

TOWN PLANNING BOARD

Minutes of 745th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 5.7.2024

Present

Director of Planning
Mr Ivan M.K. Chung

Chairman

Mr K.W. Leung

Mr Vincent K.Y. Ho

Mr Timothy K.W. Ma

Dr C.M. Cheng

Mr Daniel K.W. Chung

Professor B.S. Tang

Chief Engineer/Traffic Survey & Support,
Transport Department
Mr W.H. Poon

Chief Engineer (Works),
Home Affairs Department
Ms Fancy L.M. Cheung

Principal Environmental Protection Officer (Territory North),
Environmental Protection Department
Mr William H.K. Lung

Assistant Director/Regional 3,
Lands Department
Mr Lawrance S.C. Chan

Deputy Director of Planning/District
Ms Donna Y.P. Tam

Secretary

Absent with Apologies

Mr Daniel K.S. Lau

Vice-chairman

Dr Venus Y.H. Lun

Mrs Vivian K.F. Cheung

Mr Ryan M.K. Ip

Mr Rocky L.K. Poon

Mr Simon Y.S. Wong

In Attendance

Assistant Director of Planning/Board
Ms Caroline T.Y. Tang

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

Town Planner/Town Planning Board
Ms Melissa C.H. Kwan

Agenda Item 1

Confirmation of the Draft Minutes of the 744th RNTPC Meeting held on 21.6.2024

[Open Meeting]

1. The draft minutes of the 744th RNTPC meeting held on 21.6.2024 were confirmed without amendment.

Agenda Item 2

Matter Arising

[Open Meeting]

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

Deferral Cases

Section 16 Applications

[Open Meeting (Presentation and Question Sessions only)]

Presentation and Question Sessions

3. The Committee noted that there were 27 cases requesting the Town Planning Board to defer consideration of the applications. Details of those requests for deferral, Members' declaration of interests for individual cases and the Committee's views on the declared interests were in **Annex 1**.

Deliberation Session

4. After deliberation, the Committee decided to defer decisions on the applications as requested by the applicants pending submission of further information, as recommended in the Papers.

Renewal Cases

Section 16 Applications

[Open Meeting (Presentation and Question Sessions only)]

Presentation and Question Sessions

5. The Committee noted that there were two cases for renewal of temporary planning approval and the Planning Department considered that the temporary uses could be tolerated for the further periods as applied for. Details of those planning applications were in **Annex 2**.

Deliberation Session

6. After deliberation, the Committee decided to approve the applications on a temporary basis for the applied renewal periods on the terms of the applications as submitted to the Town Planning Board subject to the approval conditions stated in the Papers. The Committee also agreed to advise the applicants to note the advisory clauses as set out in the appendix of the Papers.

Cases for Streamlining Arrangement

Section 16 Applications

[Open Meeting (Presentation and Question Sessions only)]

Presentation and Question Sessions

7. The Committee noted that there were 18 cases selected for streamlining arrangement and the Planning Department had no objection to the applications for temporary uses or considered that the temporary uses could be tolerated on a temporary basis for the applied periods. Details of those planning applications, Members' declaration of interests for individual cases and the Committee' views on the declared interests were in **Annex 3**.

Deliberation Session

8. After deliberation, the Committee decided to approve the applications on a temporary basis for the applied periods on the terms of the applications as submitted to the Town Planning Board subject to the approval conditions stated in the Papers. The Committee also agreed to advise the applicants to note the advisory clauses as set out in the appendix of the Papers.

Sha Tin, Tai Po and North District

[Messrs Jeffrey P.K. Wong and Ryan C.K. Ho, Senior Town Planners/Shan Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/796 Proposed Temporary Eating Place and Barbecue Site with Ancillary Facilities for a Period of 3 Years in “Agriculture” Zone, Various Lots in D.D. 17, Ting Kok, Tai Po
(RNTPC Paper No. A/NE-TK/796A)

Presentation and Question Sessions

9. With the aid of some plans, Mr Jeffrey P.K. Wong, STP/STN, briefed Members on the background of the application, the proposed uses, departmental and public comments, and the planning considerations and assessments as detailed in the Paper. The Planning Department (PlanD) considered that the proposed temporary uses could be tolerated for a period of three years.

