

## **TOWN PLANNING BOARD**

### **Minutes of 661<sup>st</sup> Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 4.12.2020**

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

Miss Winnie W.M. Ng

Mr L.T. Kwok

Mr K.W. Leung

Dr Jeanne C.Y. Ng

Mr Ricky W.Y. Yu

Dr Venus Y.H. Lun

Dr 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

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

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

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

Secretary

**Absent with Apologies**

Dr C.H. Hau

**In Attendance**

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

Chief Town Planner/Town Planning Board  
Ms W.H. Ho

Town Planner/Town Planning Board  
Mr Ryan C.K. Ho

## **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 660<sup>th</sup> RNTPC Meeting held on 20.11.2020

[Open Meeting]

2. The draft minutes of the 660<sup>th</sup> RNTPC meeting held on 20.11.2020 were confirmed without amendments.

## **Agenda Item 2**

Matter Arising

[Open Meeting]

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

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

[Ms Jessica H.F. Chu, District Planning Officer/Shu Tin, Tai Po & North, and Ms Hannah H.N. Yick, Senior Town Planner/Shu Tin, Tai Po and North, were invited to the meeting at this point.]

**Agenda Item 3**

**Section 12A Application**

[Open Meeting (Presentation and Question Sessions only)]

Y/ST/42                      Application for Amendment to the Approved Sha Tin Outline Zoning Plan No. S/ST/34, To rezone the application site from “Village Type Development” to “Government, Institution or Community”, Lots 60 S.A, 60 S.B and 561 in D.D. 184 and adjoining Government Land, South of Che Kung Miu Road, Tai Wai  
(RNTPC Paper No. Y/ST/42B)

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4.                      The Secretary reported that the application was for a columbarium development and Mr K.K. Cheung had declared an interest on the item for his firm being the legal advisor of the Private Columbaria Licensing Board (PCLB). As the interest of Mr K. K. Cheung was indirect, the Committee agreed that he could stay in the meeting.

**Presentation and Question Sessions**

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

**PlanD**

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

Ms Hannah H.N. Yick - Senior Town Planner/Shaw Tin, Tai Po & North District (STP/STN), PlanD;

Applicant

*Ku Ngam Ching Yuen Limited*

Mr K.W. Kwan

Ms Stephanie K.Y. Wong

*Vision Planning*

*Consultants Limited*

Mr K.O. Chan

Miss K.C. Wong

*MVA Hong Kong Limited*

Ms Y.L. Mok

} Applicant's representatives

6. 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. 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" ("G/IC") zone on the approved Sha Tin Outline Zoning Plan (OZP) No. S/ST/34, to continue the current religious institution and columbarium uses;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper;
- (d) during the first three weeks of the statutory publication periods, a total of 507 public comments were received, including 474 objecting comments

from the current Chairman and members of the Sha Tin District Council, Chairman of the Shatin Rural Committee, Management Office of Greenview Garden, local concern group, Indigenous Inhabitant Representatives and villagers of Lee Uk Village and Sha Tin Tau Village, local residents and individuals, and 33 supporting comments from individuals. Major views were set out in paragraph 10 of the Paper; and

- (e) the PlanD's views – PlanD had no in-principle objection to the application based on the assessments set out in paragraph 11 of the Paper. The main temple of Ku Ngam Ching Yuen (KNCY) was established in 1951. Since 'Religious Institution' use was in existence before the gazettal of the first statutory plan in 1961, it could be tolerated under the Town Planning Ordinance (the Ordinance). Besides, the Site was wholly zoned "V" in 1998 and "Religious Institution" use was a permitted use in "V" zone until the gazetting of the draft Sha Tin OZP No. S/ST/19 on 16.1.2004. The Site was situated at the southern side of Che Kung Miu Road and was surrounded by a green hill knoll and rural neighbourhood comprising village settlements, tree groups and religious institutions. While the Site was currently zoned "V", it was located in a Government, Institution or Community (GIC) cluster at the periphery of the existing "V" zone with its sole entrance directly abutting Che Kung Miu Road. In view of the overall setting of the Site, it was considered that there would be limited nuisance to the nearby residents. Having reviewed the Traffic Impact Assessment (TIA) submitted by the applicant and noting that Food and Environmental Hygiene Department (FEHD) would take up the proposed "visit-by-appointment" arrangement under the license application, the Commissioner for Transport (C for T) had no adverse comment on the application from traffic engineering viewpoint. Other concerned departments had no objection to or adverse comment on the application. It was estimated that land available within the "V" zone was sufficient to meet the outstanding Small House applications. Whilst the similar applications were all rejected either at the s.12A application stage or in the subsequent s.16 and s.17 application stages mainly on the grounds of adverse traffic impact, no fundamental traffic or technical issue was noted

in the current application for the applicant to continue the current religious and columbarium uses on the Site. Regarding the public comments received, the comments from concerned government departments and the planning assessment above were relevant.

7. The Chairman then invited the applicant's representatives to elaborate on the application. With the aid of a PowerPoint Presentation, Mr K.O. Chan, the applicant's representative, made the following main points:

- (a) the applicant totally agreed with the consideration and assessment made by PlanD on the subject application;
- (b) should the application be approved, a s.16 application for the columbarium use would be submitted to the Committee for consideration as soon as practicable. Furthermore, an application would be submitted to the PCLB for a licence for the columbarium use and the applicant would endeavour to implement the agreed mitigation measures; and
- (c) approval of the application could help meet the community's demand for columbarium niches and memorial tablets.

8. As the presentations of PlanD's representative and the applicant's representative were completed, the Chairman invited questions from Members. The Chairman remarked that the subject application was for rezoning of the Site from "V" to "G/IC" zone to make provision for application for columbarium use. Whilst 'Religious Institution' use was always permitted within the "G/IC" zone, 'Columbarium' use was a column 2 use in the "G/IC" zone and planning permission from the Committee would be required.

9. The Chairman and some Members raised the following questions to PlanD's representatives:

- (a) whether the existing temple was a permitted use within the "V" zone and whether the subject application was to rectify the columbarium use at the Site;

- (b) whether there would be any enforcement action against the columbarium use at the Site should the application be rejected;
- (c) whether compliance with the Ordinance was a material consideration of PCLB in processing the licence application for columbarium use; and
- (d) whether the application submitted by a non-profit organization was a material consideration in the subject application.

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

- (a) according to the aerial photos, it was noted that the subject temple was in existence prior to the exhibition of the first statutory plan covering Sha Tin area in the gazette in 1961, and had continued since its existence. As such, it was considered as an existing use and could be tolerated under the Ordinance. Nonetheless, the columbarium use within the Site started in 1980s and there was no provision for 'columbarium' use within the "V" zone. Hence, the application was submitted with a view to rezoning the Site to "G/IC" zone within which 'columbarium' use was a column 2 use;
- (b) as the Sha Tin OZP was not previously covered by a Development Permission Area Plan, no direct enforcement action under the Ordinance could be taken by the Planning Authority. However, all columbarium uses would be regulated by the Private Columbaria Ordinance (PCO). If the Board agreed with the subject rezoning application and the subsequent planning application for columbarium use within the "G/IC" zone, the applicant would need to obtain a licence from the PCLB before niches could be sold;
- (c) when applying for a licence under PCO, the applicant should ensure that the columbarium use of the Site was in compliance with the statutory requirements under the PCO including those related to town planning, land lease and building matters. Besides, the use should comply with relevant requirements of other government departments, including Transport



Department, Fire Services Department and Environmental Protection Department; and

- (d) while it was noted that the applicant was a religious and tax-exempted charitable body, major considerations of this application should focus on land use compatibility, traffic and environmental impacts on the surrounding areas, as well as the infrastructure capacity, etc.

11. The Vice-chairman and some Members raised the following questions to the applicant's representatives:

- (a) when the temple and the columbarium use came into operation, and whether there would be further extension plan for the columbarium use;
- (b) the uses on 2/F of the Columbarium II (地藏殿) building; and
- (c) the estimated maximum number of visitors during the peak hours of festival days.

12. In response, Ms Stephanie K.Y. Wong and Mr K.O. Chan, the applicant's representatives, made the following main points:

- (a) the temple was first established in 1951, and the subject columbarium use came into operation in 1980s. The applicant had no intention to expand the columbarium use at the Site at the moment;
- (b) the 2/F of the Columbarium II building was mainly used for storage of furniture (such as tables and chairs) and necessities for daily operation. As no burners and furnace were provided at the Site, inflammable substances including ritual papers and joss stick would be prohibited; and
- (c) a visit-by-appointment arrangement was proposed for crowd management. All visitors were required to make prior appointment in specific time slots and a maximum of 46 visitors would be allowed in each time slot (i.e. half

an hour).

13. A Member enquired about the proposed use in the area within the Site upon removal of the temporary structures (i.e. area highlighted in purple in Drawing Z-3 of the Paper). Mr K.W. Kwan, the applicant's representative, responded that those areas would be retained as open space for visitors. Ms Jessica H.F. Chu, DPO/STN, said that should the proposed rezoning application be agreed to by the Committee, the Site would be rezoned from "V" to "G/IC" zone and planning permission would be required for the columbarium use. As a detailed proposal would need to be submitted for the planning application, any further development at the Site would need to comply with the scheme approved by the Committee.

14. 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 for attending the meeting. They left the meeting at this point.

#### Deliberation Session

15. The Chairman remarked that the Secretary of Home Affairs had confirmed that the applicant was a bona fide religious and tax-exempted charitable body registered under section 88 of the Inland Revenue Ordinance. In response to a Member's concern on whether approving the application would result in a loss of land within the "V" zone for Small House development, the Chairman said that there were four outstanding Small House applications being processed by the Lands Department, and the land available within the concerned "V" zone could still meet the outstanding Small House applications.

16. The Secretary supplemented that the 'Religious Institution' use was always permitted within the "V" zone until the gazetting of the draft Sha Tin OZP No. S/ST/19 on 16.1.2004. Since then, the 'Religious Institution' use was a column 2 use under the "V" zone and planning permission from the Board would be required. As KNCY was in existence before 16.1.2004 and had continued since its existence, it was considered as an

existing use, and not taken as land available for Small House development.

