong Polytechnic University which had obtained sponsorship from HLD before;
- Mr Peter K.T. Yuen - being a member of the Board of Governors of the Hong Kong Arts Centre which had received donation from an Executive Director of HLD before; and
- Mr Conrad T.C. Wong - being the director of Yau Lee Construction Company Limited which owned a piece of land in Ta Kwu Ling.

53. The Committee noted that the applicants had requested deferment of consideration of the application. Mr K.K. Cheung had tendered an apology for being unable to attend the meeting and Mr Conrad T.C. Wong had not yet arrived to join the meeting. As the interests of Dr C.H. Hau, Dr Lawrence K.C. Li and Mr Peter K.T. Yuen were indirect, the Committee agreed that they could stay in the meeting.

54. The Committee noted that the applicants requested on 22.9.2020 deferment of consideration of the application for two months so as to allow time to prepare further

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

55. After deliberation, the Committee decided to defer a decision on the application as requested by the applicants pending the submission of further information from the applicants. 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 applicants. If the further information submitted by the applicants 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 applicants 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 15**

#### **Section 16 Application**

[Open Meeting]

A/NE-TKLN/23 Proposed Temporary Place of Recreation, Sports or Culture (Parent-Child Play Area), Eating Place, Shop and Services with Ancillary Car Park for a Period of 5 Years in "Recreation" Zone, Lots 35 RP, 36, 42 RP, 43, 44, 45 RP, 59 RP and 64 S.B RP in D.D. 80, Lin Ma Hang Road, Pak Fu Shan  
(RNTPC Paper No. A/NE-TKLN/23C)

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56. The Committee noted that the applicant's representative requested on 17.9.2020 deferment of consideration of the application for two months so as to allow time to prepare further information to address further comments from the Transport Department. It was the fourth time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information including revised technical assessments and responses to departmental comments.

57. 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 fourth deferment and a total of eight months had been allowed for preparation of submission of further information, this was the last deferment and no further deferment would be granted.

### **Agenda Item 16**

#### **Section 16 Application**

[Open Meeting]

A/NE-TKLN/35      Proposed Temporary Eating Place, Shop and Services with Ancillary Office/Store Room and Car Park for a Period of 3 Years in "Village Type Development" Zone, Lot 356 (Part) in D.D. 78, Tsung Yuen Ha, Ta Kwu Ling North  
(RNTPC Paper No. A/NE-TKLN/35A)

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58.            The Committee noted that the applicant's representative requested on 16.9.2020 deferment of consideration of the application for two months so as to allow time to prepare further information to address comments from the Transport Department. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information to address departmental comments.

59.            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.

**Agenda Item 17**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-WKS/15      Proposed Temporary Open Storage of Construction Materials and Ancillary Warehouse and Offices for a Period of 3 Years in “Agriculture” and “Recreation” Zones, Lots 514, 525 RP, 530 RP in D.D. 79 and Adjoining Government Land, Ta Kwu Ling North  
(RNTPC Paper No. A/NE-WKS/15)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed temporary open storage of construction materials and ancillary warehouse and offices 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, seven public comments were received. Among them, six from the Hong Kong Bird Watching Society, World Wide Fund for Nature Hong Kong, the Kadoorie Farm and Botanic Garden Corporation and individuals objected to the application and one from the Chairman of Sheung Shui District Rural Committee indicated no comment. Major objection grounds were set out in paragraph 11 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “Agriculture” zone and the Director of Agriculture, Fisheries and Conservation did not support the application as the site possesses potential for agricultural rehabilitation. The Commissioner for Transport did not support the application as the applicant failed to demonstrate that the proposed development would not cause adverse traffic impact on the surrounding areas. The Director of Environmental Protection did not support the application as there were sensitive receivers in the vicinity and the applied use involved the use of heavy vehicles, and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, PlanD had reservation on the application from landscape planning perspective. The application did not comply with the Town Planning Board Guidelines No. 13F in that the site fell within Category 3 area and was not the subject of any previous planning approval for similar open storage uses; there were adverse departmental comments and local objections; and the applicant failed to demonstrate that the proposed development would not cause adverse traffic and environmental impacts on the surrounding area. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

61. In response to the Chairman's enquiry, Mr Tim T.Y. Fung, STP/STN, said that there was no approved similar application in the area.

#### Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and

to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong justification in the submission for a departure from such planning intention, even on a temporary basis;

- (b) the proposed development does not comply with the Town Planning Board Guidelines No. 13F on “Application for Open Storage and Port Back-up Uses” in that no previous approval has been granted to the site and there are adverse departmental comments and local objections;
- (c) the applicants fail to demonstrate that the proposed development would not cause adverse traffic impact on the surrounding areas; and
- (d) the approval of the application would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.”

[The Chairman thanked Ms Kathy C.L. Chan, Ms Hannah H.N. Yick 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**

[Mr Patrick M.Y. Fung and Ms Ivy C.W. Wong, Senior Town Planners/Fanling, Sheung Shui and Yuen Long East (STPs/FSYLE), were invited to the meeting at this point.]