10. Some Members raised the following questions:
- (a) the definition of an eating place and its difference from a fast food shop;
 - (b) whether the eating place had been in operation since the last approved application (No. A/NE-TK/704) which was revoked last year; and
 - (c) whether there were any outstanding land matters at the application site (the Site) and whether building plan submission was required for the temporary structures proposed under the application.

11. In response, Mr Jeffrey P.K. Wong, STP/STN, with the aid of some plans, made the following main points:

- (a) according to the Definition of Terms published by the Town Planning Board (the Board), 'Eating Place' meant any premises used for the carrying on of any business where the primary purpose was the sale of food or drinks mainly for consumption on the premises whilst 'Fast Food Shop' meant any premises used for the selling of quick meals including drinks mainly for consumption off the premises. Restaurants were subsumed under 'Eating Place'. Under the current application, as seating would be provided to the customers at the Site, the proposed use was regarded as an 'Eating Place';
- (b) the last previous application (No. A/NE-TK/704) for temporary barbecue site at the Site was approved by the Committee in May 2021 and the approved use was in operation at that time. Subsequently, the planning permission was revoked in August 2023 due to non-compliance with approval conditions relating to implementation of drainage facilities, submission of a sewerage impact assessment and implementation of sewerage facilities. As compared with the last approved application, the current application was submitted by a different applicant and involved a different site boundary with changes in site area, site layout and floor area. Despite the existence of some temporary structures at the Site (with reference to the site photos as shown in Plans A-4a and A-4b of the Paper), the proposed uses (i.e. eating place and barbecue site) were currently not in operation; and
- (c) according to the comments of the District Lands Officer/Tai Po, Lands Department (LandsD), there were unauthorised structures at the Site. Should the application be approved, the applicant should apply to LandsD for Short Term Waiver for existing/new structures at the Site. According to the established practice, relevant advisory clauses were incorporated to request the applicant to liaise with LandsD to deal with the land matters separately under the land administration regime. Regarding any temporary structures at the Site, the Chief Building Surveyor/New

Territories West, Buildings Department advised that prior approval and consent of the Buildings Authority should be obtained for any new building works to be carried out at the Site.

Deliberation Session

12. The Chairman remarked that according to the established practice, any breach of lease conditions regarding unauthorized structures should be dealt with under the lands administration regime. The applicant should liaise with LandsD to rectify/regularise the lease breaches as appropriate. Besides, the applicant was required to submit building plans to the Building Authority and apply for license(s) from the Food and Environmental Hygiene Department for the proposed eating place and/or barbecue site at the Site.

13. Some Members observed that for some approved applications for temporary uses revoked due to non-compliance with approval conditions, it was not uncommon for the applicants to apply for planning permission again, making only minor changes to the proposed uses and layouts. To avoid such situation, a Member asked if more stringent control might be imposed before an application was approved e.g. removal of unauthorized structures before submitting planning application and shorter compliance periods for the approval conditions. Another Member expressed that subsequent applicants should not be permitted to circumvent the obligations arising from non-compliance with approval conditions of previous applications, so as to prevent potential abuse. Regarding the current application, a Member opined that as the proposed temporary eating place and barbecue site would likely attract a large number of visitors, compliance with approval conditions was necessary to ensure building and fire safety at the Site.

14. The Chairman remarked that applications for temporary uses in rural areas were usually approved for a period not exceeding three years with time-limited approval conditions, e.g. the submission of technical proposals within six months and implementation of the relevant measures within nine months from the date of the planning approval. Generally, if approval conditions could not be complied with within the original time limits, the applicants might submit applications for an extension of time for compliance with approval conditions. In any event, the total compliance period should not be more than 18 months (i.e. not exceeding half of the duration of the temporary approval). If the approval conditions were

not complied with during the extended compliance period, the application would be revoked with immediate effect. Although the identity of the applicant submitting the application was one of the factors to be considered in the repeated revoked cases, it could not be used as the sole reason for rejecting the application. Each application should be considered based on its individual circumstances. The Secretary further explained that for planning applications which had been revoked consecutively for two times at the same site and for the same use, new applications would generally not be supported unless the applicant had provided full justifications for non-compliance with relevant approval conditions in the previously approved applications, or the applicant had submitted all relevant assessments/proposal on technical aspects which were acceptable to relevant government departments. Regarding the imposition of approval conditions, the Government had recently adopted a streamlined approach. For the issues that could be more effectively tackled under other regimes such as lands, buildings and licensing, approval conditions under planning permission would not be recommended. The Chairman supplemented that approval conditions to be imposed for an application should be implementable, fairly and reasonably related to the proposed use/development and reasonable in all aspects. The Committee noted that for sites with specific concerns, such as fire safety and flooding risk, relevant government departments might request the imposition of approval conditions to be complied with before commencement of works/operation. PlanD would closely monitor the compliance with approval conditions for the approved applications and revoke those applications if the approval conditions were not complied with.

