

## **TOWN PLANNING BOARD**

### **Minutes of 622<sup>nd</sup> Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 8.3.2019**

#### **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 Lawrence K.C. Li

Mr Stephen L.H. Liu

Miss Winnie W.M. Ng

Mr L.T. Kwok

Mr Ricky W.Y. Yu

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

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

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

Assistant Director/Regional 3,  
Lands Department  
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 C.H. Hau

Mr K.W. Leung

Dr Jeanne C.Y. Ng

**In Attendance**

Assistant Director of Planning/Board  
Miss Fiona S.Y. Lung

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

Town Planner/Town Planning Board  
Miss Carman C.Y. Cheung

**Agenda Item 1**

Confirmation of the Draft Minutes of the 621<sup>st</sup> RNTPC Meeting held on 22.2.2019

[Open Meeting]

1. The draft minutes of the 621<sup>st</sup> RNTPC meeting held on 22.2.2019 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

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

**Sai Kung and Islands District**

[Ms Kitty S.T. Lam, Senior Town Planner/Sai Kung and Islands (STP/SKIs), was invited to the meeting at this point.]

**Agenda Item 3**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TKO/115                      Proposed Public Utility Installation (Sewage Pumping Station) and  
Excavation of Land in “Green Belt” Zone, Government Land in D.D.  
248, Au Tau, Sai Kung  
(RNTPC Paper No. A/TKO/115A)

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Presentation and Question Sessions

3. The Secretary reported that the application site was located in Tseung Kwan O, and the application was submitted by the Drainage Services Department (DSD) with Black &

Veatch Hong Kong Limited (B&V) as one of the consultants of the applicant. The following Members had declared interests on the item:

- Dr C.H. Hau - conducting contract research projects with DSD;
- Mr K.K. Cheung - his firm having current business dealings with B&V;  
and
- Mr L.T. Kwok - being the Chief Executive of the Christian Family Service Centre which had 14 social service units in Tseung Kwan O district.

4. Dr. C.H. Hau had tendered apologies for being unable to attend the meeting. As the interest of Mr L.T. Kwok was remote and Mr. K.K. Cheung had no involvement in the application, the Committee agreed that they could stay in the meeting.

#### Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed public utility installation (sewage pumping station) and excavation of land;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, four public comments were received with two objecting to the application and two raising concerns/providing views. Major grounds of objections 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. Although there was a general presumption against development in “Green Belt” (“GB”) zone, the proposed development was an essential facility to alleviate the water pollution problem and bring about environmental improvement to the area. The application warranted exceptional consideration. The applicant had conducted a comprehensive site search exercise and the application site was the only suitable site. As the proposed sewage pumping station was small in scale, no adverse impacts on environmental, ecological, drainage, geotechnical and traffic aspects were anticipated. Concerned government departments had no objection to the application. The Committee had also approved a similar application at Tseng Lan Shue in 2017. Regarding the adverse public comments, comments of concerned departments and the planning assessments above were relevant.

6. A Member enquired if the planning application would only be valid until 8.3.2023. In response, Ms Kitty S.T. Lam explained that the recommended validity period was to ensure the proposed development would be commenced before the said date.

#### Deliberation Session

7. 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 8.3.2023, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

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

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

[The Chairman thanked Ms Kitty S.T. Lam, STP/SKIs, for her attendance to answer Members' enquiries. She left the meeting at this point.]

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

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

#### **Agenda Item 4**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/561      Temporary Open Storage of Construction Materials, Machinery and Containers with Vehicle Park (Private Cars and Light Goods Vehicles only) for a Period of 18 months in "Agriculture" and "Village Type Development" Zones, Lots 143 RP (Part) and 145 RP (Part) in D.D. 7, Tai Hang Village, Tai Po  
(RNTPC Paper No. A/NE-KLH/561)

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

9.            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) temporary open storage of construction materials, machinery and containers with vehicle park (private cars and light goods vehicles only) for a period of 18 months;
- (c) departmental comments – departmental comments were set out in

paragraph 10 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site possessed potential for agricultural rehabilitation. The Commissioner for Transport also did not support the application as the applicant did not provide information regarding the estimated traffic flow, maneuvering of vehicles to and from the Site and within the Site, the number of car parking spaces and loading/unloading spaces to be provided, etc. The Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) had some reservation on the application as vegetation had been cleared within the Site since 2015 prior to submission of the application. Approval of the application would encourage similar site modification prior to approval and further attract similar developments into the “Agriculture” (“AGR”) zone, which would result in degradation of landscape character and cause adverse landscape impact on the area. The Director of Environmental Protection did not support the application as there were domestic structures in the vicinity of the Site and environmental nuisance was expected. The Chief Engineer/Construction, Water Supplies Department also did not support the temporary open storage use in view of the high risk of pollution to water gathering grounds. Other government departments consulted had no objection to or no adverse comment on the applications;

- (d) during the first three weeks of the statutory publication period, 4 objecting public comments were received from World Wide Fund for Nature Hong Kong, local groups from villages and an individual. Major grounds of objection were set out in paragraph 11 of the Paper; and
- (e) PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The applied use was not in line with the planning intentions of the “AGR” and “Village Type Development” (“V”) zones. No strong planning justification had been given in the submission to justify for a departure from the planning intentions. According to the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No.13E), about 73% of the Site

fell within Category 3 areas where applications would normally not be favourably considered unless the applications were on sites with previous planning approvals and about 27% of the Site fell within Category 4 areas where applications would normally be rejected except under exceptional circumstances. The application did not comply with the TPB PG-No. 13E as the Site was not the subject of any previous planning approval for similar open storage use with vehicle parking and there were no special circumstances to justify sympathetic consideration. Also, there were adverse departmental comments and local objections to the application. The applicant failed to demonstrate that the applied use would not cause adverse traffic, water quality, landscape and environmental impacts on the surrounding areas. Approval of the application would set an undesirable precedent for similar applications in the “AGR” and “V” zones. The cumulative effect of approving such applications would result in a general degradation of the environment and landscape quality of the area. Regarding the adverse public comments, comments of concerned departments and the planning assessments above were relevant.

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

10. In response to a Member’s enquiry, Ms Kathy C.L. Chan said that TPB PG-No.13E was a public document.

#### Deliberation Session

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

- “(a) the development is not in line with the planning intentions of the “Agriculture” (“AGR”) and “Village Type Development” (“V”) zones which are 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; and to designate both existing recognized villages



and areas of land considered suitable for village expansion, primarily intended for development of Small Houses by indigenous villagers. There is no strong planning justification in the submission for a departure from the planning intentions, even on a temporary basis;

- (b) the application does not comply with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13E) in that the proposed development is not compatible with the surrounding land uses which are predominantly rural in character; there is no previous planning approval of open storage use granted for the Site; and there are adverse departmental comments on the application;
- (c) there is no information in the submission to demonstrate that the applied use would not cause adverse traffic, water quality, landscape and environmental impacts on the surrounding areas; and
- (d) the approval of the application will set an undesirable precedent for similar applications within the same “AGR” and “V” zones. The cumulative effect of approving such similar applications would result in a general degradation of the environment in the area.”

## **Agenda Item 5**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/661            Proposed Temporary Car Park (Private Cars Only) for a Period of 3 Years in “Village Type Development” Zone, Lot 824 in D.D. 10, Chai Kek, Lam Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/661)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) proposed temporary private car park (private cars only) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, four public comments were received from individuals objecting to the application. Major grounds of objection were set out in paragraph 9 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 10 of the Paper. Whilst the proposal was not totally in line with the planning intention of “Village Type Development” (“V”) zone, the proposed temporary private car park was to serve the local residents of Chai Kek. The District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) had no objection to the application and advised that there was no Small House application received for the Site. Given the temporary nature of the proposed use, approval of the application on a temporary basis for a period of three years would not jeopardise the long-term planning intention of the “V” zone. To minimize any possible environmental nuisance generated by the temporary private car park, approval conditions restricting the types of vehicles, prohibiting work-shop related activities and requiring protection of the water gathering ground during the planning approval period were recommended. Regarding the adverse public comments, comments of concerned departments and the planning assessments above were relevant.

13. In response to a Member's question, Ms Kathy C.L. Chan said that the proposed car park would serve the local residents was one of the justifications put forward by the applicant.

#### Deliberation Session

14. In response to a Member's comment, two Members considered that it was not necessary to impose a planning condition to restrict the proposed temporary car park for use by local residents only, as visitors to the village might also need car parking spaces and the planning application only involved 10 parking spaces at this location.

15. A Member raised the concern on whether the consent of landowners had been obtained and noted the objections from some villagers on the application. In response, the Secretary explained that the applicant was the manager of the "Tso/Tong" which was the sole "current land owner" of the Site. As shown in the Paper (Appendix Ia), the applicant also submitted minutes of the "Tso/Tong" meeting on their discussion of the car park proposal.

16. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 8.3.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no vehicles other than private cars are allowed to be parked/stored on the site at any time during the planning approval period;
- (b) no vehicle dismantling, inspection, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out at the site at any time during the planning approval period;
- (c) the development should not cause any water pollution to the upper indirect water gathering ground at any time during the planning approval period;
- (d) 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 8.9.2019;

- (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 8.9.2019;
- (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 8.12.2019;
- (g) the submission of proposal on grease trap and petrol interceptor within 6 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the TPB by 8.9.2019;
- (h) in relation to (g) above, the implementation of proposal on grease trap and petrol interceptor within 9 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the TPB by 8.12.2019;
- (i) if any of the above planning conditions (a), (b) or (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (j) if any of the above planning conditions (d), (e), (f), (g) or (h) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

**Agenda Item 6**

**Section 16 Application**

[Open Meeting]

A/NE-TK/649                      Proposed Public Utility Installation (Solar Energy System) in  
   “Agriculture” Zone, Lot 646 S.A in D.D. 23, Po Sam Pai Village,  
   Shuen Wan, Tai Po  
  
   (RNTPC Paper No. A/NE-TK/649B)

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18.                      The Committee noted that the applicant requested on 21.2.2019 deferment of consideration of the application for two months so as to allow time for preparation of further information (FI) 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 FI providing responses to departmental comments including clarification of technical aspects of the proposed solar energy system and a revised layout for the solar panels.

