

TOWN PLANNING BOARD

**Minutes of 610th Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 7.9.2018**

Present

Director of Planning
Mr Raymond K.W. Lee

Chairman

Dr F.C. Chan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Mr K.K. Cheung

Dr Lawrence K.C. Li

Mr Stephen L.H. Liu

Miss Winnie W.M. Ng

Mr L.T. Kwok

Mr K.W. Leung

Dr Jeanne C.Y. Ng

Mr Ricky W.Y. Yu

Chief Traffic Engineer/New Territories West,
Transport Department
Mr Patrick K.H. 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
Ms Jacinta K.C. Woo

Secretary

Absent with Apologies

Mr H.W. Cheung

Vice-chairman

Mr Ivan C.S. Fu

Dr C.H. Hau

In Attendance

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

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

Town Planner/Town Planning Board
Miss Kirstie Y.L. Law

Agenda Item 1

Confirmation of the Draft Minutes of the 609th RNTPC Meeting held on 17.8.2018

[Open Meeting]

1. The draft minutes of the 609th RNTPC meeting held on 17.8.2018 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Fanling, Sheung Shui and Yuen Long East District

Agenda Item 3

Section 12A Application

[Open Meeting]

Y/KTN/1 Application for Amendment to the Approved Kwu Tung North Outline Zoning Plan No. S/KTN/2, To Rezone the Application Site from “Comprehensive Development Area” to “Residential (Group B) 1”, Lots 684 RP (Part), 711 RP (Part), 717 (Part), 718 RP (Part), 719 (Part), 721 RP (Part) and 2158 RP (Part) in D.D. 92 and Adjoining Government Land, Kwu Tung North
(RNTPC Paper No. Y/KTN/1B)

3. The Secretary reported that the application site was located in Kwu Tung North. ADI Ltd. (ADI) was one 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 ADI; and

Dr C.H. Hau - owning a property in Kwu Tung North.

4. The Committee noted that Mr Ivan C.S. Fu and Dr C.H. Hau had tendered apologies for being unable to attend the meeting.

5. The Committee noted that the applicant's representative requested on 16.8.2018 deferment of the consideration of the application for two months so as to allow time for preparation of further information such as Environmental Assessment and Sewerage Impact Assessment to address departmental comments. It was the third time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information including a revised Master Layout Plan, Traffic Impact Assessment and a new Visual Impact Assessment to address departmental comments.

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

Sai Kung and Islands District

Agenda Item 4

Section 16 Application

[Open Meeting]

A/I-SKC/1 Proposed Minor Relaxation of Maximum Building Height Restriction for Permitted Integrated Waste Management Facilities in “Other Specified Uses” annotated “Integrated Waste Management Facilities” Zone, Artificial Island at the Southwest Coast of Shek Kwu Chau
(RNTPC Paper No. A/I-SKC/1)

7. The Secretary reported that AECOM Asia Ltd. (AECOM) and Dennis Lau & Ng Chun Man Architects & Engineers (HK) Ltd. (DLN) were two of the consultants of the applicant. The following Members had declared interests on this item:

Mr Ivan C.S. Fu	}	having current business dealings with AECOM; and
Dr C.H. Hau		
Mr Stephen L.H. Liu	-	having past business dealings with DLN.

8. The Committee noted that Mr Ivan C.S. Fu and Dr C.H. Hau had tendered apologies for being unable to attend the meeting. The Committee noted that the applicant had requested deferment of consideration of the application and agreed that as Mr Stephen L.H. Liu had no involvement in the application, he could stay in the meeting.

9. The Committee noted that the applicant’s representative requested on 21.8.2018 deferment of the consideration of the application for two months so as to allow time for preparation of further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

10. After deliberation, the Committee decided to defer a decision on the application

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

Agenda Item 5

Section 16 Application

[Open Meeting]

A/SK-HC/299 Proposed Temporary Private Car Park (Private Cars Only) for a period of 3 years in "Village Type Development" Zone and an area shown as 'Road', Various Lots in D.D. 244, Ho Chung, Sai Kung
(RNTPC Paper No. A/SK-HC/299)

11. The Committee noted that the applicant's representative requested on 15.8.2018 deferment of the consideration of the application for two months so as to allow time for preparation of further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

circumstances.

Agenda Item 6

Section 16 Application

[Open Meeting]

A/SLC/152 Proposed Tent Camping Ground and Place of Recreation, Sports or Culture (Hobby Farm) in “Green Belt” Zone, Lots 338, 344, 345, 346, 350, 351, 352, 354, 355, 356, 357, 358 and 360 in D.D. 332 and Adjoining Government Land, Cheung Sha, Lantau Island
(RNTPC Paper No. A/SLC/152)

13. The Committee noted that the applicant’s representative requested on 16.8.2018 deferment of the consideration of the application for two months so as to allow time for preparation of further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

Sha Tin, Tai Po and North District

Agenda Item 7

Section 16 Application

[Open Meeting]

A/ST/952 Minor Relaxation of Gross Floor Area and Site Coverage Restrictions for Permitted Columbarium Use in “Other Specified Uses” annotated “Columbarium” Zone, The western part of No.1 Pau Tau Street, Sha Tin
(RNTPC Paper No. A/ST/952A)

15. The Secretary reported that Masterplan Ltd. (Masterplan) and Dennis Lau & Ng Chun Man Architects & Engineers (HK) Ltd. (DLN) 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 Masterplan; and

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

16. The Committee noted that Mr Ivan C.S. Fu had tendered apologies for being unable to attend the meeting. The Committee noted that the applicant had requested deferment of consideration of the application and agreed that Mr Stephen L.H. Liu could stay in the meeting as he had no involvement in the application.

17. The Committee noted that the applicant’s representative requested on 23.8.2018 deferment of the consideration of the application for two months so as to allow time for preparation of further information to address departmental comments. It was the second time that the applicant requested deferment of the application. Since last deferment, the applicant had submitted further information including a revised Traffic Impact Assessment and a Visual Analysis to address departmental comments.

