

## **TOWN PLANNING BOARD**

### **Minutes of 654<sup>th</sup> Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 4.9.2020**

#### **Present**

Director of Planning  
Mr Raymond K.W. Lee

Chairman

Mr Stephen L.H. Liu

Vice-chairman

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Mr K.K. Cheung

Dr C.H. Hau

Dr Lawrence K.C. Li

Miss Winnie W.M. Ng

Mr L.T. Kwok

Mr K.W. Leung

Dr Jeanne C.Y. Ng

Dr Venus Y.H. Lun

Mr Conrad T.C. Wong

Mr Y.S. Wong

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

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

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

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

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

Secretary

**Absent with Apology**

Mr Ricky W.Y. Yu

**In Attendance**

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

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

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

## **Opening Remarks**

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

## **Agenda Item 1**

Confirmation of the Draft Minutes of the 652<sup>nd</sup> RNTPC Meeting held on 21.8.2020

[Open Meeting]

2. The draft minutes of the 652<sup>nd</sup> RNTPC meeting held on 21.8.2020 were confirmed without amendments.

## **Agenda Item 2**

Matters Arising

[Open Meeting]

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

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

**Agenda Item 3**

Section 12A Application

[Open Meeting]

Y/NE-TK/18

Application for Amendment to the Approved Ting Kok Outline Zoning Plan No. S/NE-TK/19, To rezone the application site from “Agriculture” and area shown as ‘Road’ to “Residential (Group C) 1”, Lots 321 RP, 322 RP, 383, 384 RP, 385 RP, 388, 390, 393, 394, 395, 396 RP, 420, 422, 426, 427, 428, 429 and 430 in D.D. 17, Lots 321, 322, 323 S.A, 323 S.B, 323 S.C, 324, 1019 RP, 1020 RP, 1022, 1023 S.A, 1023 S.B, 1023 S.C, 1023 S.D, 1023 S.E, 1023 S.F, 1023 S.G, 1023 RP, 1024 S.A, 1024 S.B, 1024 S.C, 1024 S.D, 1024 S.E, 1024 RP, 1025 S.A, 1025 S.B, 1025 RP, 1026, 1027, 1028 S.A, 1028 S.B, 1028 S.C, 1028 S.D, 1028 RP, 1029, 1038, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1048 S.A, 1048 S.B, 1049, 1050, 1052, 1053, 1057, 1058, 1059, 1060, 1061, 1063, 1095, 1097, 1098 and 1099 in D.D. 29, Ting Kok, Tai Po

(RNTPC Paper No. Y/NE-TK/18)

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4. The Committee noted that the applicant requested on 7.8.2020 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.

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

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

**Agenda Item 4**

**Section 12A Application**

[Open Meeting (Presentation and Question Sessions only)]

Y/TP/29                      Application for Amendment to the Approved Tai Po Outline Zoning Plan No. S/TP/28, To rezone the application site from “Village Type Development” to “Government, Institution or Community (3)”, Lots 1087, 1130 and 2089 in D.D. 6 and adjoining Government Land, Kam Shan, Tai Po  
  
(RNTPC Paper No. Y/TP/29)

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6.                      The Secretary reported that the application was for regularising an existing columbarium development in Tai Po. The following Members had declared interests on the item:

- Mr K.K. Cheung                      -                      his firm being the legal advisor of the Private Columbaria Licensing Board; and
  
- Dr Venus Y.H. Lun                      -                      she and her spouse owning properties in Hong Lok Yuen, Tai Po.

7.                      As the interest of Mr K.K. Cheung was indirect and the properties owned by Dr Venus Y.H. Lun and her spouse had no direct view of the application site (the Site), the Committee agreed that they could stay in the meeting.

**Presentation and Question Sessions**

8.                      The following representatives from the Planning Department (PlanD) and the applicant’s representatives were invited to the meeting at this point:

- Ms Jessica H.F. Chu                      -                      District Planning Officer/Sha Tin, Tai Po and North (DPO/STN), PlanD

Ms Kathy C.L. Chan	-	Senior Town Planner/Shu Tin, Tai Po and North (STP/STN), PlanD
<i>Buddhist Cheung Ha Temple Limited</i>	]	
Mr Poon Koon Kau	]	
Mr Lau Wing Yui Felix	]	
Mr Au Kee Wah, Auser	]	
Mr Chu Man Hei	]	
Mr Poon Sai Kit	]	
	]	Applicant's representatives
<i>Vision Planning</i>	]	
<i>Coinsultants Limited</i>	]	
Mr Chan Kim On	]	
Miss Rachel Lo	]	
	]	
<i>MVA Hong Kong Limited</i>	]	
Ms Y.L. Mok	]	

9. The Chairman extended a welcome and explained the procedures of the meeting. He then invited PlanD's representatives to brief Members on the background of the application.

10. With the aid of a PowerPoint presentation, Ms Jessica H.F. Chu, DPO/STN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed rezoning of the application site (the Site) from "Village Type Development" ("V") to "Government, Institution or Community (3)" ("G/IC(3)") on the approved Tai Po Outline Zoning Plan (OZP) No. S/TP/28, and including 'Columbarium' use under Column 2 of the "GIC(3)" zone in order to make provision for application for such use;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper;

- (d) during the first three weeks of the statutory publication periods, 2,539 public comments were received, with 2,108 supportive comments from the Chairman of Kam Shan Village Committee, village representative of Kam Shan Village, local villagers/residents and individuals, 413 opposing comments from the former and current Tai Po District Council Members, Indigenous Inhabitant Representative of Kam Shan Village, Alliance for the Concern over Columbarium Policy, Designing Hong Kong Limited, local villagers/residents and individuals, and the remaining 18 indicating no comment on the application. Major views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The concerned columbarium was located within the village proper of Kam Shan and immediately adjoined existing residential dwellings. It was considered not compatible with the existing village setting of the area. There were a total of 13,426 niches accommodated within the Site with 5,508 niches already sold, and amongst which 3,816 niches were occupied. The columbarium niches would attract a large number of grave sweepers to the village causing nuisance and disturbance to the local residents in the village, in particular those residential dwellings adjoining the Site and shared the same accesses. There was no strong planning justification for rezoning the Site from “V” to “G/IC(3)” to make provision for application for columbarium use. The current “V” zone for the Site was considered appropriate. The Commissioner for Transport had no in-principle objection to the application from traffic engineering point of view subject to the implementation of the crowd management measures and the proposed footpath widening of a section of Kam Shan Road as proposed by the applicant, and the granting of the exclusive right of use of the proposed waiting areas on government land to the applicant by the land authority. Other concerned government departments had no objection to or no adverse comment on the application. Nevertheless, for the last rejected similar application (No. Y/TP/27) located to the immediate northwest of the Site, it was rejected by the Committee mainly on the grounds of being

not compatible with the existing village setting of the area, particularly the residential dwellings located in its immediate vicinity. As far as land use compatibility was concerned, the circumstances of the current application were similar to those of the last rejected similar application. Furthermore, there was no similar rezoning application approved by the Committee within the same “V” zone and approval of the application would set an undesirable precedent for other similar rezoning applications within the “V” zone. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

11. Ms Jessica H.F. Chu, DPO/STN ended her presentation by showing three walkthrough videos along the pedestrian access routes of the Site proposed by the applicant and highlighting the proximity of village houses to the concerned routes.

12. The Chairman then invited the applicant’s representatives to elaborate on the application. With the aid of a PowerPoint Presentation, Mr Chan Kim On, the applicant’s representative, made the following main points:

*History and Operation of the Columbarium*

- (a) the subject Buddhist Cheung Ha Temple (佛教長霞淨院) (the Temple) comprised two temple buildings with niches and one village house-converted ancillary office. The first set of cremated ash was kept at the Temple since 1948, which was the ash of the first abbot. Subsequently, upon request from worshippers, the Temple started to operate as a columbarium and provide memorial tablets for their deceased relatives since 1960s. It was a religious practice to keep cremated ashes inside the Temple. In 1980, there were 1,625 niches in the Temple and 37 of which had already been occupied when the first Tai Po OZP was gazetted;

*Zoning History of the Site*

- (b) the Site, together with another temple named Yan Lo (隱廬) to the southeast of the Site, were zoned “V” on the first Tai Po OZP gazetted in



1980. Since the Temple with the provision of columbarium already existed before the first Tai Po OZP, it implied that the use of the Site and the subject “V” zone was not considered in conflict. Yet, in order to rectify the former broad-brush zoning approach and to reflect more clearly the existing use of the Site such that relevant regulations could be applied, it was proposed to rezone the Site to “G/IC(3)” with ‘Religious Institution’ use placed under Column 1 and ‘Columbarium’ and ‘Office’ uses under Column 2 requiring planning permission from the Town Planning Board (the Board). In fact, in 2012, the Board agreed to a similar rezoning application (No. Y/ST/13) for rezoning a site in Sha Tin from “V” to “G/IC(1)” with a view to reflecting more clearly the use of the concerned site;

*Compatibility with the surroundings*

- (c) since 1969, the footprints of the buildings to the north and east of the Site were the same and only four additional village houses were constructed to the west, one of which had been used by the Temple as an ancillary office. The other three additional village houses were in fact some distance away from the two temple structures with columbarium use therein. In other words, the majority of the village houses had been in co-existence with the Temple for a long period of time. Besides, taking into account the temple to the southeast of the Site, the area was of a religious setting. Also, the operation of the columbarium was already in existence for 40 years and the relationship between the Temple and the villagers had been satisfactory so far;

*Response to Community Needs*

- (d) it was estimated that in 2038, there would be a shortage of 610,000 niches in Hong Kong. Although the Government had speeded up the provision of niches, public-private collaboration would be the best approach to meet the pressing demand. The subject columbarium had been serving the local community’s needs in that currently 60 niches were occupied by cremated ashes of former Kam Shan residents while the other 1,836 niches

were occupied by those of other villagers in the Tai Po district;

*Monitoring Mechanisms*

- (e) after the Board's agreement to the subject rezoning application, a s.16 application would need to be submitted for the Board's consideration for the columbarium use. Besides, the applicant would also need to apply for a licence from the Private Columbaria Licensing Board to regularise the operation of the columbarium. Government departments and relevant authorities could then request the adoption of enhanced measures at those stages; and
- (f) other than PlanD, the other 17 concerned government departments had no objection to or no adverse comment on the current application. Given the specific locational factors and development history of the Site, the current application should warrant a favourable consideration.