17. Members generally supported the rezoning application on the considerations that (i) the subject temple had been long in existence at the Site and it was a use previously permitted under the “V” zone; (ii) there were no adverse comment from department concerned; (iii) columbarium use in “G/IC” zone required planning permission from the Committee and any development proposal could be further scrutinized in the subsequent s.16 application stage; and (iv) while some similar applications were rejected by the Committee mainly on adverse traffic impact, C for T had no adverse comment on the application from traffic engineering viewpoint.

18. The Meeting noted that while the s.12 application was subject to adverse public comments and local objection, there was provision for the public to submit representations/comments when the proposed amendment to the OZP was exhibited for public inspection. Besides, planning permission was required for columbarium use in proposed “G/IC” zone and the applicant would need to comply with the requirements of relevant government departments.

19. After deliberation, the Committee decided to agree to the application by rezoning the application site to “G/IC” zone. The relevant amendments to the OZP would be submitted to the Committee for agreement prior to gazetting under the Town Planning Ordinance.

**Tuen Mun and Yuen Long West District**

**Agenda Item 4**

Section 12A Application

[Open Meeting]

Y/TM/26                      Application for Amendment to the Approved Tuen Mun Outline Zoning Plan No. S/TM/35, To rezone the application site from “Green Belt” to “Government, Institution or Community”, Lots 1724 S.H RP and 2015 in D.D. 132, Hing Fu Street, Tuen Mun  
(RNTPC Paper No. Y/TM/26)

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20.                      The Secretary reported that the application was for a columbarium development and Mr K.K. Cheung had declared an interest on the item for his firm being the legal advisor of the Private Columbaria Licensing Board.

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

22.                      The Committee noted that the applicant’s representative requested on 25.11.2020 deferment of consideration of the application for two months so as to allow time for the applicant to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

**Sai Kung and Islands District**

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

**Agenda Item 5**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions only)]

A/I-TCV/16                      Proposed Utility Installation for Private Project (Underground Sprinkler Water Tank and Pump Room) in “Village Type Development” Zone, Lots 2760 (Part) and 2761 (Part) in D.D.1 TC, Tung Chung Valley, Lantau Island  
  
(RNTPC Paper No. A/I-TCV/16)

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24.            The Secretary reported that the application was submitted by Uni-Creation Investments Ltd. (UCIL) and Spence Robinson Ltd. (SRL) was the consultant of the applicant. Mr K.K. Cheung had declared an interest on the item for his firm having current business dealings with UCIL and SRL. 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**

25.            Mr Raymond H.F. Au, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed utility installation for private project (underground sprinkler water tank and pump room);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper;

- (d) during the statutory publication period, 36 public comments were received including 32 supporting comments from individuals (one with 15 signatures) and four objecting comments from the Village Representatives of Lam Che and Nim Yuen (with a total of 132 signatures) 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. Though there was no outstanding Small House application falling within the concerned “V” zone, land within “V” zone was primarily intended for development of Small Houses by indigenous villagers. According to the applicant, the proposed use was an essential facility to provide fire service for the existing columbarium use (regarded as an ‘Existing Use’ (EU) tolerated under the Town Planning Ordinance (the Ordinance)) adjoining the application site (the Site) in the same “V” zone. As the proposed underground sprinkler water tank and pump room were intended to serve the existing columbarium use but not any village development within the “V” zone, the proposal was considered not in line with the planning intention of the “V” zone. There was no strong planning justification in the submission for a departure from such planning intention. The Director of Fire Services (D of FS) advised that the formulation of fire service installations for the columbarium use was at the preparation stage and it could not be confirmed at the current stage whether the proposed installation was essential from fire safety point of view. The applicant failed to demonstrate that the proposed use was an essential facility and that the provision of water tank and pump room within the existing EU structures was not feasible. The proposed use was small in scale and was considered not incompatible with the landscape character of the surrounding area. However, the adjoining columbarium use for which the proposed private utility under the application intended to serve was not compatible with the rural and natural character of the area, in particular taking into account the traffic demand during the Ching Ming and Chung Yeung Festivals. Relevant government departments had no comment on/objection to the application. Regarding the public comments received,

the comments of the government departments and planning assessment above were relevant.

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

- (a) history and background of the Site and the columbarium buildings in the vicinity;
- (b) whether the columbarium buildings to the south of the Site were in operation, and whether any fire service installations had been provided in those buildings;
- (c) whether there were complaints related to fire safety in the area;
- (d) whether the Site was separated from the columbarium buildings and whether the proposed fire service installations were considered essential by the Fire Services Department (FSD);
- (e) whether the location of the proposed water tank and pump room was proposed by the applicant; and
- (f) whether the similar application (No. A/I-TCV/8) to the east of the Site, which was rejected by the Committee, had any relevancy for the consideration of the current application.

27. In response, Mr Raymond H.F. Au, STP/SKIs, made the following main points:

- (a) to the immediate south of the Site were eight houses currently used for columbarium which were in existence immediately before the first publication in the Gazette of the notice of the draft Tung Chung Valley (TCV) Development Permission Area (DPA) Plan on 21.8.2015 and could be regarded as EU under the Ordinance. An application for licence for the columbarium use at the eight building structures was submitted to the Private Columbaria Licensing Board under the Private Columbaria

Ordinance (PCO) (Cap. 630) and the application was being processed by the Private Columbaria Affairs Office. The proposed underground sprinkler water tank and pump room were included in the plans submitted together with the licence application;

- (b) the concerned columbarium had to cease selling or letting out of new or unoccupied niches until a valid licence was obtained under the PCO. According to PlanD's record, there were over 30,000 niches in the subject columbarium buildings and some of them had already been occupied. There was no information in the submission related to the provision of fire service installations in the columbarium buildings;
- (c) no information regarding complaint related to fire safety was provided by the Islands District Office and no relevant information on previous fire incidents in the area was provided by FSD;
- (d) the Site, which was separated from and situated to the north of the columbarium buildings, was currently vacant. D of FS advised that the formulation of fire service installations for the columbarium use was at the preparation stage and it could not be confirmed at the current stage whether the proposed underground sprinkler water tank and pump room were essential from fire safety point of view;
- (e) the location of the proposed sprinkler water tank and pump room was proposed by the applicant. While the Lands Department advised that the provision of one water storage tank on the roof of each of the columbarium buildings was permitted under the respective Letters of Approval, the applicant claimed that a sprinkler water tank with storage capacity of 37m<sup>3</sup> was required for fire-fighting purpose and such provision was not allowed on the roof of the buildings. However, the applicant had not provided any information to justify his claims on the location and required capacity of the proposed sprinkler water tank; and
- (f) the similar application (No. A/I-TCV/8) was for installation of a temporary



meter room together with excavation of land on the adjacent “Green Belt” (“GB”) zone. The meter room was to serve the nearby columbarium buildings. The application was rejected by the Committee in 2019 mainly on the grounds of not in line with the planning intention of the “GB” zone, and no strong planning grounds and justifications provided in the submission for a departure from the planning intention.

### Deliberation Session

28. A Member considered that the applicant could be allowed as columbarium use in the eight buildings were EU and the fire service installation was proposed in the underground area of private land to address the fire safety concern. Nonetheless, some Members considered that the applicant had failed to provide sufficient justifications on the scale and location of the proposed fire service installation. In particular, no information had been provided by the applicant on the required capacity of the water tank and D of FS could not confirm at the current stage whether the proposed underground sprinkler water tank and pump room were essential from fire safety point of view.

29. The Chairman concluded that whilst acknowledging the need to provide the fire service installation to address the fire safety concern of the columbarium buildings, the application was not supported as the applicant failed to demonstrate that the proposed scale and location of the proposed installation, and provide strong planning grounds and justification for a departure from the planning intention of the “V” zone.

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

- “(a) the proposed use is not in line with the planning intention of the “Village Type Development” zone which is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. There is no strong planning justification in the submission for a departure from such planning intention; and

- (b) the applicant fails to demonstrate that the proposed scale and location of the proposed sprinkler water tank and pump room are essential from the safety point of view.”

## **Agenda Item 6**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions only)]

A/SK-HH/77            Temporary School (Tutorial School) for a Period of 3 Years in “Other Specified Uses” annotated “Residential Cum Marina Development” Zone, Shop C3, G/F., Marina Cove Shopping Centre, 380 Hiram’s Highway, Sai Kung  
(RNTPC Paper No. A/SK-HH/77)

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### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) temporary school (tutorial school) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper;
- (d) during the statutory publication period, 14 public comments were received including 11 supporting comments from individuals, and three comments not related to the planning application. Major views were set out in paragraph 9 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 10 of the Paper. The premises fell within

an area zoned “Other Specified Uses” annotated “Residential cum Marina Development” (“OU(Residential cum Marina Development)”) on the Hebe Haven OZP covering the existing Marina Cove development, which had been fully developed with low-density housing including commercial and marina. Approval of the application on a temporary basis would not frustrate the planning intention of the “OU(Residential cum Marina Development)” zone. The tutorial school was small in scale and it was considered not incompatible with the existing uses such as tutorial schools and shops within the same and surrounding commercial and clubhouse buildings within the Marina Cove development. Concerned government departments had no objection to or no adverse comment on the application. There were 12 similar applications within the “OU(Residential cum Marina Development)” zone approved by the Committee and approval of the current application was in line with the Committee’s previous decisions.

32. Members had no question on the application.

#### Deliberation Session

33. The Chairman remarked that the applied use was not incompatible with other shop and services uses in the shopping centre. The permitted uses under the “OU(Residential cum Marina Development)” zone could be reviewed in future amendment to the OZP as appropriate.

34. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.12.2023, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the provision of fire service installations within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.6.2021; and
- (b) if the above planning condition (a) is not complied with by the specified date, the approval hereby given shall cease to have effect and should on the

same date be revoked without further notice.”

