

## **TOWN PLANNING BOARD**

### **Minutes of 602<sup>nd</sup> Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 4.5.2018**

#### **Present**

Director of Planning  
Mr Raymond K.W. Lee

Chairman

Mr H.W. Cheung

Vice-chairman

Mr Ivan C.S. Fu

Dr F.C. Chan

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Mr K.K. Cheung

Dr C.H. Hau

Dr Lawrence K.C. Li

Mr Stephen L.H. Liu

Miss Winnie W.M. Ng

Mr L.T. Kwok

Mr K.W. Leung

Mr Ricky W.Y. Yu

Chief Traffic Engineer/New Territories East,

Transport Department  
Mr Ricky W.K. Ho

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

Assistant Director (Environmental Assessment),  
Environmental Protection Department  
Mr C.F. Wong

Assistant Director/Regional 3,  
Lands Department  
Mr Edwin W.K. Chan

Deputy Director of Planning/District  
Ms Jacinta K.C. Woo

Secretary

**Absent with Apologies**

Mr David Y.T. Lui

Dr Jeanne C.Y. Ng

**In Attendance**

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

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

Town Planner/Town Planning Board  
Mr Terence H.Y. Sit

**Agenda Item 1**

Confirmation of the Draft Minutes of the 601<sup>st</sup> RNTPC Meeting held on 20.4.2018

[Open Meeting]

1. The draft minutes of the 601<sup>st</sup> RNTPC meeting held on 20.4.2018 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

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

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

**Sai Kung and Islands District**

**Agenda Item 3**

Section 16 Application

[Open Meeting]

A/SK-HC/285      Proposed 3 Houses (New Territories Exempted Houses) in “Green Belt” Zone, Lot 818 in D.D. 247, Kau Tsin Uk, Sai Kung  
(RNTPC Paper No. A/SK-HC/285)

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3. The Committee noted that the applicant’s representative requested on 11.4.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

4. After deliberation, the Committee decided to defer a decision on the application

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

#### **Agenda Item 4**

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

[Open Meeting]

A/SK-HC/286                      Proposed Excavation of Land for Slope Stabilization (Soil Nail) Works to Enable the Redevelopment of a Permitted House (New Territories Exempted House) in "Conservation Area" and "Village Type Development" Zones, Government Land Adjoining Lot 714 in D.D. 247, Tai Lam Wu, Sai Kung  
(RNTPC Paper No. A/SK-HC/286)

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5.            The Committee noted that the applicant's representative requested on 13.4.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

6.            After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within 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 5**

#### **Section 16 Application**

[Open Meeting]

A/SK-SKT/18                      Proposed 19 Houses and Minor Relaxation of Plot Ratio Restriction (from 0.75 to 0.756) in “Residential (Group E)2” and “Green Belt” Zones, Lots 8 S.B, 9 S.A and 9 S.B in D.D. 212 and Adjoining Government Land, Hong Kin Road, Sai Kung  
(RNTPC Paper No. A/SK-SKT/18A)

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7.                      The Committee noted that the applicant’s representative requested on 20.4.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information including responses to comments.

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

[Mr William W.T. Wong, Senior Town Planner/Sai Kung and Islands (STP/SKIs), was invited to the meeting at this point.]

[Mr C.F. Wong arrived to join the meeting at this point.]

### **Agenda Item 6**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-TLS/53            Temporary Private Garden for a Period of 3 Years in “Village Type Development” Zone and an area shown as ‘Road’, Government Land Adjoining Lot 1143 in D.D. 253, Tseng Lan Shue, Sai Kung  
(RNTPC Paper No. A/SK-TLS/53)

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9.            The Committee noted that a replacement page (page 4 of the Paper) rectifying an editorial error had been tabled at the meeting

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

10.          Mr William W.T. Wong, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the temporary private garden for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from an individual raising concern on the private garden use on government land; 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. District Lands Officer/Sai Kung, Lands Department advised that there was no Small House application on the site and the current short term tenancy (STT) for private garden use would be terminated for Small House development if so required. The Commissioner for Transport advised that there was no planned road improvement works on the area shown as 'Road'. In view of the above, although the proposed use was not in line with the planning intentions of the "Village Type Development" ("V") zone nor the area shown as 'Road', approval of the application on a temporary basis would not frustrate the long term planning intention of the "V" zone and jeopardize future road improvement works. The existing private garden was considered not incompatible with the surrounding land uses which were occupied by village houses at the south and east of the site. Land was still available within the "V" zone of Tseng Lan Shue to meet the outstanding 47 Small House applications. The temporary private garden use at the site for a period of three years was previously approved by the Committee on 27.3.2015. The current proposal was the same as the previously approved scheme submitted by the same applicant. Since the approval of the previous application, there had been no material change in planning circumstances. Regarding the public comment received, the comments of government departments and the planning assessments above were relevant.

11. Members had no question on the application.

#### Deliberation Session

12. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.5.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) the existing boundary fence on the site should be maintained at all times during the planning approval period;
- (b) if the above planning condition (a) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (c) 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.”

13. 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 Mr William W.T. Wong, STP/SKIs, for his attendance to answer Members’ enquiries. Mr Wong left the meeting at this point.]

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

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

[Mr L.T. Kwok arrived to join the meeting at this point.]

### **Agenda Item 7**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-YSO/6            Proposed House (New Territories Exempted House - Small House) in  
“Village Type Development” and “Green Belt” Zones, Government  
Land in D.D. 204, Yung Shue O Village, Tai Po  
(RNTPC Paper No. A/NE-YSO/6)

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Presentation and Question Sessions

14. Ms Channy C. Yang, STP/STN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation had reservation on the application as the site was partly covered with dense vegetation and native trees on government land would be affected. The Chief Town Planner/Urban Design and Landscape, Planning Department had some reservations on the application as the proposed development would cause adverse impact on existing landscape resources, and inevitably involved site formation and/or slope works. The adverse impact from the proposed development on the adjacent trees and vegetation could not be ascertained. Approval of the application would set an undesirable precedent to similar developments encroaching onto the “Green Belt” (“GB”) zone. The cumulative effect of approving similar applications would result in landscape degradation of the area. The Head of Geotechnical Engineering Office, Civil Engineering and Development Department had in-principle objection to the application as the site was overlooked by steep natural hillside and met the alert criteria requiring a Natural Terrain Hazard Study (NTHS), unless the applicant was prepared to undertake a NTHS and to provide suitable mitigation measures. There was no submission of Geotechnical Planning Review Report in support of the application nor to assess the geotechnical feasibility of the proposed development. The Commissioner for Transport had reservation on the application as such development should be concentrated within the “Village Type Development” (“V”) zone as far as possible but considered

that the proposed development involving one house only could be tolerated. Other concerned departments had no objection to or no adverse comments on the application;

- (d) during the first three weeks of the statutory publication period, four public comments were received from Kadoorie Farm & Botanic Garden Corporation, World Wide Fund for Nature Hong Kong, Designing Hong Kong Limited and an individual raising objection to the application. 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 Small House development was not in line with the planning intention of “GB” zone and there was a general presumption against development within the zone. There was no strong planning justification in the submission for a departure from the planning intention of the “GB” zone. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria), while more than 50% of the footprint of the proposed Small House fell within the village ‘environs’ (‘VE’) of Yung Shue O Village, land available within the “V” zone was insufficient to fully meet the future Small House demand but capable to meet the outstanding 20 Small House applications. It was considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructures and services. The application did not meet the Interim Criteria in that the applicant failed to demonstrate the proposed development would not cause adverse landscape and geotechnical impacts on the surrounding area. The proposed development was not in line with the requirements of the Town Planning Board Guidelines No. 10 (TPB PG-No. 10) as it would involve clearance of existing natural vegetation, affect the existing natural landscape and adversely affect slope stability. The approval of the application would set an undesirable precedent for similar applications in the area. The cumulative effect of approving such application would result in general

degradation of the natural environment and landscape quality of the area. Four similar applications within the “GB” zone in the vicinity of the site were rejected on similar considerations. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

15. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of “Green Belt” (“GB”) zone, which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from the planning intention of the “GB” zone;
- (b) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the proposed development would cause adverse landscape and geotechnical impacts on the surrounding area;
- (c) the proposed development does not comply with the Town Planning Board Guidelines PG-No. 10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that the proposed development would involve clearance of existing natural vegetation, affect the existing natural landscape and adversely affect slope stability;
- (d) land is still available within the “Village Type Development” (“V”) zone of Yung Shue O Village which is primarily intended for Small House

development. It is considered more appropriate to concentrate the proposed Small House development within “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services; and

- (e) the approval of the application would set an undesirable precedent for similar applications within the “GB” zone in the area. The cumulative effect of approving such application would result in general degradation of the natural environment and landscape quality of the area.”

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

### **Agenda Item 8**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/545      Proposed 8 Houses (New Territories Exempted Houses) in  
“Agriculture” Zone, Lot 1891 & Ext. in D.D. 7, Wai Tau Tsuen, Kau  
Lung Hang, Tai Po  
(RNTPC Paper No. A/NE-KLH/545)

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

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

- (a) background to the application;
- (b) proposed eight houses (New Territories Exempted Houses (NTEHs));
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the

site possessed potential for agricultural rehabilitation and agricultural infrastructure such as water supply and road access was available. The Commissioner for Transport (C for T) had reservation on the application in general as such type of development should be confined within the “Village Type Development” (“V”) zone as far as possible. Nevertheless, as the application only involved the development of houses grouped in an area, C for T considered that the application could be tolerated. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservations on the application. There were 16 existing trees of common species within the site. With no specific measures to preserve the existing trees, most of them were proposed to be felled to make room for the proposed development. Approval of the application would therefore set an undesirable precedent to similar developments within the “Agriculture” (“AGR”) zone. The Director of Environmental Protection (DEP) advised that while no insurmountable traffic noise impact was anticipated, the information provided in the applicant’s submission could not demonstrate that the proposed development would be in compliance with the relevant noise standards in the Hong Kong Planning Standards and Guidelines (HKPSG). Other concerned departments had no objection to or no adverse comments on the application;

- (d) during the first three weeks of the statutory publication period, seven public comments were received from representatives of indigenous villagers and residents of Wai Tau Tsuen and individuals objecting to or raising concerns on the application. Major objection grounds and views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed development was not incompatible with the surrounding rural character and was not in conflict with the lease conditions. Although the applied use was not in line with the planning intention of the “AGR” zone, considering that the site had building entitlement, sympathetic consideration might be given to the application. The proposed

development was located within the water gathering ground (WGG) but the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) advised that the site was within an area where connections to the existing sewerage networks would be available in the vicinity. To address CTP/UD&L and DEP's concern, an approval condition on the submission and implementation of landscape and tree preservation proposal and an advisory clause regarding noise mitigation measures had been recommended respectively. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria), more than 50% of the footprint of each proposed NTEHs fell within the village 'environs' (VE) of Wai Tau Tsuen. Previous application for the same use was approved by the Committee and there was no major change in the planning circumstances in the area since the last approval. Approval of the current application would be in line with the Committee's previous decision. Regarding the public comments, the comments of government departments and the planning assessments above were relevant while the objection from the villagers of Wai Tau Tsuen regarding fung shui was noted.

18. A Member enquired about the details of the building entitlement and the reason of DAFC having no objection to the previous application. In response, Ms Kathy C.L. Chan, STP/STN stated that the site was subject to a New Grant Lease which allowed for residential development with a maximum built-over area of 25% and maximum building height of 25 feet (7.62m). With regard to the views of DAFC, it would in general raise adverse comment if the application site had potential for agricultural rehabilitation. Mr Edwin W.K. Chan, AD/R3, Lands Department (LandsD) supplemented that the current application complied with lease requirements.

19. In response to another Member's enquiry on the details of the approval condition related to tree preservation, Ms Kathy C.L. Chan, STP/STN explained that the applicant would be required to submit a tree preservation and landscape proposal to the satisfaction of the Director of Planning, before implementation of the agreed proposal.

20. Regarding Members' question on the fung shui area as raised in the public

comments, Ms Kathy C.L. Chan, STP/STN explained that the concerned fung shui area was different from fung shui woodland. The extent of the fung shui area was based on information provided by concerned departments but there was no information on the function of the area. No adverse comment on the application regarding the fung shui area was received from departments.

### Deliberation Session

21. In response to the Chairman's question, Mr Edwin W.K. Chan, AD/R3, LandsD said that if the application was approved by the Committee, the applicant might need to make relevant submissions to LandsD for implementation of the development.

22. A Member agreed that sympathetic consideration might be given to the application as the site had building entitlement, but the applicant should follow-up on the comments of CTP/UD&L, PlanD from landscape perspective, and address the fung shui concern. Members noted that an approval condition on tree preservation and landscaping proposal had been suggested and the CTP/UD&L, PlanD's advices would be conveyed to the applicant if the application was approved.

23. 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 4.5.2022, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- “(a) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the submission and implementation of a tree preservation and landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (c) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and

- (d) no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.”

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

### **Agenda Item 9**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/546 Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” Zone, Lots 545 S.B and 546 S.B in D.D. 9, Yuen Leng  
Village, Tai Po  
(RNTPC Paper No. A/NE-KLH/546)

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

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

- (a) background to the application;
- (b) proposed house (New Territories Exempted House – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. The Director of Environmental Protection (DEP) did not support the application as the site fell completely outside the “Village Type Development” (“V”) zone and within the water gathering ground (WGG), and no public sewerage would be available to serve the proposed Small House in the short term. The proposed use of septic tank and soakaway system to handle wastewater was not acceptable inside WGG. The Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) objected to the application as the site was



located within the upper indirect WGG and there was no programme for the construction of planned public sewers to serve Yuen Leng Village. The Commissioner for Transport (C for T), in general, had reservation on the application and advised that such type of development should be confined within the “V” zone as far as possible, but considered the application involving development of a Small House could be tolerated. Other concerned departments had no objection to or no adverse comments on the application;

- (d) during the first three weeks of the statutory publication period, four public comments were received. While MTR Corporation Limited raised concerns on operational railway noise, other individuals objected to the application. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed Small House development was not in line with the planning intention of “Agriculture” (“AGR”) zone. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria), more than 50% of the footprint of the proposed Small House fell within the village ‘environs’ (‘VE’) of Yuen Leng, Kau Lung Hang San Wai and Kau Lung Hang Lo Wai Villages, land available within the “V” zone was insufficient to fully meet the future Small House demand but it was capable to meet the outstanding 128 Small House applications. It was considered more appropriate to concentrate the proposed Small House development within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services. Two previous applications were approved by the Committee before the first promulgation of the Interim Criteria on 24.11.2000 but the planning circumstances of the previous applications were different from the current application. Ninety-four similar applications within the same “AGR” zone were considered by the Committee and 26 applications were rejected. Among them, five applications were rejected by the Committee

in 2017 on the grounds that land was still available within “V” zone for Small House development and it was considered more appropriate to concentrate the proposed Small House within “V” zone. Their circumstances were similar to the current application. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

26. In response to Members’ enquiries, Ms Kathy C.L. Chan, STP/STN said that the blue lines as shown on Plan A-2a of the Paper represented the alignment of the public sewerage scheme degazetted on 29.10.2010 and the two previous applications were submitted by different applicants. A Member asked and the Secretary stated that the applicant of a planning application did not have to be the current land owner, but the owner’s consent/notification requirements would have to be complied with.