**Agenda Item 18**

**Section 16 Application**

[Open Meeting]

A/FLN/21 Proposed Underground Public Vehicle Park (excluding container vehicle) in “Open Space” Zone, Lots 2083 (Part), 2085 (Part), 2086 (Part), 2087 (Part), 2088 (Part), 2089 (Part) and 2130 (Part) in D.D. 51, Fanling North  
(RNTPC Paper No. A/FLN/21C)

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63. The Secretary reported that the application was submitted by Best Galaxy Limited, which was a subsidiary of Henderson Land Development Company Limited (HLD) and Ronald Lu & Partners (HK) Limited (RLP) was one of the consultants of the applicant. The following Members had declared interests on the item:

- |                     |   |
|---------------------|---|
| Mr K.K. Cheung      | - his firm having current business dealings with HLD and RLP;   |
| Dr C.H. Hau         | - being an employee of the University of Hong Kong which had received a donation from a family member of the Chairman of HLD before;          |
| Dr Lawrence K.C. Li | - being the Deputy Chairman of the Council of the Hong Kong Polytechnic University which had obtained sponsorship from HLD before; and        |
| Mr Peter K.T. Yuen  | - being a member of the Board of Governors of the Hong Kong Arts Centre which had received donation from an Executive Director of HLD before. |

64. The Committee noted that the applicant had requested deferment of consideration of the application and Mr K.K. Cheung had tendered an apology for being unable to attend

the meeting. As the interests of Dr C.H. Hau, Dr Lawrence K.C. Li and Mr Peter K.T. Yuen were indirect, the Committee agreed that they could stay in the meeting.

65. The Committee noted that the applicant's representative requested on 11.9.2020 deferment of consideration of the application for two months so as to allow time to prepare further information including a quantitative assessment on the need of the public vehicle park to address comments from the Transport Department. It was the fourth time that the applicant requested deferment of the application. Since the last deferment, the applicant had yet to submit further information.

66. 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 fourth deferment and a total of eight months had been allowed for preparation of submission of further information, this was the last deferment and no further deferment would be granted.

## **Agenda Item 19**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/286      Temporary Open Storage of Construction Machinery and Construction  
Materials for a Period of 3 Years in "Agriculture" Zone, Lot 1439 in  
D.D. 114, Shek Kong, Yuen Long  
(RNTPC Paper No. A/YL-SK/286)

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### **Presentation and Question Sessions**

67. Mr Patrick M.Y. Fung, STP/FSYLE, presented the application and covered the

following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the temporary open storage of construction machinery and construction materials 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, nine objecting comments from Designing Hong Kong Limited, Kadoorie Farm & Botanic Garden Corporation, World Wide Fund for Nature Hong Kong, Hong Kong Bird Watching Society and five individuals were received. Major objection grounds were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone and the Director of Agriculture, Fisheries and Conservation did not support the application as the site possesses potential for agricultural rehabilitation. The application did not comply with the Town Planning Board Guidelines No. 13F in that the site fell within Category 3 areas where applications would normally not be favourably considered unless with previous planning approvals. The Chief Town Planner/Urban Design and Landscape, PlanD had reservation on the application from landscape planning perspective. The Commissioner for Transport also had reservation on the application as the applicant failed to demonstrate that the development would not generate adverse traffic impact on Kam Sheung Road. The Director of Environmental Protection did not support the application as there were sensitive receivers in the vicinity and the proposed use involved the use of heavy vehicles, and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse

comment on the application. There were eight similar applications within the same “AGR” zone rejected by the Committee or the Town Planning Board on review. The rejection of the current application was in line with the Committee’s previous decisions. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

68. Members had no question on the application.

### Deliberation Session

69. 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” (“AGR”) zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong planning justification has been given in the submission for a departure from the planning intention of “AGR” zone, even on a temporary basis;
- (b) the development does not comply the Town Planning Board Guidelines No. 13F on “Application for Open Storage and Port Back-up Uses” in that no previous planning approval has been granted to the site and there are adverse departmental comments and local objections;
- (c) the applicant fails to demonstrate that the development would not generate adverse environmental and traffic impacts on the surrounding areas; and
- (d) the approval of the application would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of

the rural environment of the area.”

**Agenda Item 20**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/857      Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 5 Years and Filling of Land in “Agriculture” Zone, Lots 777 RP, 778 RP, 779 RP and 926 in D.D. 103, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTS/857)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary place of recreation, sports or culture (hobby farm) for a period of five 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, no public comment was received; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The applied use was generally not in conflict with the planning intention of the “Agriculture” (“AGR”) zone and the Director of Agriculture, Fisheries and Conservation had no strong view on the application. Approval of the application on a temporary basis for a period of five 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 objection to or no adverse comment on the application. Appropriate approval conditions were recommended to minimise any possible environmental nuisance and address the technical requirements of the concerned departments. Two previous applications for temporary hobby farm use at the site were approved. Approval of the application was in line with the Committee's previous decisions.