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

## **Agenda Item 7**

### **Section 16 Application**

[Open Meeting]

A/NE-SSH/126            Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years in “Coastal Protection Area” Zone, Lots 572, 573, 576, 577, 578, 579 and 580 in D.D. 209, Kei Ling Ha Lo Wai, Shap Sz Heung  
(RNTPC Paper No. A/NE-SSH/126)

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20.            The Committee noted that the applicants’ representative requested on 21.2.2019 deferment of consideration of the application for two months so as to allow time for preparation of further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

21.            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 8 and 9**

### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TT/9                Proposed House (New Territories Exempted House - Small House) in “Green Belt” Zone, Government land in D.D. 289, Ko Tong, Tai Po  
(RNTPC Paper No. A/NE-TT/9)

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A/NE-TT/10 Proposed House (New Territories Exempted House - Small House) in  
“Green Belt” Zone, Government land in D.D. 289, Ko Tong, Tai Po  
(RNTPC Paper No. A/NE-TT/10)

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22. The Committee agreed that the two s.16 applications could be considered together as they were similar in the nature, and the application sites (the Sites) were adjoining one another and falling within the same “Green Belt” (“GB”) zone.

#### Presentation and Question Sessions

23. Mr Tony Y.C. Wu, STP/STN, presented the applications and covered the following aspects as detailed in the Papers:

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House) at each of the Sites;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Papers. The District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) had reservation on the applications since there were ongoing complaints against the unauthorized track and the applicants could not demonstrate how they could make proper access to the Sites. The Commissioner for Transport had reservation on the applications but considered that the proposed development involving one house per application only could be tolerated. The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the applications as some trees on government land might be affected by the proposed Small Houses and the ancillary site formation. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) considered that the proposed Small Houses were incompatible with the surrounding environment as the Sites were situated in an area of rural landscape character comprising an extensive hillside woodland which linked with the Sai Kung West Country

Park to its west. Approval of the applications would set an undesirable precedent for similar vegetation removal prior to obtaining planning permission. The cumulative effect of approving such applications would result in general degradation of the surrounding environment and undermine its function to conserve the natural landscape of the area. Other government departments consulted had no objection to or no adverse comment on the applications;

- (d) during the first three weeks of the statutory publication period, eight public comments were received for each application from the Hong Kong Bird Watching Society, the Conservancy Association, Kadoorie Farm and Botanic Garden Corporation, World Wide Fund for Nature Hong Kong, Ko Tong Village Owners and Tenants Society and three individuals objecting to the applications. Major grounds of objection were set out in paragraph 11 of the Papers; and
  
- (e) PlanD's views – PlanD did not support the applications based on the assessments set out in paragraph 12 of the Papers. The Sites fell entirely within the “GB” zone and there was a general presumption against development within the “GB” zone. The Sites were located on a piece of vacant government land on a densely vegetated hillslope linking with Sai Kung West Country Park. The proposed Small Houses were incompatible with the surrounding environment which was natural and rural in character. Furthermore, vegetation removal had been carried out on the Sites and its vicinity. Approval of the applications would set an undesirable precedent for similar vegetation removal prior to obtaining planning permission. CTP/UD&L, PlanD objected to and DAFC had reservation on the application from the tree preservation and nature conservation perspective. Based on the latest estimate by PlanD, land was still available within the “Village Type Development” (“V”) zone of Ko Tong Village for Small House development. Although it could not fully meet the future Small House demand, there was sufficient land within the “V” zone to meet the outstanding Small House applications. The applications did not meet the Interim Criteria in that the proposed developments would cause adverse



landscape impact on the surrounding area. The applications also did not meet the Town Planning Board Guidelines No. 10 (TPB PG-No. 10) as the proposed Small Houses would affect the existing natural landscape. Furthermore, there were two similar applications for Small Houses (No. A/NE-TT/1 and 7) within the “GB” zone in Ko Tong area, which were rejected by the Committee in 2017 and 2019 respectively. The circumstances of the current applications were similar to the above rejected applications. Regarding the public comments received, the comments from concerned government departments and the planning assessment above were relevant.

24. In response to a Member’s question, Mr Tony Y.C. Wu pointed out that the location of the Site for application No. A/NE-TT/9 was edged red on Plan A-2a of the Paper.

#### Deliberation Session

25. Members noted that the application No. A/NE-TT/8 was approved on an exceptional circumstance as the Small House grant at the concerned site was approved and executed before the gazettal of the first statutory plan for Ko Tong. Members also noted that the unauthorized track in the vicinity of the Sites was currently subject to land control action by LandsD as it fell on government land, and as advised by LandsD, approval would not be given to the applicants to form or disturb government land for the formation of new access road to facilitate their Small House developments. Mr Edwin W.K. Chan, Assistant Director/Regional 3, LandsD, also explained that it was not necessary to allow vehicular access in support of Small House application in general, while pedestrian footpath could be allowed for access to the Small House.

26. Members noted that the three sites edged orange as shown in Plan A-2b of the Paper were Small Houses approved by LandsD before the Tai Tan Outline Zoning Plan was gazetted. However, as the concerned Small House grants were not executed, the land owners could not build the Small Houses on the sites.

27. In response to a Member’s question on emergency vehicular access (EVA), Mr Edwin W.K. Chan explained that EVA was not required for a single Small House

development but might be necessary for a cluster of Small Houses in a dense village area.

28. 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 “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 impact on the surrounding area;
- (c) the proposed development does not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that the proposed development would affect the existing natural landscape; and
- (d) the approval of the application would set an undesirable precedent for similar applications in the area. The cumulative effect of approving such applications would result in adverse impacts on the natural environment and landscape character of the area.”

[The Chairman thanked Ms Kathy C.L. Chan and Mr Tony Y.C. Wu, STPs/STN, for their attendance to answer Members’ enquiries. They left the meeting at this point.]

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

[Mr Tom C.K. Yip, District Planning Officer/Fanling, Sheung Shui and Yuen Long East (DPO/FSYLE) and Mr Otto K.C. Chan, Senior Town Planners/Fanling, Sheung Shui and Yuen Long East (STP/FSYLE), were invited to the meeting at this point.]

**Agenda Item 10**

[Open Meeting]

Proposed Amendments to the Approved Fanling/Sheung Shui Outline  
Zoning Plan No. S/FSS/22  
(RNTPC Paper No. 1/19)

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29. The Secretary reported that four of the proposed amendment items to the approved Fanling/Sheung Shui Outline Zoning Plan (OZP) were to facilitate proposed public/subsidised housing developments by the Hong Kong Housing Authority (HKHA) and the Hong Kong Housing Society (HKHS). The technical consultants for the proposed amendments were Ove Arup & Partners Hong Kong Limited (ARUP) and AECOM Asia Company Limited (AECOM) in association with Dennis Lau & Ng Chun Man Architects & Engineers (Hong Kong) Limited (DLN) and WSP (Asia) Limited (WSP). The following Members had declared interests on the items:

Mr Raymond K.W. Lee - being a member of the Strategic Planning Committee  
(the Chairman) (SPC) and the Building Committee of HKHA and an  
*as the Director of* ex-officio member of the Supervisory Board of  
*Planning* HKHS;

Mr H.W. Cheung  
(the Vice-Chairman) }  
Dr Lawrence K.C. Li } being a member of HKHS;

- Mr Martin W.C. Kwan - being an alternate representative of the Director of  
*as Chief Engineer* Home Affairs who was a member of the SPC and the  
*(Works), Home Affairs* Subsidized Housing Committee of HKHA;  
*Department*
- Mr K.K. Cheung - his firm having current business dealings with HKHA,  
HKHS, ARUP and WSP;
- Mr Ivan C.S. Fu - his firm having current business dealings with  
AECOM and ARUP and past business dealings with  
HKHA ;
- Dr C.H. Hau - the institute he served having current business  
dealings with HKHA and AECOM; and
- Mr Stephen L.H. Liu - having past business dealings with HKHA, HKHS  
and DLN.

30. The Committee noted that Dr C.H. Hau had tendered an apology for being unable to attend the meeting and according to the procedure and practice adopted by the Board, as the proposed public housing developments by HKHA and HKHS in relation to the rezoning sites were subjects of amendments to the OZP proposed by the Planning Department, the interests of the Chairman and Members in relation to the proposed amendments would only need to be recorded and they could be allowed to stay in the meeting.

