

## **TOWN PLANNING BOARD**

### **Minutes of 604<sup>th</sup> Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 1.6.2018**

#### **Present**

Director of Planning  
Ms Jacinta K.C. Woo

Chairperson

Mr H.W. Cheung

Vice-chairperson

Mr Ivan C.S. Fu

Dr F.C. Chan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Mr Stephen L.H. Liu

Miss Winnie W.M. Ng

Mr K.W. Leung

Mr Ricky W.Y. Yu

Chief Traffic Engineer/New Territories East,  
Transport Department  
Mr Ricky W.K. Ho

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

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

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

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

Secretary

**Absent with Apologies**

Mr K.K. Cheung

Dr C.H. Hau

Dr Lawrence K.C. Li

Mr L.T. Kwok

Dr Jeanne C.Y. Ng

**In Attendance**

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

Town Planner/Town Planning Board  
Ms Sincere C.S. Kan

**Agenda Item 1**

Confirmation of the Draft Minutes of the 603<sup>rd</sup> RNTPC Meeting held on 18.5.2018

[Open Meeting]

1. The Secretary reported that subsequent to the circulation of the draft minutes of the 603<sup>rd</sup> RNTPC meeting to Members, typographical errors were found in paragraphs 109 and 114 regarding the advisory clauses. Three replacement pages of the draft minutes were tabled at the meeting for Members' information.

2. The draft minutes were confirmed subject to the incorporation of the amendments to paragraphs 109 and 114.

**Agenda Item 2**

Matters Arising

[Open Meeting]

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

**Tuen Mun and Yuen Long West District**

**Agenda Item 3**

Section 12A Application

[Open Meeting]

Y/TM/20                      Application for Amendment to the Draft Tuen Mun Outline Zoning Plan No. S/TM/34, To Rezone the Application Site from “Green Belt”, “Government, Institution or Community” and an area shown as ‘Road’ to “Residential (Group A)27”, 436 Castle Peak Road - Castle Peak Bay, Tuen Mun  
(RNTPC Paper No. Y/TM/20)

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4.                      The Secretary reported that Ove Arup & Partners Hong Kong Ltd. (Arup) and LWK & Partners (Hong Kong) Ltd. (LWK) were two of the consultants of the applicant. The following Members had declared interests on the item:

Mr Ivan C.S. Fu            - having current business dealings with Arup; and being a shareholder and a director of LWK;

Mr K.K. Cheung            - his firm having current business dealings with Arup; and

Mr Stephen L.H. Liu - having past business dealings with LWK.

5.                      The Committee noted that the applicant had requested deferment of consideration of the application, and Mr K.K. Cheung had tendered an apology for being unable to attend the meeting and Mr Ivan C.S. Fu had not yet arrived to join the meeting. The Committee agreed that Mr Stephen L.H. Liu could stay in the meeting as he had no involvement in the application.

6.                      The Committee noted that the applicant’s representative requested on 23.5.2018 deferment of the consideration of the application for two months to prepare a Sewerage Impact Assessment Report and revise the Air Ventilation Assessment Report – Initial Study, Environmental Assessment Study and Traffic Impact Assessment Report in order to address

departmental comments received. It was the first time that the applicant requested deferment of the application.

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

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

[Mr William W.T. Wong and Mr Richard Y.L. Siu, Senior Town Planners/Sai Kung and Islands (STPs/SKIs), were invited to the meeting at this point.]

#### **Agenda Item 4**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-PK/244            Proposed Two Houses (New Territories Exempted Houses) in  
                                 “Residential (Group D)” Zone, Lots 1634 S.A RP, 1635 S.A and 1635  
                                 RP in D.D. 221, Sha Kok Mei, Sai Kung  
                                 (RNTPC Paper No. A/SK-PK/244)

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

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

- (a) background to the application;
- (b) the proposed two houses (New Territories Exempted Houses (NTEHs));
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, a total of two public comments were received from the School Principal of Sai Kung Sung Tsun Catholic School (Primary Section) and an individual objecting to/raising concern on the application. Major views and objection grounds 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. The proposed two-storey NTEHs were in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone. The proposed NTEHs were considered not incompatible with the character of the surrounding areas. The site comprised private lots with building status under the lease. Regarding the adverse public comments received, the comments of government departments and planning assessments above were relevant.

9. Some Member raised the following questions:

- (a) noting that the site was zoned “R(D)” with a plot ratio (PR) restriction of 0.2, whether such restriction was applicable to the proposed NTEHs; and
- (b) whether there was any requirement of/restriction on the layout of NTEH.

10. Mr William W.T. Wong, STP/SKIs, made the following responses:

- (a) the PR and building height (BH) restrictions stipulated in the Notes of the “R(D)” zone of the subject Outline Zoning Plan only applied to ‘Flat’ and

‘House’ uses, but not to NTEH; and

- (b) the development of NTEH should be not more than three-storey high with a maximum covered land area of 700ft<sup>2</sup>, but there was no specific requirement of/restriction on the layout of NTEH. The District Lands Officer/Sai Kung confirmed that the proposed development could be processed as NTEHs should planning permission be given.

### Deliberation Session

11. 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 1.6.2022, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- “(a) the submission and implementation of the landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) 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.”

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

### Agenda Item 5

#### Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-PK/245      Temporary Eating Place (Restaurant) for a Period of 3 Years in an area shown as ‘Road’, G/F, 9A Po Tung Road, Sai Kung  
(RNTPC Paper No. A/SK-PK/245)

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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary eating place (restaurant) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from an individual objecting to the application. Major objection ground was set out in paragraph 9 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the applied use could be tolerated for a period of three years based on the assessments set out in paragraph 10 of the Paper. Although the applied use was not in line with the planning intention of the area shown as 'Road', given the temporary nature of the applied use, the long-term planning intention would not be frustrated. Concerned government departments had no objection to the application. In view of the small scale development and it was accommodated within an existing building, it would unlikely cause nuisance, adverse traffic, drainage and environmental impacts on the surrounding areas. The last planning approval (Application No. A/SK-PK/238) was revoked as the applicant failed to comply with the approval condition on provision of fire service installations and water supplies for fire-fighting by the specified date. Shorter compliance periods were thus recommended to closely monitor the progress of compliance. Regarding the adverse public comment received, the comments of government departments and planning assessments above were relevant.



14. Noting that the operation hours of the temporary eating place under application was from 1:00 pm to 1:00am, a Member asked whether any complaints from nearby residents regarding nuisances generated from the eating place had been received. In response, Mr William W.T. Wong, STP/SKIs, said that a number of applications for the same use had been previously approved by the Committee, and the operation hours of such eating places were similar to the current application. Moreover, no complaint on the eating place under application had been received so far.

#### Deliberation Session

15. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 1.6.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 1:00 a.m. to 1:00 p.m., as proposed by the applicant, is allowed on the premises during the planning approval period;
- (b) the submission of proposals for fire service installations and water supplies for fire-fighting within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.9.2018;
- (c) in relation to (b) above, the provision of fire service installations and water supplies for fire-fighting within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.12.2018;
- (d) if the above planning condition (a) is not complied with at any time during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (e) if any of the above planning conditions (b) or (c) is not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.”

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

[Mr Ivan C.S. Fu arrived to join the meeting at this point.]

## **Agenda Item 6**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/I-CC/23                      Proposed Redevelopment of a 3-storey Building for Eating Place and Shop and Services in “Village Type Development” Zone, 83 San Hing Street and Adjoining Government Land, Cheung Chau  
(RNTPC Paper No. A/I-CC/23)

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### **Presentation and Question Sessions**

17. With the aid of a PowerPoint presentation, Mr Richard Y.L. Siu, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed redevelopment of a three-storey building for eating place and shop and services;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. An initial offer letter was issued by the Lands Department (LandsD) to the applicant for a proposed land exchange for the redevelopment of a maximum of two New Territories Exempted Houses (NTEHs) within the site (including a piece of government land). However, the proposed land exchange could not be further proceeded pending the applicant’s responses to some legal issues. As such, the District Lands Officer/Islands, LandsD did not support the application at this stage.

Other concerned government departments had no objection to or no adverse comments on the application;

- (d) during the first three weeks of the statutory publication period, a total of 13 public comments objecting to the application were received from local residents and individuals. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed development was generally in line with the Town Planning Board Guidelines No. 15A (TPB PG-No. 15A) in that the site was abutting the main street and could provide catering and/or shopping facilities to serve the visitors and tourists; and the proposed development would not have any adverse impacts on traffic, drainage, sewage disposal or fire safety aspects. There was no planned use of the government land involved within the site and the inclusion of it would not affect the pedestrian traffic and emergency traffic along San Hing Praya Street. Regarding the adverse public comments received, the comments of government departments and planning assessments above were relevant.