71. In response to the Chairman's enquiries, Ms Ivy C.W. Wong, STP/FSYLE, by referring to Plans A-1 and A-4a of the Paper, pointed out the location of the three existing structures at the application site, with the largest one mainly for an agricultural education centre with site office and reception, and the two smaller ones for storage of farm tools and a water tank. There was also a viewing platform above an existing pond. According to the applicant, about 65% of site would be used for farming purpose.

#### Deliberation Session

72. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 9.10.2025, 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 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no public announcement system, portable loudspeaker or any form of audio amplification system is allowed to be used on the site at any time during the planning approval period;
- (c) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) the submission of a record of the existing drainage facilities on site within 3 months from the date of planning approval to the satisfaction of the

Director of Drainage Services or of the TPB by 9.1.2021;

- (e) the implementation of the accepted fire services installation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.4.2021;
- (f) if any of the above planning conditions (a), (b) or (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (g) if any of the above planning conditions (d) or (e) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (h) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

## **Agenda Item 21**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/829            Proposed Houses and Filling and Excavation of Land in “Residential (Group D)” Zone, Lots 101 S.F RP, 101 S.G, 101 S.H, 101 S.I and 101 S.J in D.D. 111, Fan Kam Road, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/829B)

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### **Presentation and Question Sessions**

74. With the aid of a PowerPoint, Ms Ivy C.W. Wong, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed houses and filling and excavation 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, seven public comments from individuals (including two identical comments with the same three signatures submitted at different times) were received. One comment supported the application and expressed opinions, while the remaining six comments objected to the application. Major views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed house development with a plot ratio of 0.2 and building height of 2 storeys (6m) was in line with the planning intention of the “Residential (Group D)” zone and conformed to the Outline Zoning Plan restrictions. The proposed development was considered not incompatible with the surrounding area. Approval of the proposed house development could serve as a catalyst to phase out the non-conforming rural industrial-related uses in the vicinity of the site. Concerned government departments had no objection to or no adverse comment on the application. To address the technical requirements of relevant government departments, appropriate approval conditions were recommended. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

75. Members had no question on the application.

#### Deliberation Session

76. After deliberation, the Committee decided to approve the application, on the

terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 9.10.2024, 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 design and provision of car parking and loading/unloading facilities for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the submission and implementation of a vehicular access to the satisfaction of the Commissioner for Transport, Director of Highways and Director of Water Supplies or of the TPB;
- (c) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (d) the design and provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.”

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

## **Agenda Item 22**

### **Section 16 Application**

[Open Meeting]

A/YL-PH/840 Proposed Temporary Recycling Material Centre with Ancillary Office for a Period of 3 Years and Land Filling in “Residential (Group D)” Zone, Lot 55 (Part) in D.D. 108, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/840A)

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78. The Committee noted that the applicant’s representative requested on 25.9.2020 deferment of consideration of the application for 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.

79. 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.

### **Agenda Item 23**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/853           Renewal of Planning Approval for Temporary Car Park for Villagers (Excluding Container Vehicle) for a Period of 2 Years in "Village Type Development" Zone, Lots 83 (Part), 85 RP (Part), 86 (Part), 87 S.B (Part), 87 RP (Part) and 92 RP (Part) in D.D. 111 and Adjoining Government Land, Shui Kan Shek, Pat Heung  
(RNTPC Paper No. A/YL-PH/853)

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

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

- (a) background to the application;

- (b) the renewal of planning approval for temporary car park for villagers (excluding container vehicle) for a period of two 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, two opposing comments from individuals were received. Major objection grounds were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. Although the applied use was not entirely in line with the planning intention of the “Village Type Development” (“V”) zone, there was no Small House application approved or under processing at the site. It was considered that temporary approval of the application would not frustrate the long-term planning intention of the “V” zone. The application was in line with the Town Planning Board Guidelines No. 34C in that all approval conditions of the last approved application had been complied with, there was no change in planning circumstances since the last planning approval, no adverse departmental comment was received and the approval period sought was reasonable. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

81. Noting that there was a public comment expressing concern on the use of government land (GL), a Member asked whether the application site was on GL and whether there was a long-term development plan for the area. In response, Ms Ivy C.W. Wong, STP/FSYLE, said that the application site was mostly on private land. The application site fell within the “V” zone and the planning intention of which was primarily for development of Small House by indigenous villagers.