[Mr H.W. Cheung left the meeting at this point.]

#### Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong justification in the current submission for a departure from the planning intention;
- (b) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the applicant fails to demonstrate that the proposed development located within the water gathering ground would be able to be connected to the existing or planned sewerage system and would

not cause adverse impact on the water quality in the area; and

- (c) land is still available within the “Village Type Development” (“V”) zone of Yuen Leng, Kau Lung Hang San Wai and Kau Lung Hang Lo Wai which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.”

### **Agenda Item 10**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-SSH/115      Proposed Utility Installation for Private Project (Electric Cable), Land Filling and Excavation of Land in “Conservation Area” Zone, Government Land in D.D. 163, O Tau, Shap Sz Heung, Sai Kung  
(RNTPC Paper No. A/NE-SSH/115)

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

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

- |                     |   |  |
|---------------------|---|--|
| Dr Jeanne C.Y. Ng   | - | being the Director of Group Sustainability of CLP;   |
| Mr Stephen L.H. Liu | - | having past business dealings with CLP; and  |
| Mr K.K. Cheung      | - | his firm having past business dealings with CLP and having current business dealings with KSCCL. |

29.            The Committee noted that Dr Jeanne C.Y. Ng had tendered apology for being unable to attend the meeting. The Committee also agreed that Mr Stephen L.H. Liu and

Mr K.K. Cheung could stay in the meeting as they had no involvement in the application.

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

- (a) background to the application;
- (b) proposed utility installation for private project (electric cable), land filling and excavation of land;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned departments had no objection to or no adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. The proposed underground electric cable and associated works were required to enable the supply of electricity to the area issued with a Government Land Licence (No. T19359) for the purpose of temporary structures and cultivation. While the surrounding areas were mainly covered with woodland and village houses, significant impact to the existing landscape resources arising from the proposed installation works was not anticipated. The Chief Town Planner/Urban Design and Landscape, PlanD and Director of Agriculture, Fisheries and Conservation had no objection to/no comment on the application from landscape planning and nature conservation perspectives. In view of the small scale of the proposed development, no adverse ecological, environmental, geotechnical, drainage and traffic impacts on the surrounding areas were anticipated.

31. Members had no question on the application.

Deliberation Session

32. 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 4.5.2022, 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.

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

**Agenda Items 11 to 14**

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/943                      Renewal of Planning Approval for Temporary Office (for the purpose of headquarters or back-office) for a Period of 3 Years in “Industrial” Zone, Workshop 4A, with Lavatories on 4/F, Block A, Goldfield Industrial Centre, 1 Sui Wo Road, Fo Tan, Sha Tin  
(RNTPC Paper No. A/ST/943 to 945)

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A/ST/944                      Renewal of Planning Approval for Temporary Office (for the purpose of headquarters or back-office) for a Period of 3 Years in “Industrial” Zone, Workshop 15, with Lavatories on 4/F, Block B, Goldfield Industrial Centre, 1 Sui Wo Road, Fo Tan, Sha Tin  
(RNTPC Paper No. A/ST/943 to 945)

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A/ST/945                      Renewal of Planning Approval for Temporary Office (for the purpose of headquarters or back-office) for a Period of 3 Years in “Industrial” Zone, Workshop 4B, with Lavatories on 4/F, Block A, Goldfield Industrial Centre, 1 Sui Wo Road, Fo Tan, Sha Tin  
(RNTPC Paper No. A/ST/943 to 945)

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A/ST/946                      Renewal of Planning Approval for Temporary Office (for the purpose of headquarters or back-office) for a Period of 3 Years in “Industrial” Zone, Workshops 18 & 19, with Lavatories on 4/F, Block C, Goldfield Industrial Centre, 1 Sui Wo Road, Fo Tan, Sha Tin  
(RNTPC Paper No. A/ST/946)

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34.                      The Committee noted that the four applications were similar in nature within the same “Industrial” (“I”) zone and the application premises were located within the same industrial centre. The Committee agreed that the applications should be considered together.

Presentation and Question Sessions

35.                      Mr Kenny C.H. Lau, STP/STN, presented the applications and covered the following aspects as detailed in the Papers:

- (a) background to the applications;
- (b) renewal of planning approval for temporary office (for the purpose of headquarters or back-office) for a period of 3 years at each of the application premises;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Papers. Concerned departments had no objection to or no adverse comments on the applications;
- (d) during the first three weeks of the statutory publication period, one individual had submitted the same comment on each of the applications. The commenter concerned that some companies might use their offices for loading/unloading goods and might adversely affect the traffic in the area; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications on a temporary basis for a period of three years based on the

assessments set out in paragraph 11 of the Papers. The renewal applications were to continue the existing office use at the premises, which were approved with conditions on a temporary basis for three years until 3.7.2018 under Applications No. A/ST/874 to 877. The current applications were the same as the previously approved applications in terms of use and area of the premises, and there had been no material change in planning circumstances since the previous temporary approvals were granted. The approval period of three years sought was not longer than the original validity period of the temporary approvals, which was considered reasonable to allow the Committee to monitor the supply and demand of industrial floor space in the area. It was considered that the proposed renewal applications complied with the Town Planning Board Guidelines No. 34B (TPB PG-No. 34B) on 'Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development'. 'Office' use was not considered incompatible with the industrial and industrial-related uses in the subject industrial building and its vicinity, in which office and shops and services uses could be found. Relevant considerations set out at the Town Planning Board Guidelines No. 25D (TPB PG-No. 25D) on 'Use/Development within "Industrial" Zone' including the fire safety and traffic aspects were generally complied with. There were similar applications for office use on a temporary basis approved by the Committee. Regarding the public comment, the comments of government departments and the planning assessments above were relevant.

36. Members had no question on the application.

#### Deliberation Session

37. After deliberation, the Committee decided to approve the applications on a temporary basis for a period of 3 years from 4.7.2018 to 3.7.2021, each on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) the provision of the fire service installations within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.1.2019; and
- (b) if the above planning condition (a) 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.”

38. The Committee also agreed to advise the applicants to note the advisory clauses as set out at Appendix VI of the RNTPC Paper No. A/ST/943 to 945 for Applications No. A/ST/943 to 945 and Appendix V of the RNTPC Paper No. A/ST/946 for Application No. A/ST/946 respectively.

### **Agenda Item 15**

#### **Section 16 Application**

[Open Meeting]

A/ST/947 Columbarium with Ancillary Facility in “Government, Institution or Community” Zone, No. 169 Sheung Wo Che Village, Sha Tin  
(RNTPC Paper No. A/ST/947)

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39. The Secretary reported that the application was for columbarium and Arthur Yung and Associates Company Limited (AYA) was one of the consultants of the applicant. The following Members had declared interests on the item:

- |                                   |   |  |
|-----------------------------------|---|--|
| Mr H.W. Cheung<br>(Vice-chairman) | - | being a member of the Private Columbaria Licensing Board;  |
| Mr Ivan C.S. Fu                   | - | being a member of the Private Columbaria Appeal Board; and |
| Mr K.K. Cheung                    | - | his firm having current business dealings with AYA.        |

40. The Committee noted that the applicant had requested deferment of consideration



of the application and Mr H.W. Cheung had already left the meeting. The Committee also agreed that Mr Ivan C.S. Fu and Mr K.K. Cheung could stay in the meeting as Mr Fu's interest was indirect and Mr Cheung had no involvement in the application.

41. The Committee noted that the applicant's representative requested on 18.4.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

42. 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 16**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/166 Proposed Temporary Open Storage of Recycling Materials for a Period of 3 Years in "Other Specified Uses" annotated "Port Back-up Uses" Zone, an area shown as 'Road' and "Government, Institution or Community" Zone, Lot 147 in D.D. 52, Fu Tei Au, Sheung Shui  
(RNTPC Paper No. A/NE-FTA/166E)

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### **Presentation and Question Sessions**

43. Mr Tim T.Y. Fung, STP/STN, presented the application and covered the

following aspects as detailed in the Paper:

- (a) background to the application;
- (b) proposed temporary open storage of recycling materials for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were domestic structures in the vicinity of the site. Other concerned departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, five public comments were received. A North District Council (NDC) member and the Chairman of Sheung Shui District Rural Committee (SSRDC) indicated no comment on the application while the remaining public comments submitted by another NDC member raised concern on traffic congestion in the North District as a result of increasing traffic demand from similar facilities; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The site fell within Category 1 areas under the Town Planning Board Guidelines No. 13E (TPB PG-No. 13E) on ‘Application for Open Storage and Port Back-up Uses’. Although the open storage use for recycling materials was not entirely in line with the planning intention of “Other Specified Uses” annotated “Port Back-up Uses)” zone, it was not incompatible with the surrounding warehouse, open storage use and workshop uses. Approval of the application for a temporary period of three years would not jeopardise the proposed road works for the Kwu Tung North and Fanling North New Development Areas development. To address the concern of DEP on possible environmental nuisance to be generated by the temporary use

under application, approval conditions restricting the operation hours and prohibiting vehicle repairing, dismantling or workshop activities at the site were recommended. There were six previous applications for temporary open storage of containers/trailers or public vehicle park uses at the site approved by the Committee and there had been no major change in the planning circumstances since the approval of these applications. Five out of six similar applications in the vicinity of the site were also approved by the Committee. The circumstances of the subject application were similar to those approved similar applications. Regarding the public comments, the comments of government departments and the 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 3 years until 4.5.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 11:00 p.m. and 7:00 a.m. as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (d) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the site at any time during the planning approval period;

- (e) all vehicles entering and exiting the Site during the planning approval period shall be restricted to non-peak hours (i.e. 10:00 a.m. to 4:00 p.m.), as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;
- (f) the maintenance of peripheral fencing on the site at all times during the planning approval period;
- (g) the maintenance of all existing trees within the site at all times during the planning approval period;
- (h) the maintenance of the existing drainage facilities at the site at all times during the approval period;
- (i) the submission of a record of the existing drainage facilities on the site within 6 months from date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.11.2018;
- (j) 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 15.6.2018;
- (k) the submission of proposal for fire service installations and water supplies for fire-fighting within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.11.2018;
- (l) in relation to (k) above, the implementation of proposal for fire service installations and water supplies for fire-fighting within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.2.2019;
- (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.”

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

### **Agenda Item 17**

#### **Section 16 Application**

[Open Meeting]

A/NE-PK/121 Temporary Place of Recreation, Sports or Culture (Hobby Farm and Ancillary Barbecue Site) for a Period of 3 Years in “Agriculture” and “Green Belt” Zones, Lots 2120, 2122 S.A and 2122 S.B in D.D. 91 and Adjoining Government Land, Tai Lung Hang Village, Ping Kong, Sheung Shui  
(RNTPC Paper No. A/NE-PK/121C)

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47. The Committee noted that the applicant requested on 20.4.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address further comments from the Planning 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 updated tables on traffic capacity assessment in the Traffic Impact Assessment report and a new landscape proposal 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 fourth deferment and a total of eight months had been allowed for the preparation of submission of further information, this was the last deferment and no further deferment would be granted.

### **Agenda Items 18 and 19**

#### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-PK/130      Proposed House (New Territories Exempted House - Small House) in  
"Agriculture" Zone, Lot 1580 S.C in D.D. 91, Kai Leng, Sheung Shui  
(RNTPC Paper No. A/NE-PK/130 and 131)

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A/NE-PK/131      Proposed House (New Territories Exempted House - Small House) in  
"Agriculture" Zone, Lots 1592 S.D and 1593 S.D in D.D. 91, Kai  
Leng, Sheung Shui  
(RNTPC Paper No. A/NE-PK/130 and 131)

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49.            The Committee noted that the two applications were similar in nature within the same "Agriculture" ("AGR") zone and the application sites were located close to each other. The Committee agreed that the applications should be considered together.

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

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

- (a) background to the applications;
- (b) proposed house (New Territories Exempted Houses - Small Houses) at each of the application sites;

- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. The Director of Agriculture, Fisheries and Conservation did not support the applications from the agriculture point of view as the sites possessed high potential for agricultural rehabilitation. The Commissioner for Transport had reservation on the applications and considered that Small House developments should be confined within the “Village Type Development” (“V”) zone as far as possible but given that the proposed developments involved two Small Houses, they could be tolerated. Other concerned departments had no objection to or no adverse comments on the applications;
- (d) during the first three weeks of the statutory publication period, three public comments on each application were received. A North District Council member supported while an individual objected to the application. 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 had no objection to the applications based on the assessments set out in paragraph 11 of the Paper. Although the proposed Small House developments were not in line with the planning intention of “AGR” zone, regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria), more than 50% of the footprints of the proposed Small Houses fell within the village ‘environs’ (‘VE’) of Kai Leng Village, land available within the “V” zone was insufficient to meet the outstanding 100 Small House applications and the future Small House demand. The sites were in close proximity to the existing village proper of Kai Leng and there were approved Small House applications in the vicinity. The proposed Small Houses were not incompatible with the surrounding rural setting. Significant adverse landscape impact arising from the proposed developments was not anticipated. The sites were the subject of previous applications for Small House development approved by the Committee in

May and June 2014. There were similar applications within the same “AGR” zone in the vicinity of the sites approved by the Committee between June 2001 and September 2017. There had not been any major change in planning circumstances of the area since the approval of these similar applications. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

51. In response to two Members’ enquiries, Mr Tim T.Y. Fung, STP/STN stated that the land ownerships of the application sites had changed when comparing with the previous applications, and the applicants claimed that they were indigenous villagers of Sheung Shui Village.