15. The Chairman concluded and Members agreed that the established practice of imposing approval conditions and the time limits for compliance with those conditions were not unreasonable. Having said that, the Committee would monitor the situation and consider the need to review the practice as and when necessary.

16. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 5.7.2027, on the terms of the application as submitted to the Town Planning Board and subject to the approval conditions stated in the Paper. The Committee also agreed to advise the applicant to note the advisory clauses as set out in the appendix of the Paper.

Agenda Items 12 and 13

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/829 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 1533 S.E in D.D. 76, Kan Tau Tsuen, Fanling (RNTPC Paper No. A/NE-LYT/829)

A/NE-LYT/830 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 1533 S.F in D.D. 76, Kan Tau Tsuen, Fanling (RNTPC Paper No. A/NE-LYT/830)

17. The Committee agreed that as the two applications for proposed house (New Territories Exempted House – Small House) were similar in nature and the application sites were located in close proximity to each other within the same “Agriculture” zone, they could be considered together.

Presentation and Question Sessions

18. With the aid of some plans, Mr Ryan C.K. Ho, STP/STN, briefed Members on the background of the applications, the proposed development, departmental and public comments, and the planning considerations and assessments as detailed in the Papers. The Planning Department did not support the applications.

19. Members had no question on the applications.

Deliberation Session

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

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

agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention; and

- (b) land is still available within the “Village Type Development” (“V”) zone of Kan Tau Tsuen which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House developments within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructures and services.”

[The Chairman thanked PlanD’s representatives for attending the meeting. They left the meeting at this point.]

Fanling, Sheung Shui and Yuen Long East District

[Mr C.K. Fung, Senior Town Planner/Fanling, Sheung Shui and Yuen Long East (STP/FSYLE), was invited to the meeting at this point.]

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/998 Temporary Animal Boarding Establishment with Ancillary Facilities for a Period of 5 Years and Filling of Land in “Agriculture” Zone, Lot 1218 RP (Part) in D.D. 109, Tai Kong Po, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/998A)

Presentation and Question Sessions

21. With the aid of some plans, Mr C.K. Fung, STP/FSYLE, briefed Members on the background of the application, the applied use, departmental and public comments, and the planning considerations and assessments as detailed in the Paper. The Planning Department (PlanD) had no objection to the application.

22. Members had no question on the application.

Deliberation Session

The Application

23. The Committee noted that while the last approved application at the application site (the Site) was revoked due to non-compliance with the time-limited approval conditions relating to the implementation of fire service installations (FSIs) and the submission of a drainage record, PlanD had no objection to the current application given that the applicant had already submitted relevant certificate and record regarding the implementation of FSIs and drainage facilities, and relevant government departments had no objection to the application. In that regard, relevant approval conditions requiring the maintenance of FSIs and drainage facilities would be imposed should the current application be approved.

24. Noting that the Site was quite spacious (i.e. about 1,371m²) for accommodating 60 dogs, a Member asked whether there was a licensing requirement for the operation of an animal boarding establishment (ABE). With reference to the site photos as shown on Plan A-4 of the Paper, the Committee noted that the Site had been operating as an ABE with an open area for dogs' activities. The Committee also noted that a licence from the Agriculture, Fisheries and Conservation Department was required for ABE under the Public Health (Animals) (Boarding Establishment) Regulation Cap. 139I, and the applicant of the current application had obtained a boarding licence for operation until June 2025.

Land Matters of Temporary ABEs

25. A Member mentioned that a local research organisation recently published a news report regarding land matters of temporary ABEs in Hong Kong (the news report). According to the news report, 60 planning applications for temporary ABEs, with some involving land filling, mainly located in Kam Tin North of Yuen Long within the "Agriculture" ("AGR") zones, were approved by the Town Planning Board (the Board) in the past five years and were still valid. Among which, half of the sites were suspected to not be in operation for animal boarding. Some of the sites also obtained planning permissions for other temporary brownfield operations (e.g. warehouses) within one to two years without

removing the landfill materials at the sites. There were doubts that the real intention behind the applicants was to find an easier way to get planning permission for ABEs with land filling in the “AGR” zones. The sites were subsequently used for other brownfield operations, resulting in a permanent disruption of agricultural land. The news report also questioned whether the streamlined arrangement adopted by the Board since 2022 to grant a “bundled approval” for applications for certain temporary uses had undermined its function in scrutinising those applications in detail.