13. With the aid of a PowerPoint Presentation, Mr Poon Koon Kau, the applicant's representative, made the following main points:

- (a) the Temple had been participating in various charitable activities and providing sponsorship to different community organisations including those in the Tai Po district. The Temple also volunteered to provide maintenance to the nearby roads and landscape the ingress/egress of the Site. The Temple was on good terms with the villagers; and
- (b) it was a religious practice to keep the cremated ashes of Buddhist monks inside a temple. Keeping of cremated ashes at the Temple commenced when the first abbot of the Temple passed away and the ash was kept there since then, and followed by that of the second abbot. Subsequently, cremated ashes of worshippers were also kept inside the temple and in response to the demand from local villagers and the community, the Temple started to operate the columbarium.

14. As the presentations of PlanD's representative and the applicant's representatives were completed, the Chairman invited questions from Members.

*History and the Use of the Site*

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

- (a) the year the Temple was established;
- (b) whether cremated ash was kept in the Temple when it first established, and whether there was any religious meaning of keeping the cremated ash of abbot in the Temple;
- (c) why the Temple decided to sell niches, and the year the first niche was sold to the public; and
- (d) the number of population of Kam Shan Village, and the number of niches within the Temple that were for keeping the cremated ashes of the Kam Shan villagers.

16. In response, Mr Poon Koon Kau, the applicant's representative, made the following main points:

- (a) the Temple was established in around 1930;
- (b) the first set of cremated ash kept at the Temple was the ash of the first abbot of the Temple who passed away in 1948. Later on, the cremated ash of the second abbot of the Temple was kept since 1963. It was a general religious practice of keeping the cremated ashes of the abbots inside the Temple;
- (c) it was a norm that religious institutions had niches available for sale to the public. Besides, there was no objection from the local residents when the Temple started to sell niches. The Temple was a religious institution and

its intention to sell niches was unlike other profit-making organisations which was for making money only. The first niche sold to the public was in 1987; and

- (d) Kam Shan Village had a population of about 6,000. Around 60 occupied niches were for the cremated ashes of local villagers while the other occupied niches were used by villagers in the Tai Po district.

*Land Lease and Planning Control*

17. Some Members raised the following questions:

- (a) as no human remains were allowed under the leases governing the Site, whether the columbarium use was in contravention of the lease restrictions;
- (b) whether the columbarium use under the current application was in line with the planning intention, and whether there was any approved planning application for columbarium use in “V” zone;
- (c) noting that the Temple was in existence before the first gazettal of the Tai Po OZP, whether the columbarium use could be considered as an existing use and could be tolerated from the planning perspective; and
- (d) whether columbarium use was permitted within a religious institution in planning terms.

18. In response, Ms Jessica H.F. Chu, DPO/STN, made the following main points:

- (a) columbarium use was in contravention of the lease restrictions. About 74% of the Site was on government land which was currently used by the Temple for circulation purpose, landscaped amenity areas and the placement of temple-related features and structures. Prosecution action was taken by the Government against the illegal occupation of such government land in 2012 and the defendant was convicted and fined in 2013. Although the District Lands Officer/Tai Po, Lands Department

(DLO/TP, LandsD) had no objection to the planning application, DLO/TP stated that should the application be approved by the Town Planning Board (the Board), the applicant was required to submit relevant Short Term Waiver (STW) and Short Term Tenancy (STT) applications to LandsD. STW was required for temporary permissions to relax restrictions under the lease over the private portion of the Site while STT was required for the temporary use of the government land. DLO/TP advised that there was no guarantee that such applications would be approved;

- (b) as the Site fell within the “V” zone which was primarily intended for development of Small House by indigenous villagers, the columbarium use at the Site was not in line with the planning intention. According to the Notes of the OZP for the “V” zone, ‘Columbarium’ was neither a use permitted as of right under Column 1 nor a use that might be approved with or without conditions under Column 2. There was a similar application (No. Y/ST/13) for rezoning a site (known as Chi Ha Yuen) in Sha Tin from “V” to “G/IC(1)” which was partially agreed by the Committee in 2012. The concerned site was subsequently rezoned to “G/IC” with ‘Columbarium’ as a Column 2 use. A s.16 application for the columbarium use was, however, rejected upon review by the Board due to adverse traffic impact;
- (c) the Tai Po OZP was first gazetted on 12.12.1980 on which the Site was zoned “V”, and the zoning had remained unchanged since then. Existing use, which was a use in existence before the publication of the first OZP and had continued since it came into existence, could be tolerated even if the use did not conform to the OZP. However, there was no evidence that the Site had been used for columbarium use before the first gazette date of the Tai Po OZP in 1980. The applicant had not provided any proof on such issue. Besides, ‘Columbarium’ use had never been a Column 1 nor Column 2 use in the subject “V” zone; and
- (d) religious institution and columbarium were two different uses from the land use planning perspective.

19. Mr Poon Koon Kau, the applicant's representative, supplemented that a STT was once granted to the Temple for using the concerned government land within the Site, which was terminated by the Government in 2007.

#### *Pedestrian Access*

20. Noting that the Temple adjoined six village houses to the east, a Member enquired whether those six village houses shared the same pedestrian access demarcated as the ingress route of the Temple. In response, Ms Jessica H.F. Chu, DPO/STN, said that whilst the Temple and the concerned village houses shared the same pedestrian access/stairs, there was another pedestrian access to the village houses farther away to the east connecting to Kam Shan Road.

21. As the applicant's representatives had no further points to raise and there were no further questions from Members, the Chairman informed the applicant's representatives that the hearing procedure for the application had been completed and the Committee would deliberate on the application in their absence and inform them of the Committee's decision in due course. The Chairman thanked the representatives of PlanD and the applicant's representatives for attending the meeting. They left the meeting at this point.

#### Deliberation Session

22. The Chairman reminded Members that the subject application was to rezone the Site from "V" to "G/IC(3)" in order to make provision for application for columbarium use. According to the Notes of the "G/IC(3)" zone proposed by the applicant at Appendix II of the Paper, 'Religious Institution' was placed under Column 1 as an always permitted use and 'Columbarium' under Column 2 requiring planning permission from the Board.

23. Members in general considered that the application could not be supported and had the following views:

- (a) the columbarium use was considered not compatible with the existing village setting in the area, particularly the residential dwellings located in the immediate vicinity. Since the proposed ingress/egress routes to the

Temples were located within the village area, nuisance and disturbance to the local residents would inevitably be brought. A number of local residents had also raised objection to the application;

- (b) only a small amount of the occupied niches (60 nos.) were for keeping the cremated ashes of the local residents while a large portion of the niches were used by people from other villages in Tai Po. In that regard, the applicant's claim that the columbarium use was to serve the needs of the local community could not be substantiated; and
- (c) although traffic might not be a concern in the subject case taking into account the crowd management measures during Ching Ming and Chung Yeung periods as proposed by the applicant, the scale of the columbarium at the Site providing a total of 13,426 niches and 3,049 memorial tablets was considered not acceptable in the village environment.

24. A Member expressed that religious institution and columbarium were two different land uses. It should not be construed that a religious institution could accommodate columbarium niches within its premises.

25. Members noted that a columbarium development named Cheung Ha Ching Shea (祥霞精舍) without planning permission was located to the immediate northwest of the Site. That was the subject of a similar application (No. Y/TP/27) rejected by the Committee in May 2020 mainly on the ground of land use incompatibility. As far as land use compatibility was concerned, the circumstances of the current application were very similar to those of the rejected similar application No. Y/TP/27. Rejecting the subject application was in line with the Committee's previous decision. Members considered that approval of the application would set an undesirable precedent for other similar rezoning applications within the "V" zone, the cumulative effect of which would result in further proliferation of columbarium use and aggravate land use incompatibility in the village environment.

26. Regarding the definition of "existing use" in the statutory planning context, the Chairman explained that for uses that were in existence before the publication of any statutory plan covering the concerned area, the Board would allow those uses to continue

even if they did not conform to the statutory plan. For the current application, while the Temple was built in around 1930, it was not until 1987 (after the gazettal of the first Tai Po OZP in 1980) that the first niche was sold to the public. Although the cremated ashes of the previous abbots were kept in the Temple starting from 1948, considering the nature and scale, such keeping of ashes might be considered as an use ancillary to the religious institution. Other Members supplemented that it was the onus of the applicant to provide evidence to prove whether there was an ‘existing use’.

27. During the discussion, the Chairman drew Members’ attention to the licensing system set out under the Private Columbaria Ordinance (PCO) which was in force in 2017. In general, a private columbarium in operation after 1990 must obtain a licence under the PCO whereas those private columbaria which commenced operation before 1990 could apply for an exemption under the PCO on condition that no niches were sold or newly let out after the cut-off time in 2014. With regard to Members’ concerns on the arrangements for possible relocation of the interred ashes at the Site if the Committee decided not to agree to the subject application, the Chairmen said that for an operating private columbarium without a valid licence, enforcement action would be taken by the relevant authority under the purview of the PCO. The operator would need to dispose of the interred ashes and one of the possible options was to have the ashes interred at the columbaria maintained by the Government, if necessary. A Member remarked that follow-up actions to be taken for the interred ashes were outside the purview of the Board and relevant authority would handle the issue under the established mechanisms.