18. Noting that part of the site fell on a piece of government land, a Member asked whether the applicant would need to apply for Short Term Tenancy. In response, Mr Richard Y.L. Siu, STP/SKIs, said that a land exchange would be required should the application be approved.

19. A Member asked whether information had been provided to address the concern on possible fire hazards on the surrounding residential area as mentioned in the public comments. In response, Mr Richard Y.L. Siu, STP/SKIs, said that the subject application together with the public comments received had been circulated to the Fire Services Department (FSD) for comments and FSD had no objection to the application. The Chairperson supplemented that an approval condition on the provision of fire service installations and water supplies for firefighting was recommended should the application be approved.

Deliberation Session

20. Noting that the eating place use should not create any nuisance or cause inconvenience to the residents nearby according to TPB PG-No. 15A, a Member said that the existing condition of San Hing Street, with a number of restaurants and shops, was indeed very congested, and considered that approval of the application might encourage the change of the residential nature of the subject “V” zone and even lead to rezoning the area for commercial uses in the future.

21. The Chairperson said that there were only a few applications for similar uses in the area as many of the commercial uses were existing uses before the publication of the first Cheung Chau Outline Zoning Plan.

22. A Member supported the application and said that San Hing Street had already become a tourist attraction in Cheung Chau and the proposed eating place and shop and services could cater for the needs of the visitors/tourists. Another Member concurred.

23. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 1.6.2022, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition:

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

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

**Agenda Item 7**

**Section 16 Application**

[Open Meeting]

A/I-MWF/29                      Proposed House and Minor Relaxation of Plot Ratio and Building Height Restrictions in “Residential (Group D)” and “Recreation” Zones, Lots 406 RP and 407 RP in D.D.3 MW, Mui Wo, Lantau (RNTPC Paper No. A/I-MWF/29)

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25.            The Committee noted that the applicant requested on 25.5.2018 deferment of the consideration of the application for two months to resolve comments from relevant government departments. It was the first time that the applicant requested deferment of the application.

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

[The Chairperson thanked Mr William W.T. Wong and Mr Richard Y.L. Siu, STPs/SKIs, for their attendance to answer Members’ enquiries. They left the meeting at this point.]

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

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

**Agenda Item 8**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/935                      Proposed School (Kindergarten/Nursery) in “Residential (Group B)”  
Zone, G/F of Podium B (Portion), Julimount Garden, 1-5 Hin Tai  
Street, Sha Tin  
(RNTPC Paper No. A/ST/935B)

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27.            The Secretary reported that Lee Mark & Associates Architects & Surveyors Ltd. (Lee Mark) was one of the consultants of the applicant. Mr K.K. Cheung had declared an interest on the item as his firm was having past business dealings with Lee Mark. The Committee noted that Mr K.K. Cheung had tendered an apology for being unable to attend the meeting.

28.            The Secretary reported that two letters were received from Miss Yung Hoi Yan (Legislative Council Member) and Mr Cheung Pak Yuen from Civil Force. The Committee noted that the content of the two letters were the same as the comments submitted by Miss Yung and Mr Cheung attached to the Paper.

**Presentation and Question Sessions**

29.            Mr Kenny C.H. Lau, STP/STN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed school (kindergarten/nursery);
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The Commissioner for Transport did not support the application as the survey data collected in the Traffic Impact Assessment (TIA) could not reflect the real traffic condition in a normal school day, the feasibility of the “no car” policy was doubtful and renting a

private car parking space to fulfil the car parking requirement of the school was not acceptable. According to the District Officer/Shu Tin, Home Affairs Department, the Sha Tin District Council (STDC) members and locals were concerned about the potential traffic impact brought about by new/decanting schools in the district as set out in paragraph 8.1.6 of the Paper. Other concerned government departments had no objection to or no adverse comments on the application;

- (d) during the first three weeks of the statutory publication periods, a total of 831 public comments were received from the Incorporated Owners of Julimount Garden, the Incorporated Owners of Parc Royale, members of the Legislative Council, a member of STDC, residents of Julimount Garden, Parc Royal and Hill Paramount and individuals. Amongst them, 829 objected to and two supported the application. Major views and objection grounds were set out in paragraph 9 of the Paper;
- (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. There was insufficient information provided in the TIA to demonstrate that the proposed development would not pose adverse traffic impact on the surrounding road networks in the vicinity. A similar application (No. A/ST/379) for kindergarten use within the same “Residential (Group B)” zone was approved by the Committee in 1995. Nevertheless, the application was for regularization of unauthorised extension of the existing kindergarten on 1/F of the podium which mainly involved conversion of part of the porch area to supporting office and pantry. Therefore, the planning circumstances of that application were not relevant to the subject application. Regarding the adverse public comments received, the comments of government departments and planning assessments above were relevant.

30. In response to the Chairperson's question about the existing kindergarten on 1/F of the podium, Mr Kenny C.H. Lau, STP/STN, said that such kindergarten was still in operation and was operated by the applicant.

31. A Member asked why the proposed kindergarten, which was of the same use as the existing kindergarten on 1/F, could not be supported due to adverse traffic impact. In response, Mr Kenny C.H. Lau said that the scale of the existing kindergarten was much smaller with only two classrooms accommodating 29 students, while the proposed kindergarten which served as an extension to the existing kindergarten would have six classrooms that could accommodate 150 students.

### Deliberation Session

32. Members noted that the existing kindergarten was approved as part of the proposed residential development (Julimount Garden) in 1982 by the Committee. In other words, space had been reserved to accommodate the existing kindergarten in the development of Julimount Garden. The current application was for a proposed kindergarten of a much larger scale to serve as expansion of the existing kindergarten.

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

“the applicant fails to demonstrate that the application would not pose adverse traffic impact on the surrounding road networks.”

### Agenda Item 9

#### Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/953                      Shop and Services (Real Estate Agency) in “Industrial” Zone, Part C of  
Workshop 6, Level L1, Wah Yiu Industrial Centre, 30-32 Au Pui Wan  
Street, Fo Tan, Sha Tin  
(RNTPC Paper No. A/ST/953)

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### Presentation and Question Sessions

34. Mr Kenny C.H. Lau, STP/STN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the shop and services (real estate agency);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the applied use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. The applied use generally complied with the relevant considerations set out in the Town Planning Board Guidelines No. 25D including fire safety and traffic aspects. The aggregate commercial floor area on the G/F including the premises, if approved, would amount to about 8.42m<sup>2</sup>, which was still within the permissible limit of 460m<sup>2</sup>. A temporary approval of three years was recommended in order not to jeopardise the long-term planning intention of industrial use for the premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area.

35. Members had no question on the application.

### Deliberation Session

36. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 1.6.2021, on the terms of the application as

submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) the submission and implementation of the fire safety measures within 6 months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 1.12.2018; and
- (b) if the above planning condition (a) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

### **Agenda Item 10**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/547 Proposed House (New Territories Exempted House - Small House) in “Green Belt” Zone, Government Land in D.D. 9, Kau Lung Hang Village, Kau Lung Hang, Tai Po  
(RNTPC Paper No. A/NE-KLH/547)

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

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in

paragraph 10 and Appendix V of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) had reservation on the application from landscape planning point of view as approval of the application would set an undesirable precedent to encourage similar applications encroaching onto the “Green Belt” zone. Other concerned government departments had no objection to or no adverse comments on the application;

- (d) during the first three weeks of the statutory publication period, one public comment was received from an individual objecting to the application. Major objection grounds were set out in paragraph 11 of the Paper; and
- (e) PlanD’s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, more than 50% of the proposed Small House footprint fell within the village ‘environ’ of Yuen Leng and Kau Lung Hang, and the proposed Small House within the water gathering ground would be able to be connected to the public sewerage system. Although land available within the “Village Type Development” zone was capable to meet the outstanding Small House applications, the site was the subject of a previously approved application (No. A/NE-KLH/408) submitted by the same applicant with no change to the Small House footprint and the development parameters. Moreover, the applicant stated that his Small House application was still being processed by the Lands Department since the previous approval was granted in 2010 and that the District Lands Officer/Tai Po had advised the applicant that his Small House application was a “non-straightforward” case and more time was required to process and resolve the issues. Hence, sympathetic consideration might be given to the subject application. Regarding the adverse public comment received, the comments of government departments and planning assessments above were relevant.

39. Members had no question on the application.

Deliberation Session

40. 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 1.6.2022, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- “(a) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (c) the provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.”