26. A Member asked whether there was any mechanism to ensure that the sites would be genuinely used for ABEs when approving the applications. In response, the Chairman remarked that PlanD had responded officially to the points raised in the news report. In the past three years, 90 applications for temporary ABEs were approved by the Board. Among which, 15 applications were subsequently revoked due to non-compliance with approval conditions. Besides, planning permissions for other temporary uses such as warehouses and logistics centres were subsequently approved at the sites of about 20 applications. Given that the Town Planning Ordinance (the Ordinance) did not prohibit more than one application at a site, applicants who obtained planning permission for temporary ABE could also apply for planning permissions for other temporary uses at the concerned sites. As such, if a site with planning permission for ABE was subsequently used for other temporary uses, it might not be prudent to jump to the conclusion that the other uses at the site were in breach of the Ordinance. Besides, for an approved application, if the approval conditions were not complied with, the application would be revoked and followed by enforcement actions by the Planning Authority, as appropriate.

27. Some Members enquired about the method and frequency of conducting site inspections to identify unauthorized developments, including how the change in uses within the enclosed structures could be identified. A Member also suggested the Planning Authority adopt a more proactive approach to monitor the sites with planning permissions for ABE. In response, the Chairman said that different means had been adopted to identify unauthorized developments, including using unmanned aerial vehicles for general monitoring and then conducting detailed site inspections for the suspected cases, as well as acting on departmental referrals and complaints to take follow-up actions. Given resource constraints, it would be difficult for the Planning Authority to conduct regular inspections for individual sites subject to specific planning permissions.

28. In response to a Member's question on whether applications for filling of land for other temporary uses would be approved with a greater chance if planning permission for ABE was obtained, the Chairman said that land filling for unjustified uses would normally not be approved and each case would be considered based on its individual circumstances. Besides, an approval condition requiring the reinstatement of the site to an amenity area upon expiry of the planning permission would be imposed where appropriate. In general, the applicant was required to clear the entire application site and restore the amenity, e.g. grassing the site. In undertaking the reinstatement works, the structures, deposited items and hard-paving within the site should also be removed, except if they were in existence immediately before the publication of the first statutory plan or permitted under the terms of the previous statutory plan.

29. With respect to the streamlined arrangement to consider some applications for temporary uses, the meeting agreed that it was an effective mechanism to consider those applications which met the selection criteria as agreed by the Committee in July 2022 and February/October 2023. The Chairman emphasised that for those streamlined cases, PlanD would still submit a full set of paper for each application for consideration by the Committee. Members could still raise questions, provide views and make decisions on individual applications as they thought fit. There was no so-called "bundled approval" for those applications.

30. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 5.7.2029, on the terms of the application as submitted to the Town Planning Board and subject to the approval conditions stated in the Paper. The Committee also agreed to advise the applicant to note the advisory clauses as set out in the appendix of the Paper.

[Mr Timothy K.W. Ma and Ms Fancy L.M. Cheung left the meeting during deliberation.]

[The Chairman thanked PlanD's representative for attending the meeting. He left the meeting at this point.]

Tuen Mun and Yuen Long West District

[Messrs Eric C.Y. Chiu and Dino W.L. Tang, Senior Town Planners/Tuen Mun and Yuen Long West (STPs/TMYLW), Mr C.T. Lau, Planning Coordinator/Tuen Mun and Yuen Long West (PC/TMYLW), and Mr Max Wong, Town Planner/Tuen Mun and Yuen Long West (TP/TMYLW), were invited to the meeting at this point.]

Agenda Item 46

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/512 Temporary Public Vehicle Park for Medium Goods Vehicles for a Period of 3 Years in “Green Belt” Zone, Lots 1621, 1623 (Part), 2700, 2703, 2704 (Part), 2705 (Part), 2706, 2707, 2708 (Part), 2709 (Part), 2710 (Part), 2711 (Part) and 2713 (Part) in D.D. 129, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/512A)

Presentation and Question Sessions

31. With the aid of some plans, Mr Eric C.Y. Chiu, STP/TMYLW, briefed Members on the background of the application, the applied use, departmental and public comments, and the planning considerations and assessments as detailed in the Paper. The Planning Department had no objection to the application.