#### Deliberation Session

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

temporary basis for a period of 2 years, and be renewed from 1.11.2020 to 31.10.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no vehicles without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations are allowed to be parked/stored on the site at any time during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (c) a notice should be posted at a prominent location of the site to indicate that 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 all times during the planning approval period;
- (d) a vehicular access of 4.5m in width within the site, as proposed by the applicant, shall be maintained at all times during the planning approval period;
- (e) the mitigation measures (including the dimming of lights after 11:30 p.m. within the site and posting of notice and rules at prominent location of the site forbidding honking and engine noise when parking at the site) implemented under the previous approval to minimise any possible nuisance of noise and artificial lighting on the site to the residents nearby, as proposed by the applicant, shall be maintained at all times during the planning approval period;
- (f) a notice should be posted at a prominent location of the site to indicate the set of rules for using the development, as proposed by the applicant, at all times during the planning approval period;

- (g) no vehicle is allowed to queue back to or reverse onto/from the site at any time during the planning approval period;
- (h) the existing fire service installations implemented on the site shall be maintained in efficient working order at all times during the planning approval period;
- (i) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (j) the submission of a 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 1.2.2021;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (i) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (l) 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.”

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

## **Agenda Item 24**

### **Section 16 Application**

[Open Meeting]

A/YL-MP/294 Temporary Automatic Car Washing Centre for a Period of 3 Years in “Village Type Development” and “Commercial/Residential” Zones, Lots 2239 S.B, 2239 S.C, 2239 S.D, 2239 S.E, 2239 S.F, 2239 S.G RP, 2239 S.H RP and 2239 RP in D.D. 104, Mai Po, Yuen Long  
(RNTPC Paper No. A/YL-MP/294A)

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84. The Secretary reported that the application site was located in Mai Po and Mr K.W. Leung had declared an interest on the item for owning a property in Fairview Park, Mai Po.

85. The Committee noted that the applicant had requested deferment of consideration of the application. As the property of Mr K.W. Leung had no direct view of the application site, the Committee agreed that he could stay in the meeting.

86. The Committee noted that the applicant’s representative requested on 6.10.2020 deferment of consideration of the application for 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 including responses to departmental comments and revised drawings.

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

[The Chairman thanked Mr Patrick M.Y. Fung and Ms Ivy C.W. Wong, STPs/FSYLE, for their attendance to answer Members' enquiries. They left the meeting at this point.]

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

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

#### **Agenda Item 25**

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

[Open Meeting]

A/YL-TT/505            Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years and Filling of Land in "Agriculture", "Green Belt" and "Open Storage" Zones, Various Lots in D.D. 117 and Adjoining Government Land, Tai Tong, Yuen Long  
(RNTPC Paper No. A/YL-TT/505)

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88.            The Committee noted that the applicant's representative requested on 16.9.2020 deferment of consideration of the application for 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.

89.            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 (Presentation and Question Sessions Only)]

A/YL-TYST/1047 Proposed Temporary Shop and Services for a Period of 3 Years in  
“Residential (Group D)” Zone, Lots 641 (Part), 701 (Part) and 702 RP  
(Part) in D.D. 121 and Adjoining Government Land, Tong Yan San  
Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/1047)

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### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed 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 opposing comment from an individual was received. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. Whilst the proposed development was not incompatible with the surrounding areas, it was generally not in line with the planning intention of

the “Residential (Group D)” (“R(D)”) zone. Although the Committee had approved two similar applications for shop and services uses in the subject “R(D)” zone, both application sites were located in close proximity to established residential clusters in the adjoining “Residential (Group B)1” or “Village Type Development” zones where there were local clientele. There were three previous applications and one similar application rejected by the Committee or the Town Planning Board on review. Rejection of the application was in line with the Committee’s previous decisions. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

91. Members had no question on the application.

#### Deliberation Session

92. 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 “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 development. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis; and
- (b) the scale of the proposed shop is considered excessive and the applicant also fails to justify the height of the proposed structure.”

**Agenda Item 27**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/231                      Proposed Temporary Warehouse and Open Storage of New Vehicles (Private Cars, Taxis, Light Goods Vehicles and Light Buses) for a Period of 3 Years in “Other Specified Uses” annotated “Enterprise and Technology Park” Zone, Various Lots in D.D. 124 and Adjoining Government Land, Hung Shui Kiu, Yuen Long  
(RNTPC Paper No. A/HSK/231A)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed temporary warehouse and open storage of new vehicles (private cars, taxis, light goods vehicles and light buses) 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, seven public comments from individuals were received. Six of them objected to the application while the remaining comment raised concerns on the application. Major views were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the 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 proposed use was not in line with the planning intention of the “Other Specified Uses” annotated “Enterprise and Technology Park” zone, the

implementation programme for this part of Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA) was still being formulated, and the Project Manager (West) of the Civil Engineering and Development Department had no objection to the temporary use for a period of three years at the application site. The Secretary for Development supported the application from the perspectives of ensuring timely implementation of the HSK/HT NDA and providing space for displaced brownfield operation still needed by the community, even on a temporary basis. The applied use was not incompatible with the surrounding land uses. The application was generally in line with Town Planning Board Guidelines No. 13F and there was no adverse departmental comment, except from the Director of Environmental Protection (DEP). To address the concern of DEP on the possible nuisance generated by the applied use and technical requirements of other concerned government departments, relevant approval conditions were recommended. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

[Mr Conrad T.C. Wong joined the meeting during PlanD's presentation.]