18. After deliberation, the Committee decided to defer a decision on the application

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

[Mr Tim T.Y. Fung and Ms Kathy C.L. Chan, Senior Town Planners/Shia 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/NE-FTA/186 Filling of Land for Permitted Agricultural Use (Hydroponic Farm) in
"Agriculture" Zone, Lots 427 S.D, 427 RP, 427 S.E RP, 462 (Part), 463
(Part), 464 (Part), 465 (Part), 466 (Part), 467, 468, 518 RP, 520 RP,
521, 522, 523, 524, 525 and 526 in D.D. 89 and Adjoining Government
Land, near Lo Wu Station Road, Man Kam To Road

(RNTPC Paper No. A/NE-FTA/186)

Presentation and Question Sessions

19. 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) filling of land for permitted agricultural use (hydroponic farm);

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The District Lands Officer/North, Lands Department (DLO/N, LandsD) did not support the application from land administration and lease points of view. There were unauthorized structures erected within/adjoining the Site without prior approval from his office, which were not acceptable under the leases concerned. The Director of Agriculture, Fisheries and Conservation objected to the application as the applicant failed to identify and address any potential ecological impact that might arise from the proposed land filling activity. The Assistant Commissioner for Transport/New Territories did not support the application at this stage as the applicant should be requested to provide information on the proposed land filling activity for his assessment. The Director of Environmental Protection (DEP) had strong reservation on the application as there was no information in the application to demonstrate the environmental acceptability of the proposal. DEP had also received environmental complaints concerning the site in the past three years and during one of their ambush operation, a truck driver was caught red-handed dumping construction and demolition waste at the Site and he was convicted under Waste Disposal Ordinance. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from landscape planning point of view as there were unauthorized land filling of over 1.5m in height and unauthorized significant vegetation clearance prior to seeking permission. Approval of the application might set an undesirable precedent to encourage similar vegetation clearance and land filling prior to planning permission. The Chief Engineer/Mainland North, Drainage Services Department had reservation on the application that the applicant should submit a proper Drainage Impact Assessment prior to filling of land. The District Officer (North), Home Affairs Department conveyed that the Indigenous Inhabitant Representative of San Uk Ling supported, the Resident Representative (RR) of San Uk Ling objected to, and the Vice-Chairman of Ta Kwu Ling District Rural Committee, the incumbent

North District Council member of the subject constituency, the RR of Lo Wu and 打鼓嶺沙嶺村居民福利會 had no comment on the application. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, eight public comments were received from Kadoorie Farm and Botanic Garden, The Hong Kong Bird Watching Society, Designing Hong Kong and four individuals objecting to the application. The Chairman of Sheung Shui District Rural Committee had no comment on the application. Major views 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. While 'Agricultural Use' was always permitted in the "Agriculture" ("AGR") zone, any form of land filling (except for laying of soil not exceeding 1.2m in thickness for cultivation or construction of any agricultural structure with prior written approval issued by LandsD), or pond filling would require planning permission from the Town Planning Board. The Site was over 1.5 hectares and majority of it had been filled up without planning permission. The current application was a "Destroy First, Build Later" case. Although the northern part of the Site covering Lots 466, 520RP, 521 to 523 in DD89 had once obtained approvals from the Agriculture, Fisheries and Conservation Department and LandsD for erection of agricultural structures, the land filling activities at that part of the Site exceeding +3.9mPD had never been agreed by relevant departments and the relevant Letter of Approval (LoA) and associated Certificates of Exemption (for Building Works and Site Formation) were cancelled and revoked on 12.10.2017. The extensive land filling was considered incompatible with the rural agricultural landscape character in the area and no information was provided to justify the extent of land filling. There was no information in the submission to demonstrate that the development would not result in adverse ecological, environmental, drainage and traffic impacts. The approval of the application might set an undesirable precedent to encourage

similar vegetation clearance/land filling prior to obtaining permission and would jeopardize the existing valuable rural landscape resources and irreversibly degrade the agricultural landscape character in the area. There was no change in planning circumstances since the rejection of the last application (No. A/NE-FTA/182) submitted by the same applicant with a larger site area for filling of land and pond for permitted agricultural use (hydroponic farm). Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

20. Members had no question on the application.

Deliberation Session

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

- “(a) the planning intention of the “Agriculture” (“AGR”) zone 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 justifications for land filling of 1.5m in height (5mPD to 6mPD) for agricultural purpose;
- (b) the applicant fails to demonstrate that the filling of land would not cause adverse drainage, environmental, ecological, landscape and traffic impacts on the surrounding area; and
- (c) the approval of the application would set an undesirable precedent for other similar applications within the “AGR” zone. The cumulative impact of approving such applications would result in a general degradation of the environment of the area.”

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LK/114 Proposed House (New Territories Exempted House - Small House) in
 “Agriculture” Zone, Lot 1356 S.B in D.D. 39, Ma Tseuk Leng San Uk
 Ha, Sha Tau Kok

 (RNTPC Paper No. A/NE-LK/114)

Presentation and Question Sessions

22. 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) proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning point of view as the fruit trees had to be removed for the Small House development. The Commission for Transport (C for T) had reservation on the application but considered that application involving construction of only one Small House could be tolerated. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication, three public comments were received. The Chairman of Sheung Shui District Rural Committee indicated no comment on the application, while the Hong Kong Bird Watching Society and an individual objected 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 assessment set out in paragraph 11 of the Paper. The application was not in line with the planning intention of the “Agriculture” (“AGR”) zone, which was intended primarily to retain and safeguard good quality agricultural land land/farm/fish ponds for agricultural purposes. CTP/UD&L, PlanD did not support the application and C for T had reservation on the application. The application did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that the applicant failed to demonstrate that the proposed development would not cause adverse landscape impacts on the surrounding area. As land available within the “Village Type Development” (“V”) zone was sufficient to fully meet the total Small House demand, it was considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services. After the adoption of ‘cautious approach’, only one similar application in the vicinity of the Site was approved in 2017 mainly for the reason that there was a previously approved application. The circumstances of the current application were different from that approved application. Regarding the adverse public comments, comments of concerned departments and the planning assessments above were relevant.

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

23. In response to some Members' questions regarding the adoption of ‘cautious approach’ in considering Small House applications, Mr Tim T.Y. Fung, STP/STN, said that application No. A/NE-LK/109 was approved after the adoption of ‘cautious approach’ mainly because it was the subject of a previously approved application. The Secretary supplemented that the Committee considered a paper in 2014 regarding the assessment of applications for Small House development. While both the 10-year forecast of Small House demand and those outstanding Small House applications would be taken into account in the assessment, it was agreed by the Committee that more weighting would be put on the number of outstanding Small House applications provided by LandsD. If there was sufficient land in “V” zone to meet the outstanding Small House applications, a more ‘cautious approach’ would be adopted for considering planning applications for Small House development.

Deliberation Session

24. 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 in the Luk Keng and Wo Hang 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 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 development would involve vegetation clearance and hence affect the existing natural landscape; and
- (c) land is still available within the “Village Type Development” zone of Ma Tseuk Leng, Ma Tseuk Leng San Uk Ha and Shek Kiu Tau village cluster where land is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructures and services.”