32. Members had no question on the application.

Deliberation Session

33. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 5.7.2027, on the terms of the application as submitted to the Town Planning Board and subject to the approval conditions stated in the Paper. The Committee also agreed to advise the applicant to note the advisory clauses as set out in the appendix of the Paper.

Agenda Item 48

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/694 Filling of Land for Permitted Agricultural Use in “Recreation” Zone,
Lots 48 (Part), 52 (Part), 53 (Part), 54 (Part), 55 RP (Part), 65 (Part)
and 674 (Part) in D.D. 126, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/694B)

Presentation and Question Sessions

34. With the aid of some plans, Mr Dino W.L. Tang, STP/TMYLW, briefed Members on the background of the application, the applied works, departmental and public comments, and the planning considerations and assessments as detailed in the Paper. The Planning Department had no objection to the application.

35. Members had no question on the application.

Deliberation Session

36. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission was subject to the approval conditions stated in the Paper. The Committee also agreed to advise the applicant to note the advisory clauses as set out in the appendix of the Paper.

Agenda Item 50

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/718 Proposed Temporary Warehouse (for Storage of Timber Materials), Rural Workshop and Vehicle Repair Workshop for a Period of 3 Years in “Residential (Group A) 5” Zone, Lots 979, 980, 981, 1037 and Adjoining Government Land in D.D.123, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/718)

Presentation and Question Sessions

37. With the aid of some plans, Mr Dino W.L. Tang, STP/TMYLW, briefed Members on the background of the application, the proposed uses, departmental and public comments, and the planning considerations and assessments as detailed in the Paper. The Planning Department considered that the temporary uses could be tolerated for a period of three years.

38. Members had no question on the application.

Deliberation Session

39. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 5.7.2027, on the terms of the application as submitted to the Town Planning Board and subject to the approval conditions stated in the Paper. The Committee also agreed to advise the applicant to note the advisory clauses as set out in the appendix of the Paper.

Agenda Item 54

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/636 Proposed Public Utility Installation (Solar Photovoltaic System) with Ancillary Facilities in “Agriculture” Zone, Lots 2060 (Part), 2061 (Part), 2062 (Part), 2064 (Part), 2067 (Part) in D.D. 119, Tai Tong, Yuen Long
(RNTPC Paper No. A/YL-TT/636A)

Presentation and Question Sessions

40. With the aid of some plans, Mr C.T. Lau, PC/TMYLW, briefed Members on the background of the application, the proposed installation, departmental and public comments, and the planning considerations and assessments as detailed in the Paper. The Planning Department had no objection to the application.

41. Noting that the application site (the Site) was subject to active enforcement action against placing of solar photovoltaic (SPV) panels, a Member asked whether the enforcement action would continue to be taken by the Planning Authority if the application was approved. In response, Mr C.T. Lau, PC/TMYLW, said that in general, the Planning Authority would continue instigating prosecution action based on the period of unauthorized development at the Site. That said, the Planning Authority would take into account the circumstances of each individual case in considering the appropriate way in taking forward the enforcement action. The Chairman supplemented that since the enactment of the Town Planning (Amendment) Ordinance 2004, applying for planning permission would no longer be considered as one of the reasonable steps to defend against prosecution. Prosecution action against unauthorized development and processing of planning applications were two different regimes that could be undertaken simultaneously. In general, if the legal proceeding of a prosecution had begun, the prosecution would not be discontinued regardless of the granting of planning permission.

42. A Member enquired about the height of the SPV panels that had been installed at the Site. In response, Mr C.T. Lau, PC/TMYLW, with the aid of some plans, said that the Site comprised two main portions (i.e. Site A and Site B). SPV panels at Site A were

mounted on converted containers with a height of not more than 4m, while SPV panels at Site B were mounted on metal frames with a height of not more than 1.5m.