28. After deliberation, the Committee decided not to agree to the application for the following reasons:

- “(a) the site falls within an area zoned “Village Type Development” (“V”) with the planning intention primarily for development of Small Houses by indigenous villagers. The columbarium use is considered not compatible with the existing village setting of the area, particularly the residential dwellings located to its immediate north, east and west. There is no strong planning justification for rezoning of the site from “V” to “Government, Institution or Community (3)” to make provision for application for columbarium use. The current “V” zone for the site is



considered appropriate; and

- (b) the approval of the application would set an undesirable precedent for other similar rezoning applications within the “V” zone. The cumulative effect of approving such similar applications would result in further proliferation of columbarium use in the “V” zone, thereby aggravating the land use incompatibility in the village environment.”

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

[Ms Donna Y.P. Tam, District Planning Officer/Sai Kung and Islands (DPO/SKIs), Miss Jane W.L. Kwan, Ms Kitty S.T. Lam, Ms Amy M.Y. Wu and Mr Kenneth C.K. Yeung, Senior Town Planners/Sai Kung and Islands (STPs/SKIs), were invited to the meeting at this point.]

### **Agenda Item 5**

[Open Meeting]

Proposed Amendments to the Approved Cheung Chau Outline Zoning Plan No. S/I-CC/7  
(RNTPC Paper No. 5/20)

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29. The Secretary reported that the proposed amendments were to take forward the decision of the Committee on a s.12A application No. Y/I-CC/6 submitted by Corona Land Company Limited, which was a subsidiary of Hongkong Land Limited (HKL). Mr K.K. Cheung had declared an interest on the item for his firm having current business dealings with HKL. As Mr K.K. Cheung had no involvement in relation to the amendment item, the Committee agreed that he could stay in the meeting.

### **Presentation and Question Sessions**

30. With the aid of a PowerPoint presentation, Ms Donna Y.P. Tam, DPO/SKIs, presented the proposed amendments as detailed in the Paper and covered the following main

points:

*Background*

- (a) the proposed amendments were mainly to take forward the decision of the Committee on 28.10.2016 to agree to the application No. Y/I-CC/6 under s.12A of the Town Planning Ordinance (the Ordinance) to rezone a site at Fa Peng Road (the Site) from “Residential (Group C)5” (“R(C)5”) to “R(C)8” on the approved Cheung Chau Outline Zoning Plan (OZP);

*Proposed Amendments to Matters shown on the OZP*

- (b) Amendment Item A – rezoning of a site at Fa Peng Road from “R(C)5” to “R(C)8” with a maximum plot ratio (PR) of 0.8, maximum site coverage of 40% and maximum building height (BH) of 3 storeys;

*Proposed Amendments to the Notes and Explanatory Statement (ES) of the OZP*

- (c) the ES was proposed to be revised to reflect the proposed amendments and other technical amendments for updating the latest status and planning circumstances of the OZP, and corresponding revisions to the Notes and ES were also proposed in accordance with the revised Master Schedule of Notes to Statutory Plans promulgated by the Town Planning Board (the Board) in 2018;

*Provision of Government, Institution or Community Facilities (GIC) and Open Space*

- (d) the planned provision for GIC facilities was generally adequate to meet the demand of the overall planned population, except hospital beds and community care services (CCS) facilities. The shortfall in the planned provision of hospital beds could be met by hospitals on the Hong Kong Island while the provision of home-based CCS would be addressed by the Social Welfare Department on a district basis. On the other hand, there was surplus of 6.64ha of district open space and 2.76ha of local open space in the area; and

*Consultation*

- (e) the Islands District Council would be consulted on the amendments during the exhibition period of the draft OZP.

31. Members had no question on the proposed amendments.

Deliberation Session

32. After deliberation, the Committee decided to:

- “(a) agree to the proposed amendments to the approved Cheung Chau Outline Zoning Plan (OZP) No. S/I-CC/7 and that the draft Cheung Chau OZP No. S/I-CC/7A at Attachment II of the Paper (to be renumbered as S/I-CC/8 upon exhibition) and its Notes at Attachment III of the Paper are suitable for public exhibition under section 5 of the Ordinance; and
- (b) adopt the revised Explanatory Statements (ES) at Attachment IV of the Paper for the draft Cheung Chau OZP No. S/I-CC/7A (to be renumbered as S/I-CC/8 upon exhibition) as an expression of the planning intentions and objectives of the Board for various land use zonings of the OZP and the revised ES will be published together with the OZP.”

33. Members noted that, as a general practice, the Secretariat of the Board would undertake detailed checking and refinement of the draft OZP including the Notes and ES, if appropriate, before their publication under the Ordinance. Any major revisions would be submitted for the Board’s consideration.

**Agenda Item 6**

**Section 16 Application**

[Open Meeting]

A/SK-HC/317

Proposed Houses with Minor Relaxation of Plot Ratio Restriction in “Residential (Group E)”, “Residential (Group D)” Zones and an area shown as ‘Road’, Various Lots in D.D. 210 and 244 and Adjoining Government Land, Ho Chung, Sai Kung  
(RNTPC Paper No. A/SK-HC/317A)

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34. The Committee noted that the applicant’s representative requested on 21.8.2020 deferment of consideration of the application for a period of two months so as to allow time for preparation of further information to address departmental comments. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had yet to submit further information.

35. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee’s consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information. 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 7**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HH/76                Renewal of Planning Approval for Temporary Private Swimming Pool for a Period of 3 Years in “Village Type Development” Zone, Lots 49 S.A ss.3 (Part) and 49 S.A RP (Part) in D.D. 212, Che Keng Tuk, Sai Kung  
(RNTPC Paper No. A/SK-HH/76)

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36.            The Secretary reported that Arthur Yung and Associates Company Limited (AYA) was one of the consultants of the applicant. Mr K.K. Cheung had declared an interest on the item for his firm having current business dealings with AYA. As Mr K.K. Cheung had no involvement in the application, the Committee agreed that he could stay in the meeting.

**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the 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 9 of the Paper;
- (d) during the first three weeks of the statutory publication period, two public comments were received from two individuals, with one objecting to the application and the other providing views not directly related to the application. Major views were set out in paragraph 10 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD considered the temporary private swimming pool could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Although the proposed development was not in line with the planning intention of the “Village Type Development” (“V”) zone, the temporary nature of the proposal would not jeopardise the long-term planning intention of the “V” zone. Relevant government departments had no objection to or no adverse comment on the application. The renewal application was generally in line with the Town Planning Board Guidelines No. 34C in that there was no change in planning circumstances since the last planning approval, no adverse departmental comment was received and the approval period sought was reasonable. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

38. Members had no question on the application.

#### Deliberation Session

39. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years and be renewed from 13.9.2020 until 12.9.2023, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) the submission of a fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.3.2021;
- (b) in relation to (a) above, the implementation of the fire service installations proposal within 9 months from the commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.6.2021;
- (c) if any of the above planning conditions (a) or (b) is not complied with by

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

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

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

### **Agenda Item 8**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TKO/120 Proposed Flats (Departmental Quarters for Fire Services Department) with Permitted Fire Station-cum-Ambulance Depot and Minor Relaxation of Building Height Restriction in “Government, Institution or Community (4)” Zone, Government Land in Area 72, Tseung Kwan O (RNTPC Paper No. A/TKO/120A)

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41. The Secretary reported that the application site (the Site) was located in Tseung Kwan O (TKO). Dennis Lau & Ng Chun Man Architects & Engineers (Hong Kong) Limited (DLN) and AECOM Asia Company Limited (AECOM) were two of the consultants of the applicant. The following Members had declared interests on the item:

- |  |   |  |
|--|---|--|
| Mr K.K. Cheung   | - | his firm having current business dealings with DLN;  |
| Dr C.H. Hau  | - | having past business dealings with AECOM;  |
| Mr L.T. Kwok   | - | being the Chief Executive of the Christian Family Service Centre which had 14 social service units in TKO; and |
| Mr Alan K.L. Lo<br>(Assistant<br>Director/Regional 3,<br>LandsD) | - | owning a flat in TKO.  |

42. As the interest of Mr L.T. Kwok was remote, Mr K.K. Cheung and Dr C.H. Hau had no involvement in the application, and the property of Mr Alan K.L. Lo had no direct view of the Site, the Committee agreed that they could stay in the meeting.

#### Presentation and Question Sessions

43. 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 flats (departmental quarters (DQ) for Fire Services Department (FSD)) with permitted fire station-cum-ambulance depot and minor relaxation of building height (BH) restriction;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper;
- (d) during the first three weeks of the statutory publication periods, 259 public comments were received, with 88 supportive comments from individuals, 136 opposing comments from four Sai Kung District Council Members, Ocean Shores Owners’ Committee and individuals, and the remaining 33 providing views. Major views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed DQ providing accommodations for officers of FSD was in line with the planning intention of the “Government, Institution or Community (4)” (“G/IC(4)”) zone, and met the government policy to provide DQ for eligible civil servants as supported by the Security Bureau. The proposed DQ on top of the fire station-cum-ambulance depot would provide 132 units. Since there was an outstanding demand for DQ units in the FSD, the proposed DQ with minor relaxation of BH restriction from



40m to 55.6m (+15.6m or 39%) could meet the policy objective to shorten the waiting time of eligible officers and to optimise the utilisation of scarce land resources. The proposed DQ development, with a maximum BH of 61.6mPD, was considered not incompatible with the surrounding developments. The BH profile in the Tseung Kwan O South area, which generally descended from the town centre area towards the waterfront, could be maintained. Relevant technical assessments had been conducted, which demonstrated that no adverse visual, air ventilation, traffic, environmental and infrastructural impacts would be generated. Concerned government departments had no objection to or no adverse comment on the application. In addition, similar applications involving minor relaxation of BH restriction were approved. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

44. Two Members raised the following questions:

- (a) the ratio of domestic/non-domestic plot ratio (PR) of the proposed development, and whether there was any general restriction on the development intensity for domestic use in a “G/IC” site such that the domestic portion could be considered as an ancillary use;
- (b) noting from a photomontage submitted by the applicant that the buildings to the north of the Site were higher than the proposed development, whether the BH of the proposed development could be further increased so as to optimise the use of scarce land resources; and
- (c) the land use zonings in the surrounding areas.