#### Presentation and Question Sessions

31. With the aid of a PowerPoint presentation, Mr Otto K.C. Chan, STP/FSYLE, presented the proposed amendments as detailed in the Paper and covered the following main points:

#### *Proposed Amendments*

- (a) Amendment Item A involved amendments to facilitate three public housing

developments by HKHA in Sheung Shui and one subsidized housing development by HKHS in Fanling. The amendment items were as follows:

- (i) Amendment Item A1: rezoning Sheung Shui Area 30 Site (about 1.55 ha) from “Industrial” (“I”) to “Residential (Group A)4” (“R(A)4”) with a maximum plot ratio (PR) of 6.6 and maximum building height (BH) of 130mPD;
  - (ii) Amendment Item A2: rezoning Sheung Shui Area 4 Site (about 1.36 ha) from “I” and “Other Specified Uses” annotated “Bus Depot” (“OU(Bus Depot)”) to “R(A)4” with a maximum PR of 6.6 and maximum BH of 130mPD;
  - (iii) Amendment Item A3: rezoning Po Shek Wu Road North Site (about 1.38 ha) from “Open Space” (“O”) to “R(A)5” with a maximum PR of 7 and maximum BH of 130mPD; and
  - (iv) Amendment Item A4: rezoning Jockey Club Road Site (about 0.55 ha) from “Government, Institution or Community” (“G/IC”) to “R(A)4” with a maximum PR of 6.6 and maximum BH of 100mPD;
- (b) Amendment Item B: rezoning a site (about 0.36 ha) at Wu Tip Shan from “G/IC” to “R(A)6” with a maximum domestic gross floor area (GFA) of 19,750m<sup>2</sup>, maximum non-domestic GFA of 3,092m<sup>2</sup> and maximum BH of 128mPD to reflect a s.12A application (No. Y/FSS/13) as agreed by the Committee on 23.6.2017;
- (c) Amendment Items C1 to C3: rezoning strips of land in Sheung Shui Area 30 and Area 4 and a strip of land to the southwest of Amendment Item A3 from “I”, “OU(Bus Depot)” or “O” to areas shown as ‘Road’ to reflect its existing road alignment on Choi Yuen Road and San Wan Road;

Technical Assessments

- (d) to ascertain the technical feasibility of the proposed housing sites (Amendment Items A1 to A4), various technical assessments had been conducted, which confirmed that the proposed housing developments would not cause insurmountable problems on traffic, visual, air ventilation, environment and infrastructural capacity aspects with implementation of appropriate mitigation measures as identified in the technical assessments at Attachments V and VI of the Paper. Concerned departments had no objection to or no adverse comment on the proposed developments;

GIC Facilities and Open Space

- (e) based on the Hong Kong Planning Standards and Guidelines ('HKPSG') and the planned population, the planned provision for government, institution and community (GIC) facilities and open space in the area was generally sufficient;

Proposed Amendments to the Notes of the OZP

- (f) corresponding revisions to the Notes were made in respect of "R(A)4", "R(A)5" and "R(A)6" zones to incorporate the respective development restrictions and to follow the revised Master Schedule of Notes;

Departmental Consultation

- (g) relevant bureaux and departments consulted had no objection to or no adverse comment on the proposed amendments to the OZP; and

Public Consultation

- (h) on 21.1.2019, the District Minor Works and Environmental Improvement Committee (DMW) of the North District Council was consulted, which expressed support to the proposed housing developments and OZP

amendments.

### *Transportation*

32. In response to a Member's question on the transportation arrangement, Mr Tom C.K. Yip, DPO/FSYLE, said that the Government had committed to implement a series of traffic improvement proposals to cater for the population increase arising from planned housing developments in North District including Fanling North and Kwu Tung North New Development Areas (NDAs) and Queen's Hill. After the implementation of these traffic improvement proposals, the associated junctions along the vehicular routes of these housing sites would operate satisfactorily. Besides, a new Public Transport Interchange (PTI) would be provided at Amendment Item A1 site to mitigate local traffic impacts by diverting some routes of public transport services away from the existing PTI located at Landmark North and the critical road junction and roundabout in the area leading to the existing PTI. Furthermore, new footbridges were proposed to facilitate pedestrian circulation among the three public housing sites (Amendment Items A1 to A3), the Po Shek Wu Estate and MTR Sheung Shui Station.

### *Retail facilities*

33. A Member enquired if there were sufficient retail facilities to serve the local needs for both the existing residents and future population. Mr Tom C.K. Yip replied that HKHA would provide about 700 to 900m<sup>2</sup> GFA for retail uses at both Amendment Items A1 and A2 sites while there would be a shopping mall with 3,000m<sup>2</sup> GFA at Amendment Item A3 site. The subsidized housing development by HKHS would also provide about 3,000m<sup>2</sup> GFA for retail facilities. HKHA's proposed shopping mall at Amendment Item A3 site could also offer a variety of retail uses for both nearby residents and future population in these new housing developments. Furthermore, there were an existing shopping mall at Landmark North and a few planning permissions were granted for wholesale conversion of existing industrial buildings to commercial uses in Sheung Shui Areas 4 and 30. The Member suggested exploring better design and/or management measures for the proposed shopping mall and retail facilities to minimize any conflicts between shopping activities of local residents and of the cross-boundary shoppers.

### *Development Intensity*

34. A Member enquired about the rationale of the proposed PR for these public housing developments. In response, Mr Tom C.K. Yip explained that a maximum overall PR of 6.6 for Amendment Items A1, A2 and A4 was proposed while a maximum overall PR of 7 for Amendment Item A3 was proposed. The maximum domestic PR of all these sites was 6.0. As announced in the 2014 Policy Address, except for the more densely populated urban area, the maximum domestic PR currently permitted could be increased by 20% if technically feasible. Noting the current maximum domestic PR in the New Town area was 5.0 in general, the domestic PR for these public housing developments had been increased to 6.0 under the current OZP amendments. Although the latest policy announced in late 2018 had allowed an increase of 30% in maximum domestic PR for public housing sites where technical feasibility permitted, the technical assessments for the public housing developments under the current OZP amendments had already been conducted earlier and the further increase in PR would not be accommodated in the current OZP amendments. In response to the same Member's further enquiry, Mr Tom C.K. Yip said that in general HD would adopt an average flat sizes of 45m<sup>2</sup> to 50m<sup>2</sup> for public rental housing/subsidized housing in the technical assessments.

### *Open Space and GIC Facilities*

35. In response to the Chairman's enquiry on the provision of open space and GIC facilities, Mr Tom C.K. Yip elaborated that there would still be sufficient provision of planned local and district open spaces within the area even after the existing "O" zone under Amendment Item A3 was rezoned for residential use. With reference to Attachment VII of the Paper, the planned provision for GIC facilities (e.g. schools and hospital beds) in the area was generally sufficient except for residential care home for the elderly (RCHE) and community care services (CCS) facilities. While the requirement for RCHE and CCS facilities was a long-term goal and the actual provision would be subject to the consideration of the Social Welfare Department (SWD), consideration would be given to including these facilities requested by SWD in the planned GIC and residential developments in Fanling and Sheung Shui area as well as in Kwu Tung North and Fanling North NDAs when opportunity arose. In the current OZP amendments, RCHEs were also planned in the proposed public



housing sites under Amendment Items A1 and A4.

36. A Member pointed out that besides the provision of RCHE of 100 places at each of the two sites, floor spaces for ancillary office of some social welfare facilities should also be considered. Mr Tom C.K. Yip supplemented that different kinds of elderly services and social welfare facilities would be provided in the proposed public housing development under Amendment Item A1 and the scale of such facilities would be considered by HKHA at the detailed design stage. In response to the Chairman's enquiry, Mr Tom C.K. Yip added that public vehicle parks, public transport facilities and GIC facilities as required by the Government were exempted from PR calculation for the proposed public housing development.

37. After deliberation, the Committee decided to :

- “(a) agree to the proposed amendments to the approved Fanling/Sheung Shui OZP and that the draft Fanling/Sheung Shui OZP No. S/FSS/22A at Attachment II of the Paper (to be renumbered to S/FSS/23 upon gazetting) and its Notes at Attachment III of the Paper were suitable for public exhibition under section 5 of the Town Planning Ordinance; and
- (b) adopt the revised Explanatory Statement (ES) at Attachment IV of the Paper for the draft Fanling/Sheung Shui OZP No. S/FSS/22A as an expression of the planning intentions and objectives of the Board for various land use zonings of the OZP and agree that the revised ES was suitable for publication together with the OZP.”

[The Chairman thanked Mr Tom C.K. Yip, DPO/FS&YLE and Mr Otto K.C. Chan STP/FSYLE for their attendance to answer Members' enquiries. They left the meeting at this point. ]

**Agenda Item 11**

**Section 16 Application**

[Open Meeting]

A/FSS/270                      Proposed House and Social Welfare Facility (Residential Care Home for the Elderly) and Minor Relaxation of Building Height Restriction in “Village Type Development” Zone, Various Lots in D.D. 51, Fanling (RNTPC Paper No. A/FSS/270C)

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38.            The Committee noted that the applicants’ representative requested on 25.2.2019 deferment of consideration of the application for two months so as to allow time for preparation of further information (FI) to address further comments from Transport Department and Environmental Protection Department. It was the fourth time that the applicants requested deferment of the application. Since the last deferment, the applicants had submitted FI with revised technical assessments in response to departmental comments.

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

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

**Agenda Item 12**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/KTN/51                      Temporary Warehouse and Vehicle Repair Workshop with Ancillary Office and Staff Rest Room for a Period of 3 Years in “Open Space” and “Other Specified Uses” annotated “Business and Technology Park” Zones and an area shown as ‘Road’, Lots 736 RP (Part), 738 RP (Part) and 739 RP in D.D.95 and Adjoining Government Land, Kwu Tung North  
  
(RNTPC Paper No. A/KTN/51B)

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**Presentation and Question Sessions**

40.                      The Secretary reported that the application site (the Site) was in Kwu Tung North. Dr. C.H. Hau had declared an interest on the item as he owned a property in Kwu Tung North. Dr. C.H. Hau had tendered apologies for being unable to attend the meeting.