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

**Agenda Item 11**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/548      Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” Zone, Government Land in D.D. 9, Tai Wo Village, Tai  
Po  
(RNTPC Paper No. A/NE-KLH/548)

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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application from agriculture point of view as there were agricultural activities in the vicinity of the site; and the site possessed potential for agricultural rehabilitation. The Director of Environmental Protection (DEP) and the Chief Engineer/Construction, Water Supplies Department did not support the application as the site fell completely outside the “Village Type Development” (“V”) zone and within the upper indirect water gathering ground (WGG), and no planned public sewerage would be available to serve the proposed development as well as Yuen Leng Village in the near future. The Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) had reservation from landscape planning perspective as adverse impact on significant landscape resources due to the proposed development was anticipated while no mitigation measures could be adopted. DAFC also had reservation from tree preservation point of view as there were approximately ten trees along the road side within and in the vicinity of the site; and the proposed development would imply felling of such trees. Other concerned government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, five public comments were received from Tai Wo villagers and an individual objecting to the application. Major objection grounds were set out in paragraph 10

of the Paper; and

- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone. The application did not comply with the Interim Criteria for Consideration of Application for NTEH/ Small House in New Territories in that the proposed Small House was located within the WGG and would not be able to be connected to the planned public sewerage as there was no fixed programme for the construction of planned public sewers to serve Yuen Leng Village. Moreover, approval of the application would encourage similar applications further encroaching onto the “AGR” zone. The cumulative effect of approving similar applications would result in degradation of landscape character and cause adverse landscape impact on the area. Land available within the “V” zones was capable to meet the outstanding Small House applications. Regarding the adverse public comments received, the comments of government departments and planning assessments above were relevant.

43. Members had no question on the application.

#### Deliberation Session

44. In response to a Member's question, the Chairperson said that since there was no programme for the construction of planned public sewers to serve Yuen Leng Village, the applicant was unable to connect the proposed Small House to a public sewer.

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

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

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

- (b) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the proposed Small House located within the water gathering ground would not be able to be connected to the existing/planned sewerage system in the area as there was no fixed programme for implementation of such system at this juncture, and would cause adverse landscape impact on the surrounding areas; and
- (c) land is still available within the “Village Type Development” (“V”) zone of Yuen Leng, Kau Lung Hang and Tai Wo which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.”

## **Agenda Item 12**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/638            Proposed Temporary First Aid Post for a Period of 3 Years in “Open Space” Zone and an area shown as ‘Road’, Government Land in D.D. 28, Sam Wo Road, Ting Kok, Tai Po  
(RNTPC Paper No. A/NE-TK/638)

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### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed temporary first aid post for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 7 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the applied use could be tolerated for a period of three years based on the assessments set out in paragraph 9 of the Paper. The Secretary for Food and Health had given in-principle policy support to the application on the understanding that the proposed development would facilitate delivery of better and more responsive first aid service to the public along the cycling track during weekends and public holidays.

47. Members had no question on the application.

#### Deliberation Session

48. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 1.6.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no permanent structure or support for any structure shall be erected within the area of waterworks reserve at the site during the planning approval period;
- (b) the submission of water supplies for fire fighting and 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



1.12.2018;

- (c) in relation to (b) above, the implementation of water supplies for fire fighting and 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 1.3.2019;
- (d) if the above planning condition (a) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (e) if any of the above planning conditions (b) or (c) 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.”

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

### **Agenda Item 13**

#### **Section 16 Application**

[Open Meeting]

A/TP/649                      Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years in “Village Type Development” Zone, Government Land in D.D. 6, Kam Shek New Village, Tai Po  
(RNTPC Paper No. A/TP/649)

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50. The Committee noted that the applicant’s representative requested on 23.5.2018 deferment of the consideration of the application for one month to prepare further information to address departmental and public comments. It was the first time that the applicant requested deferment of the application.

51. 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 one month was allowed for preparation of the submission of further information and no further deferment would be granted unless under very special circumstances.

#### **Agenda Item 14**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/632            Temporary Private Vehicle Park (Private Cars Only) for a Period of 3  
Years in "Village Type Development" Zone, Lot 915 RP in D.D. 25,  
Tai Om Tsuen, Lam Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/632A)

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

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

- (a) background to the application;
- (b) the temporary private vehicle park (private cars only) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;

- (d) during the first three weeks of the statutory publication period, three public comments were received from individuals, with one supporting and two objecting to the application. Major views and objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the applied use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Whilst the applied use was not totally in line with the planning intention of the “Village Type Development” (“V”) zone, the temporary private car park was to serve the residents of Tai Om Village. Given that no Small House application had been received for the site, the applied use would not frustrate the planning intention of the “V” zone. Regarding the adverse public comments received, the comments of government departments and planning assessments above were relevant.

53. Members had no question on the application.

#### Deliberation Session

54. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 1.6.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no vehicles other than private cars are allowed to be parked within the site during the planning approval period;
- (b) no vehicle repairing, car washing/fueling, vehicle dismantling and workshop activities shall be permitted within the site during the planning approval period;
- (c) the development should not cause any water pollution to the upper indirect water gathering ground at any time during the planning approval period;

- (d) no permanent structure shall be erected within the drainage reserve area at the site during the planning approval period;
- (e) the provision of boundary fencing on the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.12.2018;
- (f) the submission of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.12.2018;
- (g) in relation to (f) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.3.2019;
- (h) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.12.2018;
- (i) in relation to (h) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.3.2019;
- (j) the submission of fire service installations and water supplies for fire fighting proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.12.2018;
- (k) in relation to (j) above, the implementation of fire service installations and water supplies for fire fighting proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.3.2019;
- (l) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the planning approval period, the approval hereby given shall

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

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

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

### **Agenda Item 15**

#### **Section 16 Application**

[Open Meeting]

A/NE-PK/128                      Temporary Private Car Park (Private Cars and Light Goods Vehicles)  
for a Period of 3 Years in “Agriculture” Zone, Lots 1641 RP (Part) and  
1642 S.A to S.E in D.D. 91, Kai Leng, Sheung Shui  
(RNTPC Paper No. A/NE-PK/128A)

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56. The Committee noted that the applicant’s representative requested on 10.5.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address the departmental comments. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had hired consultants to prepare a landscape proposal and a drainage proposal and revise the layout of the private car park under application to address the departmental comments.

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

### **Agenda Item 16**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/184      Proposed Temporary Public Vehicle Park for a Period of 3 Years in  
"Agriculture" Zone, Lots 558 RP (Part), 559 RP (Part), 561 RP (Part),  
562 S.F (Part), 563 (Part) and 564 S.B (Part) in D.D. 89, Sha Ling,  
Sheung Shui  
(RNTPC Paper No. A/NE-FTA/184)

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

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

- (a) background to the application;
- (b) the proposed temporary public vehicle park for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection did not support the application as there were domestic structures in the vicinity of the site and there were a total of six environmental complaints against

the site in the past three years. The Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) objected to the application from landscape planning perspective noting that about 30 trees within the site had been removed since 2015. Land/pond filling, dumping and site formation were also noted. Although no significant adverse impact on the landscape resource arising from the proposed use was anticipated, approval of the application would encourage similar “development first and application later” cases. Those piecemeal developments would lead to cumulative adverse impact causing gradual degradation of the landscape resources and change of landscape character in the area. The Director of Agriculture, Fisheries and Conservation did not support the application from agriculture point of view as agricultural infrastructures were available, and the site could be used as greenhouse cultivation or plant nursery and possessed potential for agricultural rehabilitation. According to the District Officer (North), Home Affairs Department, the Ta Kwu Ling District Rural Committee, 打鼓嶺沙嶺村居民福利會 and the Indigenous Inhabitant Representative of San Uk Ling objected to the application on the grounds set out in paragraph 9.1.11 of the Paper. Other concerned government departments had no objection to or no adverse comments on the application;

- (d) during the first three weeks of the statutory publication period, a total of 126 public comments were received. The North District Council Member and the Chairman of the Sheung Shui District Rural Committee indicated no comment on the application, while the remaining comments from 打鼓嶺沙嶺村居民福利會, the descendants of “Tso Tong”, Designing Hong Kong Limited, Kadoorie Farm and Botanic Garden Corporation, World Wide Fund for Nature Hong Kong and individuals objected to the application. Major views and objection grounds were set out in paragraph 10 of the Paper; and
- (e) PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed use was not in line with the planning intention of the “AGR” zone. The applicant

had not provided strong planning justifications in the submission to merit a departure from the planning intention of the “AGR” zone, even on a temporary basis. The proposed use would likely have adverse environmental impact on the surrounding areas. Approval of the applications would set an undesirable precedent for similar applications within the same “AGR” zone. Regarding the adverse public comments received, the comments of government departments and planning assessments above were relevant. With respect to the land dispute matter and land ownership issues as claimed by some commenters, it should be noted that land dispute should not be a material consideration of the Town Planning Board in considering the planning application.