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

### **Agenda Item 7**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions only)]

A/SK-TMT/68 Proposed Excavation of Land for Permitted Agricultural Use in “Green Belt” and “Village Type Development” Zones, Lot 318 S.D in D.D. 216, Wo Liu, Sai Kung  
(RNTPC Paper No. A/SK-TMT/68)

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

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

- (a) background to the application;
- (b) proposed excavation of land for permitted agriculture use;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper;
- (d) during the statutory publication period, four public comments from Hong Kong Bird Watching Society, Kadoorie Farm & Botanic Garden Corporation, World Wide Fund For Nature Hong Kong and an individual objecting to the application were received;
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. Whilst agricultural use was always permitted within the “Green Belt”

(“GB”) and “Village Type Development” (“V”) zones, excavation of land within “GB” zone was subject to planning permission as it might cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment. The Director of Agriculture, Fisheries and Conservation had no strong view against the application from agricultural point of view as the Site possessed potential for agricultural rehabilitation. Nonetheless, the Chief Town Planning/Urban Design & Landscape, PlanD had reservation on the application from landscape planning perspective as the current application involved removal of two existing trees which were protected species under the Protection of Endangered Species of Animals and Plants Ordinance, Cap. 586. The proposed excavation of land was not in line with the Town Planning Board Guidelines No. 10 in that the applicant failed to demonstrate that the proposed excavation would not involve extensive clearance of existing natural vegetation, affect the existing natural landscape, or cause any adverse impact on the surrounding environment. The Chief Engineer/Construction, Water Supplies Department stated the Site was within the upper indirect Water Gathering Ground (WGG) and the proposed excavation of land for agricultural use and the associated erection of agriculture structure as a greenhouse may pose risks of contamination to the WGG. For the public comments objecting to the application, the comments of government departments and planning assessment above were relevant.

37. Members had no question on the application.

#### Deliberation Session

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

“the application is not in line with the Town Planning Board Guidelines for Development within Green Belt Zone in that the proposed excavation of land for agricultural use would involve clearance of natural vegetation which will adversely affect the natural landscape of the area; and no risk assessment has

been submitted to demonstrate that the proposed excavation of land would not generate adverse impact on water quality within the water gathering ground.”

### **Agenda Item 8**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions only)]

A/SLC/165                      Proposed Public Utility Installation (Telecommunications Radio Base Station and Antenna) in “Green Belt” Zone, Government Land near Tai Long Wan Tsuen, Wang Pui Road, Shek Pik, Lantau  
(RNTPC Paper No. A/SLC/165)

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39.            The Secretary reported that the application was submitted by China Mobile Hong Kong Co. Ltd. (CMHK) and Mr K.K. Cheung had declared an interest on the item for his firm having current business dealings with CMHK. 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**

40.            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) proposed public utility installation (radio base station and antenna);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper;
- (d) during the statutory publication period, three public comments were received including two objecting comments and one supporting comment from individuals. 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. Whilst the planning intention of the “Green Belt” (“GB”) zone was primarily to define the limits of development areas, to preserve existing well-wooded hillslopes and other natural features, as well as to provide passive recreational outlets for the local population and visitors, the Director-General of Communications supported the application as the proposed installation would improve mobile network services in areas in Tai Long Wan Tsuen, Shek Pik and Lantau South Country Park. The proposed radio base station and antenna generally complied with the Town Planning Board Guidelines No. 10 in that the proposed public utility installation was essential; its scale and intensity were compatible with the character of the surrounding areas; and it would not involve extensive clearance of existing natural vegetation, affect the existing natural landscape or cause adverse visual impact on the surrounding environment. Concerned government departments had no objection to or no adverse comment on the application. Regarding the public comments received, the comments of government departments and planning assessment above were relevant.

41. Members had no question on the application.

#### Deliberation Session

42. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 4.12.2024, 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 submission and provision of fire service installations and water supplies for firefighting proposal to the satisfaction of the Fire Services Department or of the TPB.”

43. 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]

A/SLC/166 Proposed Excavation and Filling of Land for Permitted Waterworks Implemented by Government in “Coastal Protection Area” Zone, Government Land near Lo Uk Tsuen, Pui O, Lantau  
(RNTPC Paper No. A/SLC/166)

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44. The Secretary reported that the application was submitted by Water Supplies Department (WSD) and Black & Veatch Hong Kong Ltd. (B&V) 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 WSD and B&V.

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

46. The Committee noted that the applicant requested on 23.11.2020 deferment of consideration of the application for two months so as to allow time for the applicant to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application

47. 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 Raymond H.F. Au, Ms Jane W.L. Kwan and Mr Kenneth C.K. Yeung, STPs/SKIs, for their attendance to answer Members' enquiries. They left the meeting at this point.]

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

[Ms Hannah H.N. Yick and Mr Tim T.Y. Fung, Senior Town Planners/Shan Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

#### **Agenda Item 10**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/991                      Place of Recreation, Sports or Culture (Yoga Studio) in “Industrial”  
Zone, Unit K, 7/F, Valiant Industrial Centre, Nos. 2-12 Au Pui Wan  
Street, Fo Tan, Sha Tin  
  
(RNTPC Paper No. A/ST/991)

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

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

- (a) background to the application;
- (b) place of recreation, sports or culture (yoga studio);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper;

- (d) no public comment was received during the first three weeks of the statutory publication; and
  
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The applied use at the premises was considered not compatible with the industrial uses at the subject industrial building. The Director of Fire Services (D of FS) did not support the application from fire safety point of view as the applied use under application would attract visiting members of the general public to stay in the premises. The public's unpreparedness in facing the potential risks inside and outside industrial buildings and their unfamiliarity with the situation in case of emergency rendered their escape materially much more difficult. The applied use was not in line with the Town Planning Board Guidelines No. 25D as the Fire Services Department was not satisfied on the risks likely to arise or increase from the applied use under application. There was one similar application rejected by the Town Planning Board on review mainly due to concerns on fire safety and land use compatibility with the existing uses in the same building. The circumstances of the current application were similar to the rejected application.

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

- (a) whether there was any similar application approved in Sha Tin area;
  
- (b) whether the premises was the subject of any enforcement action;
  
- (c) whether the applicant was the owner of the premises;
  
- (d) major concern of D of FS on the application from fire safety aspect;
  
- (e) if the premises was located on lower floors with means of escape, whether favourable consideration could be given to the application; and

- (f) details of the comments from the Buildings Department (BD).

50. In response, Ms Hannah H.N. Yick, STP/STN, made the following main points:

- (a) the Committee in general did not support those similar applications in the past mainly due to concerns on fire safety and land use compatibility. There was no similar application approved in Sha Tin area as well as other industrial areas such as Tsuen Wan and Kwai Chung;
- (b) as the Sha Tin OZP, where the premises was located, was not previously covered by a Development Permission Area Plan, no direct enforcement action could be taken by the Planning Authority. Nonetheless, any use or development at the premises should also conform with any other relevant legislation, the conditions of the government lease concerned, and any other government requirements, as might be applicable. In general, planning permission was required before the application for a waiver would be processed by the Lands Department;
- (c) the applicant was the tenant of the premises;
- (d) D of FS did not support the application from fire safety point of view as the applied use under application would attract visiting members of the general public to stay in the premises. D of FS was of the view that general public were not prepared to face the potential risks inside and outside industrial buildings and they were not familiar with the situation in case of emergency. This would render their escape materially much more difficult;
- (e) according to the Notes of the “Industrial” zone on the OZP, the applied use was always permitted if the premises was located in a purpose-designed non-industrial portion on the lower floors of an existing industrial building provided that the use was separated from the industrial uses located above by a buffer floor or floors and no industrial uses were located within the non-industrial portion; and
- (f) BD advised that the applied use should comply with the requirements under

the Buildings Ordinance (BO) as well as other relevant building regulations.

### Deliberation Session

51. The Chairman remarked that D of FS generally did not support the coexistence of uses with direct provision of services or goods and industrial uses within an industrial building due to fire safety concern. A similar application (No. A/ST/835) for a fitness, dance and thai-boxing centre, which was located on the ground floor with separated fire exits, was rejected by the Board on review due to fire safety concern as the proposed uses were not separated from the other industrial uses in the building. Notwithstanding that, some uses were permitted in the purpose-designed non-industrial portion on the lower floors of an existing industrial building, provided that the uses were separated from the industrial uses located above by a buffer floor or floors and no industrial uses were located within the non-industrial portion. In the current application, the proposed use was located on 7/F, and various industrial activities, such as workshop and storage, were still in operation and located on the same floor of the subject premises. Hence, D of FS objected to the application on fire safety ground.

52. A Member wondered if the compliance with the BO might mean that the fire safety concern could be addressed. Some Members were of the view that as the major concern on the current application was fire safety issue, the expert advice of D of FS should be duly respected. In particular, the subject premises was located on 7/F of the industrial building and industrial uses were found on the same floor, which might pose danger to the visitors of the affected use in case of fire. Members generally did not support the application due to fire safety concern.

53. Noting that uses with direct provision of services and goods were commonly found in existing industrial buildings, a Member remarked that the Government should take note of the matter in the future review on policies relating to industrial buildings.

54. The Chairman said that, in view of the changing planning circumstances and improvement of fire services technology, the permitted uses within industrial buildings would be reviewed from time to time. For instance, 'art studio (excluding those involving direct

provision of services or goods)' use had been incorporated as an always permitted use under industrial related zonings since 2015 to provide more flexibility on the use of premises in industrial buildings.

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

- “(a) the applied use is not compatible with the existing uses in the subject industrial building which are predominately industrial in nature; and
- (b) the application does not comply with the Town Planning Board Guidelines No. 25D in that the applied use is considered unacceptable from the fire safety point of view.”

[Mr L.T. Kwok left the meeting during the deliberation session.]