41.                      Ms S.H. Lam, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) temporary warehouse and vehicle repair workshop with ancillary office and staff rest room 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 uses in the vicinity of the Site but there was no environmental complaint case related to the Site in the past 3 years. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, no public

comment were received; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the applied temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. While the applied use was not in line with the planning intention of the zonings, the Site fell within the Remaining Package of Kwu Tung North New Development Area (KTN NDA) project. The Project Manager/North, Civil Engineering and Development Department had no objection to the application in relation to the implementation of the KTN NDA project. In view of the above, approval of the application on a temporary basis would not jeopardize the long-term development of the concerned zonings on the Outline Zoning Plan. The applied use was not incompatible with the existing surrounding land uses and the concern of DEP on possible environmental nuisance to the surrounding areas could be addressed through the incorporation of relevant approval conditions in paragraph 12.2.

42. Members had no question on the application.

#### Deliberation Session

43. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 8.3.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation between 1:00 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 vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the provision of a vehicular ingress/egress point within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 8.9.2019;
- (f) the submission of proposal for fire service installations and water supplies for fire-fighting within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.9.2019;
- (g) in relation to (f) above, the implementation of proposal for fire service installations and water supplies for fire-fighting within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.12.2019;
- (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 8.9.2019;
- (i) in relation to (h) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 8.12.2019;
- (j) 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 8.9.2019;
- (k) in relation to (j) 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 8.12.2019;
- (l) if any of the above planning conditions (a), (b), (c) or (d) is not complied

with during the planning approval period, the approved hereby given shall cease to have effect and shall be revoked without further notice; and

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

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

### **Agenda Item 13**

#### **Section 16 Application**

[Open Meeting]

A/KTN/56 Temporary Container Vehicle Park (including Light and Heavy Goods Vehicles) for a Period of 3 Years in “Residential (Group B)” Zone and an area shown as ‘Road’, Lots 91 (Part) and 94 S.A RP (Part) in D.D. 95, Ho Sheung Heung, Kwu Tung North, Sheung Shui  
(RNTPC Paper No. A/KTN/56A)

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45. The Secretary reported that the application site was located in Kwu Tung North. Dr. C.H. Hau had declared an interest on the item as he owned a property in Kwu Tung North.

46. The Committee noted that the applicant had requested deferment of consideration of the application and Dr. C.H. Hau had tendered apologies for being unable to attend the meeting.

47. The Committee noted that the applicant requested on 13.2.2019 deferment of consideration of the application for two months so as to allow time for preparation of further information (FI) 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 FI to address comments from the Transport Department, Lands Department and Planning Department.

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

#### **Agenda Item 14**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/631 Temporary Open Storage of Private Cars for a Period of 3 Years in "Open Space" and "Residential (Group D)" Zones, Lot 529 S.B (Part) in D.D. 109, Lot 644 S.A RP (Part) in D.D. 110, and Adjoining Government Land, Kam Tin Road, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/631B)

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49. Ms Ivy C.W. Wong, STP/FSYLE, drew Members' attention that three replacement pages (pages 8, 9 and 13 of the Paper) reflecting the latest comments from the Environmental Protection Department in paragraphs 10.1.5 and 12.5 had been tabled for Members' reference.

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

50. Ms Ivy C.W. Wong, STP/FSYLE, presented the application and covered the

following aspects as detailed in the Paper :

- (a) background to the application;
- (b) temporary open storage of private cars for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, two public comments objecting to the application were received from a Yuen Long District Council member and an individual. Major grounds of objections were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the applied temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The application mainly fell within “Open Space” (“O”) zone with a small portion in “Residential (Group D)” (“R(D)”) zone. Although the development was considered not in line with the planning intentions of the “O” and “R(D)” zones, the Director of Leisure and Cultural Services had no objection to the application as there was no plan to develop it into a public open space at present. Approval of the application on a temporary basis would not frustrate the long-term planning intentions of the “O” and “R(D)” zones. The development was considered not incompatible with the surrounding areas. The application was considered generally in line with the Town Planning Board Guidelines No. 13E (TPB PG-No. 13E) in that the Site was the subject of previous planning approvals for the same applied use. Concerned departments had no adverse comment on the application. As previous approvals had been granted and there was no major change in the planning circumstances since the last planning approval, sympathetic consideration could be given to the current application. The last approved application No. A/YL-KTN/455 for the same applied use was revoked in



2015 due to non-compliance with approval condition in relation to the provision of fire extinguisher(s). The applicant had submitted drainage, landscape and fire service installations (FSIs) proposals in the current application and the FSIs proposal was considered acceptable by the Director of Fire Services. Shorter compliance periods were recommended to monitor the progress of compliance of approval conditions. Regarding the adverse public comments, comments of concerned departments and the planning assessments above were relevant.

51. Members had no question on the application.

#### Deliberation Session

52. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 8.3.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 8:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the site at any time during the planning approval period;
- (d) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;

- (f) the existing boundary fencing shall be maintained at all times during the planning approval period;
- (g) the submission of 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 8.6.2019;
- (h) in relation to (g) 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 8.9.2019;
- (i) the implemented drainage facilities on site shall be maintained at all times during the planning approval period;
- (j) the provision of fire extinguisher(s) with a valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.4.2019;
- (k) the implementation of the accepted fire services installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.9.2019;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (i) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (m) if any of the above planning conditions (g), (h), (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 the Director of Planning or of the TPB.”

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

**Agenda Item 15**

**Section 16 Application**

[Open Meeting]

A/YL-KTN/633 Temporary Public Car Park (Excluding Container Vehicle) for a Period of 5 Years in “Village Type Development” Zone, Lots 1243 S.B RP (Part) and 1296 RP in D.D. 109, Kong Tai Road, Kam Tin, Yuen Long (RNTPC Paper No. A/YL-KTN/633A)

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54. The Committee noted that the applicant requested on 1.3.2019 deferment of consideration of the application for two months so as to allow time for preparation of further information (FI) 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 FI to address departmental comments.

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

**Agenda Item 16**

**Section 16 Application**

[Open Meeting]

A/YL-KTN/643      Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of 3 Years in “Agriculture” Zone, Lots 1173, 1174 RP, 1175 RP and 1176 RP in D.D. 109, Tai Kong Po Tsuen, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/643)

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56.            The Committee noted that the applicant requested on 26.2.2019 deferment of consideration of the application for two months so as to allow time for preparation of further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

**Agenda Item 17**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/644      Temporary Shop and Services (Real Estate Agent, Grocery, Metalware Retail Shop and Car Beauty Product) with Ancillary Office for a Period of 3 Years in “Village Type Development” Zone, Lot 283 S.A RP (Part) in D.D. 109, Kam Tin Road, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/644)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) temporary shop and services (real estate agent, grocery, metalware retail shop and car beauty product) with ancillary office for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the temporary use for a period of three years based on the assessments set out in paragraph 11 of the Paper. The District Lands Officer/Yuen Long, Lands Department advised that there was no Small House application approved or under processing at the Site. It was considered that approval of the application on a temporary basis for a period of 3 years would not

jeopardize the planning intention of the “Village Type Development” zone. According to the applicant, the applied shop and services use was intended to serve the locals. The development was considered not incompatible with the surrounding land uses. Given the nature of the development and its proximity to Kam Tin Road, it was unlikely that the applied shop and services use would generate significant environmental nuisance. The Site was the subject of previously approved applications for similar uses. Approval of the application was in line with the Committee’s previous decision.

59. Members had no question on the application.

#### Deliberation Session

60. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 8.3.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 7:00 p.m. to 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (d) existing trees within the site shall be maintained at all times during the planning approval period;
- (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 8.9.2019;

- (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 8.12.2019;
- (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 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 8.9.2019;
- (i) in relation to (h) 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 8.12.2019;
- (j) if any of the above planning conditions (a), (b), (c), (d) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (k) if any of the above planning conditions (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.”

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

**Agenda Item 18**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/813      Temporary Eating Place for a Period of 5 Years in “Village Type Development” Zone, Ground Floor, 175 Shek Wu Tong Tsuen, Lot 351 S.A (Part) in D.D. 106, Shek Wu Tong Tsuen, Pat Heung, Yuen Long (RNTPC Paper No. A/YL-KTS/813)

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**Presentation and Question Sessions**

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

- (a)    background to the application;
- (b)    temporary eating place for a period of five years;
- (c)    departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d)    during the first three weeks of the statutory publication period, no public comment was received; and
- (e)    the Planning Department (PlanD)’s views – PlanD had no objection to the temporary eating place for a period of five years based on the assessments set out in paragraph 12 of the Paper. The District Lands Officer/Yuen Long, Lands Department advised that there was no Small House application approved or under processing at the Site. It was considered that approval of the application on a temporary basis would not jeopardize the long-term planning intention of the “Village Type Development” (“V”) zone. According to the applicant, the temporary eating place could help serve the needs of the villagers. The temporary eating place was



considered not incompatible with the surrounding areas. The application was generally in line with Town Planning Board Guidelines No.15A in that the applied use was located at the fringe of the “V” zone and was readily accessible from Kam Sheung Road. Besides, in view of the small scale of the eating place, it would unlikely generate significant adverse environmental, traffic and drainage impacts on the surrounding areas. Relevant government departments consulted had no objection to or adverse comment on the application. There was one approved similar application within the same “V” zone. Approval of the application was in line with the Committee’s previous decision.