59. Members had no question on the application.

#### Deliberation Session

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

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



environment of the area.”

**Agenda Items 17 to 19**

**Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/650 Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” Zone, Lot 1526 S.B in D.D. 76, Kan Tau Tsuen, Fanling  
(RNTPC Paper No. A/NE-LYT/650 to 652)

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A/NE-LYT/651 Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” Zone, Lot 1526 S.C in D.D. 76, Kan Tau Tsuen, Fanling  
(RNTPC Paper No. A/NE-LYT/650 to 652)

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A/NE-LYT/652 Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” Zone, Lot 1526 S.D in D.D. 76, Kan Tau Tsuen, Fanling  
(RNTPC Paper No. A/NE-LYT/650 to 652)

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61. The Committee noted that the three section 16 applications for proposed house (New Territories Exempted House (NTEH) – Small House) were similar in nature and the sites were located in close proximity to one another and within the same “Agriculture” zone, and agreed that they could be considered together.

**Presentation and Question Sessions**

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

- (a) background to the applications;
- (b) the proposed house (NTEH – Small House) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture,

Fisheries and Conservation did not support the applications from agriculture point of view as the sites possessed potential for agricultural rehabilitation. Other concerned government departments had no objection to or no adverse comments on the applications;

- (d) during the first three weeks of the statutory publication period, four public comments for each of applications were received. A North District Council member supported the applications and the Chairmen of the Fanling District Rural Committee and the Sheung Shui District Rural Committee indicated no comment on the applications, whereas an individual raised objection to the applications. Major views and objection grounds were set out in paragraph 10 of the Paper;
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessments set out in paragraph 11 of the Paper. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, more than 50% of the footprints of the proposed Small Houses fell within the village 'environ' of Kan Tau Tsuen. Although land was still available within the "Village Type Development" ("V") zone to meet the outstanding Small House applications, the proposed Small Houses were in close proximity to the "V" zone of Kan Tau Tsuen and there were existing and approved Small Houses forming new village clusters in the locality. Regarding the adverse public comment received, the comments of government departments and planning assessments above were relevant.

63. Members had no question on the application.

#### Deliberation Session

64. After deliberation, the TPB decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the permissions should be valid until 1.6.2022, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the

permission was renewed. Each of the permissions was subject to the following conditions:

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

65. 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 20**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-STK/14 Proposed Excavation of Land (for Ground Investigation Works for Assessing the Stability of Slopes) in “Green Belt” Zone, Lots 1161 S.B ss.4 (Part), 1161 S.B ss.5 (Part), 1161 S.B RP (Part), 1162 S.E RP (Part), 1162 S.M RP (Part), 1164 S.E ss.10 (Part), 1164 S.E ss.11, 1164 S.E ss.12 (Part), 1164 S.E ss.14 (Part), 1164 S.E RP (Part), 1165 S.A ss.6 (Part), 1165 S.A RP (Part), 1165 S.B ss.1 (Part), 1165 S.B RP (Part), 1165 S.C ss.8 (Part), 1165 S.J ss.12 (Part), 1165 S.J ss.13 (Part), 1165 S.J RP (Part), 1165 RP (Part), 1166 S.E (Part), 1166 S.F (Part), 1166 S.K (Part), 1167 S.F (Part) and 1169 (Part) in D.D. 41, Tong To, Sha Tau Kok  
(RNTPC Paper No. A/NE-STK/14)

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### **Presentation and Question Sessions**

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

following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed excavation of land (for ground investigation works for assessing the stability of slopes);
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. According to the District Officer (North), Home Affairs Department, the Chairman of the Sha Tau Kok District Rural Committee (STKDRC) and the Indigenous Inhabitant Representative (IIR) of Tong To objected to the application on the grounds set out in paragraph 10.1.9 of the Paper. Other concerned government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, five public comments were received. The Chairman of the Sheung Shui District Rural Committee and the incumbent North District Council member had no comment on the application, while STKDRC and IIR of Tong To objected to the application. Major objection grounds were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The proposed excavation works were small in scale. It would not involve any tree felling nor cause adverse environmental, ecological or landscape impact on the surrounding areas. According to the Town Planning Guidelines No. 10, consideration on whether the proposed development on a slope or hillside would adversely affect slope stability was relevant. In such regard, the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) had no comment on the application. Regarding the adverse public comments received, the comments of government departments and planning assessments above were relevant.

67. In response to a Member's question, Mr Tim T.Y. Fung, STP/STN, said that according to the Remarks of the Notes of the "Green Belt" ("GB") zone, any excavation of land within the "GB" zone required planning permission. The site was also the subject of an active enforcement case on unauthorized excavation of land. In such regard, the applicant sought planning permission for the proposed excavation works. The Chairperson also supplemented that in order to safeguard against adverse drainage impacts and preserve the natural environment, any excavation of land within this "GB" zone including that to effect the uses or developments as specified in Columns 1 and 2 or the uses and developments always permitted under the covering Notes required permission from the Town Planning Board.

#### Deliberation Session

68. Members noted that there was a permitted burial ground located in the vicinity of the site, and H(GEO), CEDD had no objection to the application.

69. A Member said that the excavation for ground investigation works appeared to be an act for public interest. He asked whether exemption from application for planning permission could be considered. In response, the Chairperson said that excavation of land for ground investigation works coordinated by government departments was always permitted. Given that the site fell within the "GB" zone, a more cautious approach was adopted, and planning permission was required for excavation works to be carried out by the private sector.

70. 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 1.6.2022, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition:

“upon completion of the ground investigation works, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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 21**

**Section 16 Application**

[Open Meeting]

A/NE-TKL/590 Temporary Private Vehicle Park for Light Goods Vehicle and Heavy Goods Vehicle and Loading/Unloading Area for a Period of 3 Years in “Agriculture” Zone, Lots 2264 (Part) and 2265 (Part) in D.D. 76, Sha Tau Kok Road - Ma Mei Ha, Fanling  
(RNTPC Paper No. A/NE-TKL/590)

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72. The Committee noted that the applicant’s representative requested on 28.5.2018 deferment of the consideration of the application for two months to prepare further information to address the comments of the Transport Department. It was the first time that the applicant requested deferment of the application.

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

[The Chairperson thanked Mr Kenny C.H. Lau, Ms Kathy C.L. Chan 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**

**Agenda Item 22**

**Section 16 Application**

[Open Meeting]

A/KTN/43                      Temporary Warehouse and Vehicle Repair Workshop with Ancillary Office and Staff Rest Room for a Period of 3 Years in “Open Space” and “Other Specified Uses” annotated “Business and Technology Park” Zones, Lots 736 RP (Part), 738 RP (Part) and 739 RP in D.D.95 and Adjoining Government Land, Kwu Tung North  
(RNTPC Paper No. A/KTN/43)

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74.            The Secretary reported that the site was located at Kwu Tung North. Dr C.H. Hau had declared an interest on the item as he owned 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.

75.            The Committee noted that the applicant requested on 23.5.2018 deferment of the consideration of the application for two months to prepare further information to address the comments of the Transport Department. It was the first time that the applicant requested deferment of the application.

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

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

**Agenda Item 23**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/600      Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of 5 Years in “Village Type Development” Zone, Lots 225 RP (Part) and 226 (Part) in D.D. 109, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/600)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary public vehicle park (excluding container vehicle) for a period of five years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, two public comments from the representative of Tai Hong Wai indigenous villagers and a general public were received objecting to the application. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the applied use could be tolerated for a period of five years based on the



assessments set out in paragraph 11 of the Paper. Although the applied use was not entirely in line with the planning intention of the “Village Type Development” (“V”) zone, no Small House application had been approved or under processing at the site. Moreover, the public vehicle park could satisfy some of the local parking demand. Temporary planning permission for the applied use would not frustrate the long-term planning intention of the “V” zone. Regarding the adverse public comments received, the comments of government departments and planning assessments above were relevant.