Deliberation Session

43. Noting that some SPV panels had been installed at the Site before the submission of the application, a Member expressed concern that if the planning application was approved, it might convey a wrong message that 'build first, apply later' practice was acceptable. If the applicant could circumvent enforcement action by obtaining planning permission, the deterrent effect would be weak. A Member echoed and raised concern about the cumulative impact of approving similar applications within the "Agriculture" zone, which might lead to a deterioration in the quality of agricultural land. Another Member, however, opined that as the proposed use was beneficial to society with policy support, sympathetic consideration could be given to the application. The Chairman remarked that, in general, approval of an application did not imply that prosecution by the Planning Authority, which was based on the circumstances of individual cases and legal advice, would be discontinued. While enforcement action taken at a site was one of the considerations for Members' consideration, applications should not be rejected for the reason that a site involved unauthorized development. The Board was obliged to vet the applications based on the condition of the site before damage or the reinstated condition of the site as required by the reinstatement notice. Material planning considerations to be taken into account in deciding an application should, amongst others, focus on whether the Site was suitable for the proposed use/development and whether the proposal was compatible with the surrounding uses. Regarding the unauthorized development, enforcement actions, including any prosecution action, would be undertaken by the Planning Authority as appropriate. Given the policy support from the Secretary for Environment and Ecology on developing renewable energy systems at the Site and no adverse comments from relevant government departments, sympathetic consideration might be given to the current application.

44. While most of the Site was covered by SPV panels, the Committee noted that there were no particular requirements on site coverage and provision of emergency vehicular access. In any case, the applicant was required to submit and implement a proposal for fire service installations to the satisfaction of the Director of Fire Services. Taking into account the circumstances of this case, Members generally considered that the application could be

approved.

45. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission was subject to the approval conditions stated in the Paper. The Committee also agreed to advise the applicant to note the advisory clauses as set out in the appendix of the Paper.

Agenda Item 56

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/652 Proposed Temporary Warehouse and Open Storage of Construction Materials for a Period of 3 Years in “Village Type Development” Zone, Lot 1762 (Part) in D.D. 119, Tai Tong, Yuen Long
(RNTPC Paper No. A/YL-TT/652)

Presentation and Question Sessions

46. With the aid of some plans, Mr C.T. Lau, PC/TMYLW, briefed Members on the background of the application, the proposed uses, departmental and public comments, and the planning considerations and assessments as detailed in the Paper. The Planning Department (PlanD) did not support the application.

47. Noting that the application was for a proposed temporary warehouse and open storage, a Member asked whether there was proper vehicular access to the application site (the Site). In response, Mr C.T. Lau, PC/TMYLW, with the aid of some plans, said that the Site was accessible via a local track connecting with Kiu Hing Road.

Deliberation Session

48. A Member opined that the Site was not suitable for the proposed uses as it was in close proximity to village houses and residential dwellings, and the local track might not have sufficient capacity to cater for the traffic generated by heavy goods vehicles. Noting that three similar applications within the subject “Village Type Development” zone were rejected

by the Committee in 2024, a Member concurred with PlanD's recommendation of rejecting the application. The Member also considered that the principles and considerations used in evaluating similar applications should be made known to the public. This would help prevent the submission of similar applications due to a lack of information about the decision-making process. The Chairman said that the information relating to planning considerations and assessments and Members' views on each planning application would be included in the relevant paper and minutes of meeting, which could be viewed by the public via the Town Planning Board's website. Besides, PlanD's colleagues usually communicated closely with the applicants.

49. 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 primarily for development of Small Houses by indigenous villagers. No strong planning justifications have been given in the submission for a departure from the planning intention, even on a temporary basis; and
- (b) the proposed uses are not compatible with the surrounding residential character.”

[The Chairman thanked PlanD's representatives for attending the meeting. They left the meeting at this point.]

Agenda Item 59

Any Other Business

[Open Meeting]

50. There being no other business, the meeting was closed at 4:35 p.m.

**Minutes of 745th Rural and New Town Planning Committee
(held on 5.7.2024)**

Deferral Cases

Request for Deferment by Applicant for Two Months

Item No.	Application No.*	Times of Deferment
3	A/SK-HC/355	1 st
6	A/NE-LCW/9	1 st
7	A/NE-LT/767	1 st
8	A/NE-LT/768	1 st
9	A/NE-LT/769	1 st
10	A/NE-LT/770	1 st
14	A/NE-HLH/73	2 nd [^]
15	A/NE-FTA/242	2 nd [^]
16	A/NE-FTA/245	1 st
17	A/NE-MUP/203	1 st
20	A/FSS/296	2 nd [^]
23	A/YL-KTN/983	2 nd [^]
24	A/YL-KTN/985	2 nd [^]
27	A/YL-KTN/1004	2 nd [^]
28	A/YL-KTN/1016	1 st
29	A/YL-KTN/1017	1 st
30	A/YL-PH/1007	1 st
31	A/YL-PH/1011	1 st
33	A/YL-KTS/988	2 nd [^]
34	A/YL-KTS/990	2 nd [^]
35	A/YL-KTS/1004	1 st
39	A/HSK/511	2 nd [^]
41	A/HSK/522	1 st
42	A/HSK/523	1 st
53	A/YL-TT/635	2 nd [^]
55	A/YL-TT/651	1 st
58	A/TM-SKW/126	1 st