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/672 Temporary Eating Place (Canteen) for a Period of 3 Years in “Agriculture” Zone, Lot 926 (Part) in D.D. 83, Lung Ma Road, Fanling
(RNTPC Paper No. A/NE-LYT/672)

25. The Secretary reported that after issue of the RNTPC Paper, the applicant requested on 6.9.2018 deferment of the consideration of the application for one month so as to allow time for preparation of further information to address departmental comments. The applicant's letter was tabled at the meeting for Members' reference. 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 one month was allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-MKT/5 Filling of Land for Permitted Agricultural Use in "Agriculture" Zone,
Lot 586 in D.D. 90, Muk Wu Village, Man Kam To, Sheung Shui
(RNTPC Paper No. A/NE-MKT/5)

Presentation and Question Sessions

27. 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) filling of land for permitted agricultural use;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from landscape planning perspective. While adverse landscape impact arising from the proposed filling of land was not anticipated, it was considered that the approval of the application would set an undesirable precedent to encourage filling of land in the “Agriculture” (“AGR”) zone before seeking permission. The District Officer (North), Home Affairs Department (DO(N), HAD) conveyed that the Vice-Chairman of Ta Kwu Ling District Rural Committee, the Indigenous Inhabitant Representative (IIR) and the Resident Representative of San Uk Ling, and the IIR of Muk Wu supported the application. 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, six public comments were received. A North District Council member indicated no comment and the World Wide Fund for Nature Hong Kong, Kadoorie Farm and Botanic Garden Corporation, the Hong Kong Bird Watching Society, Designing Hong Kong Limited and an individual objected to the application. Major grounds of objection were set out in paragraph 10 of the Paper; and

- (e) PlanD’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The application was to regularize the filling of land for permitted agricultural use at the Site zoned “AGR”. Although agricultural use in the “AGR” zone was always permitted, land filling (except laying of soil not exceeding 1.2m in thickness for cultivation or construction of any agricultural structure with prior written approval issued by Lands Department (LandsD)) would require planning permission from the Town Planning Board. The requirement for planning permission for land filling operation was to ensure that it would not cause adverse landscape and drainage impacts on

the adjacent areas. The filling of land was relatively small in scale and involved only about 0.6m in thickness for leveling the Site to a similar level as the local road at the eastern boundary of the Site, hence the development was considered not entirely incompatible with the rural landscape character which comprised active and fallow agricultural land and temporary structures. Approval conditions could be recommended to address technical requirements of relevant departments. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

28. In response to a Member's enquiry, Mr Tim T.Y. Fung, STP/STN, confirmed that the Site was under the same ownership of the three nearby organic farms and it was confirmed by the Agriculture, Fisheries and Conservation Department that the Site was to support the operation of the three organic farms.

Deliberation Session

29. 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 was subject to the following conditions:

- “(a) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.3.2019;
- (b) in relation to (a) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.6.2019;
- (c) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.3.2019;
- (d) in relation to (c) above, the provision of drainage facilities within 9 months

from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.6.2019; and

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

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

[Mr David Y.T. Lui arrived to join the meeting at this point.]

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-PK/128 Proposed 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/128B)

Presentation and Question Sessions

31. 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) proposed temporary private car park (private car and light goods vehicle) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 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 high potential for agricultural rehabilitation. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from landscape planning perspective on the grounds that despite the Site was previously approved for Small House development, the existing hard paved area for the applied use in the “Agriculture” (“AGR”) zone was considered incompatible with the current land use and surrounding rural landscape character. It was noted that vegetation clearance within the Site had been taken place prior to seeking permission and the approval of the proposed temporary car park use might encourage similar applications within the “AGR” zone resulting in more vegetated areas being turned into hard paved areas. Concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication periods, eight public comments were received. A North District Council (NDC) member supported the application. Kadoorie Farm and Botanic Garden Corporation, World Wide Fund for Nature Hong Kong, Designing Hong Kong Limited and three individuals objected to the application while the Chairman of Sheung Shui District Rural Committee indicated no comment on the application. Major views and concerns 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 temporary private car park under application with a total of 15 parking spaces for private cars/ light goods vehicles was not in line with the planning intention of the “AGR” zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. The applicant had not provided any strong planning justifications in the submission to justify a departure from the planning intention of “AGR” zone, even on a temporary basis. The approval would also set an undesirable precedent for similar applications and encourage similar site/vegetation clearance prior to obtaining planning permission, i.e. “destroy

first, build later” activities, thus causing adverse impact on the landscape resource and character within the area. The cumulative effect of approving such similar applications would inevitably degrade the landscape character of the “AGR” zone. The demand for car parking spaces should in general be met by the planned car parking spaces within the developments and the Site was not a suitable location for a temporary car park from the land use planning point of view. The last previous application (No. A/NE-PK/114) submitted by the same applicant for the same temporary private car park use with a larger site area for a total of 60 parking spaces was rejected by the Committee on 26.5.2017. As there had been no major change in planning circumstances of the Site and its surrounding areas, there was no strong planning justification to warrant a departure from the Committee’s rejection of the previous application even though the scale of the car park had been reduced from 60 to 15 parking spaces. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

32. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed temporary private car park under application is not in line with the planning intention of the “Agriculture” (“AGR”) zone in the Ping Kong 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 planning justification in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the applicant fails to demonstrate in the submission that the development

would not result in adverse landscape 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 similar applications would result in a general degradation of the environment of the area.”

Agenda Item 13

Section 16 Application

[Open Meeting]

A/NE-TKL/581 Proposed Temporary Open Storage of Construction Equipment and Machineries for a Period of 3 Years in “Agriculture” Zone, Lot 11 RP in D.D. 46, Sha Tau Kok Road - Ma Mei Ha
(RNTPC Paper No. A/NE-TKL/581B)

34. The Committee noted that the applicant’s representative requested on 23.8.2018 deferment of the consideration of the application for two months so as to allow time for preparation of further information to address departmental comments. It was the third time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information including a response-to-comment table, a revised landscape plan and site photos to address departmental comments.

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

unless under very special circumstances.

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/549 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” Zones, Lot 263 S.D
ss.15 in D.D. 9, Kau Lung Hang Village, Tai Po

(RNTPC Paper No. A/NE-KLH/549A)

Presentation and Question Sessions

36. The Committee noted that two replacement page (page 8 of Annex III and Plan A-2a of the Paper), rectifying editorial errors of the Paper, were tabled at the meeting for Members’ information.

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

- (a) background to the application;
- (b) proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site possessed potential for rehabilitation of agricultural activities. The Commissioner for Transport had reservation on the application but considered that the application involving the development of one Small House could be tolerated. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some

reservations on the application from the landscape planning perspective as vegetation within the Site had been cleared since 2016 prior to submission of the application, and approval of the application would set an undesirable precedent to encourage such unauthorised removal of vegetation. Other concerned government departments had no objection to or no adverse comments on the application;

- (d) during the first three weeks of the statutory public inspection period, one public comment was received objecting to the application. Major grounds of objection were set out in paragraph 10 of the Paper; and
- (e) PlanD's views – PlanD did not support the application based on the assessment set out in paragraph 11 of the Paper. The proposed Small House development was not in line with the planning intention of the “Agriculture” (“AGR”) zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. DAFC did not support the application as the Site possessed potential for rehabilitation of agricultural activities. CTP/UD&L, PlanD had some reservations on the application and considered that approval of the application would set an undesirable precedent to encourage such unauthorized removal of vegetation. While land available within the “V” zone was insufficient to fully meet the Small House demand, it was capable to meet the 130 outstanding Small House applications. It was considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructures and services. Similar applications in the vicinity of the Site were recently rejected by the Committee and rejecting the current application was in line with the Committee's previous decision. Regarding the public comments received, the comments of government departments and planning assessments above were relevant.