78. Members had no question on the application.

#### Deliberation Session

79. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 1.6.2023, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

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

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

- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the existing trees and landscape plantings on the site shall be maintained at all times during the planning approval period;
- (g) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.12.2018;
- (h) in relation to (g) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.3.2019;
- (i) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.12.2018;
- (j) in relation to (i) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.3.2019;
- (k) 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;
- (l) if any of the above planning conditions (g), (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; and

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

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

## **Agenda Item 24**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/601      Renewal of Planning Approval for Temporary Open Storage of Construction Machinery, Private Vehicles and Vehicle Parts for a Period of 3 Years in “Residential (Group D)” Zone, Lots 629 S.T, 629 S.U, 630 S.B ss.16 and 630 S.B ss.17 in D.D. 110, Shek Kong San Tsuen, Kam Tin Road, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/601)

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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) the renewal of planning approval for temporary open storage of construction machinery, private vehicles and vehicle parts for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers located to the immediate north and east of the site and in the vicinity, and environmental nuisances were expected. Other concerned government

departments had no objection to or no adverse comments on the application;

- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the applied use could be tolerated for a further period of three years based on the assessments set out in paragraph 12 of the Paper. Although the applied use was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone, there was no known development programme at the site. Temporary approval of the application would not frustrate the long-term planning intention of the “R(D)” zone. The application was generally in line with the Town Planning Board Guidelines No. 13E and 34B in that previous approval (Application No. A/YL-KTN/462) for the same applied use was granted on 22.5.2015 and all the approval conditions under the last application had been complied with. There was no major change in planning circumstances in the area since the last approval. There was also no adverse comment from the relevant departments consulted, except DEP. While DEP did not support the application, no environmental complaint had been received in the past three years. To mitigate any potential environmental impacts, approval conditions including restriction of the operation hours and prohibition of any workshop activities were recommended

82. Members had no question on the application.

#### Deliberation Session

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

- “(a) no operation between 6:00 p.m. and 9:30 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities are allowed on the site at any time during the planning approval period;
- (d) no stacking of vehicles or vehicle parts above 2.5m should be carried out on the site at any time during the planning approval period;
- (e) the existing run-in should be maintained at all times during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from the site at any time during the planning approval period;
- (g) the existing landscape plantings on the site shall be maintained at all times during the planning approval period;
- (h) the existing drainage facilities implemented on the site shall be maintained at all times during the planning approval period;
- (i) 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 6.9.2018;
- (j) the provision of fire extinguisher(s) with a valid fire certificate (FS251) within 6 weeks from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.7.2018;

- (k) the implementation of the accepted fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.12.2018;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (m) if any of the above planning conditions (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (n) upon 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.”

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

**Agenda Item 25**

**Section 16 Application**

[Open Meeting]

A/YL-KTN/602      Proposed Temporary Shop and Services (Motor Vehicle Showroom) with Storage of Vehicles/Vehicles Parts and Ancillary Offices Use for a Period of 5 Years in “Village Type Development” Zone, Lots 457(Part), 458(Part) and 465 S.A(Part) in D.D. 109 and Adjoining Government Land, Kam Tin Road, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/602)

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85. The Committee noted that the applicant’s representative requested on 24.5.2018

deferment of the consideration of the application for two months to address departmental comments to support the application. It was the first time that the applicant requested deferment of the application.

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

## **Agenda Item 26**

### **Section 16 Application**

[Open Meeting]

A/YL-KTS/783      Temporary Warehouse for Storage of Drainage Pipes with Ancillary Site Office for a Period of 3 Years in "Agriculture" Zone, Lots 123 (Part), 124 (Part), 125 (Part), 126 (Part) and 127 (Part) in D.D.113 and Adjoining Government Land, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTS/783)

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87. The Committee noted that the applicant's representative requested on 23.5.2018 deferment of the consideration of the application for two months to prepare further information in response to departmental comments. It was the first time that the applicant requested deferment of the application.

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

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

### **Agenda Item 27**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/759            Proposed Temporary Private Car Park for a Period of 3 Years in  
                                 "Village Type Development" Zone, Lot 761 (Part) in D.D. 111, Sheung  
                                 Che Tsuen, Pat Heung, Yuen Long  
                                 (RNTPC Paper No. A/YL-PH/759B)

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

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

- (a) background to the application;
- (b) the proposed temporary private car park for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, five comments from Designing Hong Kong Limited, Green Sense, an indigenous villager, residents of Sheung Che Tsuen and a general public



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

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Although the temporary use was not entirely in line with the planning intention of the “Village Type Development” (“V”) zone, there was no Small House application approved and under processing at the site. The proposed private vehicle park was to serve the residents of Sheung Che Tsuen. Temporary approval of the application would not jeopardise the long-term planning intention of the “V” zone. Regarding the adverse public comments received, the comments of government departments and planning assessments above were relevant.

90. Members had no question on the application.

#### Deliberation Session

91. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 1.6.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

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

container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the Site at all times during the planning approval period;

- (d) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the site at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the submission of a drainage proposal including proposal not to adversely affect the watercourse within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.12.2018;
- (g) in relation to (f) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.3.2019;
- (h) in relation to (g) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (i) the submission of 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 1.12.2018;
- (j) in relation to (i) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.3.2019;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without

further notice;

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

92. 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/YL-PH/780            Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years in “Residential (Group D)” Zone, Lot 98 in D.D. 108, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/780)

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93. The Committee noted that the applicant requested on 25.5.2018 deferment of the consideration of the application for two months to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

applicant that two months were allowed for preparation of the submission of further information and no further deferment would be granted unless under very special circumstances.

**Agenda Item 29**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/781            Renewal of Planning Approval for Temporary Open Storage of Goods Vehicles for Sale for a Period of 3 Years in “Residential (Group D)” Zone, Lots 101 S.J (Part), 179 S.A RP (Part), 179 S.E RP (Part) and 179 S.D & S.F & S.G & S.I (Part) in D.D. 111 and Adjoining Government Land, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/781)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary open storage of goods vehicles for sale for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers located to the east and in the vicinity, and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, no public

comment was received; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the applied use could be tolerated for a further period of three years based on the assessments set out in paragraph 12 of the Paper. Although the applied use is not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone, there was no known development programme for residential development in this part of the “R(D)”) zone. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “R(D)”) zone. The application was generally in line with the Town Planning Board Guidelines No. 13E and 34B in that previous approval (Application No. A/YL-PH/718) for the same applied use was granted and all the approval conditions under the last application had been complied with. There was no major change in planning circumstances since the last planning approval. There was generally no adverse comment from the concerned government departments, except DEP. While DEP did not support the application, no environmental complaint had been received in the past three years. To mitigate any potential environmental impacts, approval conditions restricting the operation hours, types of vehicles and prohibiting workshop activities were recommended.

96. Members had no question on the application.

#### Deliberation Session

97. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years, and be renewed from 18.7.2018 until 17.7.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

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

- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities, as proposed by the applicant, shall be carried out on the site at any time during the planning approval period;
- (d) no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) the setting back of the western boundary of the site to avoid encroachment upon the Waterworks Reserve area at all times during the planning approval period;
- (f) no tree/shrub shall be planted within the Waterworks Reserve area at any time during the planning approval period;
- (g) a proper vehicular access/run-in between the site and the public road should be maintained at all times during the planning approval period;
- (h) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (i) the existing trees and vegetation on the site shall be maintained to satisfactory condition at all times during the planning approval period;
- (j) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (k) 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 18.10.2018;

- (l) the provision of fire extinguisher(s) together with a valid fire certificate (FS251) within 6 weeks from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.8.2018;
- (m) the implementation of the accepted fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.1.2019;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h), (i) 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;
- (o) if any of the above planning conditions (k), (l) or (m) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (p) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

**Agenda Item 30**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/782            Renewal of Planning Approval for Temporary Open Storage of Construction Materials for a Period of 3 Years in “Agriculture” Zone, Lots 1864 RP (Part), 1865 (Part), 1866(Part), 1867 (Part), 1868 (Part) , 3047 (Part) and 3048 (Part) in D.D. 111, Pat Heung, Yuen Long (RNTPC Paper No. A/YL-PH/782)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary open storage of construction materials for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agriculture point of view as the site possessed potential for agricultural rehabilitation. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers located in the vicinity, and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the



applied use could be tolerated for a further period of three years based on the assessments set out in paragraph 12 of the Paper. Although the applied use was not in line with the planning intention of the “Agriculture” (“AGR”) zone, approval of the application on a temporary basis would not frustrate the long-term planning intention of the “AGR” zone. The application was generally in line with the Town Planning Board Guidelines No. 13E and 34B in that previous approval (Application No. A/YL-PH/719) for the same applied use was granted on 7.8.2015 and all the approval conditions under the last approved application had been complied with. There had been no major change in planning circumstances since the last planning approval. There was no major adverse comment from the departments consulted, except DEP and DAFC. While DEP did not support the application, no environmental complaint had been received in the past three years. To mitigate any potential environmental impacts, approval conditions restricting the operation hours and types of vehicles, and prohibiting dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities were recommended

100. Members had no question on the application.

#### Deliberation Session

101. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years, and be renewed from 8.8.2018 until 7.8.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no medium or heavy goods vehicles exceeding 5.5 tonnes, including

container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;

- (d) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the site at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the existing boundary fence on the site shall be maintained at all times during the planning approval period;
- (g) the maintenance of the existing trees and vegetation at the site to satisfactory conditions at all times during the planning approval period;
- (h) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (i) the submission of a 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 8.11.2018;
- (j) the provision of fire extinguisher(s) with a valid fire certificate (FS 251) within 6 weeks from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.9.2018;
- (k) the implementation of the accepted fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.2.2019;

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

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

### **Agenda Item 31**

#### **Section 16 Application**

[Open Meeting]

A/YL-SK/237            Proposed Redevelopment of 4 Houses (New Territories Exempted Houses) in “Agriculture” and “Conservation Area” Zones, Lots 1504 (Part) and 1505 in D.D. 112, Tsing Tam Village, Shek Kong, Yuen Long  
(RNTPC Paper No. A/YL-SK/237)

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103. The Secretary reported that the application was submitted by Ms Lam Ka Fun, Anita (one of the applicants), who was the Assistant Director (Regional 2) of the Lands Department (LandsD). Mr Edwin W.K. Chan, being the Assistant Director (Regional 3) of LandsD, had declared an interest on the item as he was a colleague of Ms Lam Ka Fun, Anita. The Committee noted that the applicants had requested deferral of consideration of the application and agreed that Mr Edwin W.K. Chan could stay in the meeting as he had no discussion with Ms Lam Ka Fun, Anita on the application.