63. Members had no question on the application.

#### Deliberation Session

64. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 8.3.2024, 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 11:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Wednesdays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) 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 8.9.2019;
- (d) in relation to (c) 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 8.12.2019;
- (e) if any of the above planning conditions (a) or (b) is not complied with

during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and

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

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

### **Agenda Item 19**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/814 Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 5 Years in “Agriculture” Zone, Lots 900 (Part) and 901 S.B (Part) in D.D. 103, Sze Pai Shek, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTS/814)

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

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

- (a) background to the application;
- (b) proposed temporary place of recreation, sports or culture (hobby farm) for a period of five years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;

- (d) during the first three weeks of the statutory publication period, two public comments from the Hong Kong Bird Watching Society and an individual were received objecting to the application. Major grounds of objection were set out in paragraph 10 of the Paper; and
  
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the temporary place of recreation, sports or culture (hobby farm) for a period of five years based on the assessments set out in paragraph 11 of the Paper. According to the applicant, about 16% of the Site was for farm area and 4 structures were for greenhouse/plant nursery. The applied use was generally not in conflict with the planning intention of the “Agriculture” (“AGR”) zone and the Director of Agriculture, Fisheries and Conservation (DAFC) had no strong view on the application. It was considered that approval of the application on a temporary basis for a period of 5 years would not frustrate the long-term planning intention of the zoning. The proposed hobby farm was considered not incompatible with the surrounding areas. In view of the nature of the hobby farm, it would unlikely cause significant adverse environmental, traffic, landscape or drainage impacts and relevant departments consulted had no adverse comment on the application. There were four similar applications approved within the same “AGR” zone. Although there were two other applications rejected by the Committee, those rejected applications were different from the current application as they involved recreational uses such as barbecue and cycling tour. Regarding the adverse public comments, comments of concerned departments and the planning assessments above were relevant.

67. In response to the Chairman's question on the percentage of hard paved area within the Site, Ms Ivy C.W. Wong said that according to the further information submitted by the applicant, about 5.3% of the Site was hard paved while 16.2% was farm area, 18.3% was soiled ground area and 60.2% was covered by tiles over the soiled ground.

#### Deliberation Session

68. Members noted that the area covered by tiles was soiled ground underneath and DAFC had not raised any objection to the proposal.

69. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 8.3.2024, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 5:00 p.m. to 10:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no public announcement system, portable loudspeaker or any form of audio amplification system is allowed to be used on the site at any time during the planning approval period;
- (c) 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 8.9.2019;
- (d) in relation to (c) 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 8.12.2019;
- (e) in relation to (d) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (f) the submission of 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 8.9.2019;
- (g) in relation to (f) 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 8.12.2019;
- (h) if any of the above planning conditions (a), (b) or (e) is not complied with

during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;

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

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

## **Agenda Item 20**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/815      Proposed Temporary Shop and Services (Convenience Store with Ancillary Office) for a Period of 5 Years in “Residential (Group A)” Zone, Lot 41 RP in D.D. 106, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTS/815)

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### **Presentation and Question Sessions**

71. 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 shop and services (convenience store with ancillary office) for a period of five years;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD) did not support the application as the applied approval period would be in conflict with the implementation programme of the site formation works for the planned public housing development, which was tentatively scheduled for commencement in mid-2021. The Director of Housing (D of Housing) also had strong reservation as the approval of the application might delay CEDD’s handover of the concerned public housing site to the Housing Department (HD) and the planned flat completion in 2025. Other government departments consulted had no objection to or no adverse comment on the applications;
- (d) during the first three weeks of the statutory publication period, no public comment was received; 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 “Residential (Group A)” (“R(A)”) zone covering the Site was planned for public housing development. The proposal involving a single storey building solely for shop and services use was not entirely in line with the planning intention of the “R(A)” zone. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis. Both PM(W), CEDD and D of Housing did not support the application as approval of the application would be in conflict with the implementation of the planned public housing development at the subject “R(A)” zone for completion in 2025.

72. Members had no question on the application.

#### Deliberation Session

73. 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 “Residential (Group A)” zone which is primarily for medium-density residential developments. No strong planning justification has been given in the submission for departure from the planning intention, even on a temporary basis; and
- (b) the site is located within an area planned for public housing development with target completion in 2025. Approval of the application for a period of 5 years would be in conflict with the implementation of the public housing development.”

## **Agenda Item 21**

### **Section 16 Application**

[Open Meeting]

A/YL-KTS/816 Temporary Open Storage (Containers and Construction Materials) for a Period of 3 Years in “Village Type Development” Zone, Lots 1166 S.G RP (Part), 1166 S.G ss.5 (Part) and 1166 S.K RP (Part) in D.D. 113, Tai Wo Tsuen, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-KTS/816)

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74. The Committee noted that the applicant requested on 26.2.2019 deferment of consideration of the application for two months so as to allow time for preparation of further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

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

**Agenda Item 22**

**Section 16 Application**

[Open Meeting]

A/YL-PH/793            Proposed Temporary Eating Place (Restaurant with Ancillary Outside Seating Accommodation) for a Period of 3 Years in "Residential (Group D)" Zone, Lot 73 S.B RP (Part) in D.D. 108, Pat Heung, Yuen Long

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

**Agenda Item 23**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/801            Renewal of Planning Approval for Temporary "Open Storage of Excavators and Loaders" for a Period of 3 Years in "Residential (Group D)" Zone, Lots 159 (Part), 160 (Part), 162 (Part), 163 (Part) and 164 (Part) in D.D. 108 and Adjoining Government Land, Ta Shek Wu, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/801)

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**Presentation and Question Sessions**

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



- (a) background to the application;
- (b) renewal of planning approval for temporary open storage of excavators and loaders 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 located to the immediate east of the Site and in the vicinity and environmental nuisances were expected. Other concerned government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, one public comment objecting to the application was received from an individual. Major grounds of objection 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 applied use was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone. Nevertheless, there was currently no known programme for long-term development at the Site. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the zoning. The development was considered not incompatible with the surrounding land uses. The application was considered generally in line with the Town Planning Board Guidelines No. 34B (TPB PG-No. 34B) and 13E (TPB PG-No. 13E) in that previous approvals for the same/similar uses were granted and all the approval conditions under the last approved application had been complied with. There was also no adverse comment from the relevant departments except DEP. DEP had not received environmental complaint at the Site in the past three years. To address any possible environmental nuisance, relevant approval conditions were recommended in paragraph 13.2 (a) to (c) of the Paper. As previous

approvals had been granted and there was no major change in planning circumstances since the last approval, sympathetic consideration could be given to the current application. Although nine similar applications within the same “R(D)” zone were rejected by the Committee, these applications were subject to different circumstances. Regarding the adverse public comment, comments of concerned departments and the planning assessments above were relevant.

78. Members had no question on the application.

#### Deliberation Session

79. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years, and be renewed from 23.4.2019 until 22.4.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities are allowed on the site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the existing boundary fencing shall be maintained at all times during the planning approval period;
- (f) the existing trees 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 record of the existing drainage facilities on the site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.7.2019;
- (i) the provision of fire extinguisher(s) within 6 weeks with a valid fire certificate (FS 251) from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.6.2019;
- (j) the implementation of the accepted fire services installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.10.2019;
- (k) 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; and
- (l) if any of the above planning conditions (h), (i) or (j) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

**Agenda Item 24**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/383      Renewal of Planning Approval for Temporary Vegetable Collection and Transfer Station for a Period of 3 Years in “Comprehensive Development Area” Zone, Government Land in D.D. 104, Chun Shin Road, Ngau Tam Mei, Yuen Long  
(RNTPC Paper No. A/YL-NTM/383)

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**Presentation and Question Sessions**

81.            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 vegetable collection and transfer station for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, one supporting public comment from a Yuen Long District Council Member was received; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The application was in line with the Town Planning Board Guidelines No.34B in that since the last approval, there had been no major change in planning circumstances and all approval conditions under the previous approval had been complied with.

Concerned government departments had no adverse comments on the application. Although the applied use for vegetable collection and transfer station was not in line with the planning intention of the “Comprehensive Development Area” (“CDA”) zone, approval of the application on a temporary basis for a period of 3 years would not frustrate the planning intention of the zoning. The Director of Agriculture, Fisheries and Conservation supported the application as it served as a transfer station for the local farmers in the area to collect the vegetables for onward transferring. The applied use was not incompatible with the surrounding areas which comprised agricultural land, fishing farms, orchards, scattered residential dwellings and unused/vacant land. The applied use was small in scale and the operation hours of the station were between 7:00 a.m. and 10:00 a.m. daily, which was not expected to cause any significant adverse traffic, environmental, ecological, drainage and landscape impacts on the surrounding areas.

82. Members had no question on the application.

#### Deliberation Session

83. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years, and be renewed from 19.3.2019 until 18.3.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the operation is restricted from 7:00 a.m. to 10:00 a.m. from Mondays to Saturdays, as proposed by the applicant, during the planning approval period; and
- (b) if the above planning condition (a) 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.”

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

set out at Appendix IV of the Paper.

**Agenda Item 25**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/384      Renewal of Planning Approval for Temporary Private Swimming Pool  
for a Period of 3 Years in “Village Type Development” Zone, Lot 2158  
RP in D.D. 104, Sheung Chuk Yuen, Ngau Tam Mei, Yuen Long  
(RNTPC Paper No. A/YL-NTM/384)

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**Presentation and Question Sessions**

85.            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 private swimming pool for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, one public comment objecting to the application was received from an individual. Major grounds of objection 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 application was in line with the Town Planning Board Guidelines No.34B in that since the last

approval, there had been no major change in planning circumstances, all approval conditions had been complied with and there was no adverse comment from the concerned government departments. The District Lands Officer/Yuen Long, Lands Department advised that there was no Small House application approved or under processing at the Site. The proposed swimming pool was not incompatible with the surrounding land uses. Given the temporary nature of the proposed development, the long-term planning intention of the “Village Type Development” zone would not be jeopardized. Regarding the adverse public comment, comments of concerned departments and the planning assessments above were relevant.