#### Deliberation Session

52. Members noted that the two previous approved applications would cease to have effect in May and June 2018 respectively. The applicants needed to obtain approvals from the Committee on the two current planning applications prior to applying to the Lands Department (LandsD) for the construction of Small Houses.

53. A Member noted that there was a large number of Small House development clustering within the area. The Government should be mindful of the possibility on selling rights to build Small House. However, the Committee noted LandsD would continue to check the status of the applicants with due diligence when vetting Small House application.

54. After deliberation, the TPB decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the permissions should be valid until 4.5.2022, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. Each of the permissions was subject to the following conditions:

- “(a) the provision of septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the TPB;



- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

55. The Committee also agreed to advise each of the applicants to note the advisory clauses as set out at Appendix VII of the Paper.

### **Agenda Item 20**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/564      Temporary Open Storage of Waste Paper, Waste Plastics and Waste Metal Cans for Recycling and Workshop for Recycling for a Period of 3 Years in “Agriculture” Zone, Lots 965 RP (Part) and 966 RP in D.D. 82, Ping Che Road, Ping Che, North District  
(RNTPC Paper No. A/NE-TKL/564D)

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

56. 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) temporary open storage of waste paper, waste plastics and waste metal cans for recycling and workshop for recycling for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection did not support the application as there were domestic structures in the vicinity

of the site and there was one substantiated environmental complaint on noise aspect against the site in 2017. The Director of Agriculture, Fisheries and Conservation did not support the application as the site possessed potential for agricultural rehabilitation. The District Officer (North), Home Affairs Department conveyed the objecting views of the Vice-chairman of Ta Kwu Ling District Rural Committee, Indigenous Inhabitant Representative and Resident Representative of Fung Wong Wu that the workshop generated noise and odour affecting the nearby residents. Other concerned departments had no objection to or no adverse comments on the application;

- (d) during the first three weeks of the statutory publication periods, ten public comments were received from a North District Council member and the Chairman of Sheung Shui District Rural Committee who had no comment on the application, and an individual objecting to the application. The remaining comment was from another individual enquiring on the background information on the application. Major objection grounds / views were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The site fell within Category 2 areas under the Town Planning Board Guidelines No. 13E (TPB PG-No. 13E) on 'Application for Open Storage and Port Back-up Uses'. Although the applied use was not in line with the planning intention of "Agriculture" ("AGR") zone, the site had been hard paved and approved for similar open storage use on a temporary basis before. The approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of "AGR" zone. The temporary open storage use under application was not incompatible with the surrounding land uses and significant adverse landscape impact arising from the development was not anticipated. The application generally complied with the TPB PG-No. 13E in that there were previous approvals for similar use on part of the site and there was no major adverse

departmental comments. The technical concerns of relevant Government departments / local objection on the application could be addressed by way of stipulating relevant approval conditions. There were similar applications in the vicinity of the site approved and the planning circumstance of the current application was similar to those of the approved cases. As the last approved application was revoked due to the non-compliance with approval condition, shorter compliance periods were recommended to closely monitor the progress of compliance. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

57. In response to a Member's enquiry, Mr Tim T.Y. Fung, STP/STN stated that in view of the active agricultural activities in the vicinity, DAFC considered the site had potential for agricultural rehabilitation, even though it was already formed.

#### Deliberation Session

58. In response to a Member's enquiry, the Chairman invited the Secretary to brief Members on the four categories of lands as specified under TPB PG-No. 13E for consideration of planning applications for open storage and port back-up uses. The Chairman supplemented that the guidelines would be reviewed to take into account the latest development proposals in the New Development Areas which had affected some of the brownfield sites when more information on the brownfield operation and requirements was available.

59. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.5.2021, 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 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;

- (c) all vehicles entering and exiting the site during the planning approval period shall be restricted to non-peak hours (i.e. from 10:00 a.m. to 4:00 p.m.), as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) no container tractor/trailer is allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) the peripheral fencing and paving of the site shall be maintained at all times during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.8.2018;
- (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 15.6.2018;
- (h) the submission of proposals for water supplies for firefighting and fire service installations within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.8.2018;
- (i) in relation to (h) above, the provision of water supplies for firefighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.11.2018;
- (j) the submission of tree preservation and landscape proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.8.2018;
- (k) in relation to (j) above, the implementation of tree preservation and

landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.11.2018;

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

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

### **Agenda Items 21 to 23**

#### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/587      Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” and “Village Type Development” Zones, Lot 310 S.H in  
D.D. 77, Ping Che Kat Tin, Ta Kwu Ling  
(RNTPC Paper No. A/NE-TKL/587 to 589)

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A/NE-TKL/588      Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” and “Village Type Development” Zones, Lot 310 S.I in  
D.D. 77, Ping Che Kat Tin, Ta Kwu Ling  
(RNTPC Paper No. A/NE-TKL/587 to 589)

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A/NE-TKL/589 Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” Zone, Lot 310 S.G in D.D. 77, Ping Che Kat Tin, Ta  
Kwu Ling  
(RNTPC Paper No. A/NE-TKL/587 to 589)

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61. The Committee noted that the three applications were similar in nature within the same “Agriculture” (“AGR”) / “Village Type Development” (“V”) zones and the application sites were located close to each other. The Committee agreed that the applications should be considered together.

#### Presentation and Question Sessions

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

- (a) background to the applications;
- (b) proposed house (New Territories Exempted Houses - Small Houses) at each of the application sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. The Director of Agriculture, Fisheries and Conservation did not support the applications as the sites possessed high potential for agricultural rehabilitation. The Commissioner for Transport had reservation on the applications and advised that Small House developments should be confined within the “Village Type Development” (“V”) zone as far as possible, but considered each of the applications involving construction of one Small House could be tolerated. The Director of Environmental Protection did not support the applications as the sites were located at some 60m to the east of an area zoned “Industrial (Group D)” (“I(D)”) which was currently partly occupied by a vehicle repairing workshop and warehouses. Thus, there would be potential industrial/residential interface problems. Regarding the sewage discharge of the proposed Small Houses, the applicants proposed to use

sewer connection for sewage discharge of the proposed Small Houses but failed to provide detailed information and demonstrate the feasibility of the sewerage proposal. The Chief Town Planner/Urban Design and Landscape, Planning Department had some reservations on the applications as the proposed routing of the sewer connection would encroach upon the tree protection zones of a row of trees located on Government land. The associated excavation and trenching works would damage tree roots, tree health/stability would be undermined and would lead to potential tree hazard to public safety. Other concerned departments had no objection to or no adverse comments on the applications;

- (d) during the first three weeks of the statutory publication period, five public comments on each application were received. A North District Council member supported while Kadoorie Farm and Botanic Garden Corporation, Designing Hong Kong Limited and an individual objected to the applications. 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 applications based on the assessments set out in paragraph 11 of the Paper. The proposed Small Houses were not in line with the planning intention of “AGR” zone. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria), more than 50% of the footprints of the proposed Small Houses fell within the village ‘environs’ (‘VE’) of Ping Che Kat Tin. Land available within the “V” zones was insufficient to meet the future Small House demand but capable to meet the outstanding 53 Small House applications. It was considered more appropriate to concentrate the proposed Small House developments within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services. Besides, the proposed developments were considered not complying with the Interim Criteria in that the proposed developments were susceptible to environmental impacts of the industrial uses in the

nearby “I(D)” zone. The sites were the subject of two previous applications for Small House development rejected by the Committee in 2010 and 2015 and there was no significant change in planning circumstances since then. There were similar applications within the “AGR” zone in the vicinity of the sites rejected by the Committee and the circumstances of the current applications were similar to those rejected applications. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

63. Members had no question on the application.

#### Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone in the Ping Che and Ta Kwu Ling area which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the proposed development is susceptible to environmental impacts of the industrial uses in the nearby “Industrial (Group D)” zone. The applicant fails to demonstrate in the submission that the potential industrial/residential interface issue would be mitigated;
- (c) the applicant fails to demonstrate in the submission that the proposed development would not have adverse sewerage impact on the surrounding



area; and

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

## **Agenda Item 24**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKLN/8      Temporary Staff Car Park and Site Office for Public Works for a Period of 3 Years in “Village Type Development” and “Recreation” Zones, Lots 388 S.A, 388 S.B, 388 RP (Part) and 390 RP (Part) in D.D. 78 and Adjoining Government Land, Tsung Yuen Ha, Ta Kwu Ling, North District  
(RNTPC Paper No. A/NE-TKLN/8C)

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### **Presentation and Question Sessions**

65.      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) temporary staff car park and site office for public works for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix III of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as vegetation clearance had taken

place on site prior to submission of the application. The cumulative effect of approving these piecemeal temporary uses was incompatible with the future village type developments and would degrade the landscape character and living environment within the “Village Type Development” (“V”) zone. Other concerned departments had no objection to or no adverse comments on the application;

- (d) during the first three weeks of the statutory publication periods, nine public comments were received. Five comments submitted by a North District Council member, the Chairman of Sheung Shui District Rural Committee and an individual supported / indicated no comment on the application. The remaining four public comments, including a letter jointly submitted by the Chairman of the Tsung Yuen Ha Village Representative Committee and Indigenous Inhabitant Representative of Tsung Yuen Ha Village, a local villager and two individuals raised objection to / concerns on the application. Major views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of 1 year, instead of 3 years sought, based on the assessments set out in paragraph 11 of the Paper. Although the development was not in line with the planning intention of the “V” zone, approval of the application would not frustrate the long-term planning intention of the area. The site was surrounded by the works area of various Government infrastructure projects, including Liantang/Heung Yuen Wai Boundary Control Point (LT/HYW BCP) and widening of Lin Ma Hang Road projects. The temporary development was therefore not entirely incompatible with the surrounding environment. In response to CTP/UD&L, PlanD’s concern, the applicant had included a landscape proposal in the submission with a view to minimizing the visual and landscape impacts of the temporary staff car park and site office. An approval condition on the submission and implementation of landscape proposal would also be imposed. The Architectural Services Department (ArchSD) supported the application and acknowledged the need for works area outside the construction site. As the site was located in the vicinity

of the BCP site, it would be beneficial to the logistic, programme and construction activities for the BCP project. As advised by ArchSD, the LT/HYW BCP project was expected to complete in end 2018. The applicant had also confirmed that renewal of the temporary planning approval was unlikely after completion of the LT/HYW BCP project. As such, should the application be approved, a shorter period of one year approval was recommended to allow flexibility in the construction programme. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

66. Members had no question on the application.

#### Deliberation Session

67. In response to a Member's enquiries, the Chairman stated that according to the Paper, the site was being used for the applied use and was involved in an enforcement case. Although the LT/HYW BCP project was expected to come into operation in end 2018, a Member raised that the whole construction programme might last longer than scheduled, and the defect liability period of construction works would in general span for one year or more. As such, a longer period of approval, as applied by the applicant, could be considered for the current application. Another Member concurred and supplemented that as the applied use was not incompatible with the surrounding areas, a longer period of approval was acceptable.

68. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.5.2021, 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 7:30 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 vehicle without valid licence issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations is allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (d) no medium and heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) 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 as defined in the Road Traffic Ordinance or container trailers/tractors are allowed to be parked/stored on or enter/exit the site during the planning approval period;
- (f) no car washing, vehicle repair, dismantling, paint spraying or other workshop activities is allowed on the site at any time during the planning approval period;
- (g) all vehicles entering and exiting the site during the planning approval period shall be restricted to non-peak hours (i.e. from 10:00 a.m. to 4:00 p.m.), as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;
- (h) the implementation of the pedestrian management plan during the planning approval period, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;
- (i) the maintenance of peripheral fencing on site at all times during the planning approval period;
- (j) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.11.2018;

- (k) in relation to (j) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.2.2019;
- (l) the submission of proposals for fire service installations and water supplies for fire-fighting within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.11.2018;
- (m) in relation to (l) above, the implementation of proposals for fire service installations and water supplies for fire-fighting within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.2.2019;
- (n) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.11.2018;
- (o) in relation to (n) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.2.2019;
- (p) 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;
- (q) if any of the above planning conditions (j), (k), (l), (m), (n) or (o) 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
- (r) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of Director of Planning or of the TPB.”

69. 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. Channy C. Yang, Ms Kathy C.L. Chan, Mr Kenny C.H. Lau and Mr Tim T.Y. Fung, STPs/STN, for their attendance to answer Members' enquiries. Ms Yang, Ms Chan, Mr Lau and Mr Fung left the meeting at this point.]

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

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

### **Agenda Items 25 and 26**

#### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/FSS/266 Proposed House (New Territories Exempted House - Small House) in  
"Green Belt" Zone, Lot 1543A S.A in D.D. 92, Tsung Pak Long,  
Sheung Shui  
(RNTPC Paper No. A/FSS/266 to 267)

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A/FSS/267 Proposed House (New Territories Exempted House - Small House) in  
"Green Belt" Zone, Lot 1543A RP in D.D. 92, Tsung Pak Long,  
Sheung Shui  
(RNTPC Paper No. A/FSS/266 to 267)

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70. The Committee noted that the two applications were similar in nature within the same "Green Belt" ("GB") zone and the application sites were located close to each other. The Committee agreed that the applications should be considered together.