104. The Committee noted that the applicants' representative requested on 28.5.2018 deferment of the consideration of the application for two months to prepare further information to address comments of the Agriculture, Fisheries and Conservation Department. It was the first time that the applicants requested deferment of the application.

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

### **Agenda Item 32**

#### **Section 16 Application**

[Open Meeting]

A/YL-PH/768                      Proposed Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years in "Residential (Group D)" Zone, Lots 29 (Part), 33 (Part) and 35 (Part) in D.D. 111 and Adjoining Government Land, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/768A)

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106. The Committee noted that the applicant's representative requested on 15.5.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information (FI) to address the Transport Department's concerns. It was the second time that the applicant requested deferment of the application. After the last deferment, the applicant needed more time to prepare FI to address departmental comments.

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

### **Agenda Item 33**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/271      Proposed Filling of Land (1.3m) for Permitted New Territories  
Exempted House – Small House in “Village Type Development” Zone,  
Lots 1864 S.A and 1865 S.A in D.D. 105, Mai Po San Tsuen, Yuen  
Long  
(RNTPC Paper No. A/YL-MP/271)

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108. The Secretary reported that the site was located at Mai Po. Mr K.W. Leung had declared an interest on the item as he owned a property in Fairview Park, Mai Po. The Committee agreed that Mr K.W. Leung could stay in the meeting as his property did not have a direct view of the site.

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

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

- (a) background to the application;

- (b) the proposed land filling of land (1.3m) for permitted New Territories Exempted House (NTEH) – Small House;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. A Small House grant application had been approved by the Lands Department within the site, subject to planning permission for necessary land filling works and compliance with approval conditions stipulated in the permission. The proposed land filling involving 1.3m in depth was to facilitate the construction of a NTEH (Small House). Considering the nature, scale and extent of the proposed land filling, significant adverse impacts on the surroundings were not anticipated. The site fell within the Wetland Buffer Area according to the Town Planning Board Guidelines No. 12C. The Director of Agriculture, Fisheries and Conservation had no comment on the application from nature conservation point of view considering that the site was covered by common shrubs and grass and was located at a certain distance from the Wetland Conservation Area.

110. In response to a Member's enquiry about the extent of the land filling, Ms Emily P.W. Tong, STP/FSYLE, said that the proposed land filling would be carried out at the lots granted for Small House development. The site boundary was highlighted in red in Plan A-2 of the Paper. Given that there was a level difference between the site (at about + 2.3 to 2.4mPD) and its surrounding area, the applicant was required to apply for land filling to facilitate the development of a Small House. Two similar applications for land filling for Small House development located to the immediate east of the site were approved by the Committee in 2017.

Deliberation Session

111. 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 1.6.2022, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- “(a) the submission of a drainage proposal including drainage mitigation measures before the issue of any certificate of exemption by the Lands Department to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) in relation to (a) above, the implementation of the drainage proposal upon completion of the land filling works to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) if any of the above planning conditions (a) or (b) is not complied with, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.”

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

**Agenda Item 34**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/524            Temporary Shop and Services (Sale of Vehicle Parts and Accessories) with Ancillary Facilities for a Period of 3 Years in “Residential (Group D)” Zone, Lots 170 RP and 174 S.C RP in D.D.105 and Adjoining Government Land in San Tin, Yuen Long  
(RNTPC Paper No. A/YL-ST/524)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary shop and services (sale of vehicle parts and accessories) with ancillary facilities for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the applied use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Although the applied use was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone, approval of the application on a temporary basis would not frustrate the long-term planning intention of the “R(D)” zone as there was no immediate development proposal for the site. The application was



in line with the Town Planning Board Guidelines No. 13E in that the site fell within the Category 3 areas where previous planning approvals for the same or similar uses had been granted since 1996, and there was no local objection.

114. Members had no question on the application.

#### Deliberation Session

115. Noting that there was a shortage of housing land in Hong Kong, a Member considered that land within the “R(D)” zone should be fully utilised for residential development. In response, the Chairperson said that the planning intention of the “R(D)” zone was for redevelopment of existing temporary domestic structures into permanent buildings. Since most land in the New Territories was not readily supported by infrastructure facilities, the development potential of such land could not be unleashed. As such, the Government had been conducting a number of planning and engineering studies to examine and review the development potential in the New Territories. Given that the subject “R(D)” zone had not been identified for short- to medium-term development, the temporary use on the site might be tolerated. In general, special consideration would be given to the possible environmental nuisance when considering applications for non-residential uses in the “R(D)” zone, as there were some residential dwellings in the surrounding.

116. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 1.6.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 11:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no heavy goods vehicles including container vehicles, trailers and tractors as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on the site at any time during the planning approval period;

- (c) no car washing, dismantling, repairing and workshop activity involving metal cutting, drilling, hammering, paint spraying, and oil/lubricant changing is allowed on the site at any time during the planning approval period;
- (d) the existing landscape plantings on the site shall be maintained at all times during the planning approval period;
- (e) the paving and boundary fencing on the site shall be maintained 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) no vehicle is allowed to queue back to the public road or reverse onto/from the site at any time during the planning approval period;
- (h) the submission of a photographic record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.9.2018;
- (i) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.12.2018;
- (j) in relation to (i) above, the implementation of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.3.2019;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;

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

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

[The Chairperson thanked Ms Ivy C.W. Wong and Ms Emily P.W. Tong, STPs/FSYLE, for their attendance to answer Members’ enquiries. They left the meeting at this point.]

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

#### **Agenda Item 35**

#### **Section 16 Application**

[Open Meeting]

A/TM/517                      Proposed Columbarium in “Government, Institution or Community”  
Zone, G/F, Lot 1197 (Part) in D.D. 131, Tsing Shan Tsuen, Yeung  
Tsing Road, Tuen Mun  
(RNTPC Paper No. A/TM/517A)

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118. The Committee noted that the applicant’s representative requested on 15.5.2018 deferment of the consideration of the application for two months in order to allow time to address the Transport Department’s comments on road and junction performance and traffic analysis, cumulative traffic impacts on the adjacent road networks, traffic and crowd management and public comments received. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted a new traffic control and management plan, junction performance data, a revised

sewerage impact assessment, a revised master layout plan and a table of responses to departmental comments.

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

**Agenda Item 36**

**Section 16 Application**

[Open Meeting]

A/HSK/67

Proposed Social Welfare Facility (Private Elderly Home) and Residential Institution (Senior Citizen Housing) in "Government, Institution or Community" Zone and an area shown as 'Road', Lot 793 in D.D. 124, and Lots 70, 71, 72, 73, 74, 75, 76, 77, 215 RP and 216 in D.D. 127, Ping Shan, Yuen Long  
(RNTPC Paper No. A/HSK/67)

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120. The site fell within the draft Hung Shui Kiu and Ha Tsuen Outline Zoning Plan (OZP) No. S/HSK/1, and the applicant submitted an adverse representation and proposed to rezone a major part of the application site to "Government, Institution or Community (1)" for private elderly home cum senior citizen housing.

121. According to the Town Planning Board Guidelines No. 33 on Deferment of Decision on Representations, Comments, Further Representations and Applications made

under the Town Planning Ordinance, a decision on a section 16 application would be deferred if the zoning of the site was still subject to outstanding adverse representation yet to be submitted to the Chief Executive in Council (CE in C) for consideration and the substance of the representation was relevant to the application.

122. Considering that the zoning of the site was the subject of outstanding adverse representations, the Planning Department recommended to defer a decision on the application pending CE in C's decision on the representations in respect of the subject OZP.