45. In response, Ms Kitty S.T. Lam, STP/SKIs, made the following main points:

- (a) under the current application, the proposed domestic/non-domestic PRs were 2.83/2.1. In general, whether a use was considered as a main use or an ancillary use would depend on the scale and nature of the proposed uses,

and would be considered on a case by case basis. For the current application, the proposed departmental quarters was not considered as an ancillary use to the permitted fire station-cum-ambulance depot at the Site and thus planning permission was required;

- (b) the BH restrictions of the area were formulated based on the “Feasibility Study on Further Development of Tseung Kwan O” (the Study) completed in 2005. The Study recommended the adoption of a stepped BH profile descending from the town centre area to the waterfront. The currently proposed minor relaxation of BH restriction was considered appropriate and further increase in the BH might be in conflict with the established BH profile of the area; and
- (c) the surrounding areas were mainly zoned “Open Space”, “Residential (Group A)” and “G/IC”.

#### Deliberation Session

46. Members generally considered that the proposed composite development of fire station-cum-ambulance depot and DQ was in line with the planning intention of the “G/IC” zone and the proposed minor relaxation of BH restriction was considered acceptable. The proposal was also in line with the government policy to provide DQ for eligible civil servants and optimise the use of scarce land resources. Hence, the application could be supported.

47. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 4.9.2024, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition:

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

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

set out at Appendix IV of the Paper.

**Agenda Item 9**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/I-TCV/15                      Proposed Temporary Agricultural Use with Ancillary Storage Use for a Period of 3 Years in “Residential (Group C) 2”, “Other Specified Uses” annotated “Polder” and “Conservation Area” Zones, Lot 1845 in D.D. 1 TC, Tung Chung Valley, Lantau Island  
(RNTPC Paper No. A/I-TCV/15)

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**Presentation and Question Sessions**

49.            Ms Amy M.Y. Wu, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed temporary agricultural use with ancillary storage use for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper;
- (d) during the first three weeks of the statutory publication period, two public comments were received from Kadoorie Farm and Botanic Garden Corporation and an individual raising concerns on the application. Major views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The application site (the Site) partly fell within the proposed polder works

area of the Tung Chung New Town Extension project but the proposed agricultural use on a temporary basis would not jeopardise the implementation of the polder nor the long-term planning intention of the “Residential (Group C)2” zone. The proposed use was not incompatible with the surrounding environment and significant adverse visual and landscape impacts were not envisaged. Relevant government departments had no objection to or no adverse comment on the application. In comparing with the 13 rejected planning applications for temporary uses for/with warehouse and/or open storage uses in the Tung Chung Valley area, the nature of the current application was different. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

50. Members had no question on the application.

#### Deliberation Session

51. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.9.2023, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.3.2021;
- (b) in relation to (a) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.6.2021;
- (c) in relation to (b) above, the maintenance of the implemented drainage facilities at all times during the planning approval period;
- (d) the submission of a fire service installations and water supplies proposal for firefighting within 6 months from the date of planning approval to the

satisfaction of the Director of Fire Services or of the TPB by 4.3.2021;

- (e) in relation to (d) above, the implementation of the fire service installations and water supplies proposal for firefighting within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.6.2021;
- (f) if the above planning condition (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
- (g) if any of the above planning conditions (a), (b), (d) or (e) is not complied with by the specified date, the planning approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

### **Agenda Item 10**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/SLC/161                      Proposed Holiday Camp (Caravan Holiday Camp and Tent Camping Ground) in “Coastal Protection Area” Zone, Lot 2366 in D.D. 316L, Pui O, Lantau Island  
(RNTPC Paper No. A/SLC/161)

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

53. Mr Kenneth C.K. Yeung, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed holiday camp (caravan holiday camp and tent camping ground);
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper;
- (d) during the first three weeks of the statutory publication period, 5,767 public comments were received from 香港野生雀鳥保育關注組, Kadoorie Farm and Botanic Garden Corporation, Living Islands Movement, Save Lantau Alliance, Designing Hong Kong Limited, Conservancy Association, World Wide Fund for Hong Kong, Hong Kong Bird Watching Society and individuals raising objection to/concerns on the application. Major views were set out in paragraph 9 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 10 of the Paper. The proposed development was not in line with the planning intention of the “Coastal Protection Area” (“CPA”) zone and there was no strong planning justification in the submission for a departure from the planning intention. The applicant failed to demonstrate that the proposed development would not result in adverse impacts on the wetland habitat or could enhance the ecology of the Pui O wetland. The Director of Agriculture, Fisheries and Conservation had reservation on the application as the proposed development would have potential adverse impacts on the wetland habitats and the fauna therein. While the proposed holiday camp was considered compatible with the surrounding environment from visual impact point of view, vegetation removal, concrete paving and construction of temporary structure were observed within the Site over the years. In addition, the applicant failed to demonstrate that the proposed drainage and sewage treatments would not have adverse impacts on the water quality of the surrounding areas and the vulnerable wetland habitats. There were 11 environmental complaints received by the Director of Environmental

Protection in the past three years in relation to landfilling activities at the application site (the Site). The Head of Sustainable Lantau Office, Civil Engineering and Development Department, had also received reports on environmental vandalism at the Site. Approval of the application would set an undesirable precedent for similar applications within the “CPA” zone and the cumulative effect of approving such applications would lead to a general degradation of the natural environment of the area. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

54. In response to a Member’s enquiry, Mr Kenneth C.K. Yeung, STP/SKIs, said that the previous approved similar application (No. A/SLC/155) involved a proposed caravan holiday camp on a temporary basis while the current application was on a permanent basis. Also, while the Site formed part of the Pui O wetland, the site of the approved similar application was near South Lantau Road and developed lands. The similar application was approved mainly on the ground that the proposed development was conducive to improving the environment.

55. Noting that the Site had already been filled, a Member enquired whether it was possible to request the owner to reinstate the Site. The Chairman remarked that the Sustainable Lantau Office had been discussing with local stakeholders including environmental organisations on the possible ways to improve the environment of the area. Under the Town Planning Ordinance, the Planning Authority had no enforcement power against the unauthorised development on land which had not been previously covered by a Development Permission Area Plan.

#### Deliberation Session

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

- “(a) the application is not in line with the planning intention of the “Coastal Protection Area” (“CPA”) zone which is to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including

attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. It is also intended to safeguard the beaches and their immediate hinterland and to prevent haphazard ribbon development along the South Lantau Coast. There is a general presumption against development in this zone. There is no strong planning justification in the submission for a departure from such planning intention;

- (b) the applicant fails to demonstrate that the proposed development would not have adverse ecological, water quality and sewerage impacts on the surrounding areas; and
- (c) approval of the application would set an undesirable precedent for similar applications within the “CPA” zone which fail to demonstrate that there is no adverse impact on the natural environment. The cumulative effect of approving such similar applications would lead to a general degradation of the natural environment of the area.”

[The Chairman thanked Ms Donna Y.P. Tam, DPO/SKIs, Miss Jane W.L. Kwan, Ms Kitty S.T. Lam, Ms Amy M.Y. Wu and Mr Kenneth C.K. Yeung, STP/SKIs, for their attendance to answer Members’ enquiries. They left the meeting at this point.]

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

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



**Agenda Item 11**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/589 Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” and “Village Type Development” Zones, Lot 87 RP in  
D.D. 9, Kau Lung Hang Village, Tai Po  
(RNTPC Paper No. A/NE-KLH/589)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper;
- (d) during the first three weeks of the statutory publication period, three public comments were received, with two of them from Designing Hong Kong Limited and an individual objecting to the application while the remaining one from Mass Transit Railway Corporation Limited raising concerns on the application. Major views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. Although the proposed development was not in line with the planning intention of the “Agriculture” zone, and the Director of Agriculture, Fisheries and Conservation did not support the application as the

application site (the Site) possessed potential for agricultural rehabilitation, the proposed development was not incompatible with the rural environment with village houses. Other concerned government departments had no objection to or no adverse comment on the application. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, more than 50% of the proposed Small House footprint fell within the village ‘environ’ of Yuen Leng, Kau Lung Hang San Wai and Kau Lung Hang Lo Wai. The proposed development was within the lower indirect water gathering ground, but it would be able to be connected to the public sewerage system. While land available within the “V” zones was insufficient to fully meet the future demand of 854 Small Houses, it was capable to meet the 129 outstanding Small House applications. It was considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructures and services. The Site was the subject of three previous approved applications for Small House submitted by the applicant’s father who passed away in 2017. Since the planning approval granted to his father under application No. A/NE-KLH/503 (the last approved application) lapsed in April 2020, the applicant needed to submit a fresh planning application. Comparing with the last approved application, the development parameters and disposition of the proposed Small House in the current application remained the same. Special consideration was given by the Committee to another approved application (No. A/NE-TKL/569) in Ta Kwu Ling with similar background. In view of the above, it was considered that the current application could warrant the same special consideration. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

58. In response to a Member’s enquiry, Ms Kathy C.L. Chan, STP/STN, said that approving the current application would not set a precedent for approving other similar applications in the area in future since the subject application warranted special consideration. In any event, each application would be assessed case by case.

Deliberation Session

59. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 4.9.2024, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- “(a) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the connection of the foul water drainage systems to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB;
- (c) the provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB; and
- (d) the submission of a water pollution risk and impact assessment report to demonstrate no material increase in pollution effect to the lower indirect water gathering ground to the satisfaction of the Director of Water Supplies or of the TPB.”