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) proposed house (New Territories Exempted Houses - Small Houses) at each of the application sites;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix VI of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservations on the applications as the proposed developments would lead to potential piecemeal development and removal of more natural vegetation within the “GB” zone. While permissions were granted for Small House applications adjacent to the sites, the cumulative effect of such would result in a gradual irreversible degradation of the green belt environment. The Commissioner for Transport (C for T) had reservation on the application and considered the Small House development should be confined within the “Village Type Development” (“V”) zone as far as possible for the resulting cumulative adverse traffic impact could be substantial but considered that the applications involving construction of two Small Houses could be tolerated. Other concerned departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, four public comments on each application were received. While a North District Council (NDC) member supported the applications, Kadoorie Farm and Botanic Garden Corporation and a public objected to the applications. Another NDC member indicated no comment. Major objection grounds and views were set out in paragraph 11 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the applications based on the assessments set out in paragraph 12 of the Paper. The proposed Small House developments were not in line with the planning intention of “GB” zone and there was a general presumption against development within the zone. According to the Town Planning Board Guidelines No. 10 (TPB PG-No. 10) for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’, an application for new development in the “GB” zone would only be considered in exceptional circumstances and must be justified with very strong planning grounds. For the current applications, there were no exceptional circumstances or strong grounds to justify the applications. Land available within the “V” zone was insufficient to fully meet the future Small House demand but capable to meet the outstanding 60 Small House applications. It was considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructures and services. According to CTP/UD&L, PlanD, the proposed developments would lead to potential piecemeal development and removal of more natural vegetation within the “GB” zone. Four similar applications within the “GB” zone in the vicinity of the site were rejected on similar considerations. Two previous applications were rejected by the Committee while there were 14 similar applications approved by the Committee between 2010 and 2015. Nevertheless, there had been a major change in planning circumstances of the area since the approval of latest similar applications as the land available in Tsung Pak Long was sufficient to meet the demand of outstanding Small House applications under the current applications. The approval of the applications would result in further proliferation of Small House development in the “GB” zone. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

72. The Chairman enquired and Mr Otto K.C. Chan, STP/FSYLE, replied that the major difference between the previous similar applications and the current applications was that the land available in Tsung Pak Long, which was previously insufficient to meet the



demand of outstanding Small House applications, was now sufficient. As the number of outstanding Small House applications was 90 in 2015, as compared with the current 60 outstanding applications. In response to a Member's enquiry, Mr Otto K.C. Chan, STP/FSYLE, said that other than the outstanding applications as mentioned, upon review, there had been a slight adjustment in estimating the land available for development of Small House from 1.8 hectares in 2015 to 1.975 hectares in 2018.

### Deliberation Session

73. A Member asked if it would be more appropriate to require the proposed Small House development to be constructed farther away from Hak Ka Wai. The Chairman said that the area of Hak Ka Wai was zoned "V" in which Small House development was always permitted. In recent years, the Committee had adopted a prudent approach in considering Small House applications and considered it was more appropriate to concentrate Small House development within "V" zone for more orderly development pattern. Given that the land available within the "V" zone was sufficient to meet the outstanding Small House applications, rejecting the current applications would be consistent with the approach.

74. A Member opined that the "GB" zone could serve as a buffer area to Tsung Pak Long from the Fanling Highway. Allowing developments within this zone would defeat the original planning intention of this "GB" zone. In addition, if taking into account the future development at the nearby "Comprehensive Development Area" ("CDA") zone, the importance of the "GB" zone as a buffer would be even more significant. The Member considered that the concerned "GB" zone should be preserved.

75. In response to a Member's question, the Chairman said that although there were a number of Small House applications previously approved by the Committee within the same "GB" zone, the applications to the Lands Department for Small House development was less and therefore the "GB" zone was still keeping its integrity and serving its function. Members generally considered that there had been a change in planning circumstances in that the number of outstanding Small House applications had reduced and the Committee had adopted a cautious approach in recent years in considering Small House applications. In addition, Members also agreed that the actual implementation of Small House development on site would better reflect the actual demand for Small House than solely taking into account

the number of planning applications. A Member also opined that the public aspiration for preserving “GB” zone had raised in recent years and therefore approval of development within “GB” zone without strong justification was not supported.

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

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong justification in the submission for a departure from the planning intention;
- (b) the proposed development is not in line with the Town Planning Board (TPB) Guidelines No. TPB PG-No.10 for ‘Application for Development within “GB” Zone’ in that there are no exceptional circumstances or strong planning grounds to justify the application;
- (c) land is still available within the “Village Type Development” zone of Tsung Pak Long where land is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructures and services; and
- (d) approval of the application will set an undesirable precedent for other similar applications within the “GB” zone. The cumulative effect of approving such applications will result in a general degradation of the landscape character of the area.”

**Agenda Item 27**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/567 Proposed Flat in “Residential (Group E)1” Zone, Lots 111 RP, 112 RP, 114 RP, 115 RP, 116 RP, 120 RP, 261 RP (Part), 264 S. (A to D) RP and 264 S. (E to H) RP in D.D. 109, and Adjoining Government Land, Kam Tin North, Yuen Long  
(RNTPC Paper No. A/YL-KTN/567B)

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77. The Secretary reported that the application was submitted by Delight World Limited which was a subsidiary of CK Hutchison Holdings Limited (CKHH), with Westwood Hong & Associates Limited (Westwood), Ramboll Hong Kong Limited (Ramboll), AIM Group Limited (AIM) and ADI Limited (ADI) as four of the consultants of the applicant. The following Members had declared interests on the item:

- |                     |   |  |
|---------------------|---|--|
| Mr Ivan C.S. Fu     | - | having current business dealings with CKHH, Westwood, Ramboll and ADI; |
| Mr Stephen L.H. Liu | - | having past business dealings with CKHH; and                           |
| Mr K.K. Cheung      | - | his firm having current business dealings with AIM.                    |

78. The Committee agreed that as the interest of Mr Ivan C.S. Fu was direct, he should be invited to leave the meeting temporarily. The Committee also agreed that Mr Stephen L.H. Liu and Mr K.K. Cheung could stay in the meeting as they had no involvement in the application.

[Mr Ivan C.S. Fu left the meeting at this point.]

**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) proposed flat;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) considered that Block 1 of the proposed development would create a long wall along the western side of the site, and the applicant should explore breaking down the length and scale of the block to enhance the overall visual and air permeability of the area. Also, the disposition and design of the blocks would result in awkward building design. In terms of landscape, CTP/UD&L, PlanD had reservation on the application as the proposed development was next to the “Conservation Area (1)” (“CA(1)”) zone, the strip of landscape area under the current scheme was interrupted by the car ramp and a continuous tree buffer along the interface with “CA(1)” zone was preferred. The Director of Agriculture, Fisheries and Conservation (DAFC) considered the car ramp down to basement carpark would be extremely close to the wetland. The applicant should implement effective control/mitigation measures to minimize/mitigate the impacts to the wetlands. Other concerned departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication periods, 15 public comments were received. One individual supported the application while the Kam Tin Rural Committee (KTRC) and the Indigenous Villagers Representative of Shui Tau Tsuen objected to the application. Mass Transit Railway Corporation Limited raised concerns and another individual provided comments on the proposed development. Major objection grounds and 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 flat development was considered in line with the planning

intention of the “Residential (Group E)1” (“R(E)1”) zone for residential development and also in compliance with the development restrictions for this zone. The proposed residential development was not incompatible with the rural setting of the surrounding area. The applicant proposed that a strip of landscape area with tree planting along the western boundary adjoining the wetland and measures at construction stage to minimize impact on the wetland would be provided. DAFC’s concern could be addressed by relevant approval conditions. Besides, CTP/UD&L of PlanD’s concern could be addressed by imposing approval condition on the submission and implementation of tree preservation and landscape proposal. Comparing with the last approved application and the current application, both applications applied for proposed residential development which did not exceed the Outline Zoning Plan (OZP) restrictions of plot ratio 0.8 and building height of 7 storeys (excluding basement(s)), and the site coverage of not exceeding 40% remained the same. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

80. A Member enquired about the comments of DAFC and Ms Ivy C.W. Wong, STP/FSYLE clarified that the requested buffer area from the wetland by DAFC was the area already demarcated in the applicant’s submission. The intention to impose an approval condition on the provision of the buffer area was to allow DAFC to examine the detailed proposals at detailed design stage. The same Member considered that given that CTP/UD&L, PlanD commented the proposed car ramp would interrupt the provision of the buffer, such concern might not be addressed by the same condition. Ms Ivy C.W. Wong, STP/FSYLE responded that according to the applicant, the car ramp would be provided with a green roof subject to detailed design. Both DAFC and CTP/UD&L, PlanD would further scrutinize the proposal at the detailed design stage when in discharging the relevant approval conditions.

81. A Member enquired whether there was any suggested approval condition governing the building design since CTP/UD&L, PlanD had commented on the elongated shape of Block 1 of the proposed development. Ms Ivy C.W. Wong, STP/FSYLE replied that no specific approval condition on this aspect was proposed.

Deliberation Session

82. A Member said that the concerns of DAFC and CTP/UD&L, PlanD from landscape perspective should be properly addressed. If the application was to be approved, there should be approval conditions to ensure that there would be a continuous buffer from the wetland and the final design of which should be subject to agreement of DAFC. The same Member also raised that the Paper did not refer to the relevant information/guidelines published by the Greening, Landscape and Tree Management Section (GLTMS) of the Development Bureau (DEVB), especially on urban forestry, which should be relevant for considering this application.

83. Another Member stated that the elongated building design was against public aspiration. A Member agreed and considered that the building design could be amended to improve air ventilation and an approval condition might be added so as to address the comments of DAFC and CTP/UD&L, PlanD. After reviewing the suggested approval conditions and advisory clauses in the Paper, Member generally agreed to include PlanD as one of the vetting authorities under approval condition (a) regarding the provision of the wetland buffer; and to add an advisory clause to advise the applicant to take note of the relevant information/guidelines promulgated by the GLTMS of DEVB, especially related to urban forestry when taking forward the development proposal.

84. 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 4.5.2022, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- “(a) the provision of buffer area from the “Conservation Area (1)” (“CA(1)”) zone to the west of the site to the satisfaction of the Director of Agriculture, Fisheries and Conservation and Director of Planning or of the TPB;
- (b) the submission of a proposal to prevent or mitigate off-site impacts to the “CA(1)” zone to the west of the site and implementation of preventive/mitigation measures to the satisfaction of the Director of Agriculture,

Fisheries and Conservation or of the TPB;

- (c) the submission of a consolidated Traffic Impact Assessment to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) the design and implementation of road junction improvement works as proposed by the applicant to the satisfaction of the Commissioner for Transport or of the TPB;
- (e) the design and provision of vehicular access and car parking and loading/unloading facilities for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (f) the submission of an updated noise impact assessment and the implementation of mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the TPB;
- (g) the submission of an updated sewerage impact assessment for connections to the public sewers and implementation of the sewerage improvement measures identified therein to the satisfaction of the Director of Environmental Protection or of the TPB;
- (h) the submission of an Hazard Assessment and the implementation of the risk mitigation measures identified therein to the satisfaction of the Coordinating Committee on Land-use Planning and Control relating to Potentially Hazardous Installations or of the TPB;
- (i) the submission and implementation of tree preservation and landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (j) the submission and implementation of a drainage proposal for the development to the satisfaction of the Director of Drainage Services or of the TPB; and

- (k) the design and provision of water supply for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.”

85. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix VI of the Paper and the following additional advisory clause:

- “(i) take note of the relevant information/guidelines promulgated by the Greening, Landscape and Tree Management Section of the Development Bureau, especially related to urban forestry when taking forward the development proposal.”

### **Agenda Item 28**

#### **Section 16 Application**

[Open Meeting]

A/YL-KTN/594 Temporary Warehouse (Storage of Pet Supplies and Gardening Goods) with Ancillary Office for a Period of 3 Years in “Comprehensive Development Area” and “Other Specified Uses” annotated “Railway Reserve” Zones, Lots 3513 (Part), 3841 S.B, 3842 S.A, 3843 S.A, 3847 S.A (Part), 3874, 3875, 3876, 3877, 3878 (Part) and 3884 (Part) in D.D. 104 and Adjoining Government Land, Kam Tin, Yuen Long (RNTPC Paper No. A/YL-KTN/594)

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86. The Committee noted that the applicant requested on 26.4.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address the comments of the Transport Department. It was the first time that the applicant requested deferment of the application.

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



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

### **Agenda Items 29 and 30**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/595      Proposed Temporary Open Storage of Vehicles and Sales of Construction Machinery Parts for a Period of 3 Years in "Village Type Development" Zone, Lot 475 in D.D. 109, Kam Tin Road, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/595)

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A/YL-KTN/596      Proposed Temporary Open Storage of Vehicles and Sales of Construction Machinery Parts for a Period of 3 Years in "Residential (Group C) 2" and "Village Type Development" Zones, Lot 473 in D.D. 109, Kam Tin Road, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/596)

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88.            The Committee noted that the two applications were similar in nature within the same "Village Type Development" ("V") zone and the application sites were located close to each other. The Committee agreed that the applications should be considered together.

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

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

- (a) background to the applications;

- (b) proposed temporary open storage of vehicles and sales of construction machinery parts for a period of three years at each of the application sites;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix III of the Papers. The Director of Environmental Protection (DEP) did not support the applications as there were residential dwellings/structures in the vicinity and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the applications as the proposed uses were in direct conflict with existing trees and tree felling was necessary. No landscape proposal was provided to alleviate the potential permanent adverse impact to surrounding environment. Other concerned departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication periods, eleven public comments were received for Application No. A/YL-KTN/595 and nine public comments were received for Application No. A/YL-KTN/596. All public comments received objected to the applications. Other than a comment from a Yuen Long District Council member on Application No. A/YL-KTN/595, all other comments were made by the general public. Major objection grounds were set out in paragraph 11 of the Papers respectively; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the two applications based on the assessments as set out in paragraph 12 of the Papers respectively. The proposed temporary open storages of vehicles and sales of construction machinery parts for a period of three years were not compatible with the surrounding land uses which included a residential development and were not in line with the planning intention of the "Village Type Development" ("V") zone. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis. DEP did not support the applications as environmental nuisance was expected and CTP/UD&L,

PlanD also had reservation on the applications as tree felling was necessary and no landscape proposal was provided to alleviate the potential permanent adverse impact to surrounding environment. The sites fell within Category 4 areas under the Town Planning Board Guidelines No. 13E (TPB PG-No. 13E) on 'Application for Open Storage and Port Back-up Uses'. The developments were not in line with the guidelines in that applications for open storage and port back-up use in Category 4 areas would normally be rejected except under exceptional circumstances. There were no exceptional circumstances in the current applications that warranted sympathetic consideration. Besides, there was no previous approval for open storage use granted at the sites and adverse departmental comments on the applications were received. There was no similar application within the same "V" zone since the promulgation of TPB PG-No. 13E. Approval of the current applications, even on a temporary basis, would set an undesirable precedent for similar applications within the "V" zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

90. Members had no question on the applications.

#### Deliberation Session

91. After deliberation, the Committee decided to reject the applications. The reasons for the respective applications were:

#### For Application No. A/YL-KTN/595

- “(a) the development is not in line with the planning intention of the “Village Type Development” (“V”) zone which is intended to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within the “V” zone is primarily intended for

development of Small Houses by indigenous villagers. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;

- (b) the application does not comply with the Town Planning Board Guidelines No. TPB PG-No. 13E in that the development is not compatible with the surrounding land uses which are predominated by residential structures/dwellings. There is also no previous approval granted at the site and there is adverse departmental and public comment against the development;
- (c) the applicant fails to demonstrate that the development would not generate environmental nuisance on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for other similar applications to proliferate into this part of the “V” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.”