### **Agenda Item 11**

#### **Section 16 Application**

[Open Meeting]

A/NE-LK/133 Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) with Ancillary Facilities for a Period of 5 Years in “Village Type Development” Zone, Lots 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475 and 2476 in D.D. 39, Shek Chung Au, Sha Tau Kok  
(RNTPC Paper No. A/NE-LK/133)

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56. The Committee noted that the applicant requested on 19.11.2020 deferment of consideration of the application for two months so as to allow time for the applicant to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

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

**Agenda Items 12 to 15**

**Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/649 Proposed House (New Territories Exempted House - Small House) in  
"Agriculture" Zone, Lot 546 S.B ss.1 in D.D. 77, Ping Che, Ta Kwu  
Ling  
(RNTPC Paper No. A/NE-TKL/649 to 652)

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A/NE-TKL/650 Proposed House (New Territories Exempted House - Small House) in  
"Agriculture" Zone, Lot 546 S.D ss.1 in D.D. 77, Ping Che, Ta Kwu  
Ling  
(RNTPC Paper No. A/NE-TKL/649 to 652)

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A/NE-TKL/651 Proposed House (New Territories Exempted House - Small House) in  
"Agriculture" Zone, Lot 546 S.G ss.1 in D.D. 77, Ping Che, Ta Kwu  
Ling  
(RNTPC Paper No. A/NE-TKL/649 to 652)

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A/NE-TKL/652 Proposed House (New Territories Exempted House - Small House) in  
"Agriculture" Zone, Lot 546 S.I ss.1 in D.D. 77, Ping Che, Ta Kwu  
Ling  
(RNTPC Paper No. A/NE-TKL/649 to 652)

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58. The Committee agreed that as the proposed developments in the four applications were identical (New Territories Exempted House (NTEH) - Small House) and within the same "Agriculture" ("AGR") zone, and the application sites were located in close proximity

to one another, they could be considered together.

### Presentation and Question Sessions

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

- (a) background to the applications;
- (b) proposed house (NTEH – Small House) at each of the application sites (the Sites);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper;
- (d) during the statutory publication period, three public comments were received including two objecting comments from individuals and one from the Chairman of Sheung Shui District Rural Committee indicating no comment on the applications. Major views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessment set out in paragraph 11 of the Paper. While the applications were not in line with the planning intention of the “Agriculture” (“AGR”) zone and the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications as part of the Sites was under active cultivation and that the Sites possessed potential for agricultural rehabilitation, the proposed Small House developments were not incompatible with the surrounding rural landscape character comprising abandoned land, hard paved area with erected temporary structures and village houses. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories, the footprints of the proposed Small Houses fell entirely within the village ‘environs’ of Ping Che. While land available within the “Village Type Development”

(“V”) zones of Ping Che village cluster was insufficient to fully meet the future Small House demand of 209 Small Houses, it was capable to meet the 49 outstanding Small House applications. Given the adoption of a more cautious approach in considering applications for Small House development in recent years, it was considered more appropriate to concentrate the proposed Small House developments within the “V” for more orderly development pattern, efficient use of land and provision of infrastructures and services. Nevertheless, the Sites were the subject of previously approved planning applications (No. A/NE-TKL/488, 498, 500 and 528) for the same use submitted by the same applicants. As there was no change in planning circumstances since the previous applications were approved and the applicants had applied for Small House grants from the Lands Department (LandsD), sympathetic consideration might be given to the applications. Concerned government departments had no objection to or no adverse comment on the applications. Regarding the public comments received, the comments of government departments and planning assessment above were relevant.

60. In response to the enquiry of a Member on why the four applications were submitted, Mr Tim T.Y. Fung, STP/STN, said that the four previous planning applications for the same use submitted by the same applicants of the current applications expired in 2018 and 2019 as the applicants had forgotten to submit applications for extension of time for the planning permission. Small House grant applications at the Sites, which were submitted to LandsD in 2014, were still under processing.

#### Deliberation Session

61. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the permissions should be valid until 4.12.2024, 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. Each of the permissions was subject to the following conditions :



- “(a) the provision of septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the TPB; and
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB.”

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

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

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

[Ms S.H. Lam, Mr Patrick M.Y. Fung, Ms Ivy C.W. Wong and Ms Irene W.S. Lai, 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 (Presentation and Question Sessions Only)]

A/KTN/71                      Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years in “Agriculture(1)” Zone, Lots 1348RP in D.D.95, Kwu Tung North  
(RNTPC Paper No. A/KTN/71A)

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63. The Secretary reported that the application site was located in Ho Sheung Heung, Kwu Tung North and Dr C.H. Hau had declared an interest on the item for owning a property in Ho Sheung Heung, Kwu Tung North. The Committee noted that Dr C.H. Hau had tendered an apology for being unable to attend the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed temporary place of recreation, sports or culture (hobby farm) for a period of 3 years and filling of land;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper;
- (d) during the statutory publication periods, six public comments were received from Kadoorie Farm and Botanic Garden, Designing Hong Kong Limited and individuals. Two were objecting comments, two provided views and the remaining two indicated 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 had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed use was generally not in conflict with the planning intention of the “Agriculture(1)” (“AGR(1)”) zone. Noting that agricultural activities were involved and the Site was about 100m from the boundary of Long Valley Nature Park (LVNP) on another side of Sheung Yue River, the Director of Agriculture, Fisheries and Conservation had no strong view against the application from agricultural aspect. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “AGR(1)” zone. The proposed hobby farm use was not entirely incompatible with the existing surrounding land uses which were predominantly rural in character with fallow agricultural land, vegetation, ponds and some domestic structures. In view of the nature of the proposed hobby farm, it would unlikely cause significant adverse traffic, landscape, environmental or drainage impacts on the surroundings. Concerned

government departments had no objection to or no adverse comment on the application. To address the possible environmental nuisances or technical requirements of concerned government departments, appropriate approval conditions were recommended. There was one similar application approved by the Committee within the same “AGR(1)” zone. Regarding the public comments received, the comments of government departments and planning assessment above were relevant.

65. In response to the Chairman’s enquiry, Ms S.H. Lam, STP/FSYLE, said that the Site was currently partly used for storage and parking of vehicles and partly vacant.

### Deliberation Session

66. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.12.2023, 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 public announcement system, portable loudspeaker or any form of audio amplification system is allowed to be used on the Site at any time during the planning approval period;
- (c) the submission of a proposal for fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.6.2021;
- (d) in relation to (c) above, the implementation of the proposal for fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.9.2021;
- (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 4.6.2021;

- (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 4.9.2021;
- (g) if any of the above planning condition (a) or (b) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked without further notice; and
- (h) if any of the above planning condition (c), (d), (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.”

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

### **Agenda Item 17**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/292            Temporary Shop and Services (Solar Power System Shop) for a Period of 5 Years and Filling of Land in “Village Type Development” Zone, Lot 591 RP (Part) in D.D. 112, Shek Kong, Yuen Long  
(RNTPC Paper No. A/YL-SK/292)

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

68. 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) temporary shop and servicers (solar power system shop) for a period of 5

years and filling of land;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper;
- (d) during the statutory publication period, one public comment from an individual objecting to the application was received. 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 applied 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 (the Site). Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “V” zone. The applied shop and services use was considered not incompatible with the surrounding areas which were predominantly rural in character and occupied by domestic dwellings/structures. Concerned government departments had no objection to or no adverse comment on the application. To minimize the possible environmental nuisances generated by the applied use, appropriate approval conditions were recommended. Regarding the public comments received, the comments of government departments and planning assessment above were relevant.

69. In response to a Members’ concern related to potential glare arising from the solar panels, Mr Patrick M.Y. Fung, STP/FSYLE, said that the solar panels would be stored in enclosed structures for sale. The Director of Environmental Protection had no adverse comment on the application and the applicant would be advised to follow the relevant mitigation measures and requirements in the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise any potential environmental nuisances.

Deliberation Session

70. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 4.12.2025, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (d) 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 4.6.2021;
- (e) in relation to (d) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.9.2021;
- (f) in relation to (e) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (g) the submission of a fire service installation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.6.2021;
- (h) in relation to (g) above, the implementation of the fire service installation proposal within 9 months from the date of planning approval to the

satisfaction of the Director of Fire Services or of the TPB by 4.9.2021;

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

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

### **Agenda Item 18**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/293            Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 5 Years in “Village Type Development” Zone, Lots 783, 785 S.A and 785 RP in D.D. 114, Sheung Tsuen, Shek Kong, Yuen Long  
(RNTPC Paper No. A/YL-SK/293)

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

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

- (a) background to the application;
- (b) proposed temporary shop and services (real estate agency) for a period of five years;
- (c) departmental comments – departmental comments were set out in

paragraph 9 of the Paper;

- (d) during the statutory publication periods, 120 public comments from a Yuen Long District Council Member, two Indigenous Inhabitant Representatives and Resident Representative of Sheung Tsuen, Chairperson and Vice-chairperson of Sheung Tsuen Village Committee and 110 local residents and four individuals objecting to the application were received. Major views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD 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 no Small House application approved or currently under processing at the Site. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “V” zone. The proposed use was considered not incompatible with the surrounding areas which were predominantly rural in character and occupied by domestic dwellings/structures, parking of vehicles and fallow agricultural land. Concerned government departments had no objection to or no adverse comment on the application. To minimize the possible environmental nuisances generated by the applied use, appropriate approval conditions were recommended. Regarding the public comments received, the comments of government departments and planning assessment above were relevant.

73. Members had no question on the application.

#### Deliberation Session

74. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 4.12.2025, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :



- “(a) no operation between 7:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) 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 4.6.2021;
- (c) in relation to (b) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.9.2021;
- (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 installation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.6.2021;
- (f) in relation to (e) above, the implementation of the fire service installation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.9.2021;
- (g) if any of the above planning condition (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 condition (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.”

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

## **Agenda Item 19**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/732      Filling of Pond for Permitted Agricultural Use in “Village Type Development” Zone, Lot 32 RP (Part) in D.D. 109, Kam Tin, Yuen Long  
  
(RNTPC Paper No. A/YL-KTN/732)

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### **Presentation and Question Sessions**

76.            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) filing of pond for permitted agriculture use;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper;
- (d) during the statutory publication periods, six public comments from Kadoorie Farm and Botanic Garden Corporation and individuals objecting to the application were received. Major views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. While agricultural use was always permitted within the “Village Type Development” (“V”) zone, the applicant failed to demonstrate that the applied pond filling was justifiable for the potential agricultural use. The Chief Engineer/Mainland North, Drainage Services Department had reservation on the application as the fill area was not small and there was no substantiation to show how overland flow from the adjacent area would not be interrupted by the works under the application. The Chief Town

Planner/Urban Design, Landscape also had reservation on the application as approval of the application might encourage more unauthorized site alteration within the area. Besides, concerns raised by the Director of Agriculture, Fisheries and Conservation including details of agricultural activities to be conducted at the application site (the Site) and justification of the need of pond filling for agricultural use had not been addressed. There were three similar applications within the same “V” zone. The two approved applications were subject to different circumstances for filling of pond to facilitate New Territories Exempted Houses development and there were generally no adverse departmental comments. Regarding the public comments received, the comments of government departments and planning assessment above were relevant.