94. Members had no question on the application.

#### Deliberation Session

95. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 9.10.2023, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 8:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from public roads 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 9.4.2021;
- (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 9.7.2021;
- (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 provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.11.2020;
- (h) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.4.2021;
- (i) in relation to (h) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.7.2021;
- (j) the submission of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.4.2021;
- (k) in relation to (j) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.7.2021;
- (l) the provision of boundary fencing of the site within 6 months from the date

of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.4.2021;

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

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

### **Agenda Item 28**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/248                      Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Village Type Development” Zone, Lot 1149 (Part) in D.D. 125, Tseung Kong Wai, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/HSK/248)

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

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

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

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper;
- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. Although the proposed use was not entirely in line with the planning intention of the “Village Type Development” zone, the proposed temporary shop and services (real estate agency) could serve such demand in the area and no Small House application had been received within the site. As such, approval of the application on a temporary basis of three years would not jeopardise the long-term development of the area. The proposed use was considered not incompatible with the surrounding uses. Concerned government departments had no adverse comment on or no objection to the application. Relevant approval conditions were recommended to minimise any potential environmental nuisance or to address the technical requirements of concerned departments. There were two approved previous applications for the same use. Approval of the application was in line with the Committee’s previous decisions.

98. Members had no question on the application.

#### Deliberation Session

99. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 9.10.2023, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

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

- (b) the 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 9.4.2021;
- (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 9.7.2021;
- (d) in relation to (c) above, the implemented drainage facilities within the Site shall be maintained at all times during the planning approval period;
- (e) the submission of a fire service installations proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.4.2021;
- (f) in relation to (e) above, the implementation of the fire service installations proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.7.2021;
- (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.”

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

**Agenda Item 29**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/249                      Temporary Logistics Centre for a Period of 3 Years in “Government, Institution or Community”, “Residential (Group B) 2”, “Open Space” Zones and area shown as ‘Road’, Various Lots in D.D.129 and Adjoining Government Land, Lau Fau Shan, Yuen Long  
(RNTPC Paper No. A/HSK/249)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary logistics centre 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, two public comments from individuals raising concerns or objecting to the application were received. Major views were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The applied use was not in line with the planning intention of various land use zones and approval of the application on a temporary basis of three years would not jeopardise the long-term development of the site. Furthermore, the applied use was not incompatible with the surrounding land uses. Although the applied use was generally in line with the Town Planning Board Guidelines No. 13F and three previous planning approvals (applications No. A/YL-HT/934 and A/HSK/7 and 59) for the same applied

use had been given, all the above applications were subsequently revoked due to non-compliance with a number of time-limited approval conditions. Whilst the applicant of the current application was different from those of the three previously approved applications, the site condition and the proposed layout of the site under the current application were similar to those under the previous three planning permissions, and the main structure on site had existed since 2016 till present. Approval of the application with repeated non-compliance with approval conditions would set an undesirable precedent for other similar applications, thus nullifying the statutory planning control mechanism. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

102. A Member raised the following questions:

- (a) whether the approval conditions of the previously approved applications were difficult to be complied with; and
- (b) whether there were other applications that were rejected by the Committee on the ground of repeated non-compliance with approval conditions.

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

- (a) there were three previous planning permissions (applications No. A/YL-HT/934, A/HSK/7 and A/HSK/59) for the same applied use concerning the application site, and the latter two involved more or less the same site as the current application. The three previous permissions had all been revoked due to non-compliance with approval conditions. The approval conditions of the previous applications were mainly related to the technical requirements of the relevant government departments on such aspects as drainage, landscape and fire safety which were commonly imposed on other planning applications. Regarding the last application (No. A/HSK/59) which was approved with conditions for a period of three years by the Committee on 20.4.2018, although the drainage proposal and

tree preservation and landscape proposal submitted by the applicant had been accepted by the Director of Drainage Services and the Director of Planning respectively, the planning permission was revoked on 20.7.2020 due to non-compliance with four approval conditions on implementation of drainage proposal and tree preservation and landscape proposal, as well as the submission and implementation of fire service installations (FSIs) proposal within the specified time limits. Similar to application No. A/HSK/59, the planning permission of application No. A/HSK/7 was revoked on 25.5.2018 due to non-compliance with the approval conditions on the submission and/or implementation of drainage proposal, landscape and tree proposal, and FSIs proposal. Since the previous planning permissions granted for the application site by the Board were revoked repeatedly due to non-compliance with the approval conditions, PlanD did not support the current application; and

- (b) a number of applications in the Yuen Long and Tuen Mun West areas were rejected by the Committee due to repeated non-compliance with approval conditions in the past two years.

#### Deliberation Session

104. The Chairman drew Members' attention that the current application was for temporary approval at a site with three previously approved applications for the same applied use, which had all been revoked due to non-compliance with approval conditions.