For Application No. A/YL-KTN/596

- “(a) the development is not in line with the planning intention of the “Village Type Development” (“V”) zone which is intended to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within the “V” zone is primarily intended for development of Small Houses by indigenous villagers. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the application does not comply with the Town Planning Board Guidelines No. TPB PG-No. 13E in that the development is not compatible with the surrounding land uses which are predominated by residential structures/dwellings. There is also no previous approval granted at the site

and there is adverse departmental comment against the development;

- (c) the applicant fails to demonstrate that the development would not generate environmental nuisance and adverse landscape impact on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for other similar applications to proliferate into this part of the V” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.”

### **Agenda Item 31**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/780      Proposed Temporary Animal Boarding Establishment for a Period of 3 Years in “Agriculture” Zone, Lots 1703 (A-C) S.A, 1703 (A-C) S.B and 1703 (A-C) S.C in D.D. 106, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-KTS/780)

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

92.            Ms Ivy C.W. Wong, STP/FSYLE, drew Members’ attention that a replacement page (page 12 of the Paper) rectifying an editorial error was despatched to Members before the meeting. She then presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) proposed temporary animal boarding establishment for a period of three years;
- (c) departmental comments – departmental comments were set out in

paragraph 9 and Appendix III of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site could be used for greenhouse cultivation or plant nursery and therefore the site possessed a high potential for agricultural rehabilitation. Other concerned departments had no objection to or no adverse comments on the application;

- (d) during the first three weeks of the statutory publication period, one public comment from a member of the public objecting the application was received. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD considered the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Although the proposed use was not in line with the planning intention of the “Agriculture” (“AGR”) zone, approval of the application on temporary basis for a period of three years would not jeopardize the long-term planning intention of the area. The proposed development was considered not incompatible with the surrounding land uses which were rural in character. To minimise the possible environmental nuisance, relevant approval conditions were recommended. Three similar applications located within the same “AGR” zone had been approved by the Committee. Approval of the current application was in line with the Committee's previous decisions. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

93. In response to a Member's enquiry, Ms Ivy C.W. Wong, STP/FSYLE, stated that there was no mentioning of breeding activities in the application submission. To take forward the proposed development, the applicant would need to apply to DAFC for a Boarding Establishment Licence. DAFC would carry out site inspection before issuance of licence. The concerned licence would need to be renewed on a yearly basis.

Deliberation Session

94. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.5.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 6:00 p.m. and 10:00 a.m. (except for overnight animal boarding), as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation from 10:00 a.m. to 11:00 a.m., and from 5:00 p.m. to 6:00 p.m. on Saturdays, Sundays, and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) all animals shall be kept inside the enclosed structures, as proposed by the applicant, at all times during the planning approval period;
- (d) no public announcement system and whistle blowing, as proposed by the applicant, is allowed to be used on the site during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the submission of 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 4.11.2018;
- (g) in relation to (f) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.2.2019;
- (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 landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.11.2018;
- (j) in relation to (i) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.2.2019;
- (k) the submission of 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 4.11.2018;
- (l) in relation to (k) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.2.2019;
- (m) 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 without further notice;
- (n) if any of the above planning conditions (f), (g), (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 immediately without further notice; and
- (o) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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



**Agenda Item 32**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/777            Proposed Temporary Covered Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years in “Open Storage” and “Village Type Development” Zones, Lot 1863 RP (Part) in D.D. 111 and Adjoining Government Land, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/777)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) proposed temporary covered vehicle park (private cars and light goods vehicles) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, one public comment from an individual objecting to the application was received. Major objection grounds and views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD considered the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. The proposed carpark for private use did not contravene the planning intention of the “Open Storage” (“OS”) zone. Besides, it was considered that the temporary

approval for three years of the application would not jeopardise the long-term planning intention of the “Village Type Development” (“V”) zone. The proposed carpark use was not incompatible with surrounding area which were generally rural in character. There were five similar applications for temporary car/lorry park within the same “V” zone approved by the Committee between 1999 and 2017. Approval of the application was in line with the previous approval of the Committee on similar applications. Relevant departments consulted had no objection to or adverse comment on the application. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

97. Members had no question on the application.

#### Deliberation Session

98. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.5.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 6:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (d) no 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;

- (e) 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;
- (f) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities, as proposed by the applicant, shall be carried out on the site at any time during the planning approval period;
- (g) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (h) the 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 4.11.2018;
- (i) in relation to (h) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.2.2019;
- (j) in relation to (i) above, the implemented drainage facilities on site shall be maintained at all times during the planning approval period;
- (k) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.11.2018;
- (l) in relation to (k) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.2.2019;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (j) is

not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;

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

99. 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-PH/778            Proposed Temporary Open Storage of Construction Material and Construction Equipment for a Period of 3 Years in “Village Type Development” Zone, Lots 1956 S.A RP (Part) and 1956 S.B RP (Part) in D.D. 111 and Adjoining Government Land, Pat Heung, Yuen Long (RNTPC Paper No. A/YL-PH/778)

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

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

- (a) background to the application;
- (b) proposed temporary open storage and construction material and construction equipment for a period of three years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection did not support the application as there were residential dwellings/structures in the vicinity and environmental nuisance was expected. Other concerned departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, one public comment from an individual objecting to the application was received. Major views were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed temporary open storage of construction material and construction machinery for a period of three years was not in line with the planning intention of the “V” zone. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis. The development was not compatible with the surrounding land uses which were predominated by residential dwellings/structures. The site fell within Category 4 areas under the Town Planning Board Guidelines No. 13E (TPB PG-No. 13E) on ‘Application for Open Storage and Port Back-up Uses’. The development was not in line with the guideline in that applications for open storage and port back-up use in Category 4 areas would normally be rejected except under exceptional circumstances. There was no exceptional circumstances in the current application that warranted sympathetic consideration. Besides, no previous approval for open storage use had been granted at the site; and there was adverse departmental comment on the application. The site was subject to a previous rejected application for temporary open storage of lorries and all similar applications for temporary open storage uses in the same “V” zone were rejected by the Committee or the Board on review. Approval of the current application, even on a temporary basis, would set an undesirable precedent for similar

applications within the “V” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

101. Members had no question on the application.

#### Deliberation Session

102. 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 “Village Type Development” (“V”) zone which is intended to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within the “V” zone is primarily intended for development of Small Houses by indigenous villagers. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the application does not comply with the Town Planning Board Guidelines No. TPB PG-No. 13E in that the development is not compatible with the surrounding land uses which are predominated by residential structures/dwellings. There is also no previous approval granted at the site and there is adverse departmental comment against the development;
- (c) the applicant fails to demonstrate that the development would not generate environmental nuisance on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for other similar applications to proliferate into this part of the V” zone. The cumulative effect of approving such applications

would result in a general degradation of the rural environment of the area.”

**Agenda Item 34**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/235            Proposed Temporary Place of Recreational, Sports or Culture (Hobby Farm) for a Period of 3 Years in “Agriculture” Zone, Lot 84 RP (Part) in D.D. 112, Shek Kong, Yuen Long  
(RNTPC Paper No. A/YL-SK/235)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) proposed temporary place of recreational, sports or culture (hobby farm) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix II of the Paper. Concerned departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, one public comment from an individual objecting to the application was received. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD considered the temporary use could be tolerated for a period of three years based on the assessments as set out in paragraph 11 of the Paper. The proposed use was generally not in conflict with the planning intention of the

“Agriculture” (“AGR”) zone. Approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “AGR” zone. The proposed hobby farm was considered not incompatible with the surrounding areas which were rural in character. In view of the nature of the proposed hobby farm, it would unlikely cause significant adverse environmental, traffic or drainage impacts. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

104. Members had no question on the application.

#### Deliberation Session

105. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.5.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 6:00 p.m. to 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no public announcement system, portable loudspeaker or any form of audio amplification system is allowed to be used on the site during the planning approval period;
- (c) the submission of tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.11.2018;
- (d) in relation to (c) above, the implementation of tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.2.2019;
- (e) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services



or of the TPB by 4.11.2018;

- (f) in relation to (e) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.2.2019;
- (g) in relation to (f) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (h) the submission of fire service 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 4.11.2018;
- (i) in relation to (h) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.2.2019;
- (j) if any of the above planning conditions (a), (b) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (k) if any of the above planning conditions (c), (d), (e), (f), (h) or (i) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (l) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

**Agenda Item 35**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/236            Proposed Temporary Open Storage of Machineries for a Period of 3  
Years in “Residential (Group D)” Zone, Lot 297 S.A RP (Part) in D.D.  
112, Kam Sheung Road, Yuen Long  
(RNTPC Paper No. A/YL-SK/236)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) proposed temporary open storage of machineries for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were residential structures/dwellings located in the vicinity and environmental nuisance was expected. Other concerned departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, one public comment from an individual objecting to the application was 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 “Residential (Group D)” (“R(D)”) zone. There was no strong planning justification in the submission for a departure from the planning

intention, even on a temporary basis. According to Town Planning Board Guidelines No. 13E (TPB PG-No. 13E) on 'Application for Open Storage and Port Back-up Uses', the site fell within Category 3 areas. The application did not comply with the TPB PG-No. 13E in that there was no previous approval granted at the site. Moreover, DEP did not support the application. The current application did not warrant sympathetic consideration. The proposed development was not compatible with the surrounding land uses which were rural in character mainly with residential dwellings and unused land. There was no similar application within the same "R(D)" zone since the promulgation of the TPB PG-No. 13E. The previous application submitted by the same applicant for the same temporary open storage use as the current application was rejected by the Board on review. Approval of the current application, even on a temporary basis, would set an undesirable precedent for similar applications within this part of the "R(D)" zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

108. Members had no question on the application.

#### Deliberation Session

109. A Member noted that TPB PG-No. 13E was intended to constrain the proliferation of open storage use and enquired whether there was any mechanism under the Town Planning Ordinance (TPO) to restore the brownfield sites. The Chairman said enforcement action under TPO would help reinstate the site conditions which had been damaged by unauthorized developments, if considered necessary. PlanD was conducting a survey on brownfield operations to identify the locations of the brownfield sites and to understand the current operations and its needs. In addition, the Civil Engineering and Development Department was carrying out feasibility studies to accommodate brownfield operations within multi-storey buildings. The findings of the studies would shed light on the future requirements of brownfield sites to facilitate better land utilization in areas such as

Hung Shui Kiu and Yuen Long South.

110. 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)” (“R(D)”) zone which is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and for low-rise, low-density residential developments subject to planning permission from the Town Planning Board. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the application does not comply with the Town Planning Board Guidelines No. TPB PG-No. 13E in that no previous approval has been granted at the site and there is adverse departmental comment on the application;
- (c) the applicant fails to demonstrate that the development would not generate environmental nuisance on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within this part of the “R(D)” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.”

**Agenda Item 36**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/269            Renewal of Planning Approval for Temporary Shop and Services  
                                 (Metal Hardware Shop and Household Item Retail Store) for a Period  
                                 of 3 Years in “Open Space” Zone, Lot 20 RP in D.D. 101, Mai Po,  
                                 Yuen Long  
                                 (RNTPC Paper No. A/YL-MP/269)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) renewal of planning approval for temporary shop and services (metal hardware shop and household item retail store) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from a Yuen Long District Councillor raising concern that there was no need for another hardware store in the neighbourhood; and
- (e) the Planning Department (PlanD)’s views – PlanD considered the temporary use could be tolerated for a further 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 “Open Space” (“O”) zone, approval of the application on a temporary basis for a period of

three years would not frustrate the long term planning intention of the “O” zone as there was no programme for implementing the proposed open space at present, as advised by the Director of Leisure and Cultural Services. The proposed development was considered not incompatible with the surrounding land uses comprising residential development, temporary real estate agency, temporary restaurant and areas for storage. The proposed temporary metal hardware shop and household item retail store could serve the needs of the nearby residents. The current application was for the renewal of the planning permission under Application No. A/YL-MP/244 for the same use for a further period of three years. The renewal was in line with Town Planning Board Guidelines No. 34B (TPB PG-No. 34B) on ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’. Concerned government departments had no objection to or no adverse comment on environmental, drainage, traffic, fire safety and landscape aspects. Since 2008, the Committee had approved a total of 17 applications for similar shop and services use within the same “O” zone based on similar considerations. Approval of the current application was in line with the Committee’s previous decisions. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

112. Members had no question on the application.

#### Deliberation Session

113. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 6.6.2018 to 5.6.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;

- (b) no operation between 5:00 p.m. and 6:00 p.m. on Saturdays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (d) no cutting, dismantling, cleansing, repairing, compaction, workshop and open storage activity is allowed on the site at any time during the planning approval period;
- (e) the maintenance of paving and boundary fencing on the site at all times during the planning approval period;
- (f) the maintenance of existing drainage facilities on the site at all times during the planning approval period;
- (g) the submission of tree preservation proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 6.12.2018;
- (h) in relation to (g) above, the implementation tree preservation proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 6.3.2019;
- (i) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.12.2018;
- (j) in relation to (i) above, the implementation of fire service installations within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.3.2019;

- (k) the submission of photographic records of the existing drainage facilities within 3 months from the date of commencement of the renewed planning approval to the satisfaction of Director of Drainage Services or of the TPB by 6.9.2018;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (m) if any of the above planning conditions (g), (h), (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (n) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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



**Agenda Item 36A**

**Section 16A Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NSW/204-1 Application for Extension of time for compliance with conditions (i), (ix), (x), (xii), (xiv), (xvi) and (xviii) in relation to the submission of updated Traffic Impact Assessment report, revised Environmental Assessment, revised Ecological Impact Assessment, revised Landscape Master Plan, revised Visual Impact Assessment, drainage proposal, emergency vehicular access, water supply for fire-fighting and fire services installations for the approved columbarium under Application No. A/YL-NSW/204 in Government, Institution or Community” and “Undetermined” Zones, Lots 879, 880 S.A ss1, 880 S.B ss1, 881 to 885, 889 RP (Part), 891 (Part), 1318, 1326 and 1344 (Part) in D.D. 115 and Adjoining Government Land, Au Tau, Nam Sang Wai, Yuen Long (RNTPC Paper No. A/YL-NSW/204-1)

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115. The Secretary reported that Barrie Ho Architecture Interiors Limited (BHA) and Ramboll Hong Kong Limited (Ramboll) were two of the consultants of the applicant. The following Members had declared interests on the item:

- Mr Ivan C.S. Fu - having current business dealings with Ramboll;  
and
- Mr K.K. Cheung - having current business dealings with BHA.