86. Members had no question on the application.

#### Deliberation Session

87. In response to a Member’s enquiry, the Chairman said that there was no Town Planning Board Guidelines for application for private recreational use.

88. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years, and be renewed from 20.3.2019 until 19.3.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the proposed swimming pool should not be open to members of the public;
- (b) the drainage facilities implemented on the site should be maintained at all times during the planning approval period;
- (c) the existing trees and shrubs planting within the site shall be maintained in healthy condition at all times during the planning approval period;
- (d) 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 20.6.2019;

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

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

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

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

### **Agenda Item 26**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/130	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Village Type Development” Zone, Lots 650 RP (Part) and 977 RP (Part) in D.D.125, Sik Kong Tsuen, Ha Tseun, Yuen Long (RNTPC Paper No. A/HSK/130)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) 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 government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, two public comments objecting to the application were received from individuals. Major grounds of objection were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the temporary use for a period of three years based on the assessments set out in paragraph 11 of the Paper. Whilst the applied use was not in line with planning intention of the “Village Type Development” zone, approval of the application on a temporary basis of 3 years would not frustrate the long-term development of the area and it could provide shop and services to meet such demand in the area. The applied temporary use was not incompatible with the surrounding land use, which was predominately occupied by village houses. There was also no adverse comment on the application from the concerned government departments. Furthermore, the Committee had approved one previous application for the same applied use at the Site and other similar applications within the same zoning on the Outline Zoning Plan. In this regard, approval of the current application was in line with the Committee's previous decisions. Regarding the adverse public comments, comments of concerned departments and the planning assessments above were relevant.

91. Members had no question on the application.

Deliberation Session

92. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 8.3.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 8:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) the existing trees and landscape plants on the site shall be maintained at all times during the planning approval period;
- (c) the submission of 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 8.6.2019;
- (d) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (e) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.9.2019;
- (f) in relation to (e) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.12.2019;
- (g) if any of the above planning conditions (a), (b) or (d) 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

- (h) if any of the above planning conditions (c), (e) or (f) 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.”

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

### **Agenda Item 27**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/132                      Proposed Temporary Open Storage of Recyclable Materials (Including Metal and Plastic) for a Period of 3 Years and Filling of Pond in “Government, Institution or Community” and “Open Space” Zones and an area shown as ‘Road’, Lots 280 (Part) and 281 (Part) in D.D.125, San Wai, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/HSK/132)

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

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

- (a) background to the application;
- (b) proposed temporary open storage of recyclable materials (including metal and plastic) for a period of three years and filling of pond;
- (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 uses in the vicinity with the nearest one about 35m to its south and environmental nuisance was expected. Other concerned government departments had no

objection to or no adverse comments on the application;

- (d) during the first three weeks of the statutory publication period, one public comment objecting to the application was received from an individual. Major grounds of objection were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Whilst the proposed development was not in line with the planning intention of the “Government, Institution or Community” (“G/IC”) and “Open Space” (“O”) zones, the implementation programme for this part of Hung Shui Kiu New Development Area (HSK NDA) was still being formulated and the Project Manager (New Territories West), Civil Engineering and Development Department had no objection to the proposed temporary use for three years on the Site. In this regard, approval of the application on a temporary basis of three years would not jeopardize the long-term development of the Site. Whilst the Site fell within Category 4 areas under the Town Planning Board Guidelines No. 13E, it should be noted that the Site had been rezoned from “Green Belt” (“GB”) and “Recreation” to “G/IC” and “O” and an area shown as ‘Road’ on the current Outline Zoning Plan. Taking into account the change in planning circumstances pertaining to the case, sympathetic consideration might be given to the current application. The proposed use was not incompatible with the surrounding uses which were predominantly occupied by storage yards, warehouses, workshops, fallow agricultural land and a few residential structures. There was no adverse comment on the application from concerned government departments except DEP. To address the concerns on environmental aspect and the technical requirements of concerned government departments, relevant approval conditions were recommended in paragraph 13.2 of the Paper. Regarding the adverse public comment, comments of concerned departments and the planning assessments above were relevant.

95. In response to a Member's enquiry, Mr Simon P.H. Chan said that the pond

within the Site had not yet been filled but was grown with some plants as shown in the site photo No. 4 of Plan A-4a in the Paper.

### Deliberation Session

96. Members noted that the previous application for proposed filling of pond when the Site was zoned “GB” under the previous OZP was rejected by the Committee and upon review by the Town Planning Board in 2015.

97. A Member was concerned that the approval of the proposed temporary application would increase the area of brownfield sites which would be in conflict with the general planning intention to phase out the existing brownfield sites for development of the HSK NDA. Some Members also considered that there was no major planning merit in approving the proposed temporary use. Except better utilization of the vacant land, approval of new temporary brownfield uses would induce further expansion of the existing brownfield operations in the HSK area.

98. Members also noted that there was a similar application (No. A/HSK/89) for proposed temporary open storage use and filling of pond adjacent to the Site within the same “G/IC” zone, which was approved by the Committee on 17.8.2018. Some Members said that while careful consideration should be given to new temporary brownfield uses, consistency in the Committee’s decisions should be maintained.

99. In view of the above, the Chairman suggested and Members agreed to defer a decision on the current application pending submission on more background information on similar planning applications in the area for Members’ reference and consideration, so as to formulate a consistent approach in dealing with applications for new temporary brownfield uses in HSK NDA.

100. After deliberation, the Committee decided to defer a decision on the application pending submission of additional information on the similar planning applications in the HSK NDA by the Planning Department.

**Agenda Item 28**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/133            Proposed Temporary Open Storage of Construction Machinery for a Period of 3 Years in “Government, Institution or Community” Zone, Lots 108 S.A (Part), 108 S.B ss.1 (Part), 108 S.B ss.2, 108 S.B ss.3 (Part), 110 (Part) and 112 (Part) in D.D.128, Ha Tsuen, Yuen Long (RNTPC Paper No. A/HSK/133)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) proposed temporary open storage of construction machinery for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, one public comment objecting to the application was received from an individual. Major grounds of objection were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the proposed temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Whilst the proposed development was not in line with the planning intention of the “Government, Institution or Community” zone, approval of the application on a temporary basis of three years would not jeopardize the long-term

development of the Site and would not delay the implementation programme for this part of Hung Shui Kiu New Development Area (HSK NDA). The Site was situated adjacent to some village houses of Fung Kong Tsuen at its north and east, and some open storage yards/workshops at its west and south. The “Other Specified Uses” annotated ‘Port Back-Up, Storage and Workshop Uses’ zone, where open storage and workshop uses were always permitted, was located to the further south of the Site. The Director of Environmental Protection had no objection to the proposed temporary use at the Site. Regarding the adverse public comment, comments of concerned departments and the planning assessments above were relevant.

102. Members had no question on the application.

#### Deliberation Session

103. The Chairman said that this application was similar to application No. A/HSK/132 considered by the Committee at the same meeting and the two applications could be handled in the same manner.

104. After deliberation, the Committee decided to defer a decision on the application pending submission of additional information on the similar planning applications in the HSK NDA by the Planning Department.

#### **Agenda Item 29**

##### Section 16 Application

[Open Meeting]

A/TM/535 Religious Institution (Temple) in “Village Type Development” Zone, Lots 1102 S.C, 1102 S.D, 1102 RP and 1103 RP in D.D. 132 and adjoining Government Land, Siu Hang Tsuen, Tuen Mun  
(RNTPC Paper No. A/TM/535)

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105. The Committee noted that the applicant's representative requested on 18.2.2019 deferment of consideration of the application for two months so as to allow time for preparation of further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

106. 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 30**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PN/55                      Temporary Animal Boarding Establishment for a Period of 3 Years in  
"Agriculture" Zone and an area shown as 'Road', Government Land in  
D.D. 135, Sheung Pak Nai, Yuen Long  
(RNTPC Paper No. A/YL-PN/55B)

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

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

- (a) background to the application;
- (b) temporary animal boarding establishment for a period of three years;



- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Both the Director of Agriculture, Fisheries and Conservation (DAFC) and the Director of Environmental Protection (DEP) did not support the application. The District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) advised that the government land (GL) within the Site was illegally occupied and reserved the rights to take necessary actions against the unauthorized structure and the illegal occupation of GL. Other concerned government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication periods, one public comment from an individual supporting the application and six public comments from Kadoorie Farm and Botanic Garden, Hong Kong Bird Watching Society and an individual objecting to the application were received. Major views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The development was not in line with the planning intention of the “Agriculture” (“AGR”) zone. DAFC did not support the application as agricultural activities in the vicinity of the Site were active and the Site possessed potential for greenhouse or plant nursery. DAFC also indicated that the Site did not have a Boarding Establishment Licence granted by his department. There was no strong planning justification given in the current submission for a departure from the planning intention, even on a temporary basis. The Site was currently occupied for the applied use which was located entirely within GL. DLO/YL, LandsD advised that the GL within the Site was illegally occupied with unauthorized structure. DEP did not support the application as the applicant failed to propose suitable noise mitigation measures to avoid noise of annoyance and also failed to demonstrate the proposed septic tank and soakaway system as a feasible means to treat wastewater. Approval of the application even on a temporary basis, would set an undesirable precedent for similar

applications within the “AGR” zone. Regarding the adverse public comments, comments of concerned departments and the planning assessments above were relevant.