77. Members had no question on the application.

#### Deliberation Session

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

“the applicant fails to demonstrate that the applied pond filling is justifiable for the potential agricultural use and that it would not generate adverse drainage impact on the surrounding area.”

**Agenda Item 20**

**Section 16 Application**

[Open Meeting]

A/YL-KTN/733      Temporary Shop and Services (Financial Institution) with Ancillary Staff Canteen for a Period of 3 Years in “Other Specified Uses” annotated “Railway Reserve” Zone, Lots 4122, 4123, 4124 and 4125 (Part) in D.D. 104 and Adjoining Government Land, San Tam Road, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/733)

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79.            The Committee noted that the applicant’s representative requested on 25.11.2020 deferment of consideration of the application for two months so as to allow time for the applicant to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

80.            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 (Presentation and Question Sessions Only)]

A/YL-KTN/734      Proposed Temporary Shop and Services (Pet Food) with Ancillary Wholesale Trade for a Period of 5 Years in “Industrial (Group D)” Zone, Lots 593 RP, 594 S.A, 595, 671 and 672 RP in D.D. 107, Fung Kat Heung, Yuen Long  
(RNTPC Paper No. A/YL-KTN/734)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) proposed temporary shop and services (pet food) with ancillary wholesale trade for a period of five years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper;
- (d) during the statutory publication periods, one public comment from a Yuen Long District Council Member providing views on the application was received. 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 use was not entirely in line with the planning intention of the “Industrial (Group D)” (“I(D)”) zone, it was considered that approval of the application on a temporary basis would not frustrate the long-term planning intention of the “I(D)” zone. The proposed use was considered not incompatible with the surrounding areas which were predominately rural in character with open storage/storage yards,

warehouses, workshops, residential dwellings/structures and unused land. Concerned government departments had no objection to or no adverse comment on the application. Regarding the public comment received, it was noted that the proposed structure did not exceed the building height restriction of the “I(D)” zone.

82. Members had no question on the application.

### Deliberation Session

83. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 4.12.2025, 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 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 4.6.2021;
- (c) in relation to (b) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.9.2021;
- (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 4.6.2021;
- (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 4.9.2021;

- (g) if any of the above planning condition (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 condition (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.”

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

## **Agenda Item 22**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/862 Proposed Temporary Social Welfare Facilities (Youth Centre) for a Period of 3 Years in “Village Type Development” Zone, Government Land in D.D. 106, Kam Tin, Yuen Long (Former Shek Wu School)  
(RNTPC Paper No. A/YL-KTS/862)

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### **Presentation and Question Sessions**

85. 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 social welfare facilities (youth centre);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper;

- (d) during the statutory publication periods, 20 public comments from a Yuen Long District Councilor, Pat Heung Rural Committee, village representatives of Shek Wu Tong Tsuen and Tin Sum Tsuen and local residents objecting to the application were received. Major views were set out in paragraph 10 of the Paper; and
  
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed use was not entirely in line with the planning intention of the “Village Type Development” (“V”) zone. Nevertheless, the District Lands Officer/Yuen Long, Lands Department (LandsD) advised that there was no Small House application approved or under processing at the application site (the Site). Also, the proposed use was to make use of the Site of the Former Shek Wu School which had already been closed down and left vacant since 2014. The proposed use on a temporary basis for 3 years would not frustrate the long-term planning intention of the “V” zone. The proposed use was considered not incompatible with the surrounding area which was rural in character intermixed with residential structures/dwellings, shops and services, cultivated agricultural land and unused/vacant land. Concerned government departments had no objection to or no adverse comment on the application. To minimize the possible environmental nuisance generated by the proposed use, appropriate approval conditions were recommended. The Site was the subject of three previous approved applications for proposed extension of Shek Wu School, proposed temporary place of recreation, sports or culture and proposed temporary social welfare facilities (elderly and youth centre). Regarding the public comments received, the comments of government departments and planning assessment above were relevant.

86. Some Members raised the following questions:

- (a) details of the three previous applications at the Site and whether the previous approved schemes had been implemented; and



- (b) when the school at the Site ceased operation.

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

- (a) application No. A/YL-KTS/270 for proposed extension of Shek Wu School was approved in 2002. The planning permission lapsed in 2005 and no extension works had been carried out. Application No. A/YL-KTS/756 for proposed temporary place of recreation, sports or culture was approved in 2018, but the planning permission was revoked on 16.9.2018 due to non-compliance of approval conditions. For the last approved application (No. A/YL-KTS/792) for proposed temporary social welfare facilities (elderly and youth centre), the planning permission was valid until 3.8.2021. Approval conditions on the submission of drainage and fire service installations proposals had been complied with while the implementation parts of the approval conditions had not been complied yet. Short Term Tenancy (STT) application for the proposed elderly and youth centre was being processed by LandsD. Should the current application be approved by the Committee, the applicant was also required to submit a STT application, which would be processed by LandsD according to the established practice; and
- (b) the concerned school had ceased operation since 2014 and the vacant school premises was handed back to LandsD in 2015.

#### Deliberation Session

88. A Member supported the application with a view to releasing the vacant school premises for more beneficial use as early as possible.

89. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.12.2023, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 10:00 p.m. and 9:00 a.m., as proposed by the

applicant, is allowed on the Site during the planning approval period;

- (b) no public announcement system, portable loudspeaker or any form of outdoor audio amplification system is allowed to be used on the Site at any time during the planning approval period;
- (c) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.6.2021;
- (d) in relation to (c) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.9.2021;
- (e) in relation to (d) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (f) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.6.2021;
- (g) in relation to (f) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.9.2021;
- (h) if any of the above planning condition (a), (b) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (i) if any of the above planning condition (c), (d), (f) or (g) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

set out at Appendix IV of the Paper.

**Agenda Item 23**

**Section 16 Application**

[Open Meeting]

A/YL-KTS/863 Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Village Type Development” Zone, Lots 339 S.A and 339 S.B in D.D. 109, Kam Tin South, Yuen Long  
(RNTPC Paper No. A/YL-KTS/863)

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91. The Secretary reported that the application had been rescheduled.

**Agenda Item 24**

**Section 16 Application**

[Open Meeting]

A/YL-PH/861 Proposed Temporary Recyclable Collection Centre (Recycling of Plastic and Plastic Bottles) with Ancillary Office and Plastic Breaking Workshop for a Period of 3 Years in “Residential (Group D)” Zone, Lots 29 (Part), 33 and 35 in D.D. 111 and Adjoining Government Land, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/861)

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92. The Committee noted that the applicant’s representative requested on 26.11.2020 deferment of consideration of the application for two months so as to allow time for the applicant to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

93. 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 25**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/410      Renewal of Planning Approval for Temporary Public Vehicle Park (including Container Vehicle) and Ancillary Tyre and Repairing Use for a Period of 3 Years in "Open Storage" Zone, Lots 2781 RP, 2782 RP, 2783 RP, 2785 RP, 2786 RP, 2787 RP, 2788 RP, 2789, 2791, 2792, 2793 S.A, 2793 S.B, 2794, 2795, 2962 RP and 2963 RP in D.D. 102 and adjoining Government Land, Ngau Tam Mei, Yuen Long  
(RNTPC Paper No. A/YL-NTM/410)

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

94.            Ms Irene W.S. Lai, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a)    background to the application;
- (b)    renewal of planning approval for temporary public vehicle park (including container vehicle) and ancillary tyre and repairing use for a period of three years;
- (c)    departmental comments – departmental comments were set out in paragraph 10 of the Paper;
- (d)    during the statutory publication period, one public comment from an

individual objecting to the application was received. Major views were set out in paragraph 11 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The applied use was generally in line with the Town Planning Board Guidelines No. 13F and No. 34C. Concerned government departments had no objection to or no adverse comment on the application. To address the possible environmental nuisances or technical requirements of concerned government departments, appropriate approval conditions were recommended.

95. Members had no question on the application.

#### Deliberation Session

96. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years, and be renewed from 9.12.2020 to 8.12.2023, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation between 7:00 a.m. and 10:00 a.m. and between 5:00 p.m. and 11:00 p.m. on Sundays or public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) the existing trees and landscape planting on the Site should be preserved and maintained at all times 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 existing fire service installations implemented on the Site shall be maintained in efficient working order at all times during the planning approval period;
- (f) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (g) the submission of a record of the existing drainage facilities on the Site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.3.2021;
- (h) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (i) if the above planning condition (g) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

**Agenda Item 26**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/574            Proposed Temporary Shop and Services (Retail Shops and Convenient Store) for a Period of 3 Years in “Village Type Development” Zone, Lots 3049 RP (Part) and 3050 RP (Part) in D.D.102 and Adjoining Government Land, San Tin, Yuen Long  
(RNTPC Paper No. A/YL-ST/574A)

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**Presentation and Question Sessions**

98.            Ms Irene W.S. Lai, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed temporary shop and services (retail shops and convenient store);
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper;
- (d) during the statutory publication period, two public comments from San Tin Rural Committee and an individual objecting to the application were received. Major views were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The applied use was considered not incompatible with the planning intention of the “Village Type Development” (“V”) zone and it could meet some of the local demand for shop and services use in the vicinity. According to the District Lands Officer/Yuen Long, Lands Department, there was no Small House application being processed/approved at the Site. Approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “V” zone. In

view of the scale and nature of the proposed shop and services use to serve the local neighbourhood, the proposed use was considered not incompatible with the surrounding land uses. The Site fell within Wetland Buffer Area of Town Planning Board Guidelines No. 12C and the guidelines specified that planning applications for temporary uses were exempted from the requirement of an ecological impact assessment. Concerned government departments had no objection to or no adverse comment on the application. To address the possible environmental nuisances or technical requirements of concerned government departments, appropriate approval conditions were recommended. The Site was the subject of eight previously approved applications and three similar applications within the same “V” zone were approved. Approval of the current application was in line with the previous decisions of the Committee. Should the application be approved, shorter compliance periods were recommended in order to closely monitor the progress of compliance with the associated approval conditions. Regarding the public comments received, the comments of government departments and planning assessment above were relevant.