116. The Committee noted that Mr Ivan C.S. Fu had already left the meeting. The Committee agreed that Mr K.K. Cheung could stay in the meeting as he had no involvement in the application.

**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) application for extension of time (EOT) for compliance with planning conditions for the approved columbarium under Application No. A/YL-NSW/204;
- (c) departmental comments – departmental comments were set out in paragraph 5 of the Paper. The Secretary of Food and Health/ Chief Executive of Hospital Authority (HA) concerned that whether Pok Oi Hospital/HA's concerns on the traffic impact could be satisfactorily addressed before the planning permission was granted. The District Officer (Yuen Long) (DO(YL)) advised that the local community had strong objection to the proposed columbarium under Application No. A/YL-NSW/204 and the decision of the Town Planning Appeal Board (TPAB). Their views should be considered as appropriate. Other concerned departments had no objection to or no adverse comments on the EOT application;
- (d) the Planning Department (PlanD)'s views – PlanD had no objection to the EOT application based on the assessments set out in paragraph 6 of the Paper. The proposed columbarium use at the site (Application No. A/YL-NSW/204) was the subject of an appeal with permission granted by the TPAB on 14.11.2017 with conditions. Amongst the 31 approval conditions, 7 conditions required compliance within 6 months by 14.5.2018. The current application was the first EOT application for compliance with approval conditions (i), (ix), (x), (xii), (xiv), (xvi) and (xviii) for an additional 6 months up to a total of 12 months until 14.11.2018. According to the applicant, since the granting of planning permission by TPAB in November 2017, the applicant had made effort to comply with the conditions. Concerned departments had no objection to the EOT application for compliance with the said conditions. The application was considered in line with the Town Planning Board Guidelines No. 34B (TPB PG-No. 34B) on 'Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development'

that more time was required by the applicant to address departments' comments on the technical assessments and to seek clarification with the TPAB with regard to the interpretation of the approval condition. Sympathetic consideration could be given to the application.

118. The Chairman said that the application was approved by the TPAB and was subject to a number of approval conditions. The subject application was to extend the time limit for compliance with relevant approval conditions. The Secretary said that the TPB PG-No. 36B had set out the application procedures and assessment criteria for application under section 16A (s.16A) of the Town Planning Ordinance. As the Town Planning Board had delegated its authority to the Director of Planning in processing s.16A applications, s.16A applications would not normally be submitted for the consideration of the Committee at meeting. Since DO (YL) was of the view that the local community had strong objection to the proposed columbarium under application, the subject application was submitted to this meeting for consideration.

119. Members had no question on the application.

#### Deliberation Session

120. The Committee noted that the applicant would require additional time to seek clarifications with TPAB and concerned departments on how to take forward the compliance of the approval conditions.

121. After deliberation, the Committee decided to approve the EOT application that the time limit for compliance with approval conditions (i), (ix), (x), (xii), (xiv), (xvi) and (xviii) be extended from the original 6 months to 12 months until 14.11.2018, as proposed by the applicant. The Committee also agreed to advise the applicant to expedite action on fulfilling the approval conditions.

**Agenda Item 37**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/358      Proposed Temporary Public Vehicle Park (Private Cars and Container Vehicles), Vehicle Repair Workshop, Open Storage of Construction Material and Ancillary Offices for a Period of 3 Years in “Open Storage” Zone, Lots 826 RP (Part), 827, 828 and 829 in D.D. 102, Lots 296, 297 RP, 298 RP, 396 RP (Part) and 397 (Part) in D.D. 105 and Adjoining Government Land, Ngau Tam Mei, Yuen Long  
(RNTPC Paper No. A/YL-NTM/358A)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) proposed temporary public vehicle park (private cars and container vehicles), vehicle repair workshop, open storage of construction material and ancillary offices for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were residential dwellings in the vicinity of the site. Other concerned departments had no objection to or no adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD considered the temporary use could be tolerated for a period of three years based on the

assessments set out in paragraph 12 of the Paper. The applied uses were generally in line with the planning intention of the “Open Storage” (“OS”) zone and were not incompatible with the surrounding uses. Although DEP did not support the application, DEP had not received any complaints about the site in the past three years. DEP’s concerns could be addressed through the imposition of relevant approval conditions. The site fell within Category 1 areas under the Town Planning Board Guidelines No. 13E (TPB PG-No. 13E) on ‘Application for Open Storage and Port Back-up Uses’. The development was in line with the guideline in that there were six previous approved applications for similar container vehicle/car park and/or open storage use at the site. Concerned departments had no adverse comments on the application from traffic, drainage, fire safety, landscape point of view. As compared with the last approved application, the current application was for similar uses of temporary public vehicle park (private cars and container vehicles), vehicle repair workshop, open storage of construction materials with the same site area. Since 2008, the Committee had also approved 28 applications for similar use within the same “OS” zone. Approval of the subject application was in line with the Committee’s previous decisions.

123. Members had no question on the application.

#### Deliberation Session

124. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.5.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 11:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation between 6:00 p.m. and 11:00 p.m. on Sundays or public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;

- (c) no storage of cement, sand, chemical products and dangerous goods as proposed by the applicant, is allowed on the site during the planning approval period;
- (d) no vehicle without valid license issued under the Road Traffic Ordinance is allowed to be parked/stored on the site during the planning approval period;
- (e) no vehicle queuing and no reverse movement of vehicles on public road is allowed during the planning approval period;
- (f) 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 15.6.2018;
- (g) the provision of boundary fencing on the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.11.2018;
- (h) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.11.2018;
- (i) in relation to (h) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.2.2019;
- (j) the submission of landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.11.2018;
- (k) in relation to (j) above, the implementation of the landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.2.2019;

- (l) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.11.2018;
- (m) in relation to (l) above, the provision of fire services installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.2.2019;
- (n) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (o) if any of the above planning conditions (f), (g), (h), (i), (j), (k), (l) or (m) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

### **Agenda Item 38**

#### **Section 16 Application**

[Open Meeting]

A/YL-NTM/365      Temporary Open Storage of Construction Materials for a Period of 3 Years in “Comprehensive Development Area” Zone, Lots 630 (Part), 631 (Part), 632, 633 (Part), 634 (Part) and 651 (Part) in D.D. 105 and Adjoining Government Land, Shek Wu Wai San Tsuen, Ngau Tam Mei, Yuen Long  
  
(RNTPC Paper No. A/YL-NTM/365)

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126. The Committee noted that the applicant's agent requested on 12.4.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address the comments of the Environmental Protection Department and Drainage Services Department. It was the first time that the applicant requested deferment of the application.

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

### **Agenda Item 39**

#### **Section 16 Application**

[Open Meeting]

A/YL-NTM/366 Proposed Temporary Cargo Handling and Forwarding Facility and Warehouse (excluding Dangerous Goods Godown) for a Period of 3 Years in "Open Storage" Zone, Lots 22 (Part), 23 S.B, 24 S.B (Part), 25 S.C (Part), 40 (Part) in D.D. 98 and Adjoining Government Land, Ngau Tam Mei, Yuen Long  
(RNTPC Paper No. A/YL-NTM/366)

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128. The Committee noted that the applicant's agent requested on 16.4.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.



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

[The Chairman thanked Mr Otto K.C. Chan, Ms Ivy C.W. Wong and Ms Emily P.W. Tong, STPs/FSYLE, for their attendance to answer Members' enquiries. Mr Chan, Ms Wong and Ms Tong left the meeting at this point.]

[The meeting was adjourned for a break of five minutes.]

[Mr Stephen L.H. Liu left the meeting at this point.]

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

[Ms Jessica Y.C. Ho, Mr Vincent T.K. Lai, Ms Stella Y. Ng and Mr Alan Y.L. Au, Senior Town Planners/Tuen Mun and Yuen Long West (STPs/TMYLW), were invited to the meeting at this point.]

**Agenda Item 40**

**Section 16 Application**

[Open Meeting]

A/TM/513                      Proposed Minor Relaxation of Building Height Restriction from 2 Storeys to 3 Storeys for Permitted Training Centre in “Government, Institution or Community” Zone, 27 Tuen Fu Road, Fu Tei, Tuen Mun (RNTPC Paper No. A/TM/513A)

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130.            The Committee noted that the application was withdrawn by the applicant.

**Agenda Item 41**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/516                      Temporary Eating Place, Shop and Services for a Period of 3 Years in “Government, Institution or Community” Zone, Lots 1657 S.A (Part), 1657 S.B (Part) and 1657 S.C (Part) in D.D. 132, Tuen Mun (RNTPC Paper No. A/TM/516A)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) temporary eating place, shop and services for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix III of the Paper. The Commissioner for Transport (C for T) did not support the application as it was concerned that the applied use might worsen the existing illegal parking problem in the area. No information had been provided by the applicant to address C for

T's concerns. The Director of Environmental Protection (DEP) also indicated he was unable to support the application as there was no information to demonstrate the environmental acceptability of the applied uses, especially on sewage disposal aspect. Other concerned departments had no objection to or no adverse comments on the application;

- (d) during the first three weeks of the statutory publication period, a total of 295 public comments were received. Among the public comments received, 276 raised objection, 15 provided views on the application and four indicated no comment on the application. Most of the objecting comments (274) were from the residents, the incorporated owners and management company of a nearby residential development known as Parkland Villas. The other comments were from members of the public. Major objection grounds and 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. Whilst the applicant claimed that the applied development was to serve the visitors to the religious institution, no detailed information on the applied development such as the seating capacity, the nature of the shop and services use, layout plan of the site and parking and sewage disposal arrangement had been provided to facilitate the assessment of the impacts and planning merits of the applied development. The applied development was not entirely in line with the planning intention of the “Government, Institution or Community” (“G/IC”) zone and no strong justification had been given for a departure from the planning intention even on a temporary basis. The application was also not in line with the Town Planning Board Guidelines No. 16 for ‘Application for development/Redevelopment within “G/IC” zone for uses other than G/IC uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 16) in that no information had been provided by the applicant to demonstrate that sufficient parking and loading/unloading facilities would be provided in accordance with Hong Kong Planning Standards and Guidelines and also

no information to demonstrate the environmental acceptability of the applied uses, especially on sewage disposal aspect. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

132. Members had no question on the application.

#### Deliberation Session

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

- “(a) the applied development is not entirely in line with the planning intention of the “Government, Institution or Community” zone. There is no strong planning justification provided in the submission to justify a departure from the planning intention, even on a temporary basis; and
- (b) the proposal does not comply with the Town Planning Board Guidelines No. TPB PG-No. 16 in that the applicant fails to demonstrate that the applied development would not create adverse environmental and traffic impacts on the surrounding areas.”

#### **Agenda Item 42**

##### Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/62                      Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Village Type Development” Zone, Lot 1046 RP (Part) in D.D. 125, Sik Kong Wai, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/HSK/62)

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134. The Committee noted that a replacement page (page 8 of the Paper) rectifying an editorial error was despatched to Members before the meeting.

Presentation and Question Sessions

135. Mr Vincent T.K. Lai, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) proposed temporary shop and services (real estate agency) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, three public comments were received. A member of the Yuen Long District Council supported the application without providing reasons while two individuals objected to the application mainly on the grounds that the intended use violated the land lease and would not be used for the applied use; 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 assessment set out in paragraph 11 of the Paper. Although the applied use was not entirely in line with the planning intention of the “Village Type Development” (“V”) zone, the District Lands Officer/Yuen Long (DLO/YL) advised that no Small House application had been received at the site. It could provide real estate agency service to meet any such demand in the area. Approval of the application on a temporary basis of 3 years would not jeopardise the long-term development of the area. The proposed temporary use was not incompatible with the existing land use for the area, which was predominately occupied by village houses. There was no adverse comment from the concerned government departments. Significant environmental, traffic and drainage impact to the area was not expected. The Committee had approved ten similar applications for

temporary shop and services uses within the same “V” zone on the Outline Zoning Plan (OZP). Approval of the subject application was in line with the Committee’s previous decisions. Regarding the public comments, the planning assessments above were relevant. For the concern on the unauthorized use of the site, any development/uses not covered by the planning approval or tolerated/permitted under the OZP would be subject to planning enforcement actions.