108. Members had no question on the application.

#### Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is primarily to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong justification in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the applicant fails to demonstrate that the proposed development would not cause adverse environmental impact on the surrounding areas; and
- (c) approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications for other developments within the “AGR” zone, the cumulative effect of which will result in a general degradation of the rural environment.”

**Agenda Item 31**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PN/57                      Temporary Recreation Use (Fishing Ground) for a Period of 3 Years in  
“Coastal Protection Area” Zone, Lot 93 (Part) in D.D. 135, Sheung Pak  
Nai, Yuen Long  
(RNTPC Paper No. A/YL-PN/57)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) temporary recreation use (fishing ground) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the applied temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. The development was not entirely in line with the planning intention of the “Coastal Protection Area” (“CPA”) zone. However, the existing fish pond at the Site would not be adversely affected by the applied use (fishing ground) and there was no significant change in character of the existing fish pond. Both the Director of Agriculture, Fisheries and Conservation and the Chief Town Planner/Urban Design and Landscape Section, PlanD had no

objection to the application. Approving the application for passive recreational use on a temporary basis would not undermine the long-term planning intention of the “CPA” zone. The development was not incompatible with the fish ponds in the immediate surrounding area. There were three previous approved applications (No. A/YL-PN/22, 36 and 44) for the same use submitted by the same applicant on a slightly larger site. All time-specific approval conditions of these approved applications were complied with. The last permission was valid up to 20.11.2018. As the previous permission was lapsed and there was revision to the site boundary, the applicant submitted the current application afresh. Within the same “CPA” zone, there were also three similar approved applications. Approval of the current application was in line with the previous decisions of the Committee.

111. Members had no question on the application.

#### Deliberation Session

112. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 8.3.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 9:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no vehicle is allowed to queue back to or reverse onto/from public roads at any time during the planning approval period;
- (c) all vegetation within the site shall be maintained at all times during the planning approval period; and
- (d) if any of the above planning conditions (a), (b) or (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.”

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

**Agenda Item 32**

**Section 16 Application**

[Open Meeting]

A/YL-PS/565 Proposed Residential Development (Flat and House) in “Comprehensive Development Area” Zone, Various Lots in D.D. 122 and Adjoining Government Land, North of Long Ping Road and Long Tin Road, Ping Shan, Yuen Long  
(RNTPC Paper No. A/YL-PS/565A)

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114. The Secretary reported that Landes Limited was one of the consultants of the applicant and Mr Ivan C.S. Fu had declared an interest on the item as his firm was having current business dealings with Landes.

115. The Committee noted the applicant had requested deferment of consideration of the application and agreed that as Mr Ivan C.S. Fu had no involvement in the application, he could stay in the meeting.

116. The Committee noted that the applicant’s representative requested on 21.2.2019 deferment of consideration of the application for two months so as to allow time for preparation of further information (FI) to address further departmental comments. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted FI to address departmental comments.

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

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

### **Agenda Item 33**

#### **Section 16 Application**

[Open Meeting]

A/YL-PS/580                      Proposed Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years in "Residential (Group B) 1" Zone, Lots 113 S.B RP (Part), 114 (Part) and 115 RP (Part) in D.D. 121, Ping Pak Lane, Ping Shan, Yuen Long  
(RNTPC Paper No. A/YL-PS/580)

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118.            The Committee noted that the applicant requested on 14.2.2019 deferment of consideration of the application for two months so as to allow time for preparation of further information to address the comments of the Transport Department. It was the first time that the applicant requested deferment of the application.

119.            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 34**

**Section 16 Application**

[Open Meeting]

A/YL-TT/444            Temporary Animal Boarding Establishment and Dog Breeding Centre for a Period of 3 Years in “Agriculture” and “Green Belt” Zones, Lots 1384 (Part), 1385 RP, 1386, 1387 S.A and 1387 S.B in D.D. 117 and Adjoining Government Land, Tai Tong, Yuen Long  
(RNTPC Paper No. A/YL-TT/444A)

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120.            The Committee noted that the applicant’s representative requested on 28.2.2019 deferment of consideration of the application for two months so as to allow time for preparation of further information (FI) to address comments of the Agriculture, Fisheries and Conservation Department and public comments and to prepare proposals to support the application. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted FI to address departmental comments.

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

**Agenda Item 35**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/445            Proposed Temporary Shop and Services (Interior Design and Decoration Engineering Company) for a Period of 3 Years in “Village Type Development” Zone, Lots 4891 RP (Part), 4892 RP (Part), 4893 (Part) and 4894 in D.D. 116 and Adjoining Government Land, Tai Tong Road, Yuen Long  
(RNTPC Paper No. A/YL-TT/445A)

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122.            The Committee noted that one replacement page (page 12 of the Paper) with revision to paragraph 11.4 of the Paper had been dispatched to Members before the meeting.

**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) proposed temporary shop and services (interior design and decoration engineering company) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, one public comment objecting to the application was received from an individual. Major grounds of objection were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the proposed temporary use for a period of three years based on the



assessments set out in paragraph 11 of the Paper. Whilst the applied use was not totally in line with the planning intention of the “Village Type Development” (“V”) zone, the temporary proposed use was mainly to serve the local villagers for meeting such demand in the area. Approval of the applied use on a temporary basis for three years would not frustrate the long term planning intention of the area. The Site, abutting two public roads, was considered not incompatible with the surrounding uses which were predominantly rural residential mixed with real estate agencies. There was no adverse comment on the application from concerned government departments. Relevant approval conditions were recommended in paragraph 12.2 to address the technical requirements of the concerned departments and public concerns. Given that three previous approvals for similar shop and services use had been granted to the Site and five similar applications had been approved for various shop and services uses within the same “V” zone, approval of the subject application was considered in line with the Committee’s previous decisions. Although the three previous approvals had all been revoked due to non-compliance of approval conditions, and the Site was also the subject of three applications for shop and services use rejected by the Town Planning Board (the Board) on review/dismissed on appeal by the Town Planning Appeal Board (TPAB), all these previous applications were submitted by another applicant. Besides, according to PlanD’s records, the previous shop and services use at the Site had ceased operation since around 2015. The current application could be considered afresh. Regarding the adverse public comment, comments of concerned departments and the planning assessments above were relevant.

124. In response to the Chairman’s enquiry on the history of the previous applications at the Site, Mr Steven Y.H. Siu elaborated that the Site was the subject of six previous planning applications for similar uses submitted by a different applicant. Applications No. A/YL-TT/289 and 302 for temporary shop and services (real estate agency) were approved with conditions for a period of 3 years by the Committee, but both planning approvals were subsequently revoked due to non-compliance with associated approval conditions. Application No. A/YL-TT/327 for the same use was allowed for a period of 12 months by the

TPAB on appeal, yet the planning approval was also subsequently revoked due to non-compliance with associated approval conditions. The last three applications (No. A/YL-TT/344, 357 and 421) were rejected by the Board on review (No. A/YL-TT/344 and 421) and dismissed by TPAB (No. A/YL-TT/357) respectively.

### Deliberation Session

125. Members noted that under the previous planning applications, the previous applicant failed to comply with the approval condition on the submission and implementation of run in/run-out proposal to the satisfaction of the relevant department. The Vice-Chairman and a Member queried if it was not technically feasible to implement the run in/run-out proposal at the Site. However, Members also noted that to the immediate north of the Site, there was a similar approved application (No. A/YL-TT/418) which was submitted by the same applicant of the previous six planning applications at the Site and was subject to the same run-in/run-out condition. Such condition was successfully complied with. Members also noted that the last application on the Site (No. A/YL-TT/421) was rejected by the Board on review mainly on the ground that previous planning permissions granted to the same applicant were revoked due to non-compliance of the approval conditions; and approval of the application with repeated non-compliances with approval conditions would set an undesirable precedent for other similar applications, nullifying the statutory planning control mechanism.

126. A Member opined that since the current application was submitted by a different applicant, the application should be considered on a new basis. It was also considered that the applied use was not incompatible with the surrounding land uses.

127. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 8.3.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 8:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no vehicle is allowed to queue back to or reverse onto/from public road at

any time during the planning approval period;

- (c) the submission of a 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 8.9.2019;
- (d) in relation to (c) above, the implementation of run in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 8.12.2019;
- (e) 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 8.9.2019;
- (f) in relation to (e) 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 8.12.2019;
- (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) all existing trees and landscape plantings within the site shall be maintained at all times during the planning approval period;
- (i) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.9.2019;
- (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 8.12.2019;
- (k) if any of the above planning conditions (a), (b), (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

- (l) if any of the above planning conditions (c), (d), (e), (f), (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.”