99. Members had no question on the application.

#### Deliberation Session

100. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.12.2023, 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 8:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no medium/heavy goods vehicles exceeding 5.5 tones as defined in the Road Traffic Ordinance or container trailers/tractors are allowed to enter, park or operate on the Site at any time during the planning approval period;
- (c) no vehicle is allowed to queue back or to reverse onto/from public road at



any time during the planning approval period;

- (d) the provision of boundary fencing on the Site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.3.2021;
- (e) the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.6.2021;
- (f) the submission of a 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 4.3.2021;
- (g) in relation to (f) above, the implementation of the drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.6.2021;
- (h) in relation to (g) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (i) all existing trees within the Site shall be maintained at all times during the planning approval period;
- (j) if any of the above planning condition (a), (b), (c), (h) or (i) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (k) if any of the above planning conditions (d), (e), (f) or (g) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

set out at Appendix VI of the Paper.

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

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

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

#### **Agenda Item 27**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/YL/269                      Proposed Temporary Shop and Services (Retail Shops with Ancillary Offices) for a Period of 6 Years in "Government, Institution or Community (1)" Zone, Lot 1727 RP in D.D. 120 and adjoining Government Land, Yuen Long  
(RNTPC Paper No. A/YL/269)

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

102.            Ms Carol K.L. Kan, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed temporary shop and services (retail shops with ancillary offices) for a period of 6 years;
- (c) departmental comments – departmental comments were set out in

paragraph 8 of the Paper;

- (d) during the statutory publication period, two public comments were received from individuals, including one opposing the application and one providing views on the application. Major views were set out in paragraph 9 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 10 of the Paper. Although the proposed use was not entirely in line with the planning intention of the “Government, Institution or Community” (“G/IC”) zone, the proposed retail shops could provide retail services to meet the needs of the local community. Approval of the application on a temporary basis would not jeopardize the long-term planning intention of the “G/IC” zone. The proposed use with its development scale was not incompatible with the surrounding uses which were intermixed with factories, workshops, petrol filling station, carparks and vacant land. Concerned government departments had no objection to or no adverse comment on the application. To address the possible environmental nuisances or technical requirements of concerned government departments, appropriate approval conditions were recommended. Regarding the public comments received, the comments of government departments and planning assessment above were relevant.

103. A Member enquired about the reasons for rejecting a similar application within the same “G/IC(1)” zone. In response, Ms Carol K.L. Kan, STP/TMYLW, said that the concerned application (No. A/YL/219) was for permanent office and shop and services cum public open space, which was rejected by the Committee in 2016 on the grounds of not in line with the planning intention of the “G/IC” zone and approval of the application would set undesirable precedent for similar applications. As application No. A/YL/219 was for proposed use on a permanent basis, the planning circumstance was different from that of the current application which was on a temporary basis.

104. A Member sought clarification on whether the planning permission was required

for the proposed temporary use over 5 years. In response, the Secretary explained that under the covering Notes of OZPs covering urban areas and new towns, there was a provision that temporary uses (expected to be five years or less) of any land or buildings were permitted in all zones as long as they complied with other government requirements. For temporary uses of any land or building exceeding five years, the uses must conform to the zoned use. As the proposed use under application was more than five years, the use must conform to the provision under the “G/IC” zone within which ‘shop and services’ use was a column 2 use which required planning permission from the Town Planning Board.

### Deliberation Session

105. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 6 years until 4.12.2026, 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 enter/exit the Site, as proposed by the applicant, at any time during the planning approval period;
- (c) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.6.2021;
- (d) in relation to (c) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.9.2021;
- (e) in relation to (d) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (f) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire

Services or of the TPB by 4.6.2021;

- (g) in relation to (f) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.9.2021;
- (h) if any of the above planning conditions (a), (b) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (i) if any of the above planning conditions (c), (d), (f) or (g) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

### **Agenda Item 28**

#### **Section 16 Application**

[Open Meeting]

A/TM-LTY Y/401 Proposed Temporary Shop and Services for a Period of 3 Years in “Village Type Development” Zone, Lot 3866 S.B in D.D. 124, Shun Tat Street, Lam Tei, Tuen Mun  
(RNTPC Paper No. A/TM-LTY Y/401A)

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107. The Committee noted that the applicant’s representative requested on 13.11.2020 deferment of consideration of the application for two months so as to allow time for the applicant to prepare further information to address departmental comments. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information in response to departmental comments.

108. 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 29**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/407 Temporary Public Vehicle Park (Private Cars only) and Shop and Services for a Period of 3 Years in "Village Type Development" Zone, Lot 581 (Part) in D.D. 130, To Yuen Wai, Lam Tei, Tuen Mun  
(RNTPC Paper No. A/TM-LTY Y/407)

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

109. Mr Alexander W.Y. Mak, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) temporary public vehicle park (private cars only) and shop and services for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper;
- (d) during the statutory publication period, two public comments from

individuals objecting to the application were received. Major views were set out in paragraph 10 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. Whilst the applied use was not entirely in line with the planning intention of the “Village Type Development” (“V”) zone, the development could provide car parking spaces and real estate services to serve any such demand in the area. According to the District Lands Officer/Tuen Mun, Lands Department, there was no Small House application approved or under processing at the application site (the Site). Approval of the application on a temporary basis for three years would not jeopardize the planning intention of the “V” zone. The applied use was considered not incompatible with the surrounding land uses which comprised residential dwellings, elderly homes, parking and/or storage of vehicles, vehicle workshop, open storage of wood and vacant land. To address the possible environmental nuisances or technical requirements of concerned government departments, appropriate approval conditions were recommended. The Committee had approved five previous applications for temporary public vehicle park at the Site and seven similar applications for temporary shop and services use in the subject “V” zone. Approval of the application was in line with the previous decisions of the Committee. Regarding the public comments received, the comments of government departments and planning assessment above were relevant.

110. In response to a Member's enquiry on the rejection reasons for the three previous applications, Mr Alexander W.Y. Mak, STP/TMYLW, said that the three applications were for temporary private vehicle park with or without recreation and village affairs centre (ancillary self-help car cleansing facilities). They were rejected mainly for reasons that the development would have adverse environmental and road safety impacts on local residents, or adverse drainage impacts on the surrounding areas.

Deliberation Session

111. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.12.2023, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no vehicle washing, vehicle repairing, dismantling, paint spraying and other workshop activities, as proposed by the applicant, are allowed on the Site at any time during the planning approval period;
- (c) only private cars, as defined in the Road Traffic Ordinance, are allowed to enter/exit the Site, as proposed by the applicant, at any time during the planning approval period;
- (d) a notice should 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, are allowed to be parked/stored on the Site during the planning approval period;
- (e) no vehicle without valid licence issued under the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on the Site at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) the existing trees on the Site shall be maintained at all times during the planning approval period;
- (h) the existing drainage facilities on the Site shall be maintained at all times during the approval period;



- (i) the submission of a condition record of 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 4.3.2021;
- (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 4.6.2021;
- (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 4.9.2021;
- (l) if any of the above planning condition (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (m) if any of the above planning condition (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

112. 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 (Presentation and Question Sessions Only)]

A/YL-HTF/1108      Temporary Plastic Recycling Centre with Workshop and Ancillary Office for a Period of 3 Years in “Residential (Group D)” Zone, Lot 136 (Part) in D.D.128, Fung Kong Tsuen, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HTF/1108A)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) temporary plastic recycling centre with workshop and ancillary office for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper;
- (d) during the statutory publication period, four public comments from the Chairman of the Yuen Long District Council and two individuals objecting to the application were received. Major views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The applied use was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone. There was no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis. The applied use was considered not incompatible with the surrounding areas predominantly occupied by warehouses and open storage uses. The Director of Environmental

Protection did not support the application as there were sensitive receivers in the vicinity of the application site and environmental nuisance was expected. The applicant failed to demonstrate that the applied use would not have adverse environmental impact on the surrounding area. Concerned government departments had no objection to or no adverse comment on the application. Rejecting the application was in line with the Committee's previous decisions on similar rejected applications. Regarding the public comments received, the comments of government departments and planning assessment above were relevant.

114. Members had no question on the application.

#### Deliberation Session

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

- “(a) the applied use is not in line with the planning intention of the “Residential (Group D)” zone, which is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis; and
- (b) the applicant fails to demonstrate that the applied use would not generate adverse environmental impact on the surrounding areas.”

**Agenda Items 31 and 32**

**Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/375 Proposed Temporary Public Vehicle Park (Private Cars) for a Period of 3 Years in “Green Belt” Zone, Lots 2729 (Part), 2753 (Part), 2754 (Part), 2756 (Part) and 2757 (Part) in D.D. 129, Lau Fau Shan, Yuen Long

(RNTPC Paper No. A/YL-LFS/375 and 376)

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A/YL-LFS/376 Proposed Temporary Public Vehicle Park (Private Cars) for a Period of 3 Years in “Green Belt” Zone, Lots 1621 (Part), 2700 (Part), 2701 (Part), 2702 (Part), 2704 (Part), 2720 (Part), 2722 (Part), 2723 (Part), 2724 (Part), 2726 (Part), 2728 (Part) and 2729 (Part) in D.D. 129, Lau Fau Shan, Yuen Long

(RNTPC Paper No. A/YL-LFS/375 and 376)

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116. The Committee agreed that as the proposed use for the two applications were identical (temporary public vehicle park) and within the same “Green Belt” (“GB”) zone, and the application sites were located in close proximity to each other, they could be considered together.