136. Members had no question on the application.

### Deliberation Session

137. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.5.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 10:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) the implementation of the accepted drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.11.2018;
- (c) the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) 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 4.11.2018;
- (e) in relation to (d) 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 4.2.2019;

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

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

### **Agenda Item 43**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/63                      Temporary Logistics Yard, Open Storage of Containers, Container Vehicle Park with Ancillary Workshop (For Works Including Compacting and Dismantling, and Repairing of Tyre) and Canteen for a Period of 3 Years in “Government, Institution or Community” and “Residential (Group A) 3” Zones and an area shown as ‘Road’, Lots 57 (Part), 66 (Part), 67 (Part), 68, 69, 70 (Part), 73 (Part), 74 (Part), 75 (Part), 76 S.A (Part), 76 S.B, 77 (Part), 78, 79, 80 (Part), 84 (Part), 85, 86, 87, 88, 89 (Part), 91 (Part), 781 S.B RP, 782 S.B RP, 783 S.B RP, 784 S.B RP, 785, 786, 787, 788, 789, 790, 791, 792 and 793 in D.D. 125, Lots 3212 RP (Part), 3234 (Part), 3235 (Part), 3237 (Part), 3238, 3239 (Part), 3240 (Part), 3241 (Part), 3251 RP (Part), 3281 (Part), 3282 (Part), 3283 (Part), 3284 (Part), 3285 (Part), 3286 (Part), 3287 RP (Part), 3288 RP (Part), 3289 S.B RP (Part) and 3442 (Part) in D.D. 129 and Adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/HSK/63)

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Presentation and Question Sessions

139. Mr Vincent T.K. Lai, STP/TMYLW, drew Members' attention that two editorial errors at paragraph 10.1.1 (d) on page 7 of the Paper and advisory clause (d) at Appendix VII in that "No permission is given for the occupation of the remaining GL ("the remaining GL") (about 7m<sup>2</sup> subject to verification) in included in the Site" should be rectified as "No permission is given for the occupation of the remaining GL ("the remaining GL") (about 7m<sup>2</sup> subject to verification) included in the Site". Members noted. Mr Vincent T.K. Lai, STP/TMYLW then presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) temporary logistics yard, open storage of containers, container vehicle park with ancillary workshop (for works including compacting and dismantling, and repairing of tyre) and canteen for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in vicinity and environmental nuisance was expected. Other concerned departments had no objection to or no adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD considered the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Whilst the applied development was not in line with the planning intentions of the "Government, Institution or Community" ("G/IC") and "Residential (Group A) 3" ("R(A)3") zones, the implementation programme for this part of the New Development Area was still being formulated. Approval of



the application on a temporary basis of 3 years would not jeopardize the long-term development of the site. The applied uses were not incompatible with the surrounding uses which were predominately occupied for open storage yards, logistics centre and warehouse. The proposed development was generally in line with the Town Planning Board Guidelines No. 13E (TPB PG-No. 13E) on 'Application for Open Storage and Port Back-up Uses' in that the site fell within Category 1 areas which were considered suitable for open storage and port back-up uses. DEP did not support the application as there were sensitive uses in the vicinity and environmental nuisance was expected. Although DEP did not support the application, there had been no substantial environmental complaint concerning the site received in the past three years. To address the concerns on environmental aspect and the technical requirements of other concerned government departments, relevant approval conditions were recommended. The Committee had approved four previous applications for similar uses covering the site and twelve similar applications in the same "G/IC" and "R(A)3" zones. Approval of the subject application was in line with the Committee's previous decisions.

140. Members had no question on the application.

#### Deliberation Session

141. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.5.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 8:00 p.m. to 8:00 a.m., as proposed by the applicant, is allowed on the site during the approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no workshop activities other than tyre repairing, compacting and

dismantling is allowed on the site at any time during the planning approval period;

- (d) no storage of container within 5m of the periphery of the site, as proposed by the applicant, is allowed at any time during the planning approval period;
- (e) the stacking height of containers stored within the site shall not exceed eight units, as proposed by the applicant, at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from the public roads at any time during the planning approval period;
- (g) the existing fencing on site shall be maintained at all times during the approval period;
- (h) the existing drainage facilities on site shall be maintained at all times during the approval period;
- (i) the submission of the condition record of the existing drainage facilities on site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.8.2018;
- (j) the landscape planting on the site shall be maintained at all time during the approval period;
- (k) the provision of the fire extinguisher(s) and the submission of a valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.6.2018;
- (l) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.11.2018;

- (m) in relation to (l) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.2.2019;
- (n) if any of the above planning conditions (a), (b), (c), (d) (e), (f), (g), (h) or (j) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (o) if any of the above planning conditions (i), (k), (l) or (m) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (p) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

#### **Agenda Item 44**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HTF/1085      Temporary Recyclable Collection Centre for Garment, Cloth and Waste Paper for a Period of 3 Years in “Residential (Group D)” Zone, Lots 142 (Part), 143 (Part), 158 (Part) and 160 (Part) in D.D. 128, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HTF/1085A)

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

143. Mr Vincent T.K. Lai, STP/TMYLW, presented the application and covered the

following aspects as detailed in the Paper:

- (a) background to the application;
- (b) temporary recyclable collection centre for garment, cloth and waste paper for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, one public comment from a member of the public objecting to the application was received. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD considered the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Whilst the development was not entirely in line with the planning intention of “Residential (Group D)” zone, there was no known development for the site. Approval of the application on a temporary basis of three years would not jeopardize the long-term development of the site. The applied use was not incompatible with the surrounding areas which predominantly occupied by warehouse and open storage uses. There were no adverse comments or objection from concerned departments and as such no substantial adverse traffic, environmental, drainage impacts were expected. Besides, no substantiated environmental complaint pertaining to the site in the last three years was received. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

144. Members had no question on the application.

Deliberation Session

145. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.5.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation from 6:30 p.m. to 7:30 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 open storage, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (d) no medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes), including container trailers/tractors, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) no vehicle queuing back to or reverse onto/from the public road is allowed at any time during the planning approval period;
- (f) the submission of the 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 4.11.2018;
- (g) in relation to (f) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.2.2019;
- (h) in relation to (g) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;

- (i) 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 4.11.2018;
- (j) in relation to (i) 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 4.2.2019;
- (k) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.11.2018;
- (l) in relation to (k) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.2.2019;
- (m) provision of 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 4.11.2018;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e) or (h) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (o) if any of the above planning conditions (f), (g), (i), (j), (k), (l) or (m) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (p) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

146. The Committee also agreed to advise the applicant to note the advisory clauses as

set out at Appendix IV of the Paper.

**Agenda Item 45**

**Section 16 Application**

[Open Meeting]

A/HSK/15                      Proposed Religious Institution (Redevelopment of Seminary) in  
“Village Type Development” Zone, Lots 171 (Part), 172 (Part), 173,  
174 and 175 RP (Part) in D.D. 121, 130 Hung Uk, Yuen Long  
(RNTPC Paper No. A/HSK/15B)

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147.            The Secretary reported that Ramboll Hong Kong Limited (Ramboll) was one of the consultants of the applicant. Mr Ivan C.S. Fu had declared an interest on this item as he was having current business dealings with Ramboll. However, the Committee noted that Mr Ivan C.S. Fu had already left the meeting.

148.            The Committee noted that the applicant’s representative requested on 25.4.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments. It was the third time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information to address departmental comments.

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

**Agenda Item 46**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/349      Renewal of Planning Approval for Temporary Public Vehicle Park  
(Private Cars only) for a Period of 2 Years in “Residential (Group C)”  
Zone, Lot 827 RP (Part) in D.D. 130, Fuk Hang Tsuen, Lam Tei, Tuen  
Mun  
(RNTPC Paper No. A/TM-LTY Y/349)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) renewal of planning approval for temporary public vehicle park (private cars only) for a period of 2 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, three public comments from individuals were received, with one supporting and two objecting to the application. Major objection grounds and views were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD considered the temporary use could be tolerated for a further period of two years based on the assessments set out in paragraph 12 of the Paper. Whilst the applied development was not entirely in line with the planning intention of the “Residential (Group C)” (“R(C)”) zone, the development could provide car



parking spaces to serve any such demand in the area. Approval of the application on a temporary basis would not jeopardize the long-term planning intention of the zone. The applied use was not incompatible with the surrounding land uses involving a logistics company, storage yards and residential dwellings. The application was generally in line with Town Planning Board Guidelines No. 34B (TPB PG-No. 34B) on 'Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development' in that there was no material change in planning circumstances since the previous temporary approval was granted. Relevant government departments had no objection to or no adverse comment on the application. The proposed use would unlikely create significant adverse traffic, environmental and drainage impacts to the surrounding areas. Besides, there had been no substantiated environmental complaint concerning the site received in the past three years. The Committee had approved three previous applications for the same use at the site. Approval of the current application was in line with the Committee's previous decisions. Regarding the public comment on the concern of the existing car park layout not conforming to the proposed layout plan, the application would be approved on the terms of the application as submitted to the Town Planning Board. Furthermore, the applicant had confirmed that he was willing to follow the proposed layout plan upon obtaining planning approval. For other concerns, the comments of government departments and the planning assessments above were relevant.

151. Members had no question on the application.

#### Deliberation Session

152. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years from 11.6.2018 until 10.6.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) only private cars as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to enter/be parked on the site at all times during the planning approval period;
- (c) a notice shall be posted at a prominent location of the site to indicate only private cars as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to be parked/stored on the site at all times during the planning approval period;
- (d) no vehicle without valid licence issued under the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on the site at any time during the planning approval period;
- (e) no vehicle repair, dismantling, car beauty, car washing or workshop activity, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) the existing screen planting including trees and shrubs on the site shall be maintained at all times during the planning approval period;
- (h) the submission of a condition record of the existing drainage facilities within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.9.2018;
- (i) in relation to (h) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;

- (j) the submission of a fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.12.2018;
- (k) in relation to (j) above, the implementation of the fire service installations proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.3.2019;
- (l) the existing boundary fencing shall be maintained at all times during the planning approval period;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (i) or (l) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (h), (j) or (k) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (o) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

**Agenda Item 47**

**Section 16 Application**

[Open Meeting]

A/YL-PS/558                      Proposed Temporary Public Vehicle Park (excluding container vehicle)  
for a Period of 3 Years in “Comprehensive Development Area” Zone,  
Lot 894 RP in D.D. 122, Ping Shan, Yuen Long  
(RNTPC Paper No. A/YL-PS/558)

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154.            The Secretary reported that the application was submitted by Busy Firm Investment Limited which was a subsidiary of New World Development Company Limited (NWD). The following Members had declared interests on the item:

- Mr Ivan C.S. Fu                      -    having current business dealings with NWD;
- Mr Stephen L.H. Liu                -    having past business dealings with NWD;
- Dr C.H. Hau                         -    being a principal lecturer and programme director of the University of Hong Kong (HKU). K11 Concept Limited of NWD had been sponsoring his student learning projects in HKU since 2009; and
- Mr K.K. Cheung                    -    having past business dealings with Automall Limited which was a subsidiary of NWD.

155.            The Committee noted that the applicant had requested deferment of consideration of the application and Mr Ivan C.S. Fu had already left the meeting. Since the interest of Dr C.H. Hau was indirect and as Mr Stephen L.H. Liu and Mr K.K. Cheung had no involvement in the application, the Committee agreed that they could stay in the meeting.

156.            The Committee noted that the applicant requested on 18.4.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

157.            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 48**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/417            Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years in "Agriculture", "Green Belt" and "Open Storage" Zones, Lots 1403, 1404, 1406, 1408, 1409, 1410 (Part), 1411, 1412, 1413 RP (Part), 1419 (Part), 1420 (Part), 1441 and 1447 RP in D.D. 117 and Adjoining Government Land, Tai Tong, Yuen Long  
(RNTPC Paper No. A/YL-TT/417A)

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

158.        Mr Alan Y.L. Au, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper:

- (a)    background to the application;
- (b)    temporary place of recreation, sports or culture (hobby farm) for a period of three years;
- (c)    departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Chief Town Planner/Urban Design and

Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application. Apparent site modification (with ground works) was observed. Approval of the application would set an undesirable precedent encouraging other similar applications to modify the sites before planning permissions are obtained. The cumulative impact of which would likely lead to the general degradation of the rural fringe and country park character. Other concerned departments had no objection to or no adverse comments on the application;

- (d) during the first three weeks of the statutory publication period, four public comments were received, with one supporting comment from the Chairman of Shap Pat Heung Rural Committee and three objecting comments from World Wide Fund for Nature Hong Kong, Designing Hong Kong Limited, and an individual. Major objection grounds and views were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD considered the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The proposal involving agricultural use was considered not entirely in conflict with the planning intention of the “Agriculture” (“AGR”) zone. The scale of the development under application was not entirely incompatible with the surrounding areas which were largely rural in character intermixed with warehouses and open storage yards. Relevant government departments had no adverse comments on the application and the proposed development would unlikely result in significant adverse environmental, traffic and drainage impacts on the surrounding areas. Whilst CTP/UD&L, PlanD had reservation on the application, the applied use was mainly agricultural use and involved mainly cultivation/landscaped area with limited structures and hard-paved area. To address the technical concern of the concerned government departments including the landscape impact, relevant approval conditions were recommended. Given previous approval for the same use had been granted to the site, approval of the current application was in line with the Committee's previous decision. However, since the last approval

(No. A/YL-TT/394) by the same applicant was revoked due to non-compliance with time-limited approval conditions, shorter compliance period was recommended in order to closely monitor the progress on compliance with associated approval conditions. There was one similar application for proposed temporary place of recreation, sports or culture (hobby farm) for a period of three years in the same “AGR” zone previously rejected. Yet, the development under the rejected application involved larger roofed-over area and also pond/land filling. Regarding the public concern over vegetation clearance within the “Green Belt” (“GB”) zone, the area only constituted about 5% of the site and would be on soil floor and largely uncovered for circulation area and planting of trees. For other public comments, the comments of government departments and the planning assessments above were relevant.