38. In response to a Member's enquiry, Ms Kathy C.L. Chan, STP/STN, said that

application No. A/NE-KLH/358 was partially approved as only two out of four proposed houses under the application were approved by the Committee.

Deliberation Session

39. 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 justification in the current submission for a departure from the planning intention; and
- (b) land is still available within the “Village Type Development” (“V”) zone of Yuen Leng, Kau Lung Hang San Wai and Kau Lung Hang Lo Wai 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 Items 15 and 16

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/551 Proposed House (New Territories Exempted House - Small House) in “Green Belt” Zone, Government Land in D.D. 9, Kau Lung Hang Village, Tai Po
(RNTPC Paper No. A/NE-KLH/551 and 552)

A/NE-KLH/552 Proposed House (New Territories Exempted House - Small House) in “Green Belt” Zone, Government Land in D.D. 9, Kau Lung Hang Village, Tai Po
(RNTPC Paper No. A/NE-KLH/551 and 552)

Presentation and Question Sessions

40. The Committee noted that the two applications for proposed house (New Territories Exempted House (NTEH) – Small House) were similar in nature and the application sites were located closely together and within the same “Green Belt” (“GB”) zone. The Committee agreed that they could be considered together.

41. The Committee also noted that two replacement pages (pages 2 and 10 of the Paper), rectifying editorial errors of the Paper, were tabled at the meeting for Members’ information.

42. Ms Kathy C.L. Chan, 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) on each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Commissioner for Transport (C for T) in general had reservation on the applications but considered the applications

involving development of a Small House at each of the Sites could be tolerated on traffic grounds. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservations on the applications from landscape planning point of view as approval of the applications would further attract similar developments within the “GB” zone and the cumulative effect of approving similar applications would result in degradation of landscape character and cause adverse landscape impact. The Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) advised that the proposed Small House developments were overlooked by steep natural hillside and met the alert criteria for a Natural Terrain Hazard Study (NTHS). 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, one public comment objecting to both applications was received from an individual. Major grounds of objection were set out in paragraph 11 of the Paper; and
- (e) PlanD’s views – PlanD had no objection to the applications based on the assessments set out in paragraph 12 of the Paper. While the proposed Small Houses were not in line with the planning intention of the “GB” zone, the Director of Agriculture, Fisheries and Conservation had no strong view on the application from nature conservation point of view as the Sites were located adjacent to existing village houses. The proposed developments were not incompatible with the surrounding areas which were predominantly rural in character with tree clusters, village houses, temporary structures and fallow agricultural land. Appropriate approval conditions were recommended to address concerns from concerned departments. Regarding the Interim Criteria, while land available within the “V” zone was insufficient to fully meet the future Small House demand, it was capable to meet the 130 outstanding Small House applications. However, the Sites were the subject of previously approved applications (No. A/NE-KLH/412 and 413) submitted by the same applicants. Hence, sympathetic consideration could be given to the current applications.

Regarding the public comment, the comments of government departments and the planning assessment above were relevant.

43. Some Members made the following questions:

- (a) background and reason for not implementing the development approved under the two previous applications (No. A/NE-KLH/412 and 413) on the Sites, and whether it was possible for the applicants to apply for an extension of time for the two previously approved applications instead of submitting fresh s.16 applications;
- (b) whether the Small House grant applications for the Sites had been submitted to the Lands Department (LandsD); and
- (c) the completion date for the public sewerage network.

44. In response to the Members' questions, Ms Kathy C.L. Chan, STP/STN, made the following points:

- (a) the applicants for the current applications were the same as those of the two previous applications submitted for the same site. The two previous applications were approved with conditions by the Committee on 13.8.2010. Applications for Extension of Time (EOT) were subsequently approved in 2014 and the validity of the permissions was extended to 13.8.2018. The permissions lapsed on 13.8.2018 due to delay in construction of the public sewers;
- (b) according to the information provided by the District Lands Officer/Tai Po, LandsD, the Small House grant applications for the Sites had been received by LandsD and were currently under processing; and
- (c) according to the information provided by the Drainage Services Department, the concerned sewerage work was completed in 2017 and available for connection in 2018.

45. The Secretary supplemented that planning permission granted for planning applications would generally be valid for four years. Where an approved development had not yet commenced within the validity period, the applicant could apply for an extension of the time for commencement of the development according to the Town Planning Board Guidelines No. 36B. However, any extension(s) of time for commencement of development should not result in an aggregate extension period longer than the original duration for commencement of the approved development proposal.

46. In response to another Member's enquiry, Ms Kathy C.L. Chan said that the two applications were recommended for approval based on sympathetic consideration as they were the subject of previously approved applications (No. A/NE-KLH/412 and 413) submitted by the same applicants without any change to the Small House footprints and the development parameters.

Deliberation Session

47. 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 7.9.2022, 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 submission and implementation of 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;
- (c) the provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB; and
- (d) the submission of a natural terrain hazard study and the implementation of the mitigation measures identified therein to the satisfaction of the Head of

Geotechnical Engineering Office, Civil Engineering and Development
Department or of the TPB.”

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

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-SSH/121 Renewal of Planning Approval for Temporary Private Car Park
(Private Cars and Light Goods Vehicles) for a Period of 3 Years in
“Village Type Development” Zone and an area shown as ‘Road’, Lots
911 (Part) and 912 (Part) in D.D.165, Tseng Tau, Shap Sz Heung, Sai
Kung
(RNTPC Paper No. A/NE-SSH/121)

Presentation and Question Sessions

49. 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) renewal of planning approval for temporary private car park (private car and light goods vehicles) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. The Site fell mainly within the “Village Type Development “ (“V”) zone with a minor portion within an area shown as ‘Road’. Whilst the applied use was not in line with the planning intention of “V” zone, the District Lands Officer/Tai Po, Lands Department advised that no Small House application had been received for the Site and he had no objection to the renewal application. The temporary private car park would serve the local residents of Tseng Tau Village to meet their daily car parking needs. The approval of the application on a temporary basis would not frustrate the long-term planning intention of the “V” zone. The application was generally in line with Town Planning Board Guidelines No. 34B in that there was no major change in the development proposal since the previous temporary approval was granted, adverse planning implications arising from the renewal of the planning approval were not envisaged and all conditions under previous planning approval had been complied with. Relevant government departments had no objection to or no adverse comment on the application.

50. Members had no question on the application.

Deliberation Session

51. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 19.9.2018 to 18.9.2021, 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 car and light goods vehicle are allowed to be parked on the application site at any time during the planning approval period;
- (b) no vehicle repairing, car washing/fuelling, vehicle dismantling or other

workshop activities are allowed on the Site at any time during the planning approval period;

- (c) the existing trees on the Site shall be maintained at all times during the planning approval period;
- (d) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (e) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (f) 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.”