Note:

[^]The 2nd Deferment was the last deferment and no further deferment would be granted unless under special circumstances and supported with strong justifications.

Declaration of Interests

The Committee noted the following declaration of interests:

Item No.	Members' Declared Interests	
6 to 9	CLP Power Hong Kong Limited (CLP) was the applicant of the application.	- Mr Ryan M.K. Ip for being the vice-president cum co-head of Public Policy Institute of Our Hong Kong Foundation which had received donations from CLP
39, 41 and 42	The application sites were located in Hung Shui Kiu (HSK).	- Mr Timothy K.W. Ma for being a consultant of a company which was planning and building a residential care home for the elderly in HSK

The Committee noted that Mr Ryan M.K. Ip had tendered an apology for being unable to attend the meeting. As Mr Timothy K.W. Ma had no involvement in the applications under Items 39, 41 and 42, the Committee agreed that he could stay in the meeting.

* Refer to the agenda at https://www.tpb.gov.hk/en/meetings/RNTPC/Agenda/745_rnt_agenda.html for details of the planning applications.

**Minutes of 745th Rural and New Town Planning Committee
(held on 5.7.2024)**

Renewal Cases

Applications for renewal of temporary approval for 3 years

Item No.	Application No.	Renewal Application	Renewal Period
18	A/NE-TKL/758	Temporary Open Storage of Recyclable Materials and Ancillary Workshop in “Agriculture” Zone, Lots 965 RP (Part) and 966 RP in D.D. 82, Ping Che Road, Ping Che	10.7.2024 to 9.7.2027
47	A/YL-LFS/521	Temporary Logistics Centre with Ancillary Canteen and Site Office in “Residential (Group E)” Zone, Various Lots in D.D. 129, Lau Fau Shan, Yuen Long	24.7.2024 to 23.7.2027

**Minutes of 745th Rural and New Town Planning Committee
(held on 5.7.2024)**

Cases for Streamlining Arrangement

(a) Applications approved on a temporary basis for a period of 3 years until 5.7.2027

Item No.	Application No.	Planning Application
11	A/NE-LYT/828	Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles in “Agriculture” Zone, Lot 1511 RP (Part) in D.D. 83, Wing Ning Wai, Fanling
19	A/NE-TKLN/84	Proposed Temporary Eating Place in “Recreation” Zone, Lot 37 (Part) in D.D. 80, Lin Ma Hang Road, Ta Kwu Ling North
22	A/YL-KTN/979	Proposed Temporary Warehouse (excluding Dangerous Goods Godown) with Ancillary Facilities and Filling of Land and Pond in “Agriculture” Zone, Lot 1434 (Part) in D.D. 107, Kam Tin, Yuen Long
26	A/YL-KTN/1000	Proposed Temporary Warehouse (excluding Dangerous Goods Godown) with Ancillary Facilities and Filling of Land in “Agriculture” Zone, Lot 27 RP in D.D. 110 and Adjoining Government Land, Pat Heung, Yuen Long
32	A/YL-KTS/985	Proposed Temporary Shop and Services in “Residential (Group C) 1” Zone, Lots 1878 RP (Part) and 1879 RP (Part) in D.D. 106, Pat Heung, Yuen Long
37	A/YL-NSW/325	Temporary Shop and Services (Sales of Private Cars) in “Undetermined” Zone, Lots 634 S.A (Part), 635 (Part), 636 S.A (Part), 639 RP, 659 S.A RP & S.B RP and 679 (Part) in D.D. 115, Nam Sang Wai, Yuen Long
38	A/YL-SK/374	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) and Filling of Land in “Agriculture” Zone, Lots 453 S.A ss.3 (Part) and 453 S.A RP (Part) in D.D. 112, Shek Kong, Yuen Long
40	A/HSK/521	Temporary Open Storage of Construction Materials in “Village Type Development” and “Open Space” Zones, Lots 2420 RP (Part), 2422 RP (Part), 2442 (Part) and 2443 RP (Part) in D.D. 129 and Adjoining Government Land, Ha Tsuen, Yuen Long
45	A/YL-HTF/1177	Proposed Temporary Logistics Centre and Warehouse with Ancillary Office in “Residential (Group D)” Zone, Lots 136 (Part), 141 (Part), 142 (Part), 143 (Part), 158 (Part) and 160 (Part) in D.D. 128, Ha Tsuen, Yuen Long
49	A/YL-PS/711	Temporary Open Storage of Building Materials and Machinery in “Government, Institution or Community” and “Residential (Group A) 6” Zones, Lots 114 (Part), 115 RP (Part), 116 RP, 201 RP (Part) and 203 (Part) in D.D. 126, Ping Shan, Yuen Long