105. Members had the following observations during the discussion:

- (a) the applicant of the subject application was not the current land owner;
- (b) the current application was submitted by a different applicant but was represented by the same agent of the two previously approved applications No. A/HSK/7 and 59, which were submitted by the same applicant;
- (c) there was no information on whether the operator of the current application

was the same as those of the previous applications;

- (d) the site layout of the current application was similar to that of the previous applications though there was an increase in the number of structures and total floor area as compared with the last application (No. A/HSK/59); and
- (e) there was no information on the relationship between the applicants and operators of the current and previous applications.

106. In response to a Member's enquiry, the Chairman explained that temporary approvals were in general subject to time limits on (i) a specific approval period; and (ii) a compliance period for approval conditions. As a general practice, for applications involving non-compliance with approval conditions of a previous application, the Committee/the Board would normally impose a shorter period for compliance with approval conditions, i.e. from six months to three months for submission of technical proposals and from nine months to six months for implementation of the accepted proposals in order to monitor the applications.

107. Members noted that there was no information on the relationship between the applicant and operator(s) at the application site and/or the applicant(s) of the previous applications, and there was no evidence to demonstrate that the applicant would not comply with the approval conditions should the application be approved. In that regard, some Members raised concern on whether it was appropriate to reject the application based on the ground of repeated non-compliance with approval conditions as recommended by PlanD.

108. A Member opined that sympathetic consideration could be given to the current application since approval of the application could create job opportunities and hence foster economic recovery from COVID-19. A few Members were of the view that a shorter approval period could be granted should planning permission be given. In that regard, the Chairman said that Members might consider (i) granting a shorter approval period of two years instead of three years sought; and (ii) imposing a shorter compliance period for the approval conditions.

109. Some Members considered that the application could not be supported on the consideration that approval of the application with repeated non-compliance with approval

conditions might set an undesirable precedent for other similar applications. A Member further expressed that an approval of the application might encourage the party concerned to keep on submitting applications by different applicants whilst continuing the operation without complying with the approval conditions. Another Member remarked that although the applicant had submitted a drainage and a FSI's proposal under the current application, the proposals had not been accepted by concerned government departments. The applicant of the current application had not demonstrated genuine effort in resolving departmental comments.

110. A Member did not support the application and remarked that the reason for rejecting the application should be sound. Members noted that there were similar applications in the Tuen Mun and Yuen Long West areas which were rejected by the Committee in the past two years for the same rejection reason, i.e. repeated non-compliance with approval conditions would set an undesirable precedent thus nullifying the statutory planning control mechanism, as set out in the Paper. The Secretary supplemented that the current practice of rejecting applications with similar reason had all along been adopted by the Committee/the Board. The rejection reason as recommended under the current application was in line with such similar applications.

111. Whilst noting that for those rejected applications due to repeated non-compliance with approval conditions, there were cases that the applicants were not the same as those of the previous applications, a few Members considered that it might be prudent for the Committee to defer a decision on the application pending seeking further information from the applicant on his relationship with the operator of the application site and the previous applicant.

112. Noting the diverse views of Members during deliberation, the Chairman suggested a vote on three options: (a) rejecting the application; (b) approving the application on a temporary basis for a shorter approval period of two years instead of three years sought, with the submission and implementation of the approval conditions to be complied with within three months and six months respectively; or (c) to defer a decision on the application pending further information from the applicant clarifying his relationship with the operator of the application site and the previous applicant. More Members were in support of option (a), i.e. rejecting the application.

113. In order to maintain a consistent approach in the consideration of similar applications, the meeting agreed that it would be helpful if PlanD could prepare a list of applications involving repeated non-compliance with approval conditions for the Committee/the Board's reference when considering similar applications in future.

114. In response to a Member's general enquiry, the Chairman said that if there was sufficient evidence on any unauthorised development on the site, appropriate enforcement action would be taken by the Planning Authority.

115. After deliberation, the Committee decided to reject the application. The reason was:

“three previous planning permissions granted for the site by the Town Planning Board were revoked due to non-compliance of the approval conditions. Approval of the application with repeated non-compliance with approval conditions would set an undesirable precedent for other similar applications, thus nullifying the statutory planning control mechanism.”

[Dr Venus Y.H. Lun left the meeting during the deliberation.]

### **Agenda Item 30**

#### **Section 16 Application**

[Open Meeting]

A/YL/263                      Proposed Social Welfare Facility (Residential Care Home for the Elderly) in “Village Type Development” Zone and an area shown as ‘Road’, Lots 1695 S.D RP, 1741 RP(Part) and 1394 S.B RP (Part) in D.D. 120 and Adjoining Government Land, Tai Kei Leng, Yuen Long  
(RNTPC Paper No. A/YL/263)

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116. The Committee noted that the applicant's representative requested on 17.9.2020 deferment of consideration of the application for 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.