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

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

Fanling, Sheung Shui and Yuen Long East District

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

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KTN/50 Proposed Temporary Shop and Services (Pet Supplies and Food Retail Shop), Office, Warehouse and Guard Room for a Period of 3 Years in “Government, Institution or Community” Zone, Lots 632 RP (Part) and 633 (Part) in D.D. 96 and Adjoining Government Land, Kwu Tung North, Sheung Shui
(RNTPC Paper No. A/KTN/50)

Presentation and Question Sessions

53. The Secretary reported that the application site was located in Kwu Tung North. Dr C.H. Hau had declared an interest for owning a property in Kwu Tung North. The Committee noted that he had tendered apologies for being unable to attend the meeting.

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

- (a) background to the application;
- (b) proposed temporary shop and services (pet supplies and food retail shop), office, warehouse and guard room 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 since the proposed development was expected to generate traffic of heavy vehicles and there were domestic uses within 100m of the site boundary where environmental nuisance to nearby residents was anticipated. The District Officer/ North, Home Affairs Department conveyed that the Chairman of Sheung Shui District Rural

Committee and the incumbent North District Council member of the subject constituency had no comment on the application, where the Resident Representatives of Kwu Tung (North) and Kwu Tung (South) objected to the application. Concerned government departments had no adverse comments on or objection to the application;

- (d) during the first three weeks of the statutory publication period, two public comments were received from individuals with one indicating no comment and the other objected to the application. Major views were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Whilst the development was not in line with the planning intention of the “Government, Institution or Community” (“G/IC”) zone, there was currently no designated GIC use on the Site. Given concerned departments had no objection to/ no adverse comment on the application in respect of the implementation of the Kwu Tung North New Development Area (KTN NDA), approval of the application on a temporary basis of three years would not jeopardize the long-term development of the Site. The applied use was not incompatible with the surrounding land uses and it was anticipated that the proposed development would not have significant adverse traffic, drainage and landscape impacts. The technical concerns of government departments could be addressed through the incorporation of approval conditions. Regarding the public comments, the comments of relevant government departments and the planning assessments above were relevant.

55. In response to a Member's enquiry on the land status of the Site, Ms S.H. Lam, STP/FSYLE, said that the subject Site was held under Block Government Lease (demised for agricultural use). Mr Edwin W.K. Chan, Assistant Director/Regional 3, Lands Department supplemented that there was no restriction on land use for old schedule agricultural lots in general, except on erection of structures.

Deliberation Session

56. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.9.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 7:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) the existing trees on the Site shall be maintained in good condition at all times during the planning approval period;
- (d) the submission of proposal for fire service installations and water supplies for fire-fighting within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.3.2019;
- (e) in relation to (d) above, the implementation of proposal for fire service installations and water supplies for fire-fighting within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.6.2019;
- (f) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.3.2019;
- (g) in relation to (f) above, the implementation of drainage proposal with 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.6.2019;
- (h) if any of the above planning conditions (a), (b) or (c) is not complied with during the planning approval period, the approved hereby given shall cease

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

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

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

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/602 Proposed Temporary Shop and Services (Motor Vehicle Showroom) with Storage of Vehicles/Vehicles Parts and Ancillary Offices Use for a Period of 3 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/602A)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed temporary shop and services (motor vehicle showroom) with storage of vehicles/vehicles parts and ancillary offices use for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP)

did not support the application as the proposed use involved heavy vehicles and there were sensitive uses in the vicinity of the Site, environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservations on the application from landscape planning perspective. While the proposed layout was in direct conflict with the existing trees, no landscape proposal was provided to alleviate the potential adverse impact to surrounding environment. Other concerned departments had no objection to or no adverse comments on the application;

- (d) during the first three weeks of statutory publication period, one objecting comment was received. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) 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. Land within the “Village Type Development” (“V”) zone was primarily intended for development of Small House by indigenous villages. While the proposed use was not in line with the planning intention of the “V” zone, as there was currently no Small House application approved or under processing at the Site, approval of the application on a temporary basis for a period of three years would not jeopardize the planning intention of the “V” zone. Concerns of DEP and CTP/UD&L, PlanD could be addressed through incorporation of approval conditions. Regarding the adverse public comments, the comments of government departments and the planning assessments above were relevant.

59. In response to a Member's enquiry, Ms Ivy C.W. Wong, STP/FSYLE, said that only permitted uses according to the OZP were allowed at the Site and should the current use on the Site be different from the permitted uses, planning permission would be required.

60. Noting the scale of the proposed structure, a Member enquired on the consideration in recommending approval of the proposed temporary use. In response, Ms Ivy C.W. Wong

said that while information regarding the construction materials or method for the temporary structure was not available, the applicant stated that the structure was temporary in nature and the proposed height was not more than 8m, which did not exceed the building height restrictions of the “V” zone under the OZP. Concerns from relevant departments could be addressed through approval conditions. The same Member cast doubts about the temporary nature of the proposed use as more durable and lasting materials seemed to be required to support the loading of the structure. Ms Ivy C.W. Wong responded that PlanD’s assessment of the application was based on the information submitted by the applicant. If its operation exceeded the approval period of three years without renewal application approved by the Committee, it would be subject to enforcement action. Ms Maggie M.Y. Chin, DPO/FS&YLE, supplemented that any unauthorized development on Site would be subject to enforcement action by the Planning Authority.

61. Some Members raised the following questions:

- (a) whether there were aerial photos to show the condition of the Site since the previous applications were rejected in 2006; and
- (b) whether the consideration for the current application was different from that for the previously rejected applications in 2006, particularly in terms of the compatibility of the applied use with the surrounding area.

62. In response, Ms Ivy C.W. Wong made the following points:

- (a) according to the aerial photos of the Site taken in 2006 and 2018, the current layout of the structures at the Site and the condition of the Site were largely the same as that in 2006;
- (b) regarding the previous applications at the Site which were rejected by the Committee in 2006, the applied use was for temporary open storage of vehicles and vehicle parts, where environmental nuisances to the nearby residential area were anticipated. Such environmental nuisances were not anticipated in the current application as a large part of its operation would be under cover. In assessing the applications, PlanD had also considered the

concerns and views from relevant departments, which could be addressed through imposition of appropriate approval conditions to minimize the possible disturbance to the surrounding area.