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

### **Agenda Item 36**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/934 Temporary Public Vehicle Park (excluding container vehicle) for a Period of 3 Years in “Comprehensive Development Area” and “Residential (Group B) 1” Zones, Lots 415, 420, 421 and 422 RP in D.D. 121, Tai Tao Tsuen, Hung Shui Kiu, Yuen Long  
(RNTPC Paper No. A/YL-TYST/934A)

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

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

- (a) background to the application;
- (b) temporary public vehicle park (excluding container vehicle) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no

objection to or no adverse comments on the application;

- (d) during the first three weeks of the statutory publication period, 4 objecting public comments were received from individuals and management office of The Woodsville. Major grounds of objections were set out in paragraph 10 of the Paper; and
  
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the temporary use for a period of three years based on the assessments set out in paragraph 11 of the Paper. Although the proposed use was piecemeal and not entirely in line with the planning intentions of the “Residential (Group B)1” (“R(B)1”) and “Comprehensive Development Area” (“CDA”) zones, there was currently no known programme for long-term development on the Site. Approval of the application on a temporary basis would not frustrate the planning intentions of the zoned use on the Outline Zoning Plan. Whilst the Site was located near residential developments, the applied use and the small scale of the proposed development were considered not entirely incompatible with the surrounding land uses. Government departments consulted had no adverse comment on the application. Furthermore, relevant approval conditions were recommended in paragraph 12.2 of the Paper to minimise any possible environmental nuisances generated by the temporary use or to address the technical requirements of other concerned government departments and public concerns. There were seven similar applications within the subject “R(B)1” zone, of which five of them were rejected by the Committee mainly on the ground that they involved the parking of container tractor/lorries. The remaining two applications which did not involve the parking of heavy vehicles were approved by the Committee on a temporary basis. The current application only involved the parking of private cars and light goods vehicle and both the Director of Environmental Protection and the Commissioner for Transport had no adverse comment on the application. Approval of the current application was generally in line with the Committee's previous decisions. Regarding the adverse public comments, comments of concerned departments and the planning

assessments above were relevant.

130. In response to a Member's enquiry on the compatibility of the applied use with the surroundings, Mr Steven Y.H. Siu said that there were about 300 car parking spaces at the nearby residential development (Uptown). The proposed public vehicle park was considered as small scale and not incompatible with the residential development in the "R(B)1" zone while serving the need of the villagers and nearby residents.

#### Deliberation Session

131. Noting that the Site fell partly within the "CDA" zone which had already been largely developed, some Members raised the concern on how to deal with the residual area which could not be comprehensively developed. In response, the Chairman said that PlanD would conduct a review of "CDA" zone biennially and the residual area within the developed "CDA" site could be considered under the review.

132. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 8.3.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) only private cars and light goods vehicles, as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (b) no vehicle without valid licences 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;
- (c) a notice should be posted at a prominent location of the site at all times to indicate that only private cars and light goods vehicles, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on or enter/exist the site, during the planning approval period;

- (d) no vehicle repairing, dismantling or other workshop activities, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the 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 8.9.2019;
- (g) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 8.9.2019;
- (h) in relation to (g) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 8.12.2019;
- (i) in relation to (h) above, the implemented drainage facilities on the site 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 planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.9.2019;
- (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 8.12.2019;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e) or (i) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and

- (m) if any of the above planning conditions (f), (g), (h), (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.”

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

[Mr Philip Kan left the meeting at this point.]

### **Agenda Item 37**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/945 Temporary Warehouse and Open storage of Homeware for a Period of 3 Years in “Undetermined” Zone, Lots 1062 (Part), 1125 (Part), 1127 (Part) and 1128 (Part) in D.D. 119, Kung Um Road, Yuen Long  
(RNTPC Paper No. A/YL-TYST/945)

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

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

- (a) background to the application;
- (b) temporary warehouse and open storage of homeware for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;



- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the applied 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 use was not in conflict with the planning intention of the “Undetermined” (“U”) zone. The development was not considered incompatible with the surrounding areas which comprised mainly warehouses intermixed with some open storage yards, various workshops etc. The application was generally in line with Town Planning Board Guidelines No. 13E in that the Site fell within Category 1 areas which were considered suitable for open storage and port back-up use. There was no adverse comment on the application from concerned government department and the technical concerns of relevant government departments could be addressed through the implementation of approval conditions. Given that two previous approvals for similar temporary open storage uses with or without warehouses had been granted to the Site and 132 similar applications had been approved in this “U” zone, approval of the current application was in line with the Committee’s previous decisions.

135. Members had no question on the application.

#### Deliberation Session

136. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 8.3.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 7:00 p.m. and 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 storage of used electrical appliances or any types of electronic waste, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (d) no repairing, dismantling, maintenance, cleaning or any other workshop activities are 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 tractor/trailer, 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;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road, as proposed by the applicant, at any time during the planning approval period;
- (g) the existing boundary fencing on the site shall be maintained at all times during the planning approval period;
- (h) all existing trees within 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 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 8.6.2019;
- (k) the provision of fire extinguisher(s) with a valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.4.2019;

- (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 8.9.2019;
- (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 8.12.2019;
- (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; and
- (o) if the above planning condition (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.”

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

### **Agenda Item 38**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/946 Temporary Open Storage of Recycled Goods (Used Electronic Appliances) with Ancillary Workshop and Site Office for a Period of 3 Years in “Undetermined” and “Village Type Development” Zones, Lots 326 (Part), 327 S.A (Part), 327 S.A ss.1 (Part), 327 S.B (Part), 327 S.C (Part), 327 S.D (Part) and 328 (Part) in D.D. 119, Shan Ha Tsuen, Yuen Long  

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(RNTPC Paper No. A/YL-TYST/946)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary open storage of recycled goods (used electronic appliances) with ancillary workshop and site office for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were residential uses in the vicinity and environmental nuisance was expected, but there was no environmental complaint concerning the Site in the past three years. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the applied 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 use was not in conflict with the planning intention of the “Undetermined” zone. The development was not incompatible with the surrounding areas which comprised mainly open storage yards intermixed with some warehouses, parking of vehicles, scattered residential structures, some vegetated land and vacant land. The application was generally in line with Town Planning Board Guidelines No. 13E in that the majority of the Site fell within Category 1 areas which were considered suitable for open storage and port back-up use. Concerned government departments, except DEP, had no adverse comment on the application. The concerns on the possible environmental nuisances and the technical requirements of other concerned

government departments could be addressed through the implementation of approval conditions. Given that the Committee had approved 7 previous applications for similar temporary open storage uses covering the Site and 131 similar applications had been approved for open storage with/without warehouse uses in the vicinity of the Site, approval of the subject application was considered in line with the Committee's previous decisions.

139. Members had no question on the application.

### Deliberation Session

140. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 8.3.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 7:00 p.m. and 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 heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, 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 repairing, cleaning, dismantling, cutting, grinding or other workshop activities, except for ancillary sorting and packaging, as proposed by the applicant, 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 drainage facilities on the site shall be maintained at all times during the planning approval period;
- (g) the submission of a condition record of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 8.6.2019;
- (h) 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 8.9.2019;
- (i) the provision of fire extinguisher(s) with a valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.4.2019;
- (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 8.9.2019;
- (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 8.12.2019;
- (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; and
- (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.”

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

set out at Appendix VI of the Paper.

**Agenda Item 39**

**Section 16 Application**

[Open Meeting]

A/YL/249 Proposed Flat, Shop and Services, Eating Place and Public Vehicle Park (excluding container vehicle) and Minor Relaxation of Plot Ratio Restriction in “Residential (Group E)1” Zone, No. 21 Wang Yip Street West, Yuen Long (Yuen Long Town Lot No. 461)  
(RNTPC Paper No. A/YL/249A)

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142. The Secretary reported that Star Properties (H.K.) Limited (Star), Aurecon Hong Kong Limited (Aurecon), Rider Levett Bucknall Limited (RLB), MVA Hong Kong Limited (MVA) and Landes Limited (Landes) were five of the consultants of the applicant. The following Members had declared interests on this item:

- Mr Ivan C.S. Fu - his firm having current business dealings with MVA and Landes;
- Mr K.K. Cheung - his firm having current business dealings with Star and Aurecon; and
- Mr Stephen L.H. Liu - having past business dealings with RLB.

143. The Committee noted that the applicant had requested deferment of consideration of the application. As Messrs Ivan C.S. Fu, K.K. Cheung and Stephen L.H. Liu had no involvement in the application, the Committee agreed that they could stay in the meeting.

144. The Committee noted that the applicant’s representative requested on 22.2.2019 deferment of consideration of the application for two months so as to allow time for preparation of further information to address departmental comments on urban design aspect. It was the second time that the applicant requested deferment of the application. Since the

last deferment, the applicant had submitted revised traffic impact assessment, environmental assessment, sewerage proposal, road improvement scheme and updated landscape and tree preservation proposal as well as supplementary information on the urban design merits of the proposed development.

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

#### **Agenda Item 40**

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

[Open Meeting]

A/YL/253

Proposed Office cum Public Car Park with Retail Shops and Minor Relaxation of Plot Ratio Restriction in "Other Specified Uses" annotated "Public Car Park With Ground Floor Retail Shops (1)" Zone, 16 Hi Yip Street, Tung Tau Industrial Area, Yuen Long (Yuen Long Town Lot No. 443)  
(RNTPC Paper No. A/YL/253A)

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146. The Secretary reported that Landes Limited (Landes) and T.K. Tsui Associates Limited (TKT) were two of the consultants of the applicant. The following Members had declared interests on the item:



Mr Ivan C.S. Fu - his firm having current business dealings with Landes; and

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

147. The Committee noted that the applicant had requested deferment of consideration of the application. The Committee agreed that Messrs Ivan C.S. Fu and K.K. Cheung could stay in the meeting as they had no involvement in the application.

148. The Committee noted that the applicant's representative requested on 26.2.2019 deferment of consideration of the application for two months so as to allow time for preparation of further information (FI) including a set of revised layout plan, traffic data, and photomontage in response to departmental comments. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant indicated that more time was required to prepare FI.

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

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

**Agenda Item 41**

**Any Other Business**

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