**Presentation and Question Sessions**

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

- (a) background to the applications;
- (b) proposed temporary public vehicle park (private cars) for a period of three years at each of the application sites (the Sites);
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper;

- (d) during the statutory publication periods, 11 comments (for application No. A/YL-LFS/375) and six comments (for application No. A/YL-LFS/376) from Hong Kong Bird Watching Society, Kadoorie Farm and Botanic Garden Corporation, World Wide Fund for Nature Hong Kong, Designing Hong Kong Limited and individuals objecting to the applications were received. Major views were set out in paragraph 11 of the Paper; and
  
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessment set out in paragraph 12 of the Paper. Although the proposed developments were not in line with the planning intention of the “GB” zone, the Sites were located at the peripheral area of the subject “GB” zone which had subsequently been formed and used for the previously approved developments. Hence, approval of the applications on a temporary basis would not jeopardize the long-term planning intention of the “GB” zone. The proposed use at the Sites was considered not entirely incompatible with the landscape character of the surrounding environment. Previous approvals (applications No. A/YL-LFS/40 and 74) had been granted for the Sites and their adjoining area in 1999 and 2002 for recreational uses with parking spaces, and the Sites and their adjoining areas had subsequently been formed and used for the approved developments. The Sites were currently hard-paved and mainly vacant and the proposed developments did not involve clearance of vegetation. Concerned government departments had no objection to or no adverse comment on the applications. To address the possible environmental nuisances or technical requirements of concerned government departments, appropriate approval conditions were recommended. Regarding the public comments received, the comments of government departments and planning assessment above were relevant.

118. Some Members raised the following questions:

- (a) details of the enforcement cases at the Sites and similar applications approved in the nearby area; and

- (b) whether approval of the applications at the Sites would encourage ‘destroy first, build later’ activities.

119. In response, Ms Bonnie K.C. Lee, STP/TMYLW, made the following main points:

- (a) the Sites were subject to an active enforcement case (No. E/YL-LFS/498) and the alleged unauthorized development (UD) was parking of vehicles, storage use and fuel filling station. For application No. A/YL-LFS/376, the Site was also subject to another three active planning enforcement cases (Nos. E/YL-LFS/499, 500 and 502) and the alleged UD were parking of vehicles, parking of vehicles and storage use, and storage use respectively. Upon expiry of the Enforcement Notices, all four UD discontinued. The Reinstatement Notices were issued to the registered lot owners on 15.9.2020 requiring the removal of hard paving and covering the land with grass by 15.12.2020. The Sites would be kept under close monitoring for further action. Besides, there were three similar applications for temporary vehicle park (private car and light/medium goods vehicle) in proximity to the Sites, which were approved by the Committee in 2019 and 2020; and
- (b) the Sites were the subject of two previously approved applications (No. A/YL-LFS/40 and A/YL-LFS/74) for recreational uses including temporary golf driving range and flea market with ancillary public vehicle park. The Sites and their adjoining area had been paved and formed for the approved developments at that time. The enforcement cases at and around the Sites were mainly related to car parking and storage uses without planning permission. As the Sites were located at the fringe of the subject “GB” zone and the proposed use was for parking of private vehicles, it would unlikely create significant adverse environmental nuisances to the surrounding area.

[Mr Y.S. Wong left the meeting during the Q&A session.]

Deliberation Session

120. A Member remarked that while the Committee would not support ‘destroy first, build later’ development, it was noted that the Sites had been formed and paved under the previously approved developments prior to the current applications.

121. After deliberation, the Committee decided to approve the applications on a temporary basis for a period of 3 years until 4.12.2023, on the terms of the applications as submitted to the Town Planning Board (TPB) and subject to the following conditions:

Application No. A/YL-LFS/375

- “(a) no operation from 11:00p.m. to 7:00a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no light, medium and 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 the Site at any time during the planning approval period;
- (c) a notice shall be posted at a prominent location of the Site to indicate that no light, medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (d) no vehicle without valid licence issued under the Road Traffic Ordinance, is allowed to be parked/stored on the Site at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the provision of 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 4.6.2021;

- (g) 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 4.6.2021;
- (h) in relation to (g) 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 4.9.2021;
- (i) the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (j) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.6.2021;
- (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 4.9.2021;
- (l) if any of the above planning condition (a), (b), (c), (d), (e) or (i) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (m) if any of the above planning condition (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
- (n) upon the expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”



Application No. A/YL-LFS/376

- “(a) no operation from 11:00p.m. to 7:00a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no light, medium and 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 the Site at any time during the planning approval period;
- (c) a notice shall be posted at a prominent location of the Site to indicate that no light, medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (d) no vehicle without valid licence issued under the Road Traffic Ordinance, is allowed to be parked/stored on the Site at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the existing trees within the Site shall be maintained in good condition at all times during the planning approval period;
- (g) 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 4.6.2021;
- (h) 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 4.6.2021;
- (i) in relation to (h) 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 4.9.2021;

- (j) the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (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 4.6.2021;
- (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 4.9.2021;
- (m) if any of the above planning condition (a), (b), (c), (d), (e), (f) or (j) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning condition (g), (h), (i), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (o) upon the expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

**Agenda Item 33**

**Section 16 Application**

[Open Meeting]

A/YL-TYST/1055 Temporary Warehouse for Storage of Exhibition Materials for a Period of 3 Years in “Open Space” and “Residential (Group A) 3” Zones, Lot 1495 (Part) in D.D. 119 and Adjoining Government Land, Kung Um Road, Yuen Long  
(RNTPC Paper No. A/YL-TYST/1055)

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123. The Committee noted that the applicant’s representative requested on 26.11.2020 deferment of consideration of the application for two months so as to allow time for the applicant to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

124. 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-TYST/1056    Renewal of Planning Approval for Temporary Social Welfare Facility (Social Service Centre) for a Period of 3 Years in “Residential (Group B) 1” Zone, Lot 1354 RP in D.D. 121 and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/1056)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) renewal of planning approval for temporary social welfare facility (social service centre) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper;
- (d) during the statutory publication periods, one public comment from an individual providing comment on the application was received. Major views were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The application was generally in line with Town Planning Board Guidelines No. 34C. Concerned government departments had no objection to or no adverse comment on the application. To address the technical requirements of concerned government departments, appropriate approval conditions were recommended.

126. Members had no question on the application.

### Deliberation Session

127. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years and be renewed from 23.12.2020 to 22.12.2023, 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 vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (c) the existing trees within 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 on the Site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.3.2021;
- (f) the existing fire service installations implemented on the Site should be maintained in efficient working order at all times during the planning approval period;
- (g) if any of the above planning condition (a), (b), (c), (d) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and

- (h) if the above planning condition (e) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

### **Agenda Item 35**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/1057 Temporary Storage of Construction Materials for a Period of 3 Years in “Undetermined” Zone, Lot 1022 in D.D.119, Pak Sha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/1057)

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

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

- (a) background to the application;
- (b) temporary 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 statutory publication period, one public comment from an individual objecting to the application was received. Major views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper.

The applied use was not in conflict with the planning intention of the “Undetermined” (“U”) zone which was to cater for the continuing demand for open storage but was designated with the current zoning mainly due to concerns of the capacity of Kung Um Road. Whilst the Site fell within an area partly zoned “District Open Space” and partly shown as ‘Road’ on the Recommended Outline Development Plan of Yuen Long South, the Chief Engineer/Cross-Boundary Infrastructure and Development, PlanD did not raise objection to the application and the Project Manager (West), Civil Engineering and Development Department had no objection to the temporary use for three years. Approval of the application on a temporary basis of three years would not jeopardise the long-term development of the area. The development was generally not incompatible with the surrounding uses comprising predominantly warehouses and open storage/storage yards. Concerned government departments had no objection to or no adverse comment on the application. To address the local concerns and technical requirements of concerned government departments, appropriate approval conditions were recommended. Given that 79 similar applications within/straddling the “U” zone had been approved since 2015, approval of the current application was generally in line with the Committee’s previous decisions. Regarding the public comment received, the comments of government departments and planning assessment above were relevant.

130. Members had no question on the application.

#### Deliberation Session

131. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.12.2023, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 5:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;

- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractor/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the Site, as proposed by the applicant, at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) 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 4.6.2021;
- (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 4.9.2021;
- (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 4.6.2021;
- (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 4.9.2021;
- (j) if any of the above planning condition (a), (b), (c), (d) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and



- (k) if any of the above planning condition (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.”

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

### **Agenda Item 36**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/260                      Temporary Warehouse for Storage of Provisions for a Period of 3 Years in “Residential (Group A) 2” Zone and area shown as ‘Road’, Lots 629 and 631 in D.D. 124 and Lot 2002 in D.D. 125, Hung Shui Kiu, Yuen Long  
(RNTPC Paper No. A/HSK/260)

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

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

- (a) background to the application;
- (b) temporary warehouse for storage of provisions for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper;
- (d) during the statutory publication period, two public comments from individuals raising concerns/objecting to the application were received. Major views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the

temporary development could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Whilst the proposed development was not in line with the planning intention of “Residential (Group A)” (“R(A)”) zone, the Project Manager (West), Civil Engineering and Development Department had no objection to the proposed development for temporary use. Approval of the application on a temporary basis of three years would not jeopardize the long-term development of the Site. The applied use was not incompatible with the surrounding land uses. Concerned government departments had no objection to or no adverse comment on the application. To address the possible environmental nuisances or technical requirements of concerned government departments, appropriate approval conditions were recommended. The Site was the subject of a previous planning application (No. A/HSK/18) for the same applied use and the planning permission was revoked due to non-compliance with approval conditions. For the current application, the applicant had submitted drainage and fire service installations proposals for the proposed development. Sympathetic consideration might be given to the application. Approval of the current application was also in line with the Committee’s previous decisions. Should the application be approved, shorter compliance periods were recommended in order to closely monitor the progress on compliance with the associated approval conditions. Regarding the public comments received, the comments of government departments and planning assessment above were relevant.

134. Members had no question on the application.

#### Deliberation Session

135. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.12.2023, 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 tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site, at any time during the planning approval period;
- (d) no 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 revised drainage proposal within 3 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.3.2021;
- (f) in relation to (e) above, the implementation of the drainage proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.6.2021;
- (g) in relation to (f) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (h) the submission of a fire service installations proposal within 3 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;
- (i) in relation to (h) above, the implementation of the 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 4.6.2021;
- (j) if any of the above planning condition (a), (b), (c), (d) or (g) is not complied with during the approval period, the approval hereby given shall cease to

have effect and shall be revoked immediately without further notice; and

- (k) if any of the above planning condition (e), (f), (h) or (i) 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.”