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

**Agenda Item 12**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-HLH/46            Proposed Temporary Open Storage of Construction Machineries and Ancillary Office for a Period of 3 Years in “Agriculture” Zone, Lot 373 in D.D. 87, Hung Lung Hang  
(RNTPC Paper No. A/NE-HLH/46)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed temporary open storage of construction machineries and ancillary office for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper;
- (d) during the first three weeks of the statutory publication period, five public comments were received, with one from the Chairman of Sheung Shui District Rural Committee indicating no comment and four from Kadoorie Farm and Botanic Garden Corporation, World Wide Fund for Nature Hong Kong, Designing Hong Kong Limited and an individual objecting to the application. Major views were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments as set out in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone. The Director of Agriculture, Fisheries and Conservation did not support the application as the application site (the

Site) possessed potential for agricultural rehabilitation. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis. The proposed development was considered not entirely compatible with the landscape character of the surrounding areas comprising vegetated areas with clustered tree groups. The Commissioner for Transport and the Director of Environmental Protection did not support the application on the grounds that the applicant had not provided traffic-related information and there was a domestic structure located at about 55m from the Site respectively. The proposed temporary development was not in line with the Town Planning Board Guidelines No. 13F in that the Site fell within Category 3 area and was not the subject of any previous planning approval for similar open storage uses; there were adverse departmental comments and local objections; and the applicant failed to demonstrate that the development would not cause adverse traffic and environmental impacts on the surrounding areas. There had been no major change in planning circumstances of the area since the rejection of the previous application. Seven similar applications for open storage use within the same “AGR” zone were rejected. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

62. Members had no question on the application.

#### Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone which is intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the

planning intention, even on a temporary basis;

- (b) the proposed development does not comply with the Town Planning Board Guidelines No. 13F for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ in that no previous planning approval has been granted at the site and there are adverse departmental comments on and local objection to the application; and
- (c) the applicant fails to demonstrate that the proposed development would not generate adverse traffic and environmental impacts on the surrounding areas.”

### **Agenda Item 13**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-MUP/152 Proposed Temporary Shop and Services (Selling of Agricultural Products) for a Period of 3 Years in “Agriculture” Zone, Lots 806 (Part), 808, 809 (Part), 823 S.B RP (Part), 824 S.B RP (Part) and 825 (Part) in D.D. 46 and Adjoining Government Land, Sha Tau Kok  
(RNTPC Paper No. A/NE-MUP/152)

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

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

- (a) background to the application;
- (b) the proposed temporary shop and services (selling of agricultural products) for a period of three years;
- (c) departmental comments – departmental comments were set out in

paragraph 9 of the Paper;

- (d) during the first three weeks of the statutory publication period, five public comments were received, with one from the Chairman of Sheung Shui District Rural Committee indicating no comment and four objecting comments from Kadoorie Farm and Botanic Garden Corporation, World Wide Fund for Nature Hong Kong, Designing Hong Kong Limited and an individual. Major views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone and the Director of Agriculture, Fisheries and Conservation did not support the application as the application site possessed potential for agricultural rehabilitation. There was no strong justification in the submission for a departure from the planning intention, even on a temporary basis. The proposed use was considered not entirely compatible with the landscape character of the area. Approval of the application would set an undesirable precedent for other similar applications. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area. The Commissioner for Transport did not support the application as the applicant failed to demonstrate that the temporary development would not cause adverse traffic impact on the surrounding areas. There was no similar application for temporary shop and services use within the “AGR” zone on the concerned Outline Zoning Plan. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

65. Members had no question on the application.

#### Deliberation Session

66. After deliberation, the Committee decided to reject the application. The reasons

were:

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

#### **Agenda Item 14**

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

[Open Meeting]

A/NE-LT/682            Proposed Two Houses (New Territories Exempted Houses) in  
“Agriculture” Zone, Lots 1712 and 1713 in D.D. 19, Tin Liu Ha Tsuen,  
Tai Po

(RNTPC Paper No. A/NE-LT/682A)

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67.            The Committee noted that the applicant’s representative requested on 1.9.2020 deferment of consideration of the application for a period of two months so as to allow time for preparation of further information to address departmental comments. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information providing a geotechnical planning review report.



68. 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 15**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/687      Proposed Public Utility Installation (Ring Main Unit Transformer Pillar) in "Agriculture" Zone, Government Land in D.D. 8, Tai Yeung Che Village, Lam Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/687)

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

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

70. As the interests of Dr Jeanne C.Y. Ng and Mr Conrad T.C. Wong were direct, the Committee agreed that they should be invited to leave the meeting temporarily for this item.

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

[Dr Jeanne C.Y. Ng and Mr Conrad T.C. Wong left the meeting temporarily at this point.]

### Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed public utility installation (ring main unit (RMU) transformer pillar);
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper;
- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. Although the proposed development was not totally in line with the planning intention of the “Agriculture” zone and the Director of Agriculture, Fisheries and Conservation did not support the application as the application site (the Site) possessed potential for agricultural rehabilitation, the proposed RMU transformer pillar was a public utility installation to enhance the security and adequacy of electricity supply for the existing and future village houses in the vicinity of Tai Yeung Che Village. According to the applicant, all the government land within the nearby “Village Type Development” zones had been explored and the Site was the only suitable site for the proposed development. The proposed RMU transformer pillar was small in scale and not incompatible with the

surrounding rural environment. Given the small scale and design of the proposed development, adverse traffic, environmental and drainage impacts on the surrounding areas were not anticipated. Relevant government departments had no objection to or no adverse comment on the application.

72. Members had no question on the application.

#### Deliberation Session

73. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 4.9.2024, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- “(a) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the submission and implementation of a proposal on fire service installations and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.”

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

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

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

[Mr Patrick M.Y. Fung, 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 16**

**Section 16 Application**

[Open Meeting]

A/FLN/22

Proposed Temporary Shop and Services, Place of Entertainment, Place of Recreation, Sports or Culture (Barbecue Site) and Public Vehicle Park (excluding Container Vehicle) for a Period of 3 Years in “Agriculture”, “Government, Institution or Community”, “Open Space”, “Other Specified Uses” annotated “Sewage Pumping Station”, “Other Specified Uses” annotated “Amenity Area” Zones and area shown as ‘Road’, Lots 517 RP, 518 RP, 521 RP, 522, 523 RP, 524 RP, 525, 526, 527 RP, 532 RP (Part), 533 RP (Part), 534 RP (Part), 539 (Part), 540 (Part), 541 (Part), 542 (Part), 543 (Part), 544, 545, 547 (Part), 548 (Part), 551 (Part), 552 and 553 in D.D. 51 and Adjoining Government Land, Sheung Shui  
(RNTPC Paper No. A/FLN/22)

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75. The Committee noted that the applicants’ representative requested on 1.9.2020 deferment of consideration of the application for one month so as to allow time for preparation of further information to address comments from the Transport Department. It was the first time that the applicants requested deferment of the application.

76. 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 one month was 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-SK/276            Proposed Temporary Public Vehicle Park (Private Cars Only) for a Period of 3 Years in "Village Type Development" Zone, Lots 548 (Part) and 549 (Part) in D.D. 112, Shui Lau Tin Tsuen, Shek Kong, Yuen Long  
(RNTPC Paper No. A/YL-SK/276A)

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

77.            Mr Patrick M.Y. Fung, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed temporary public vehicle park (private cars only) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper;
- (d) during the first three weeks of the statutory publication period, one objecting comment from an individual was received. Major objection grounds were set out in paragraph 10 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. While the proposed use was not entirely in line with the planning intention of the “Village Type Development” (“V”) zone, the District Lands Officer/Yuen Long, Lands Department advised that there was no Small House application approved or currently under processing at the application site. Approval of the application on a temporary basis for three years would not frustrate the long-term planning intention of the “V” zone. The proposed development was considered not incompatible with the surrounding land uses. Relevant government departments had no objection to or no adverse comment on the application. It was anticipated that the proposed use of the application site would not generate significant adverse traffic, environmental, drainage and landscape impacts on the surrounding areas. To mitigate any potential traffic and environmental impacts and to address the technical requirements of concerned government departments, relevant approval conditions were recommended. Similar applications within the same “V” zone were approved by the Committee and approval of the current application was in line with the previous decisions of the Committee. Regarding the public comment, the comments of government departments and 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 until 4.9.2023, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) only private cars as defined in the Road Traffic Ordinance and its subsidiary regulations, as proposed by the applicant, are allowed to enter/be parked on the site at all times during the planning approval period;

- (b) no vehicles without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations are allowed to be parked/stored on the site at any time during the planning approval period;
- (c) a notice shall be posted at a prominent location of the site at all times to indicate that only private cars as defined in the Road Traffic Ordinance and its subsidiary regulations are allowed to enter/be parked 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 submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.3.2021;
- (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 4.6.2021;
- (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 a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.3.2021;
- (i) in relation to (h) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.6.2021;
- (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.”

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

[Dr Jeanne C.Y. Ng and Mr Conrad T.C. Wong returned to join the meeting at this point.]

### **Agenda Item 18**

#### **Section 16 Application**

[Open Meeting]

A/YL-SK/284      Temporary Shop and Services (Motor-vehicle Showroom) for a Period of 3 Years in “Village Type Development” Zone, Lot 616 S.B RP (Part) in D.D. 114, Yuen Long  
(RNTPC Paper No. A/YL-SK/284)

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81. The Committee noted that the applicant requested on 28.8.2020 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.

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



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

**Agenda Item 19**

Section 16 Application

[Open Meeting]

A/YL-KTN/721      Proposed Temporary Animal Boarding Establishment (Dog Kennel) for a Period of 3 Years in “Agriculture” Zone, Lots 207 S.B (Part) and 207 RP (Part) in D.D. 110, Tai Kong Po, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/721)

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83.      The Committee noted that the applicant’s representative requested on 31.8.2020 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.