Deliberation Session

63. Members in general did not support the application with the following views:
- (a) the ‘temporary’ nature of the applied use was in doubt as relatively more durable and lasting materials seemed to be required to support the loading of the structure;
 - (b) as the Site was in close proximity of the nearby village houses, the approval of the application might adversely affect the surrounding village environment and the overall planning of the area; and
 - (c) the proposed office and vehicle showroom use was general commercial use in nature not serving the needs of the local villagers. It was considered a deviation from the planning intention for the “V” zone.
64. In response to a Member’s enquiry arising from the applied use, the Chairman briefly explained the work of the Central Enforcement and Prosecution Section (CEPS) of PlanD and general procedures for taking enforcement action.
65. Noting that there was currently no Small House grant application being processed at the Site, a Member enquired if the public was aware of the availability of land in the area for Small House development. The Chairman responded that the “V” zone boundary as shown on the OZP was public information. The villagers could make Small House grant applications at their own wish.
66. Some Members considered that being not in line with the planning intention of “V” zone was a strong rejection reason to disapprove the application, and it was in line with the Committee’s previous decision in rejecting the two previous applications (No. A/YL-KTN/244 and 245). Also, Members in general considered that should the application

be approved, the residential dwellings in the vicinity would be subject to environmental nuisances arising from the applied use.

67. A Member pointed out that according to paragraph 5.4 of the Paper, apart from not being in line with the planning intention, applications No. A/YL-KTN/244 and 245 were rejected by the Committee in 2006 on the ground that “previous approvals at the Site had been given to allow time to relocate the operation to a suitable location, but there was insufficient information to demonstrate genuine effort had been taken to relocate the operation to other areas”. Should the Committee approve the current application, it might be contradictory to the Committee’s earlier decision to reject the two previous applications.

68. After deliberation, the Committee decided to reject to the application for the following reasons:

- “(a) the development is not in line with the planning intention of the “V” zone which is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and re-provisioning of village houses affected by the Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. No strong planning justification has been given in the submission to justify a departure from the planning intention, even on a temporary basis; and
- (b) The applicant fails to demonstrate in the submission that the development would not result in adverse environmental impact on the surrounding areas.”

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/620 Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years in “Agriculture” Zone, Lot 1211 in D.D. 107, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/620)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed temporary place of recreation, spots or culture (hobby farm) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Relevant government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of statutory publication period, five objecting comments were received from Kadoorie Farm & Botanic Garden Corporation, World Wild Fund for Nature Hong Kong, Hong Kong Bird Watching Society, Designing Hong Kong and an individual. Major grounds of objection 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. The proposed temporary hobby farm was considered generally in line with the planning intention of the “Agriculture” (“AGR”) zone and the approval of the

application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “AGR” zone. The proposed temporary hobby farm was not incompatible with the surrounding land uses which were rural in character. The proposed development would unlikely cause significant adverse traffic, landscape or drainage impacts. Technical concerns of relevant departments could be addressed by imposition of appropriate approval conditions. Twelve similar applications for hobby farm (three with caravan camp) were approved by the Committee on the same “AGR” zone and the approval of the application was in line with the Committee’s previous decision. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

70. A Member enquired about the current condition of the application site, and the current uses of the area to the south of the Site. With the aid of Plans A-3 and A-4 of the Paper, Ms Ivy C.W. Wong, STP/FSYLE, explained that the Site was currently vacant and covered by grass. The area to the south of the Site was used as storage of construction materials and waste. The same Member expressed that should there be unauthorized occupation of the nearby site, enforcement action should be taken.

71. As requested by the Chairman, Ms Ivy C.W. Wong supplemented that there were twelve approved applications for hobby farm use in the same “AGR” zone as shown on Plan A-1 of the Paper, five of which had been revoked due to non-compliance with approval conditions. Most of the hobby farms in the remaining sites were in operation while some were in the stage of complying with the approval conditions.

Deliberation Session

72. The Chairman said that a number of applications for hobby farms had been approved in the area over the years and the cumulative impact of those uses in the area should be taken into account when assessing applications for such use.

73. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.9.2021, 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 public announcement system, portable loudspeaker or any form of audio amplification system, as proposed by the applicant, is allowed to be used on the Site at any time during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (d) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (e) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.3.2019;
- (f) in relation to (e) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.6.2019;
- (g) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.3.2019;
- (h) in relation to (g) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.6.2019;
- (i) in relation to (h) above, the implemented drainage facilities on the Site shall

be maintained at all times during the planning approval period;

- (j) the submission of 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 7.3.2019;
- (k) in relation to (j) 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 7.6.2019;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (i) is not complied with during 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), (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.”

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

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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) and 127 (Part) in D.D.113 and Adjoining Government Land, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/783A)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary warehouse for storage of drainage pipes with ancillary site office for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as residential structures/dwellings were found to the east and environmental nuisance was expected. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had strong reservations on the application from the landscape planning perspective. Given the extensive scale of the Site and its close proximity to the adjacent “Green Belt” (“GB”) and “Conservation Area” (“CA”) zones, the applied use was considered incompatible with the existing rural landscape context. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the Site possessed potential for agricultural rehabilitation and could be used for greenhouse cultivation or plant nursery. Other concerned government departments had no objection to or no adverse comments on the

application;

- (d) during the first three weeks of statutory publication period, two objecting public comments were received from Kadoorie Farm and Botaonic Garden Corporation and an individual. Major grounds of objections 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 applied temporary warehouse for storage of drainage pipes with ancillary site office was not in line with the planning intention of the “Agriculture” (“AGR”) zone and DAFC did not support the application. No strong planning justification had been given in the submission to justify for a departure from the planning intention, even on a temporary basis. Given the extensive scale of the Site and its close proximity to adjacent “GB” and “CA” zones, the applied use was considered incompatible with existing rural landscape context. There were sensitive receivers located to the east of the Site and environmental nuisance was expected. DEP and CTP/UD&L, PlanD did not support and had strong reservations on the application respectively. No previous planning approval had been given at the Site and the similar application within the same “AGR” zone was rejected by the Town Planning Board on review. 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. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

76. Two Members raised the following questions:

- (a) whether the applied use was currently in operation at the Site;
- (b) how long had such use been in operation;

- (c) whether any enforcement action had been taken; and
- (d) what would be done should the operator ignore the Enforcement Notice issued by the Planning Authority.

77. In response, Ms Ivy C.W. Wong, STP/FSYLE, said that the applied use had been in operation at the site. According to the aerial photo of the Site, relevant structures had been in existence since 2017. The Site was the subject of a current planning enforcement action involving storage use. Enforcement Notice (EN) had been issued. Should the unauthorized development (UD) continue upon expiry of the EN, prosecution action might be taken.

78. Another Member enquired if there were data for successfully prosecuted case. The Chairman replied that relevant data was not available at the moment but such information was available in PlanD's Annual Report which could be provided for Members' reference, if required.

Deliberation Session

79. In response to a Member's query, the Chairman said that the Planning Authority could instigate prosecution action against the notice recipients who failed to comply with the EN, Stop Notice of Reinstatement Notice. Non-compliance with the notices was an offence under the Town Planning Ordinance, and the maximum fine was up to \$500,000 for a first conviction and \$1,000,000 for a second or subsequent conviction. He remarked that the average fine imposed by the court in the recent years had shown an increase. All notices would also be registered at the Land Registry against the title of the land.