123. After deliberation, the Committee decided to defer a decision on the application, the application would be submitted to the Committee for consideration after CE in C's decision on the subject OZP and the relevant adverse representations was made.

### **Agenda Item 37**

#### **Section 16 Application**

[Open Meeting]

A/YL-LFS/316            Proposed Temporary Public Vehicle Park (Private Car and Coach) for a Period of 3 Years in "Residential (Group D)" Zone, Lot 588 in D.D.  
128, Lau Fau Shan, Yuen Long  
(RNTPC Paper No. A/YL-LFS/316)

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124. The Committee noted that the applicant requested on 14.5.2018 deferment of the consideration of the application for two months to prepare further information to address the Transport Department's comment. It was the first time that the applicant requested deferment of the application.

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

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

[Mr Alan Y.L. Au, Senior Town Planner/Tuen Mun and Yuen Long West (STP/TMYLW), was invited to the meeting at this point.]

### **Agenda Item 38**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/428            Proposed Temporary Open Storage of Statues for a Period of 3 Years  
in "Agriculture" Zone, Lot 1254 in D.D. 118, Tai Tong, Yuen Long  
(RNTPC Paper No. A/YL-TT/428)

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

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

- (a) background to the application;
- (b) the proposed temporary open storage of statues for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Agriculture, Fisheries and Conservation did not support the application from agriculture point of view as the site was on a fallow land which possessed potential for agricultural rehabilitation. The Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) had reservation on the application. Given that the site was currently at a lower ground level, land filling and/or site formation was anticipated. Soil compaction might be incurred due to the

temporary use. Any site formation and/or hard paving would contradict the intention of the “Agriculture” (“AGR”) zone. Moreover, landscape proposal was not submitted for consideration. Other concerned government departments had no objection to or no adverse comments on the application;

- (d) during the first three weeks of the statutory publication period, nine public comments from the Shap Pat Heung Rural Committee, a member of the Yuen Long District Council, the Resident Representative (RR) of Ngau Yiu Tau, the Indigenous Inhabitant Representatives and RRs of Shui Chiu Lo Wai, Hung Cho Tin and Nam Hang, World Wide Fund for Nature Hong Kong, Kadoorie Farm and Botanic Garden, Designing Hong Kong Limited and individuals were received raising concern about or objecting to the application. Major views and objection grounds were set out in paragraph 11 of the Paper; and
- (e) PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed open storage was not in line with the planning intention of the “AGR” zone. No strong planning justifications had been provided in the submission for a departure from the planning intention, even on a temporary basis. The temporary use was considered not entirely compatible with the surrounding environment and landscape character. The application did not comply with the Town Planning Board Guidelines No. 13E (TPB PG-No. 13E) in that the site fell within Category 3 areas and no previous approval for similar open storage use had been granted for the site; there were adverse departmental comments on and local objections to the application. Approval of the application would set an undesirable precedent. The cumulative effect of approving such similar applications, even on a temporary basis, would result in a general degradation of the rural environment and landscape quality of the area. Regarding the adverse public comments received, the comments of government departments and planning assessments above were relevant.

127. Two Members raised the following questions:

- (a) whether the statues to be stored on the site were for selling or worship; and
- (b) noting that the application was not supported by PlanD, whether it was because statue was the type of item to be stored on site, and whether the type of storage item was a relevant consideration.

128. Mr Alan Y.L. Au, STP/TMYLW, made the following responses:

- (a) according to the applicant's submission, the statues would be simply stored on the site; and
- (b) there was a number of similar applications for various types of open storage use, including open storage of construction materials and machinery, in the vicinity of the site, and all applications were rejected by the Committee.

129. The Chairperson supplemented that respective government departments might have different considerations or comments on the types of open storage use on the site. She said that the subject application was not supported mainly on the ground that the application did not comply with TPB PG-No. 13E in that the site fell within Category 3 areas and no previous approval for open storage uses had been granted for the site.

#### Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is intended 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. No strong planning justification has been given in the submission for a departure from



the planning intention, even on a temporary basis;

- (b) the proposed development is not compatible with the surrounding areas comprising mainly fallow agricultural land;
- (c) the proposed development is not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that no previous approval has been granted for the site and there are adverse departmental comments on and local objections to the application; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.”

### **Agenda Item 39**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/429            Temporary Shop and Services (Real Estate Agency) and Eating Place  
for a Period of 3 Years in “Village Type Development” Zone, Lots 266  
RP (Part) and 268 (Part) in D.D. 117 and Adjoining Government Land,  
Tai Tong, Yuen Long  
(RNTPC Paper No. A/YL-TT/429)

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

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

- (a) background to the application;

- (b) the temporary shop and services (real estate agency) and eating place for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the applied use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Although the applied use was not entirely in line with the planning intention of the “Village Type Development” (“V”) zone, there was no Small House application approved/under processing at the site currently. Also, the applied use could provide services to meet any such demand in the area. Temporary approval of the application would not frustrate the long-term planning intention of the “V” zone. The application was in line with the Town Planning Board Guidelines No. 15A in that the temporary eating place would not create any environmental nuisance, cause inconvenience to the residents nearby nor have adverse traffic, drainage, sewerage or fire safety impacts on its surrounding areas; there was no adverse departmental comment; and the applied use was located at the fringe of the “V” zone and accessible via Tai Tong Road.

132. Members had no question on the application.

#### Deliberation Session

133. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 1.6.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 10:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no vehicle is allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (c) the existing trees and landscape planting on the site shall be maintained at all times during the planning approval period;
- (d) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (e) the submission of a condition record of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.9.2018;
- (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 1.12.2018;
- (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 1.3.2019;
- (h) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (i) if any of the above planning conditions (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; and
- (j) upon the expiry of the planning permission, the reinstatement of the site to

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

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

#### **Agenda Item 40**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/430 Proposed Excavation of Land for 47 Permitted Houses (New Territories Exempted Houses - Small Houses) in “Village Type Development” Zone, Various Lots in D.D. 117, Tai Tong, Yuen Long (RNTPC Paper No. A/YL-TT/430)

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135. The Committee noted that a replacement page (page 11 of the Main Paper) was dispatched to Members before the meeting to revise the end date of the statutory publication period in paragraph 10.1.

136. Leadtops Raymond Ltd. was the consultant of the applicant. The Committee noted that Mr Ricky W.Y. Yu had declared an interest on the item as he had connection with Leadtops Raymond Ltd, and agreed that Mr Yu could stay in the meeting as he had no involvement in the application.

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

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

- (a) background to the application;
- (b) the proposed excavation of land for 47 permitted houses (New Territories Exempted Houses – Small Houses);

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, ten public comments were received from Shap Pat Heung District Resident Association, New Territories Warehouse and Logistic Business Association, residents from Kam Lung Garden, land owners of adjacent lots and individuals, with one supporting the application, seven objecting to the application and two providing views. Major views and objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The site fell within the “Village Type Development” (“V”) zone where Small House was a Column 1 use which was always permitted. However, the Notes of the subject Outline Zoning Plan (OZP) stipulated that any excavation of land, including that to effect a change of use to any of those specified in Columns 1 and 2 or uses/developments always permitted under the covering Notes, required planning permission from the Town Planning Board. The proposed site formation works, including both land filling and excavation, would form the site level at +15.5mPD in order to facilitate the construction of 47 permitted Small Houses and to reduce the risk of flooding in the site and the surrounding area. According to the District Lands Officer/Yuen Long, Lands Department (LandsD), 22 Small House applications within the site had been received and were being processed. Regarding the adverse public comments received, the comments of government departments and planning assessments above were relevant.

138. A Member asked whether application for Small House development was required for the site. In response, the Chairperson said that Small House development was always permitted in the “V” zone and only excavation of land required planning permission under the subject OZP.

139. Some Members raised the following questions:
- (a) the status of land ownership of the site; and
  - (b) whether there were any concerns from landscape planning and nature conservation perspectives from relevant government departments.
140. Mr Alan Y.L. Au, STP/TMYLW, made the following responses:
- (a) a total of 35 current land owners of the site had given consent to the applicant to submit the application. The applicant had complied with the requirements as set out in the Town Planning Board Guidelines No. 31A; and
  - (b) the Chief Town Planner/Urban Design and Landscape Section (CTP/UD&L), PlanD, had no objection to the application as the site fell within the “V” zone, where Small House development was always permitted. The Director of Agriculture, Fisheries and Conservation Department (DAFC) also had no adverse comment on the application as the site was paved and disturbed.

#### Deliberation Session

141. The Chairperson said that the scale of the proposed site formation works was extensive. The government departments’ main considerations were on whether the proposed excavation would generate any adverse drainage and environmental impacts on the surroundings. In this regards, the concerned departments, including the Director of Drainage Services, DAFC and CTP/UD&L, PlanD, had no objection to the application.