159. Members had no question on the application.

#### Deliberation Session

160. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.5.2021, 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 loudspeakers or any form of audio amplification system, 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 road at any time during the planning approval period;
- (d) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, are

allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;

- (e) the provision of boundary fence on the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.8.2018;
- (f) the implementation of the accepted run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 4.11.2018;
- (g) the submission of a revised tree preservation and landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.8.2018;
- (h) in relation to (g) above, the implementation of the tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.11.2018;
- (i) the submission of a revised drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.8.2018;
- (j) in relation to (i) above, the implementation of the 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 4.11.2018;
- (k) in relation to (j) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (l) the implementation of the accepted fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.11.2018;



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

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

#### **Agenda Item 49**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/852      Temporary Warehouse for Storage of Clothes and Household Products for a Period of 3 Years in “Undetermined” Zone, Lots 749 (Part), 753 (Part), 754 (Part), 757 (Part), 758 (Part), 759 (Part), 760 S.A (Part), 760 S.B (Part), 761, 762, 763, 771 (Part) and 796 (Part) in D.D. 117, Kung Um Road, Yuen Long  
(RNTPC Paper No. A/YL-TYST/852B)

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

162. Mr Alan Y.L. Au, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) temporary warehouse for storage of clothes and household products for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential use in the vicinity of the site, and environmental nuisance was expected. Other concerned departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, two public comments from members of the public objecting to the application on grounds of traffic and multiple revocation were received; and
- (e) the Planning Department (PlanD)'s views – PlanD considered the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. The applied use was not in conflict with the planning intention of the “Undetermined” (“U”) zone. Approval of the application on a temporary basis of three years would not jeopardize the long-term development of the area. The proposed development was not incompatible with the surrounding uses in the subject “U” zone which were mainly similar warehouses, open storage/storage yards and workshops uses. Although DEP did not support the application, there had been no environmental complaint concerning the site received in the past three years. To address the concerns on the possible environmental nuisances generated by the temporary use and the technical concerns of other concerned government departments, relevant approval conditions were recommended. Given previous approvals for similar uses had been granted to the site and 85 similar applications had been approved in this part of the same “U” zone, approval of the current application was in line with the previous decisions. Since the site was involved in two previous approvals for similar warehouse use which were revoked due to non-compliance with approval conditions, shorter compliance period was

recommended in order to closely monitor the progress on compliance with associated approval conditions. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

163. Members had no question on the application.

#### Deliberation Session

164. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.5.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 9:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no repairing, cleaning, dismantling or other workshop activities, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (d) no storage or handling (including loading and unloading) of plastic waste, electronic waste and used electrical appliances, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (e) no open storage activities, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (f) no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any

time during the planning approval period;

- (g) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (h) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (i) the submission of a condition record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.8.2018;
- (j) the provision of boundary fencing within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.8.2018;
- (k) the implementation of the accepted landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.11.2018;
- (l) the implementation of the accepted fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.11.2018;
- (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;
- (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; and
- (o) upon the expiry of the planning permission, the reinstatement of the site to

an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

### **Agenda Item 50**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/870 Proposed Social Welfare Facility (Residential Care Home for the Elderly) in “Comprehensive Development Area” Zone, Lots 398 RP (Part) and 404 in D.D. 121, Tai Tao Tsuen, Hung Shui Kiu, Yuen Long (RNTPC Paper No. A/YL-TYST/870A)

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166. The Secretary reported that the application was submitted by Orient Talent Limited, which was a subsidiary of New World Development Company Limited (NWD), with Ove Arup & Partners Hong Kong Limited (Arup), WCWP International Limited (WCWP), MVA Hong Kong Limited (MVA) and Ramboll Hong Kong Limited (Ramboll) as four of the consultants of the applicant. The following Members had declared interests on the item:

- |                     |   |
|---------------------|---|
| Mr Ivan C.S. Fu     | - having current business dealings with NWD, Arup, MVA and Ramboll and having past business dealings with WCWP;   |
| Mr Stephen L.H. Liu | - having past business dealings with NWD;   |
| Dr C.H. Hau         | - being a principal lecturer and programme director of the University of Hong Kong (HKU). K11 Concept Limited of NWD had been sponsoring his student learning projects in HKU since 2009; and |
| Mr K.K. Cheung      | - having past business dealings with Automall Limited, which was a subsidiary of NWD and  |

his firm having current business dealings with Arup.

167. The Committee noted that Mr Ivan C.S. Fu and Mr Stephen L.H. Liu had already left the meeting. The Committee agreed that since the interest of Dr C.H. Hau was indirect and as Mr K.K. Cheung had no involvement in the application, they could stay in the meeting.

168. The Committee noted that six replacement pages (pages 11 and 12 of the Paper and pages 2 to 5 of Appendix V) incorporating further comments from the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) were despatched to Members before the meeting.

#### Presentation and Question Sessions

169. Mr Alan Y.L. Au, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) proposed social welfare facility (residential care home for the elderly);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix III of the Paper. Concerned departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication periods, 13 public comments were received from the nearby residents and members of public, with four supporting and nine objecting to the application. Major objection grounds and views were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The gross floor area (GFA) for the proposed residential care home for the

elderly (RCHE) was on a pro rata basis of the area of the site against the total GFA permissible for the whole “Comprehensive Development Area” (“CDA”) zone under the Outline Zoning Plan (OZP). The proposed 7-storey RCHE building with total GFA of about 5,313m<sup>2</sup> did not exceed the plot ratio restriction of the “CDA” site. Besides, the applicant also indicated that a right of way for access to the adjacent lot would be provided. The proposed development would not hinder any further development of the residual lots of the “CDA” zone and was not in conflict with the planning intention of the “CDA” zone. The site was surrounded by low-rise and high-rise residential development and thus the proposed RCHE comprising a 7-storey structure was considered not incompatible with the surroundings. Concerned government departments had no in-principle objection to the application. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

170. In response to a Member’s enquiry, Mr Alan Y.L. Au, STP/TMYLW replied that the application site could only be used as RCHE on the terms of the application as submitted after obtaining approval on the planning application. The Chairman said that the applicant would also need to apply to LandsD for a land exchange to implement the RCHE.

#### Deliberation Session

171. 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 4.5.2022, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- “(a) the submission and implementation of a revised Master Layout Plan taking into account the approval conditions as stated in paragraphs (b) to (g) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission of a revised Traffic Impact Assessment and implementation

of the traffic mitigation measures identified therein to the satisfaction of the Commissioner for Transport or of the TPB;

- (c) the submission and implementation of a revised run-in/run-out proposal to the satisfaction of the Director of Highways or of the TPB;
- (d) the submission and implementation of a revised landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (e) the submission of a revised Noise Impact Assessment and implementation of the mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the TPB;
- (f) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (g) the submission and implementation of water supplies for firefighting and fire service installations proposal to the satisfaction of the Director of Fire Services or of the TPB.”

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

### **Agenda Item 51**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/871      Temporary Warehouse for Storage of Clothes and Shoes for a Period of 3 Years in “Undetermined” Zone, Lots 747 (Part), 748 (Part), 749 (Part), 797 and 798 (Part) in D.D. 117 and Adjoining Government Land, Kung Um Road, Yuen Long  
(RNTPC Paper No. A/YL-TYST/871A)

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Presentation and Question Sessions

173. Mr Alan Y.L. Au, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) temporary warehouse for storage of clothes and shoes for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential use in the vicinity of the site and environmental nuisance was expected. Other concerned departments had no objection to or no adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD considered the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. The applied use was not in conflict with the planning intention of the “Undetermined” (“U”) zone on the Outline Zoning Plan (OZP). Approval of the application on a temporary basis of 3 years would not jeopardize the long-term development of the area. The proposed development was not incompatible with the surrounding uses in the subject “U” zone which were similar warehouses, open storage/storage yards and workshops uses. Although DEP did not support the application, there had been no environmental complaint concerning the site received in the past three years. To address the concerns on the possible environmental nuisances generated by the temporary use and the technical concerns of other concerned government departments, relevant approval conditions were recommended. Given

previous approvals for similar uses had been granted to the site and 85 similar applications had been approved in this part of the same “U” zone, approval of the current application was in line with the previous decisions. Since the site was involved in two previous approvals for similar warehouse uses by the same applicant, which were subsequently revoked due to non-compliance with approval conditions, a shorter compliance period was recommended in order to closely monitor the progress on compliance with associated approval conditions.

174. Members had no question on the application.

#### Deliberation Session

175. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.5.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 9:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no repairing, cleaning, dismantling or other workshop activities, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (d) no storage or handling (including loading and unloading) of plastic waste, electronic waste and used electrical appliances, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (e) no open storage activities, as proposed by the applicant, is allowed on the site at any time during the planning approval period;

- (f) no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (g) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (h) the existing trees and landscape planting on the site shall be maintained at all times during the planning approval period;
- (i) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (j) the submission of a condition record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.8.2018;
- (k) the provision of boundary fencing within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.8.2018;
- (l) the submission of a revised fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.8.2018;
- (m) in relation to (l) above, the implementation of the fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.11.2018;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (i) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately

without further notice;

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

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

### **Agenda Item 52**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/890 Proposed Temporary Shop and Services (Retail Shop for Electrical Appliances) for a Period of 3 Years in “Residential (Group D)” Zone, Lots 2714 S.A (Part), 2715 (Part), 2716 (Part) and 2718 (Part) in D.D. 124 and Adjoining Government Land, Tan Kwai Tsuen, Yuen Long (RNTPC Paper No. A/YL-TYST/890)

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177. The Committee noted that a replacement page (page 11 of the Paper) rectifying editorial errors was despatched to Members before the meeting.

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

178. Mr Alan Y.L. Au, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;

- (b) proposed temporary shop and services (retail shop for electrical appliances) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD considered the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Although the applied use was not entirely in line with the planning intention of the “Residential (Group D)” zone, there was no known programme for long-term development of the site. It could also provide retail service of electrical appliances goods to serve any such demand in the area. Approval of the application on a temporary basis would not jeopardize the long-term planning intention of the “R(D)” zone. It was considered that the proposed use and the development scale was not incompatible with the surrounding uses which were predominantly rural residential uses intermixed with some open storage and storage uses. Relevant government departments consulted had no objection to or adverse comment on the application. Significant adverse environmental, traffic, landscape and drainage impacts on the surrounding area were not envisaged. There were three similar applications approved by the Committee for similar shop and services use in the subject “R(D)” zone and approval of the application was in line with the Committee’s previous decisions.

179. Members had no question on the application.

#### Deliberation Session

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

temporary basis for a period of 3 years until 4.5.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 7:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no medium or heavy goods vehicles, including container tractor/trailer, as defined in the Road Traffic Ordinance, is allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (d) the provision of boundary fence on the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.11.2018;
- (e) the existing trees and landscape planting on the site shall be maintained at all time during the approval period;
- (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 4.11.2018;
- (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 4.2.2019;
- (h) in relation to (g) above, the implemented drainage facilities 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 4.11.2018;

- (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 4.2.2019;
- (k) if any of the above planning conditions (a), (b), (c), (e) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (l) if any of the above planning conditions (d), (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; and
- (m) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

### **Agenda Item 53**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/891 Proposed Temporary Warehouse for Storage of Machinery, Spare Parts and Construction Material for a Period of 3 Years in “Undetermined” Zone, Lots 989 (Part) and 990 (Part) in D.D. 119, Yuen Long  
(RNTPC Paper No. A/YL-TYST/891)

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Presentation and Question Sessions

182. Mr Alan Y.L. Au, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) proposed temporary warehouse for storage of machinery, spare parts and construction material for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential use in the vicinity of the site and environmental nuisance was expected. Other concerned departments had no objection to or no adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD considered the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. The applied use was not in conflict with the planning intention of the “Undetermined” (“U”) zone on the Outline Zoning Plan (OZP). Approval of the application on a temporary basis of three years would not jeopardize the long-term development of the area. The proposed development was not incompatible with the surrounding uses in the subject “U” zone which were mainly warehouses, storage yards, workshops and vehicle parks uses. Although DEP did not support the application, there had been no environmental complaint concerning the site received in the past three years. To address the concerns on the possible environmental nuisances generated by the temporary use and the technical concerns of other concerned government departments, relevant approval conditions were recommended. Given previous approvals for similar uses had been granted to the site and 85 similar applications had been approved in this



part of the same “U” zone, approval of the current application was in line with the previous decisions. Since the last approval (No. A/YL-TYST/812) by the same applicant for similar warehouse use was revoked due to non-compliance with approval conditions, shorter compliance period was recommended in order to closely monitor the progress on compliance with associated approval conditions.

183. Members had no question on the application.

### Deliberation Session

184. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.5.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 10:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no cleansing, repairing, dismantling, spraying or any other workshop activities, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (d) no open storage activities is allowed on the site at any time during the planning approval period;
- (e) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at

any time during the planning approval period;

- (g) the existing trees and landscape plantings on the site shall be maintained at all times during the planning approval period;
- (h) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (i) the submission of a condition record of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.8.2018;
- (j) the provision of boundary fence on the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.8.2018;
- (k) the implementation of the accepted fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.11.2018;
- (l) 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;
- (m) if any of the above planning conditions (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (n) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

185. The Committee also agreed to advise the applicant to note the advisory clauses as

set out at Appendix V of the Paper.

**Agenda Item 54**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/892 Proposed Temporary Warehouse for Storage of Construction Materials and Pet Goods for a Period of 3 Years in “Undetermined” Zone, Lot 1368 (Part) in D.D. 119 and Adjoining Government Land, Yuen Long (RNTPC Paper No. A/YL-TYST/892)

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**Presentation and Question Sessions**

186. Mr Alan Y.L. Au, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) proposed temporary warehouse for storage of construction materials and pet goods for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential use in the vicinity of the site and environmental nuisance was expected. Other concerned departments had no objection to or no adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD considered the temporary use could be tolerated for a period of three years based on the

assessments set out in paragraph 11 of the Paper. The proposed use was not in conflict with the planning intention of the “Undetermined” (“U”) zone on the Outline Zoning Plan. Approval of the application on a temporary basis of three years would not jeopardize the long-term development of the area. The proposed development was not incompatible with the surrounding uses in the subject “U” zone which were mainly similar open storage and warehouse uses. Although DEP did not support the application, there had been no environmental complaint concerning the site received in the past three years. To address the concerns on the possible environmental nuisances generated by the temporary use and the technical concerns of other concerned government departments, relevant approval conditions were recommended. As the Committee had approved seven previous applications for similar uses covering the site and 36 similar applications for warehouse uses in the vicinity of the site, approval of the application was considered in line with the Committee’s previous decisions.

187. Members had no question on the application.

#### Deliberation Session

188. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.5.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

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

- (d) no open storage activities is allowed on the site at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the existing trees and landscape planting on the site shall be maintained at all times during the planning approval period;
- (g) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (h) the submission of a condition record of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.8.2018;
- (i) the provision of boundary fencing within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.11.2018;
- (j) 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 4.11.2018;
- (k) in relation to (j) 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 4.2.2019;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;

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

189. 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 Ms Jessica Y.C. Ho, Mr Vincent T.K. Lai, Ms Stella Y. Ng and Mr Alan Y.L. Au, STPs/TMYLW, for their attendance to answer Members' enquiries. Ms Ho, Mr Lai, Ms Ng and Mr Au left the meeting at this point.]

### **Agenda Item 55**

#### **Any Other Business**

190. A Member enquired if the Committee would liaise with relevant trades or professional bodies to exchange views on the reasons for approval or rejection on planning applications. The Chairman said that currently there was a set of Town Planning Board (TPB) Guidelines promulgated to guide the preparation of development proposals. These guidelines had reflected the specific requirements on various developments in different land use zones. If it was considered necessary, relevant TPB guidelines could be reviewed. In addition, the Planning Department (PlanD) had regular contacts with the operators on matters that were of concern to them. Besides, PlanD also had liaison meetings with Heung Yee Kuk and the open storage trade operators to exchange views on different issues. Communication with the trades and professional bodies would be maintained. These measures would help facilitate the understanding of the relevant sectors and professional bodies on the requirements and operation of the TPB.

191. There being no other business, the meeting closed at 5:50 p.m.