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

**Agenda Item 20**

**Section 16 Application**

[Open Meeting]

A/YL-KTS/854      Proposed Temporary Animal Boarding Establishment for a Period of 5 years and Filling of Land in “Agriculture” Zone, Lots 122, 123 (Part), 124, 125 and 126 in D.D. 113, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-KTS/854)

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85.            The Committee noted that the applicant’s representative requested on 26.8.2020 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.

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

**Agenda Item 21**

**Section 16 Application**

[Open Meeting]

A/YL-KTS/855      Proposed Temporary Public Vehicle Park (excluding Container Vehicle) for a Period of 5 Years in “Residential (Group C)” Zone, Lot 350 in D.D. 109, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTS/855)

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87. The Committee noted that the applicant's representative requested on 26.8.2020 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.

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

## **Agenda Item 22**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

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

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### **Presentation and Question Sessions**

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

- (a) background to the application;

- (b) the proposed temporary shop and service for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper;
- (d) during the first three weeks of the statutory publication period, two objecting comments from a village representative and an indigenous inhabitant representative of Sheung Che Village were received. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. Although the proposed use was not entirely in line with the planning intention of the “Village Type Development” (“V”) zone, the District Lands Officer/Yuen Long, Lands Department advised that there was currently no Small House application approved or under processing at the application site. Temporary approval of the application would not frustrate the long-term planning intention of the “V” zone. The proposed development was considered not incompatible with the surrounding environment which was rural in character. In view of the nature and scale of the proposed development and its location abutting Fan Kam Road, it was unlikely that the proposed temporary shop and services use would generate significant adverse traffic and drainage impacts on and cause environmental nuisance to the surrounding area. Relevant government departments had no objection to or no adverse comment on the application. Two similar applications within the same “V” zone were approved by the Committee and approval of the current application was in line with the Committee’s previous decisions. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

90. Members had no question on the application.

Deliberation Session

91. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.9.2023, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (b) the submission of a revised drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.3.2021;
- (c) in relation to (b) above, the implementation of the revised drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.6.2021;
- (d) in relation to (c) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (e) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.3.2021;
- (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 4.6.2021;
- (g) if any of the above planning conditions (a) or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (h) if any of the above planning conditions (b), (c), (e) or (f) is not complied with by the specified date, the approval hereby given shall cease to have

effect and shall on the same date be revoked without further notice.”

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

### **Agenda Item 23**

#### **Section 16 Application**

[Open Meeting]

A/YL-PH/843            Proposed Temporary Public Vehicle Park for a Period of 3 Years in  
“Residential (Group D)” Zone, Lots 78 S.A (Part), 93 (Part) and 94  
(Part) in D.D. 108, Fan Kam Road, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/843A)

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93. The Committee noted that the applicant’s representative requested on 28.8.2020 deferment of consideration of the application for a period of two months so as to allow time for preparation of further information to address departmental comments. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information to address departmental comments.

94. 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 24**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/849            Proposed Temporary Public Vehicle Park (Private Cars only) with Ancillary Site Office for a Period of 3 Years in “Residential (Group D)” Zone, Lot 139 RP (Part) in D.D. 108, Fan Kam Road, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/849)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) proposed temporary public vehicle park (private cars only) with ancillary site office for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper;
- (d) during the first three weeks of the statutory publication period, two public comments were received from individuals objecting to the application. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. Although the proposed use was not entirely in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone, there was no known programme for permanent development in the subject part of the “R(D)” zone. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “R(D)” zone. The

proposed public car park was considered not incompatible with the surrounding area. Relevant government departments had no objection to or no adverse comment on the application. To minimise any possible environmental nuisance generated by the proposed use and to address the technical requirements of concerned government departments, relevant approval conditions were recommended. Nine out of the sixteen similar applications for public vehicle park within the same “R(D)” zone were approved by the Committee. The approved similar applications were for temporary public car park without medium goods vehicles/container vehicles. As the current application only involved parking of private cars, approval of the current application was in line with the Committee’s previous decisions. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

96. Members had no question on the application.

#### Deliberation Session

97. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.9.2023, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) 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;
- (b) no vehicles without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations are allowed to be parked/stored on the site at any time during the planning approval period;
- (c) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, are



allowed to be parked/stored on or enter/exit the site at all times during the planning approval period;

- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.3.2021;
- (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 4.6.2021;
- (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 a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.3.2021;
- (i) in relation to (h) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.6.2021;
- (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.”

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

**Agenda Item 25**

Section 16 Application

[Open Meeting]

A/YL-PH/850 Temporary Shop and Services (Car Beauty Services) for a Period of 3 Years in “Village Type Development” Zone, Lot 582 S.B and 582 S.C in D.D. 111 and Adjoining Government Land, Fan Kam Road, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/850)

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99. The Committee noted that the applicant requested on 2.9.2020 deferment of consideration of the application for a period of 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.

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

**Agenda Item 26**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/399 Proposed Public Utility Installation (Solar Photovoltaic System) in “Green Belt” Zone, Lots 978 (Part), 979 (Part), 1043 and 1047 in D.D. 102, Siu Hum Tsuen, San Tin, Yuen Long  
(RNTPC Paper No. A/YL-NTM/399)

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**Presentation and Question Sessions**

101. 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) the proposed public utility installation (solar photovoltaic (SPV) system);
- (c) departmental comments – departmental comments were set out in paragraph 11 of the Paper;
- (d) during the first three weeks of the statutory publication periods, seven public comments were received, with one supporting comment from an individual and the other six from World Wide Fund for Nature Hong Kong, Hong Kong Bird Watching Society, Kadoorie Farm and Botanic Garden Corporation, Designing Hong Kong Limited and individuals objecting to the application. Major views were set out in paragraph 12 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 13 of the Paper. The proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone and there was no strong planning justification in the submission for a departure from the planning intention.

The proposed system was massive in scale and was considered not compatible with the surrounding areas. The application was not in line with the Town Planning Board Guidelines No. 10 (TPB PG-No. 10) in that the proposed development would affect the existing natural landscape and cause adverse visual impact on the surrounding environment. The proposed use was not in line with the assessment criteria for considering applications for solar photovoltaic system in that the applicant had not yet obtained CLP Power Hong Kong Limited (CLP)'s Acknowledgement Letter to demonstrate the technical feasibility of the scheme, there were adverse comments from relevant government departments on visual and landscape aspects and the applicant failed to demonstrate that the proposed use would not adversely affect the landscape character/resources of the "GB" zone and jeopardise the integrity of the "GB" zone as a buffer. There was no similar application for the solar energy system within the "GB" zone on the concerned Outline Zoning Plan. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

102. In response to the enquiries from the Chairman and a Member, Ms Emily P.W. Tong, STP/FSYLE, said that the application was submitted by Cornerstone Renewable Energy Limited which was not the current land owner of the application site and there was no information on whether it was a profit-making organisation.

#### Deliberation Session

103. The Chairman drew Members' attention that in view of the increasing number of applications for installation of SPV system received in 2019, the Committee considered that some assessment criteria should be formulated to facilitate assessment of such applications. The Committee also decided to defer consideration of relevant applications until the assessment criteria were made available. The current application was the first application to be considered by the Committee after the 'Assessment Criteria for Considering Applications for Solar Photovoltaic System made under Section 16 of the Town Planning Ordinance' (the Assessment Criteria) was promulgated in July 2020. The Chairman invited Members to express views on the application.

104. Members noted that the current application was not in line with items (a) and (j) of the Assessment Criteria at Appendix II of the Paper in that the applicant failed to obtain CLP's Acknowledgement Letter and the Site fell within the "GB" zone where there was a presumption against development but the applicant had not provided strong justifications in support of the application. In addition, the proposed development was also not in line with the TPB PG-No. 10 regarding development within the "GB" zone as the proposed development would affect the existing natural landscape.

105. A Member was concerned whether CLP had its own technical guidelines in assessing applications for participation in the 'Renewable Energy Feed-in Tariff (FiT) Scheme' and the impacts on the "GB" sites. During discussion, Members noted that on the technical front, CLP would assess the feasibility of electricity supply from the concerned site and the electricity loading to sustain the proposed development. The Chairman remarked that the Assessment Criteria had been formulated to take into account the above technical feasibility requirement in assessing such planning application.

106. In response to a Member's enquiry, the Chairman explained that if a proposed installation of SPV system was for supplementing power supply to the primary use/development, it could be regarded as an ancillary use, and no planning permission for the system was required. In contrast, installation of SPV system as a stand-alone facility for the FiT Scheme would be regarded as 'Public Utility Installation' ('PUI'). Planning application was required for stand-alone SPV system for FiT Scheme in areas where 'PUI' was a Column 2 use under the statutory plan concerned. While obtaining the CLP's Acknowledgement Letter was a prerequisite for assessing the planning application, for such development within the "GB" zone, the proposal would also need to comply with the TPB PG-No. 10 and the Committee would look into its impacts on the "GB" zone.

107. In relation to the assessment criteria for development within "GB" zone, the Chairman pointed out that the TPB PG-No. 10 had set out the relevant assessment criteria for the Committee/Board to take into account when considering planning applications. Upon the Chairman's request, the Secretary highlighted that the main assessment criteria under the TPB PG-No. 10 covered various aspects including the design and layout of a proposed development, development intensity, infrastructural capacity, assessments on the landscape/visual impacts and other environmental impacts.

108. Noting one reason recommended by PlanD for not approving the application was that the proposed SPV system was not in line with the planning intention of the “GB” zone, a Member expressed concern that the adoption such a criteria might be rather stringent, and the chance for obtaining approval within “GB” and other zonings such as “Agriculture” and “Village Type Development” would be rather slim. For the current case, whilst the Secretary for the Environment had given policy support to the application, rejecting the application might not be a welcoming outcome from the renewable energy perspective. The Chairman explained that while the Board was supportive to the use of renewable energy, there was a need to strike a balance between development and conservation. Development of SPV systems at the expense of the natural landscape should not be supported and hence the Board had formulated the Assessment Criteria so as to maintain consistency when considering such applications. In any case, the Assessment Criteria could be further reviewed after gathering more experience in processing such applications and subject to further discussion with relevant government bureaux/departments as and when required.