80. A Member expressed that the fine for unauthorized development imposed by the court was not high in comparison with the profit made by the operators, and enquired whether it would be reviewed. In response, the Chairman said the maximum fine under the Ordinance could be reviewed where appropriate.

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

- “(a) the development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes. This zone is also intended to retain fallow arable land with good potential for rehabilitation. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the applicant fails to demonstrate that the development will not generate environmental nuisance and adverse landscape impacts on the surrounding area; and
- (c) the approval of the application, even on a temporary basis, will 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 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/787 Proposed Temporary Office for a Period of 3 Years in “Open Storage”
and “Village Type Development” Zones, Lot 1863 RP (Part) in D.D.
111, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/787)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) proposed temporary office for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, seven objecting comments were received from members of the public. Major grounds of objection were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. The major portion (70%) of the Site fell within “Open Storage” (“OS”) zone and the proposed use did not contravene the planning intention of “OS” zone which was primarily for the provision of land for appropriate open storage use and to regularise the already haphazard proliferation of open storage use. While the remaining portion (30%) fell within the “Village Type Development” (“V”) zone, it was considered that temporary approval for three years would not jeopardise the long-term planning intention of the “V” zone. The proposed use was not incompatible with the surrounding areas which were generally rural in character and mixed with storage/open storage yards, warehouses, parking of vehicles, residential structures/dwellings and vacant/unused land. In addition, there were six similar applications for temporary site office including one site within the same “V” zone approved with conditions by the Committee between 2003 and 2018. The technical requirements of concerned departments could be addressed by incorporation of approval conditions. Regarding the public comments, the comments of government departments and the planning assessments were relevant.

83. Some Members raised the following questions:

- (a) whether the proposed use involved provision of sub-divided flats as alleged by some public commenters;
- (b) whether layout plans were available to illustrate the internal layout of the proposed development; and
- (c) whether the relevant layout plans had been submitted to the Buildings Department (BD) for approval.

84. In response, Ms Ivy C.W. Wong, STP/FSYLE, said that the applicant stated in their submission that the proposed use was for office use and would not involve provision of sub-divided flats. According to the layout plans submitted by the applicant, office use was located within the two 2-storey temporary structures covered with shelter. The applicant had not indicated whether the layout plans had been submitted for BD's approval.

85. In response to a Member's enquiry regarding the lease, Mr Edwin W.K. Chan, Assistant Director/Regional 3, Lands Department (AD/R3, LandsD), clarified that there was no difference between "Block Government Lease (demised for agricultural use)" and "Old Schedule lot held under the Block Government Lease (demised for agricultural use)".

Deliberation Session

86. Members generally agreed that the Committee should consider the application based on the information provided by the applicant and there was no strong reason to reject the application for the proposed temporary office. However, some Members were of the view that more diligent effort should be put in by the concerned authorities to safeguard against the potential conversion of office in container structures into sub-divided flats.

87. Mr Edwin W.K. Chan, AD/R3, LandsD, said that LandsD had recently stepped up enforcement action against illegal sub-divided flats in the rural area. The Chairman supplemented that granting of temporary planning permission would serve as a basis to monitor the operation of the proposed use and to assess whether a renewal application could be granted in the future.

88. Noting Members' concerns and the trend of conversation of office in container structures into sub-divided flats, the Chairman considered that the relevant advisory clause of the planning permission could be revised to take note of Members' concern.

89. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.9.2021, 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 planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.3.2019;
- (d) in relation to (c) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.6.2019;
- (e) in relation to (d) above, the implemented drainage facilities on Site shall be maintained at all times during the planning approval period;
- (f) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.3.2019;
- (g) in relation to (f) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.6.2019;
- (h) if any of the above planning conditions (a), (b) or (e) is not complied with

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

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

90. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix IV of the Paper with the revision to clause (b) as follows:

“(b) the permission is given to the development/use under application. It does not condone any other development/use, including sub-divided flats and structures, which are not covered by the application. The applicant shall take immediate action to discontinue such development/uses and remove such structures not covered by the permission;”

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/788 Temporary Shop and Services (Daily Supplies and Food Retail Shop) for a Period of 3 Years in “Village Type Development” Zone, Lot 2926 (Part) in D.D.111 and Adjoining Government Land, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/788)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary shop and services (daily supplies and food retail shop) 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 comment on the application;
- (d) during the first three weeks of statutory public inspection period, 20 objecting comments were received from the residents representative of Wang Toi Shan Ho Lik Pui Tsuen, villagers of Wang Toi Shan and individuals. Major grounds of objection 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. The planning intention of “Village Type Development” (“V”) zone was to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. As the development was intended to serve demands of the residents in the vicinity and there was no Small House application approved or under processing at the Site, the approval of the application on a temporary basis for a period of three years would not jeopardize the planning intention of the “V” zone. Given the nature and scale of the proposed development, it was unlikely that the proposed use would generate significant environmental nuisance and the Director of Environmental Protection had no adverse comment on the application. Approval conditions were recommended to address technical requirements of relevant departments. The Site was the subject of a previous application (No. A/YL-PH/708) for shop and services (convenience store and storage) use approved with conditions by the Committee, approval of the current application was in line with the Committee's previous decision.

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

92. Members had no question on the application.

Deliberation Session

93. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.9.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 7:00 p.m. to 9:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractor/trailer, 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 submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.3.2019;
- (e) in relation to (d) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.6.2019;
- (f) in relation to (e) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (g) the submission of 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 7.3.2019;

- (h) in relation to (g) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of Director of the Fire Services or of the TPB by 7.6.2019;
- (i) if the above planning condition (a), (b), (c) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (j) if any of the above planning conditions (d), (e), (g) or (h) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (k) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 24

Section 16 Application

[Open Meeting]

A/YL-SK/240 Proposed Temporary Warehouse and Ancillary Workshop for Recyclable Materials for a Period of 3 Years in “Government, Institution or Community” Zone, Government Land in D.D. 114, Lam Kam Road, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-SK/240)

95. The Committee noted that the applicant requested on 30.8.2018 deferment of the

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

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

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/529 Renewal of Planning Approval for Temporary Cross-boundary Shopping Centre with Ancillary Car Park, Eating Place, Shop and Services (Fast Food Shop), Office and Storage of Consumer Goods for a Period of 3 Years in "Other Specified Uses" annotated "Service Stations" Zone, Lots 661 S.C RP, 669 RP, 674 RP (Part), 733 S.E (Part) in D.D. 99 and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/529)

Presentation and Question Sessions

97. The Secretary reported that the application was submitted by Topcycle Development Limited, which was a joint venture of Henderson Land Development Company Limited (HLD) and Sun Hung Kai Properties Limited (SHK). The following Members had

declared interests on this item:

- Mr Ivan C.S. Fu - having current business dealings with HLD and SHK;
- Mr K.K. Cheung - his firm having current business dealings with SHK and Towngas, which was a subsidiary of HLD;
- Miss Winnie W.M. Ng - being a Director of the Kowloon Motor Bus Co. (1933) Limited and SHK was one of the shareholders;
- Mr Stephen L.H. Liu - having past business dealings with HLD and SHK;
- Dr C.H. Hau - being an employee of the University of Hong Kong, which had received a donation from a family member of the Chairman of HLD before;
- Dr Lawrence K.C. Li - being the treasurer of the Hong Kong Polytechnic University, which had obtained sponsorship from HLD before; and
- Mr Peter K.T. Yuen - being a member of the Board of Governors of the Hong Kong Arts Centre, which had received a donation from an Executive Director of HLD before.