117. 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 31**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HTF/1105      Temporary Shop and Services for a Period of 3 Years in "Coastal Protection Area" Zone, Lot 221 (Part) in D.D. 128, Lau Fau Shan, Yuen Long  
(RNTPC Paper No. A/YL-HTF/1105A)

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

118. Ms Bonnie K.C. Lee, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the temporary 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 opposing comment from an individual was received. Major objection grounds were set out in paragraph 10 of the Paper; and
  
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11. The applied use was not in line with the planning intention of the “Coastal Protection Area” zone and there was no strong planning justification for a departure from the planning intention, even on a temporary basis. Although the applied use was not entirely incompatible with the surrounding environment, the Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD had reservation on the application as approval of the application would set an undesirable precedent to encourage other similar applications to carry out vegetation clearance and form the site prior to obtaining planning permission. The cumulative effect of which would result in a general degradation of the rural coastal plain landscape character of the area. Other relevant government departments had no objection to or no adverse comment on the application. Although there were three previous applications for temporary fishing ground and ancillary refreshment kiosk approved by the Committee between 2013 and 2019, they only covered a small portion of the site. The current application was different in nature and there was adverse comments on the landscape aspect. Regarding the public comment, the comments of government departments and planning assessments above were relevant.

119. Noting that there was an existing refreshment kiosk to the west of the application site, a Member asked whether the application could be approved if the applicant claimed that the applied use would replace the existing refreshment kiosk. In response, Ms Bonnie K.C. Lee, STP/TMYLW, explained that apart from the demand for the applied use, the site condition, scale and operation of the development, and its compatibility with the surrounding environment should also be taken into account in assessing the current application. It should be noted that about half of the site involved tree removal and site formation. As the application site fell within an area zoned “CPA” and adverse landscape impact had been brought about by the applied use, PlanD did not support the application.

120. In response to the same Member's further question, Ms Bonnie K.C. Lee, STP/TMYLW, said that the existing refreshment kiosk to the west of the application site was covered by a valid planning permission for temporary place of recreation, sports or culture (fishing ground) and ancillary refreshment kiosk (application No. A/YL-HTF/1094), which was submitted by a different applicant and was approved by the Committee in 2019 mainly on the considerations of only using the existing fish ponds as recreational fishing ground, no pond filling involved and no adverse comments from relevant government departments. The ancillary refreshment kiosk with an area of about 20m<sup>2</sup> only occupied a small part of the application site.

121. In response to the Chairman's enquiry, Ms Bonnie K.C. Lee, STP/TMYLW, said that the rejection reasons were mainly that the applied use was not in line with the planning intention of the "CPA" zone and the applicant failed to demonstrate that the applied use would not generate adverse landscape impact.

#### Deliberation Session

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

- “(a) the applied use is not in line with the planning intention of the “Coastal Protection Area” which is to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment with a minimum of built development. There is a general presumption against development in this zone. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis; and
- (b) the applicant fails to demonstrate that the applied use would not generate adverse landscape impact.”

**Agenda Item 32**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/370      Proposed Temporary Shop and Services (Selling of Radio Controlled Cars and Accessories) for a Period of 3 Years in “Recreation” and “Coastal Protection Area” Zones, Lot 2069 S.A (Part) in D.D. 129, Lau Fau Shan, Yuen Long  
(RNTPC Paper No. A/YL-LFS/370)

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**Presentation and Question Sessions**

123.      Ms Bonnie K.C. Lee, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed temporary shop and services (selling of radio controlled cars and accessories) 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, five opposing comments from World Wide Fund for Nature Hong Kong, Kadoorie Farm and Botanic Garden and individuals were received. Major objection grounds were set out in paragraph 10 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 10 of the Paper. The proposed development which was in support of the adjoining recreational use was not in conflict with the planning intention of the “Recreation” (“REC”) zone. Although the proposed use was not in line with the planning intention of the “Coastal Protection Area” (“CPA”) zone and the Chief Town

Planner/Urban Design and Landscape, PlanD had reservation on the application, it was noted that only a small portion of the site fell within the “CPA” zone and the applicant had committed that no site formation works would be carried out within the “CPA” zone and the proposed parking/manoeuvring area in that portion of land would be surfaced by grass paving. As such, approval of the application on a temporary basis of three years would not jeopardise the long-term planning intention of the “CPA” zone. The applied use was considered not incompatible with the surrounding uses. Other concerned government departments had no objection to or no adverse comment on the application. There were two approved similar applications within the same “REC” zone. Approval of the application was in line with the Committee’s previous decisions. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

124. Members had no question on the application.

#### Deliberation Session

125. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 9.10.2023, 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 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) only private car and light goods vehicle are allowed to enter/exit the site during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;
- (d) no site formation works/hard paving within the “Coastal Protection Area” zone, as proposed by the applicant, is allowed on the site at any time during

the planning approval period;

- (e) paving the parking/manoeuvring area with grass within the “Coastal Protection Area” zone before operation of the proposed use, as proposed by the applicant;
- (f) the submission of a revised drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.4.2021;
- (g) in relation to (f) above, the implementation of the revised 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 9.7.2021;
- (h) in relation to (g) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (i) the 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 9.4.2021;
- (j) in relation to (i) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.7.2021;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (l) if any of the above planning conditions (f), (g), (i) or (j) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