109. Majority of the Members considered that the application was not in line with the Assessment Criteria and the TPB PG-No. 10 concerning development in the “GB” zone and did not support the application.

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

- “(a) the development is not in line with the planning intention of the “Green Belt” (“GB”) zone, which is to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) the development is not in line with the Town Planning Board Guidelines for ‘Application for Development within the Green Belt zone under Section 16 of the Town Planning Ordinance’ in that the proposed development is incompatible with the surrounding area and would affect the existing natural landscape and cause adverse visual impact on the surrounding

environment; and

- (c) the proposed use is not in line with the assessment criteria for considering applications for solar photovoltaic system in that the applicant has yet to obtain CLP Power Hong Kong Limited's acknowledgement letter, there are adverse comments from relevant government departments on visual and landscape aspects, and the applicant fails to demonstrate that the proposed use would not adversely affect the landscape character/resources of the "GB" zone and jeopardise the integrity of the zone as a buffer."

### **Agenda Item 27**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/570            Proposed Public Utility Installation (Solar Energy System) in "Green Belt" Zone, Lot 353 in D.D. 99, San Tin, Yuen Long  
(RNTPC Paper No. A/YL-ST/570A)

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

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

- (a) background to the application;
- (b) the proposed public utility installation (solar energy system);
- (c) departmental comments – departmental comments were set out in paragraph 11 of the Paper;
- (d) during the first three weeks of the statutory publication periods, 12 public comments were received from a Yuen Long District Council member, village representatives of Pun Uk Tsuen, Kadoorie Farm and Botanic

Garden Corporation, Hong Kong Bird Watching Society, World Wide Fund for Nature Hong Kong, San Tin Rural Committee, Designing Hong Kong Limited and an individual objecting to the application. Major objection grounds were set out in paragraph 12 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 13 of the Paper. The proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone and no strong planning justification had been given in the submission for a departure from the planning intention. The proposed system was considered massive in scale and not compatible with the surrounding areas. The application was not in line with the Town Planning Board Guidelines No. 10 as the proposed development would involve clearance of existing natural vegetation, affect the existing natural landscape and cause adverse visual impact on the surrounding environment. The Director of Agriculture, Fisheries and Conservation did not support the application as there had been extensive vegetation clearance on the application site (the Site) and the watercourse passing through the Site had been diverted. The proposed use was not in line with the assessment criteria for considering applications for solar photovoltaic (SPV) system in that the applicant had yet to obtain CLP Power Hong Kong Limited's Acknowledgement Letter to demonstrate the technical feasibility of the scheme in terms of serviceability, electrical safety and output generated by the SPV system, there were adverse comments from relevant government departments on ecological, visual and landscape aspects, and the applicant failed to demonstrate that the proposed use would not adversely affect the landscape character/resources of the “GB” zone and jeopardise the integrity of the zone as a buffer. There was no similar application for solar energy system within the same “GB” zone on the concerned Outline Zoning Plan. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

112. Members had no question on the application.



Deliberation Session

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

- “(a) the development is not in line with the planning intention of the “Green Belt” (“GB”) zone, which is to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) the development is not in line with the Town Planning Board Guidelines for ‘Application for Development within the Green Belt zone under Section 16 of the Town Planning Ordinance’ in that the proposed development is incompatible with the surrounding area and would involve extensive clearance of existing natural vegetation, affect the existing natural landscape and cause adverse visual impact on the surrounding environment; and
- (c) the proposed use is not in line with the assessment criteria for considering applications for solar photovoltaic system in that the applicant has yet to obtain CLP Power Hong Kong Limited’s acknowledgement letter, there are adverse comments from relevant government departments on ecological, visual and landscape aspects, and the applicant fails to demonstrate that the proposed use would not adversely affect the landscape character/resources of the “GB” zone and jeopardise the integrity of the zone as a buffer.”

[The Chairman thanked Mr Patrick M.Y. Fung, 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, and Ms Bonnie K.C. Lee, Senior Town Planners/Tuen Mun and Yuen Long West (STPs/TMYLW), were invited to the meeting at this point.]

**Agenda Item 28**

**Section 16 Application**

[Open Meeting]

A/YL/265                      Proposed Temporary Shop and Services for a Period of 6 Years in  
“Village Type Development” Zone, Lots 1865 S.C. and 1865 RP in  
D.D. 120 and Adjoining Government Land, Tai Shu Ha Road East,  
Yuen Long  
(RNTPC Paper No. A/YL/265)

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114.            The Committee noted that the applicant’s representative requested on 18.8.2020 deferment of consideration of the application for a period of 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.

115.            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 29**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/244                      Temporary Shop and Services (Real Estate Agency) for a Period of 3  
Years in “Village Type Development” Zone, Lots 1119 (Part), 1120  
(Part) and 1121 RP (Part) in D.D.125 and Adjoining Government Land,  
Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/HSK/244)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary shop and services (real estate agency) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper;
- (d) during the first three weeks of the statutory publication period, one objecting comment from an individual was received. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. Although the temporary shop and services (real estate agency) use was not entirely in line with the planning intention of the “Village Type Development” (“V”) zone, it could provide real estate agency service to meet any such demand in the area. The District Lands Officer/Yuen Long of Lands Department advised that no Small House application within the

application site (the Site) had been received. Approval of the application on a temporary basis of three years would not jeopardise the long-term development of the area. The temporary use under application was not incompatible with the surrounding area, which was predominantly occupied by village houses. Significant adverse environmental, traffic and drainage impacts on the surrounding area were not anticipated. Concerned government departments had no objection to or no adverse comment on the application. To minimise any possible nuisances or to address the technical requirements of concerned government departments, relevant approval conditions were recommended. There were previous approved applications at the Site and approved similar applications within the same “V” zone, approval of the subject application was in line with the Committee’s previous decisions. Regarding the public comment, the comments of government departments and planning assessments above were relevant.

117. Members had no question on the application.

#### Deliberation Session

118. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.9.2023, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 8:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;
- (c) the existing trees on the site shall be maintained at all times during the planning approval period;
- (d) the existing drainage facilities on the site shall be maintained at all times

during the planning approval period;

- (e) the submission of a condition record of the existing drainage facilities within 3 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.12.2020;
- (f) the submission of a fire service installations proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.3.2021;
- (g) in relation to (f) above, the implementation of the fire service installations proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.6.2021;
- (h) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (i) if any of the above planning conditions (e), (f) or (g) 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.”

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

**Agenda Item 30**

**Section 16 Application**

[Open Meeting]

A/YL-TYST/1019 Temporary Warehouse for Storage of Construction Materials and Exhibition Materials for a Period of 3 Years in “Undetermined” Zone, Lots 1170 S.B ss.2 (Part), 1170 S.B ss.3 (Part), 1170 S.B ss.4 S.A, 1170 S.B ss.4 RP, 1170 S.B ss.5 (Part), 1170 S.B RP (Part), 1173 (Part), 1175 (Part), 1176 (Part) and 1196 (Part) in D.D. 119, Pak Sha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/1019A)

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120. The Committee noted that the applicant’s representative requested on 27.8.2020 deferment of consideration of the application for a period of two months so as to allow time for preparation of further information to address departmental comments. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted revised fire service installations proposals.

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 31**

**Section 16 Application**

[Open Meeting]

A/YL-TYST/1046 Proposed Temporary Warehouse for Storage of Exhibition Materials, Furniture, Construction Materials, Vehicle Parts and Electronic Parts for a Period of 3 Years in “Undetermined” Zone, Lots 980 (Part), 981 and 999 (Part) in D.D. 119, Pak Sha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/1046)

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122. The Committee noted that the applicant’s representative requested on 27.8.2020 deferment of consideration of the application for a period of 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.

123. 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 32**

**Section 16 Application**

[Open Meeting]

A/TM-LTY Y/400 Proposed Temporary Place of Recreation, Sports or Culture (Sports Training Ground) for a Period of 3 Years in “Green Belt” Zone, Government Land (Former Lam Tei Gospel School) in D.D. 130, Lam Tei, Tuen Mun  
(RNTPC Paper No. A/TM-LTY Y/400)

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124. The Committee noted that the applicant’s representative requested on 17.8.2020 deferment of consideration of the application for a period of 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.

125. 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 33**

**Section 16 Application**

[Open Meeting]

A/YL-PS/611            Temporary Storage for a Period of 3 Years in “Village Type Development” Zone, Lots 293 S.A ss.1 (Part), 293 S.A ss.2 (Part), 293 S.B ss.1 (Part) and 293 S.B ss.2 (Part) in D.D. 122, Ping Shan, Yuen Long  
(RNTPC Paper No. A/YL-PS/611)

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126.            The Committee noted that the applicant requested on 20.8.2020 deferment of consideration of the application for a period of 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.