Item No.	Application No.	Planning Application
51	A/YL-TYST/1268	Temporary Warehouse for Storage of Construction Materials, Construction Machinery, Used Electrical/Electronic Appliances and Parts and Scrap Metal in “Undetermined”, “Government, Institution or Community (1)” and “Residential (Group A) 3” Zones and area shown as ‘Road’, Lots 1523 RP (Part), 1530 RP (Part), 1531 S.A, 1531 S.B and 1532 (Part) in D.D. 119, Tong Yan San Tsuen, Yuen Long
52	A/YL-TYST/1269	Temporary Open Storage of Construction Machinery and Material in “Open Space” and “Residential (Group A) 3” Zones and area shown as ‘Road’, Various Lots in D.D. 120 and Adjoining Government Land, Shan Ha Tsuen, Yuen Long
57	A/TM-SKW/124	Temporary Shop and Services in “Village Type Development” Zone, Lot 240 S.B (Part) in D.D. 385, Tai Lam Chung Tsuen, Tuen Mun

(b) Applications approved on a temporary basis for a period of 5 years until 5.7.2029

Item No.	Application No.	Planning Application
4	A/ST/1028	Temporary Shop and Services (Fast Food Shop) in “Industrial” Zone, Workshop II, G/F, Century Industrial Centre, 33-35 Au Pui Wan Street, Fo Tan, Sha Tin
21	A/YL-KTN/952	Temporary Shop and Services (Food Retail Shop) with Ancillary Facilities in “Industrial (Group D)” Zone, Lots 570 (Part) and 571 RP (Part) in D.D. 107, Kam Tin, Yuen Long
36	A/YL-MP/370	Proposed Temporary Shop and Services and Public Vehicle Park (excluding container vehicle) and Associated Filling of Land in “Village Type Development” Zone, Lot 1297 S.B (Part) in D.D. 105, Mai Po, Yuen Long

(c) Applications approved on a temporary basis for a period of 6 years until 5.7.2030

Item No.	Application No.	Planning Application
43	A/YL/314	Proposed Temporary Shop and Services in “Government, Institution or Community” and “Residential (Group B)” Zones, Lot 764 RP (Part) in D.D. 120 and Adjoining Government Land, Yuen Long
44	A/YL/315	Proposed Temporary Shop and Services and Ancillary Office in “Open Space” Zone, Lot 2086 RP in D.D. 116 and Adjoining Government Land, Yuen Long

Declaration of Interests

The Committee noted the following declaration of interests:

Item No.	Member's Declared Interests	
4	The application site was located in Fo Tan, Sha Tin.	<ul style="list-style-type: none"> - Mr Daniel K.W. Chung for co-owning a property and a parking space with spouse in Fo Tan - Mr Vincent K.Y. Ho for co-owning a property with spouse in Fo Tan - Mr Lawrance S.C. Chan for co-owning a property with spouse in Fo Tan
36	The application site was located in Mai Po.	- Mr K.W. Leung for owning a property in Mai Po
40	The application site was located in Hung Shui Kiu (HSK).	- Mr Timothy K.W. Ma for being a consultant of a company which was planning and building a residential care home for the elderly in HSK

As the properties owned/co-owned by Messrs Daniel K.W. Chung, Vincent K.Y. Ho, Lawrance S.C. Chan and K.W. Leung had no direct view of the relevant application sites under Items 4 and 36, and as Mr Timothy K.W. Ma had no involvement in the application under Item 40, the Committee agreed that they could stay in the meeting.