142. Members noted that the consent of the 35 current land owners of the site had been obtained by the applicant and it had been stated clearly in the application that 47 Small Houses would be developed on the site.

143. A Member asked whether the application involved “destroy first, apply later” activities as most of the trees on the site had been felled. In response, the Chairperson said that since the site fell within the “V” zone, there was no mechanism or provision to control tree felling within private lots.

144. A Member said that it was foreseeable that the 47 permitted Small Houses would be a large-scale residential development. Assuming that the Small House applications to LandsD for the 47 Small Houses would not be taken place concurrently, the Member asked whether there was a mechanism in the Government to ensure that the proposed site formation works would be carried out in a holistic manner. In response, the Chairperson said that LandsD had already received 22 Small House applications within the site. Should the subject application be approved, the extent of the proposed site formation works would cover the whole site under application. Building plans submission for the proposed site formation works would also need to be submitted to the Buildings Department for approval.

145. The Vice-chairperson said that if the construction of Small Houses eventually did not take place after the completion of the proposed site formation works, the physical conditions of the site would have been changed. A Member said that public concerns on large-scale Small House developments would be expected and whether the Committee should take such public concerns into account when considering the application. In response, the Chairperson said that the Committee should consider whether the proposed site formation works were acceptable from land use planning point of view. LandsD would, according to their established procedure and practice, verify the identity of the indigenous villager in processing each Small House grant application. The Chairperson further said that the applicant would carry out the proposed site formation works and provide all basic infrastructure facilities and an emergency vehicular access for the site. In such regard, the proposed site formation works might be conducive to a more orderly Small House development pattern. Another Member also said that a village was formed by a cluster of Small Houses. As such, a large-scale Small House development was indeed in line with the concept of village type development.

146. Some Members noted that the objective of the Small House Policy was to improve the prevailing low standard of housing in the rural areas of the New Territories. Such policy allowed an indigenous male villager an entitlement to build one Small House

during his lifetime. Some worried that the large-scale Small House development under application might not be in line with the objective of the Small House Policy as developers might take the opportunity to make huge profit from such development. Nevertheless, Members generally considered that there was no ground for not approving the subject application for excavation of land from land use planning perspective.

147. In response to some Members' concern on whether the Small House Policy should be subject to review, the Chairperson said that Small House Policy was under the jurisdiction of the Development Bureau. Members' concern would be well recorded in the minutes of the meeting.

148. Mr Edwin W.K. Chan, Assistant Director (Regional 3) of LandsD, remarked that the Small House Policy was currently the subject of a judicial review. In response to some Members' concern on selling rights to developers to build Small Houses, it should be noted that such act might be a criminal offence and any suspected cases would be reported to the Police for investigation.

149. A Member asked whether it was more appropriate for the applicant to submit application for excavation of land for individual Small House development. In response, the Chairperson said that the proposed excavation works under application could ensure a more comprehensive planning of the site formation required for the entire site. No matter the application for proposed excavation works was for an individual Small House or for a large-scale Small House development, the Committee would consider the application from a land use planning perspective and whether the proposed excavation works would cause any adverse impacts on the surrounding environment. Another Member further said that since Small House development was always permitted in the "V" zone, approval of the application for excavation of land was well justified provided that there would not be any adverse environmental impact.

150. A Member noted that there was no such large scale excavation works proposed for Small House development considered by the Committee in the past six years. In response, the Chairperson said that planning permission was not required for excavation of land in the "V" zone for most of the OZPs. Yet, due to the flooding problem in the northwest New Territories, the requirement for planning permission for excavation of land



was incorporated into the Remarks of the Notes for the concerned “V” zone in relevant OZPs.

151. 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 1.6.2022, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- “(a) the submission of a Drainage Impact Assessment (DIA) before commencement of the land excavation works to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) in relation to (a) above, the implementation of the mitigation measures proposed in the DIA for the development upon completion of the land excavation works to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) if any of the above planning conditions (a) or (b) is not complied with, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.”

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

#### **Agenda Item 41**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/893      Renewal of Planning Approval for Temporary Warehouse for Storage of Construction Materials, Carpets and Porcelains with Ancillary Office for a Period of 3 Years in “Undetermined” Zone, Lot 1241 (Part) in D.D. 119, Tong Yan San Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/893)

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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary warehouse for storage of construction material, carpets and porcelains with ancillary office for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential use in the vicinity, and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the applied use could be tolerated for a further period of three years based on the assessments set out in paragraph 12 of the Paper. Whilst the site fell within an area zoned as “Amenity” and an area shown as ‘Road’ on the Recommended Outline Development Plan of Yuen Long South, approval of the application on a temporary basis would not jeopardize the long-term development of the area. The application was generally in line with the Town Planning Board Guidelines No. 34B in that there had been no material change in planning circumstances since the granting of the previous approval under application No. A/YL-TYST/741; all approval conditions had been complied with; and the three-year approval period sought was of the same timeframe as the previous approval. Although

DEP did not support the application, there had been no environmental complaint concerning the site received in the past three years. To address the concerns on the possible environmental nuisances, relevant approval conditions were recommended.

154. Members had no question on the application.

#### Deliberation Session

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

- “(a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no repairing, dismantling, cleaning or other workshop activities, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (d) no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the existing trees and landscape planting on the site shall be maintained at all times during the planning approval period;

- (g) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (h) the submission of a condition record of the existing drainage facilities on the site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.10.2018;
- (i) the submission of a fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.1.2019;
- (j) in relation to (i) above, the implementation of the fire service installations proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.4.2019;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (l) if any of the above planning conditions (h), (i) or (j) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (m) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

**Agenda Item 42**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/894      Renewal of Planning Approval for Temporary Shop (Grocery Store) for a Period of 3 Years in “Residential (Group C)” Zone, Lots 1286 (Part), 1287 (Part), 1290 (Part), 1314 (Part) and 1316 (Part) in D.D. 119 and Adjoining Government Land, Pak Sha Tsuen, Yuen Long (RNTPC Paper No. A/YL-TYST/894)

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157.            The Committee noted that two replacement pages (page 5 of the Main Paper and page 1 of Appendix V) were tabled at the meeting for Members’ reference to revise the comments of the District Lands Officer/Yuen Long and advisory clause (c) respectively.

**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary shop (grocery store) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the applied use could be tolerated for a further period of three years based on

the assessments set out in paragraph 12 of the Paper. Although the applied use was not entirely in line with the planning intention of the “Residential (Group C)” (“R(C)”) zone, there was no known programme for long-term development on the site. The applied use could serve the daily needs of local residents and nearby residential developments as well as the workforce of the open storage/storage yards and warehouses in the adjoining “Undetermined” zone. Approval of the application on a temporary basis would not jeopardize the long-term planning intention of the “R(C)”) zone. The application was generally in line with the Town Planning Board Guidelines No. 34B in that there had been no material change in planning circumstances since the granting of the previous approval under application No. A/YL-TYST/737; all approval conditions had been complied with; and the three-year approval period sought was of the same timeframe as the previous approval.

159. Members had no question on the application.

#### Deliberation Session

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

- “(a) no operation between 9:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no 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, as proposed by the applicant, at any time during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;

- (d) the existing trees and landscape planting on the site shall be maintained at all times during the approval period;
- (e) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities 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 4.10.2018;
- (g) the submission of a fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.1.2019;
- (h) in relation to (g) above, the implementation of the fire service installations proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.4.2019;
- (i) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (j) if any of the above planning conditions (f), (g) or (h) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (k) 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.”

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

[The Chairperson thanked Mr Alan Y.L. Au, STP/TMYLW, for his attendance to answer Members' enquiries. Mr Au left the meeting at this point.]

**Agenda Item 43**

Any Other Business

Section 16A Application

[Open Meeting]

A/YL-MP/246-10      Application for Extension of Time for Compliance with Planning  
Conditions, Lot 2874 in D.D. 104, Mai Po, Yuen Long  
(RNTPC Paper No. A/YL-MP/246-10)

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162. The Secretary reported that application No. A/YL-MP/246 was approved with conditions by the Committee on 8.1.2016. The deadline for compliance with approval condition (g) was 8.6.2018. An application for Extension of Time (EOT) for compliance with approval condition (g) up till 8.9.2018 was received by the Town Planning Board on 28.5.2018, which was only ten working days before the expiry of the specified time limit for approval condition (g). It was recommended not to consider the current application as there was insufficient time to process the application before the expiry of the specified time limit for compliance with approval condition (g) which was essential for the consideration of the application.

163. After deliberation, the Committee agreed not to consider the section 16A application as there was insufficient time to process the application before the expiry of the specified time limit for compliance with the condition mentioned above.

164. There being no other business, the meeting closed at 4:45 p.m..