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

**Agenda Item 34**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HTF/1107      Temporary Recyclable Collection Centre for Garment, Cloth and Waste Paper for a Period of 3 Years in “Residential (Group D)” Zone, Lots 142 (Part), 143 (Part), 158 (Part) and 160 (Part) in D.D.128, Fung Kong Tsuen, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HTF/1107)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary recyclable collection centre for garment, cloth and waste paper for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper;
- (d) during the first three weeks of the statutory publication period, three objecting comments from two individuals were received. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. While the development was not entirely in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone, there was no known development for the application site (the Site) in the subject “R(D)” zone. Approval of the application on a temporary basis for three years would not jeopardise the long-term development of the Site. The applied use was

considered not incompatible with the surrounding areas. In addition, the applied use would not cause significant adverse traffic, environmental, drainage and landscape impacts on the surrounding areas. Relevant government departments had no objection to or no adverse comment on the application. To address the technical concerns of concerned government departments and to minimise any potential nuisance, appropriate approval conditions were recommended. Two previous applications for the same use at the Site were approved by the Committee but the planning permissions were revoked. For the current application, it was submitted by a different applicant on a smaller site with slightly different development parameters and layout. Sympathetic consideration might be given to the current application. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

129. Members had no question on the application.

#### Deliberation Session

130. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.9.2023, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation from 6:00 p.m. to 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no medium or heavy goods vehicle exceeding 5.5 tonnes is allowed to enter/exit or to be parked/stored on the site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from the public road

at any time during the planning approval period;

- (e) the submission of the revised drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.12.2020;
- (f) in relation to (e) above, the implementation of the revised drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.3.2021;
- (g) in relation to (f) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (h) the existing trees within the site shall be maintained in good condition at all times during the planning approval period;
- (i) the submission of a revised fire service installations proposal within 3 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 4.12.2020;
- (j) in relation to (i) above, the implementation of the revised fire service installations proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 4.3.2021;
- (k) if any of the above planning conditions (a), (b), (c), (d), (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 (e), (f), (i) or (j) 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.”

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

set out at Appendix V of the Paper.

### **Agenda Item 35**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/363            Proposed Place of Recreation, Sports or Culture and Shop and Services (including Hobby Farming, Children Playground, Refreshment Kiosk, Handicraft Making and Ancillary Public Car Park in “Green Belt” and “Open Space (1)” Zones, Lots 1601 (Part), 1604, 1605, 1606, 1607, 1608, 1609, 1610 S.A, 1610 S.B, 1610 S.C, 1611, 1612, 1613 (Part), 1615 and 1616 (Part) in D.D. 129 and Adjoining Government Land, Lau Fau Shan, Yuen Long  
(RNTPC Paper No. A/YL-LFS/363)

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

132.            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) proposed place of recreation, sports or culture and shop and services (including hobby farming, children playground, refreshment kiosk, handicraft making and ancillary public car park);
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper;
- (d) during the first three weeks of the statutory publication periods, 15 objecting comments from World Wide Fund for Nature Hong Kong, Designing Hong Kong Limited, representatives from Sha Kong Wai, villagers from Sha Kong Wai and Mong Tseng Wai and an individual were

received. Major objection grounds were set out in paragraph 11 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The proposed development was not in conflict with the planning intention of the “Green Belt” (“GB”) zone. The application site (the Site) was situated in an area of rural landscape character and the proposed use was considered not incompatible with the surrounding land uses. While the Chief Town Planner/Urban Design and Landscape, PlanD had reservation on the application in view of the incompatibility of the large car parking area with the surrounding natural environment, the applicant justified that the car parking area was necessary to accommodate group visitors and committed to removing some hard paving from the Site and grassing the parking area. An appropriate approval condition was therefore recommended. Other relevant government departments had no objection to or no adverse comment on the application on the traffic, drainage, environmental and fire safety aspects. There were three approved applications for similar recreational use involving more or less the same site and eight approved similar applications within the same “GB” zone. Approval of the current application was in line with the Committee's previous decisions. While the previous approved developments had not been implemented, in order to monitor the operation of the proposed development, it was recommended that a temporary approval for three years, instead of a permanent permission as sought, should be granted. Regarding the public comments, the comment of government departments and planning assessments above were relevant.

133. In response to a Member's enquiry, Ms Bonnie K.C. Lee, STP/TMYLW, said that an Enforcement Notice was issued to the registered land owners of the Site against the unauthorised parking of vehicles in the southern portion of the Site. Enforcement actions would continue to be carried out irrespective of the result of the current application. As compared with the last approved application, the proposed car parking area had increased. Although a large car parking area was proposed under the current application, such car

parking facilities were ancillary in nature. Appropriate approval conditions restricting the operating hours of the proposed development, including the ancillary parking use, were recommended. In addition, an approval condition requiring the removal of the existing hard-paving on the Site and paving the parking area with grass before operation of the proposed use was also recommended.

### Deliberation Session

134. The Chairman remarked that if the Site was used for car parking only after obtaining planning permission for the proposed development, enforcement actions would be undertaken as car parking use did not conform to the approved scheme under the current application.

135. A Member was concerned whether granting a temporary approval for a period of three years as recommended by PlanD was reasonable considering that a number of approval conditions would need to be complied with by the applicant. The Chairman said that given the special circumstances of the subject case, approving the application on a temporary basis would allow a closer monitoring of the implementation of the proposed development. The Committee agreed.

136. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.9.2023, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 6:00 p.m. and 11:00 a.m. on Mondays to Fridays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation between 8:00 p.m. and 11:00 a.m. on Saturdays, Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no use of public announcement system, as proposed by the applicant, is allowed on the site during the planning approval period;

- (d) no vehicle queuing back to or reverse onto/from the public road is allowed at any time during the planning approval period;
- (e) removal of the existing hard-paving on the site, except for the site offices, and paving the parking area with grass before operation of the proposed use, as proposed by the applicant;
- (f) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.3.2021;
- (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 4.3.2021;
- (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 4.6.2021;
- (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 4.3.2021;
- (k) in relation to (j) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.6.2021;
- (l) if any of the above planning conditions (a), (b), (c), (d) 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 the above planning condition (e) is not complied with before operation of the proposed use, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (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; and
- (o) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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 36**

#### **Section 16 Application**

[Open Meeting]

A/YL-LFS/367

Temporary Private Vehicle Park (Private Cars) for a Period of 3 Years in “Village Type Development” Zone, Lots 1210 S.B ss.1, 1210 S.B ss.2, 1210 S.B ss.3, 1210 S.B ss.4, 1210 S.B ss.5, 1210 S.B ss.6, 1210 S.B ss.7 and 1210 S.B RP in D.D. 129 and Adjoining Government Land, Lau Fau Shan, Yuen Long  
(RNTPC Paper No. A/YL-LFS/367)

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138. The Committee noted that the applicant requested on 28.8.2020 deferment of consideration of the application for a period of 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.

139. 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 37**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/368      Temporary Warehouse for Storage of Construction Materials for a Period of 3 Years in "Recreation" Zone, Lots 1679 (Part), 1684 (Part), 1685 (Part) and 1690 (Part) in D.D. 129 and Adjoining Government Land, Lau Fau Shan, Yuen Long  
(RNTPC Paper No. A/YL-LFS/368)

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

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

- (a) background to the application;
- (b) the temporary warehouse for storage of construction materials for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper;

- (d) during the first three weeks of the statutory publication period, 66 objecting comments (64 in standard letter) from individuals were received. Major objection grounds were set out in paragraph 11 of the Paper; and
  
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under application could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Although the applied use was not in line with the planning intention of the “Recreation” (“REC”) zone, there was yet to have any known development proposals to implement the zoned use on the concerned Outline Zoning Plan. Approval of the application on a temporary basis would not frustrate the planning intention of the “REC” zone. The applied use was considered not incompatible with the surrounding uses such as factories, warehouses, open storage yards and temporary structures. Significant adverse traffic, environmental, drainage, fire safety and landscape impacts on the surrounding area were not anticipated, and relevant government departments had no objection to or no adverse comment on the application. To minimise any possible environmental impacts and nuisance, and to address the technical requirements of the concerned government departments, relevant approval conditions were recommended. The application site (the Site) was the subject of a previous approved application for temporary warehouse use. Although the Committee had rejected three similar applications for temporary warehouse use in the same “REC” zone, the current application was different from those applications as there were no adverse impacts on the surrounding areas and no adverse departmental comments. Approval of the application was in line with the Committee's previous decision. Regarding the public comments, the comments of the government departments and planning assessments above were relevant.

141. In response to the enquiries of the Chairman and a Member, Ms Bonnie K.C. Lee, STP/TMYLW, said that a previous application for temporary warehouse for storage of documents with the use of light goods vehicles was approved by the Committee. For the

current application, the construction materials proposed to be stored were sanitary wares, water pumps and water tanks. Similar to the approved application, only light goods vehicle was proposed to be used for delivery of such construction materials. For those rejected applications, they involved the storage of cleaning agents or scrap metal and the use of medium/heavy goods vehicles, and there were also concerns from fire safety and traffic impact perspectives.

142. In response to another Member's enquiry, Ms Bonnie K.C. Lee, STP/TMYLW, explained that in order to monitor the use of light goods vehicle as proposed by the applicant, an approval condition was recommended to restrict those medium and heavy goods vehicles exceeding 5.5 tonnes from entering/exiting the Site.

#### Deliberation Session

143. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.9.2023, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no medium and heavy goods vehicles exceeding 5.5 tonnes, including container vehicle/trailers/tractors, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to enter/exit or to be parked/stored on the site at any time during the planning approval period;
- (d) no workshop activity, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (e) no open storage of materials, as proposed by the applicant, is allowed on the site during the planning approval period;

- (f) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;
- (g) the implementation of the accepted drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.6.2021;
- (h) in relation to (g) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (i) the submission of a revised landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.3.2021;
- (j) in relation to (i) above, the implementation of the revised landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.6.2021;
- (k) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.3.2021;
- (l) in relation to (k) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.6.2021;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (n) if any of the above planning conditions (g), (i), (j), (k) or (l) is not complied with by the above specified date, the approval hereby given shall cease to

have effect and shall on the same date be revoked without further notice.”

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

**Agenda Item 38**

Section 16 Application

[Open Meeting]

A/YL-PN/63                      Proposed Temporary Education Centre and Animal Boarding Establishment for a Period of 3 Years in “Coastal Protection Area” Zone, Government Land in D.D.135 (Former Ha Tsuen Heung Pak Nai Public School), Sheung Pak Nai, Yuen Long  
(RNTPC Paper No. A/YL-PN/63)

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145. The Committee noted that the applicant requested on 27.8.2020 deferment of consideration of the application for a period of 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.

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

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

**Agenda Item 39**

**Any Other Business**

147.        There being no other business, the meeting was closed at 6:00 p.m.