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

### **Agenda Item 37**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/262 Proposed Temporary Open Storage of Vehicle Parts and Ancillary Vehicle Repair Workshop for a Period of 1 Year in “Open Space”, “Government, Institution or Community” Zones and area shown as ‘Road’, Various Lots in D.D. 124, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/HSK/262)

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

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

- (a) background to the application;
- (b) proposed temporary open storage of vehicle parts and ancillary vehicle repair workshop for a period of one year;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper;
- (d) during the statutory publication period, two public comments from individuals raising concerns/objecting to the application were received.

Major views were set out in paragraph 11 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary development could be tolerated for a period of one year based on the assessments set out in paragraph 12 of the Paper. Whilst the proposed use was not in line with the intention of reserving areas for a comprehensive road network within the Hung Shui Kiu/Ha Tsuen New Development Area to provide convenient connection among various development areas and activity nodes, the Project Manager (West), Civil Engineering and Development Department had no objection to the proposed temporary use. Approval of the application on a temporary basis of one year would not jeopardize the long-term development of the Site. The applied use was not incompatible with the surrounding land uses and the application was generally in line with the Town Planning Board Guidelines No. 13F. Whilst the previous planning permission was revoked due to non-compliance with approval conditions, the applicant of the current application had submitted drainage and fire service installations proposals for the proposed development. Sympathetic consideration might be given to the application. Concerned government departments had no objection to or no adverse comment on the application. To address the possible environmental nuisances or technical requirements of concerned government departments, appropriate approval conditions were recommended. The Site was the subject of 13 previous planning approvals for various temporary open storage and/or vehicle repair workshop uses. Approval of the current application was in line with the Committee's previous decisions. Regarding the public comments received, the comments of government departments and planning assessment above were relevant.

138. Members had no question on the application.

#### Deliberation Session

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

temporary basis for a period of 1 year until 4.12.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 9:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) the existing fencing on the Site shall be maintained at all times during the planning approval period;
- (d) the existing landscape planting on the Site shall be maintained at all times during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the implementation of the accepted drainage proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 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 provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.1.2021;
- (i) the submission of a fire service installations proposal within 3 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;
- (j) in relation to (i) above, the implementation of the 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 4.6.2021;

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

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

### **Agenda Item 38**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/263                      Renewal of Planning Approval for Temporary Vehicle Service Centre for a Period of 3 Years in “Open Space” Zone, Lot 826 S.B RP (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/HSK/263)

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

141. 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) renewal of planning approval of temporary vehicle service centre for a period of three years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper;
- (d) during the statutory publication period, two public comments from individuals raising concerns/objecting to the application were received. Major views were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary development could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The application was generally in line with the Town Planning Board Guidelines No. 13F and No. 34C. Concerned government departments had no objection to or no adverse comment on the application. To address the possible environmental nuisances or technical requirements of concerned government departments, appropriate approval conditions were recommended.

142. Members had no question on the application.

#### Deliberation Session

143. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years and be renewed from 27.1.2021 to 26.1.2024, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 8:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) the existing fencing on the Site shall be maintained at all times during the planning approval period;



- (d) no vehicle spraying activities, as proposed by the applicant, is allowed on the Site at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;
- (f) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (g) the existing landscape planting on the Site shall be maintained at all times during the planning approval period;
- (h) the existing fire services installations shall be maintained in efficient working order at all times during the planning approval period;
- (i) the submission of a condition record of existing drainage facilities within 3 months from the date of commencement of the renewal planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.4.2021;
- (j) if any of the above planning condition (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (k) if the above planning condition (i) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

**Agenda Item 39**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/264                      Temporary Open Storage of Scrap Metal and Logistics Centre for a Period of 3 Years in “Residential (Group A) 3” Zone and area shown as ‘Road’, Lots 798 S.A RP (Part), 799 (Part), 800 (Part), 801 (Part), 802 (Part) and 804 RP (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long  
  
(RNTPC Paper No. A/HSK/264)

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**Presentation and Question Sessions**

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

- (a)    background to the application;
  
- (b)    temporary open storage of scrap metal and logistic centre for a period of three years;
  
- (c)    departmental comments – departmental comments were set out in paragraph 10 of the Paper;
  
- (d)    during the statutory publication period, two public comments from individuals raising concerns/objecting to the application were received. Major views were set out in paragraph 11 of the Paper; and
  
- (e)    the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Whilst the development was not in line with the planning intention of the “Residential (Group A)3” (“R(A)3”) zone, the Project Manager (West), Civil Engineering and Development Department had no objection to the temporary use for a period of three years at the Site. In that regard, approval of the application

on a temporary basis of three years would not jeopardize the long-term development of the Site. The applied use was generally not incompatible with the surrounding major land uses and the application was generally in line with the Town Planning Board Guidelines No. 13F. The Site was the subject of a previous planning approval and the planning permission was still valid and that all conditions had been complied with. Sympathetic consideration might be given to the application. The Director of Environmental Protection did not support the application because there were sensitive uses in the vicinity and environmental nuisance was expected. However, there were no environmental complaints pertaining to the Site in the past three years. Other concerned government departments had no objection to or no adverse comment on the application. To address the possible environmental nuisances or technical requirements of concerned government departments, appropriate approval conditions were recommended. Approval of the current application was in line with the Committee's previous decisions. Regarding the public comments received, the comments of government departments and planning assessment above were relevant.

146. Members had no question on the application.

#### Deliberation Session

147. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.12.2023, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation from 8:00 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 cutting, dismantling, cleansing, repairing or any other workshop activity,

as proposed by the applicant, is allowed on the Site at any time during the planning approval period;

- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the existing boundary fencing on the Site shall be maintained at all times during the planning approval period;
- (f) the landscape planting on the Site shall be maintained at all times during the planning approval period;
- (g) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (h) the submission of a condition record of the existing drainage facilities on Site within 3 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.3.2021;
- (i) the provision of the fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.1.2021;
- (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 4.6.2021;
- (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 4.9.2021;
- (l) if any of the above planning condition (a), (b), (c), (d), (e), (f) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without

further notice; and

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

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

#### **Agenda Item 40**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/266                      Proposed Temporary Eating Place and Open Storage of Construction Materials for a Period of 3 Years in “Village Type Development” Zone, Lots 141 and 142 (Part) in D.D. 127 and Adjoining Government Land, Hung Uk Tsuen, Ping Shan, Yuen Long  
(RNTPC Paper No. A/HSK/266)

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

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

- (a) background to the application;
- (b) proposed temporary eating place and open 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 statutory publication period, three public comments from the solicitor representing the registered owner of part of the application site (the

Site) and individuals objecting to the application were received. Major views were set out in paragraph 10 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed uses were not in line with the planning intention of the “Village Type Development” (“V”) zone and there was no strong planning justification given in the submission for a departure from the planning intention of the “V” zone, even on a temporary basis. Although there were open storage yards and parking of vehicles in the vicinity of the Site, most of them were suspected unauthorized developments subject to enforcement actions by the Planning Authority. The open storage use, occupying a significant part of the Sites was considered not compatible with the surrounding environment. The proposed open storage use was not in line with the Town Planning Board Guidelines No. 13F in that the Site was not subject to any previous approval for open storage use and there were objections from local residents to the proposed use. The proposed eating place use was not entirely in line with the Town Planning Board Guidelines No. 15A in that the Site was situated amidst the existing village houses instead of being located at the fringe of the village area and there were objections from local residents to the proposed development. Concerned government departments had no objection to or no adverse comment on the application. There was no previous application for the applied use at the Site and there had not been any planning approval for similar uses in the subject “V” zone. Approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “V” zone. Regarding the public comments received, the comments of government departments and planning assessment above were relevant.

150. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed uses are not in line with the planning intention of the “Village Type Development” zone which is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. No strong planning justification has been given in the submission for a departure from such planning intention, even on a temporary basis; and
- (b) the proposed open storage use does not comply with the Town Planning Board Guidelines No. 13F for Application for Open Storage and Port Back-up Uses in that there is no previous approval for open storage granted for the Site; and there are local objections to the application.”

**Agenda Item 41**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/267                      Temporary Vehicle Service Centre for a Period of 3 Years in “Village Type Development” Zone, Lot 157 (Part) in D.D. 127, Hung Uk Tsuen, Ping Shan, Yuen Long  
(RNTPC Paper No. A/HSK/267)

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Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary vehicle service centre for a period of three years;

- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper;
- (d) during the statutory publication period, two public comments from individuals objecting to the application were received. 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 applied use was not in line with the planning intention of “Village Type Development” (“V”). There was no strong planning justification given in the submission for a departure from the planning intention, even on a temporary basis. Although there were open storage yards and workshops in the vicinity of the Site, they were suspected unauthorised developments subject to enforcement actions by the Planning Authority. The applied use was considered not compatible with the surrounding environment, which was predominated by residential dwellings. Concerned government departments had no objection to or no adverse comment on the application. There was no previous application at the Site and there had not been any planning approval for similar use in the subject “V” zone. Approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “V” zone. Regarding the public comments received, the comments of government departments and planning assessment above were relevant.

153. Members had no question on the application.

#### Deliberation Session

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

“the applied use is not in line with the planning intention of the “Village Type Development” zone which is to reflect existing recognised and other villages,



and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. No strong planning justification has been given in the submission for a departure from such planning intention, even on a temporary basis.”

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

#### **Agenda Item 42**

##### **Any Other Business**

155. The Secretary reported that at the Town Planning Board (TPB) meeting on 27.11.2020, Members agreed that there was no need to table hard copy of draft minutes which had already been sent to Members via email before the meeting. To align with the practice of the TPB, hard copy of the draft minutes of the Committee meeting would not be distributed to Members with immediate effect unless upon request.

156. There being no other business, the meeting was closed at 5:55 p.m..