**Agenda Item 33**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/612            Renewal of Planning Approval for Temporary Open Storage of Construction Materials and Construction Equipment for a Period of 3 Years in “Recreation” Zone, Lots 206(Part), 207(Part), 214(Part), 217(Part), 218(Part), 219, 220(Part), 221(Part), 224(Part), 226(Part), 227(Part), 228, 229, 230, 231(Part), 236(Part), 237(Part), 238(Part), 239(Part) and 240(Part) in D.D 126 and Adjoining Government Land, Ping Shan  
(RNTPC Paper No. A/YL-PS/612)

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**Presentation and Question Sessions**

127. Ms Bonnie K.C. Lee, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the renewal of planning approval for temporary open storage of construction materials and construction equipment 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, two opposing comments from individuals were received. Major objection grounds 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 “Recreation” (“REC”) zone, there was currently no known proposal to implement the zoned use of the site and thus the approval on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “REC” zone. The application was generally in line with the Town Planning Board Guidelines No. 34C in that all approval conditions under the previous application had been complied with and there was no major change in planning circumstances since the last approval. 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.

128. Members had no question on the application.

#### Deliberation Session

129. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years and be renewed from 18.10.2020 to 17.10.2023, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 6:30 p.m. and 9:30 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no cutting, dismantling or other workshop activity is allowed on the site at all times during the planning approval period;
- (d) only medium goods vehicles not exceeding 24 tonnes, as defined under the

Road Traffic Ordinance, are allowed to enter/be parked on the site, as proposed by the applicant, at all times during the planning approval period;

- (e) no vehicle is allowed to queue back to or reverse onto/from public road at all times during the planning approval period;
- (f) all existing trees within the site shall be maintained in good condition at all times during the planning approval period;
- (g) the existing boundary fencing on site shall be maintained at all times during the planning approval period;
- (h) the maintenance of existing drainage facilities on the site at all times during the planning approval period;
- (i) the submission of 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 18.1.2021;
- (j) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of commencement of the renewed planning approval to the satisfaction of Director of Fire Services or of the TPB by 29.11.2020;
- (k) the submission of a fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.4.2021;
- (l) in relation to (k) above, the implementation of the fire service installations proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.7.2021;

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

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

### **Agenda Item 34**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/614 Proposed Temporary Shop and Services (Convenience Store and Retail Shop) with Ancillary Office and Toilet for a Period of 3 Years in “Recreation” Zone, Lot 56 RP (Part) in D.D.126, Ping Shan, Yuen Long  
(RNTPC Paper No. A/YL-PS/614)

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

131. Ms Bonnie K.C. Lee, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed temporary shop and services (convenience store and retail shop) with ancillary office and toilet 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, three opposing comments from World Wide Fund for Nature Hong Kong and individuals were received. Major objection grounds were set out in paragraph 11 of the Paper; and
  
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. Although the proposed use was not in line with the planning intention of the “Recreation” (“REC”) zone, there was yet to have any known development proposals to implement the zoned use on the Outline Zoning Plan. As such, approval of the application on a temporary basis would not frustrate the long-term planning intention of the “REC” zone. The applied use was not incompatible with the surrounding uses. The Director of Agriculture, Fisheries and Conservation had no adverse comment on the application and adverse ecological impacts were not envisaged. Although the Chief Town Planner/Urban Design and Landscape, PlanD had reservation on the application as no planning approval of similar nature or temporary structure of similar scale was observed in the Wetland Buffer Area within the same “REC” zone and approval of the application might set an undesirable precedent for similar applications in the “REC” zone, it should be noted that both the Director of Environmental Protection and the Director of Agriculture, Fisheries and Conservation had no adverse comment on the application from environmental and nature conservation perspectives. The application was in line with Town Planning Board Guidelines No. 12C and there was no adverse comment from other concerned government departments. Regarding the public comments, 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 until 9.10.2023, 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. to 11:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) only light goods vehicle, as proposed by the applicant, is allowed to access the site during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from the site at any time during the planning approval period;
- (d) the submission of a revised drainage proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.4.2021;
- (e) in relation to (d) above, the implementation of the revised drainage proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.7.2021;
- (f) in relation to (e) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (g) the submission of a fire service installations proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.4.2021;
- (h) in relation to (g) above, the implementation of the fire service installations proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.7.2021;
- (i) the submission of a revised landscape proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 9.4.2021;

- (j) in relation to (i) above, the implementation of the landscape proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 9.7.2021;
- (k) if any of the above planning conditions (a), (b), (c) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (l) if any of the above planning conditions (d), (e), (g), (h), (i) or (j) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

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

**Agenda Item 35**

[Open Meeting]

Any Other Business

135. A Member proposed that there should be a wider application of new technology to facilitate the operation of the Town Planning Board including consideration of planning applications.

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