98. The Committee noted that Mr Ivan C.S. Fu and Dr C.H. Hau had tendered apologies for being unable to attend the meeting. The Committee agreed that Miss Winnie W.M. Ng should leave the meeting temporarily for the item as her interest was direct. The Committee also noted that as Messrs K.K. Cheung and Stephen L.H. Liu had no involvement in the application, and that the interests of Mr Peter K.T. Yuen and Dr Lawrence K.C. Li were indirect, they could stay in the meeting.

[Ms Winnie W.M. Ng left the meeting temporarily at this point]

99. The Committee noted that further information (FI) from the applicant's

representative providing additional information regarding the operation details of the application site was received after issue of the Paper. The FI was tabled for Members' consideration.

100. Ms Maggie M.Y. Chin, DPO/FSYLE, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) renewal of planning approval for temporary cross-boundary shopping centre with ancillary car park, eating place, shop and services (fast food shop), office and storage of consumer goods 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 comment on the application;
- (d) during the first three weeks of the statutory publication period, three public comments were received. The San Tin Rural Committee and the village representative of Yan Shau Wai Tsuen objected to the application, and an individual provided views on the application. Major views were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of three years based on the assessments set out in paragraph 12 of the Paper. The Site was the subject of a previous application (No. A/YL-ST/503) for proposed permanent commercial development approved by the Committee on 26.1.2018. According to the applicant, at least 2 to 3 years would be required to obtain approval from various authorities and prepare for the implementation of the development. Approval of the current application at the Site on a temporary basis for a period of 3 years could fit in the time gap before the development of the permanent commercial development and optimise the use of land resources. The development was not incompatible with the surrounding areas which were predominantly

occupied by vehicle parks, village houses, domestic structures and open storage yards. The renewal application was in line with Town Planning Board Guidelines No. 34B in that since the last approval, there had been no major change in planning circumstances. Concerned departments had no objection to or no adverse comment on the application and all the approval conditions under previous permission had been complied with. Technical concerns from relevant departments could be addressed through incorporation of approval conditions. There had been eight previously approved applications for temporary cross-boundary traffic service station, temporary cross-boundary shopping centre and commercial development at the Site. Approval of the current application was in line with the previous decisions of the Committee. Regarding the public comments, the comments of relevant government departments and the planning assessments above were relevant.

101. In response to a Member's enquiry, Ms Maggie M.Y. Chin, DPO/FSYLE, confirmed that the applicant of the current application was the same as that of the previous application No. A/YL-ST/503 for proposed permanent commercial development.

Deliberation Session

102. Members generally considered that there was no strong reason for not approving the renewal application since there were no outstanding technical issues and concerned departments had no objection to or no adverse comment on the application. Nonetheless, some Members noted that the operation of the Site as a cross-boundary shopping centre did not seem to be very successful and they raised concerns on whether the applied use was making good utilization of the land resources.

103. A Member expressed that the successful implementation of a cross-boundary shopping centre might require longer time to become fruitful, hence approval of the application would allow more time for its realization.

104. Another Member enquired if the failure of achieving the original intention of the applicant to provide additional shopping centre and relieve pressure of the existing shopping

destinations in Yuen Long and Fanling/Sheung Shui would be a factor for the Committee to consider whether to grant approval to the renewal application.

105. To facilitate the discussion, the Chairman recapitulated the background of the application and the Committee's previous discussion during the consideration of the previous applications (No. A/YL-ST/476 and 503) submitted by the same applicant. He pointed out that when the application No. A/YL-ST/503 was considered by the Committee in January 2018, the applicant, in response to the Committee's concern on the interface between the temporary and permanent uses at the Site, stated that since the proposed permanent commercial development at the Site under application No. A/YL-ST/503 required a lead time of 2 to 3 years for obtaining approval from various authorities and prepare for implementation of the approved permanent commercial development, the applicant would submit an application for renewal of the previous approval for temporary use under application No. A/YL-ST/476. He added that in consideration of the planning applications, the business operation of the proposed use, whether it was successful/profitable or not, would purely be a commercial decision which should not be a factor to be considered by the Committee. Instead, the Committee should mainly consider the planning perspective, technical feasibility and implementability of the application.

106. A Member pointed out that since an approval for permanent use had been granted at the Site, approval of the current application would not jeopardize the long-term development of the Site. In response to another Member's enquiry, the Secretary said that the approval for application No. A/YL-ST/503 would last for four years.

107. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 19.9.2018 to 18.9.2021, 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) the paving and boundary fencing on the site shall be maintained at all times during the planning approval period;

- (c) the existing trees and landscape plantings within the site should be maintained at all times during the approval period;
- (d) the submission of water supplies for fire fighting and 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 19.3.2019;
- (e) in relation to (d) above, the implementation of water supplies for fire fighting and 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 19.6.2019;
- (f) the submission of revised Drainage Impact Assessment within 6 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 19.3.2019;
- (g) in relation to (f) above, the implementation of mitigation measures identified in the revised Drainage Impact Assessment within 9 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 19.6.2019;
- (h) in relation to (g) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (i) if any of the above planning conditions (a), (b), (c) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (j) if any of the above planning conditions (d), (e), (f) or (g) is not complied with by the specified date, the approval hereby given shall cease to have

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

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

[Ms Winnie W.M. Ng returned to meeting at this point.]

[The Chairman thanked Ms Maggie M.Y. Chin, DPO/FSYLE, Ms S.H. Lam, Ms Ivy C.W. Wong and Ms Emily P.W. Tong, STPs/FSYLE, for their attendance to answer Members’ enquiries. Ms Chin, Ms Lam, Ms Wong and Ms Tong left the meeting at this point.]

Tuen Mun and Yuen Long West District

[Mr Vincent T.K. Lai, Ms Stella Y. Ng and Ms Bonnie K.C. Lee, Senior Town Planners/Tuen Mun and Yuen Long West (STPs/TMYLW), were invited to the meeting at this point.]

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/90 Proposed Temporary Warehouse and Open Storage of Construction Materials for a Period of 3 Years in “Other Specified Uses” annotated “Port Back-up, Storage and Workshop Uses” Zone and an area shown as ‘Road’, Lots 192 S.A, 192 S.B and 193 in D.D. 125, Fung Kong Tsuen, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/HSK/90)

Presentation and Question Sessions

109. Mr Vincent T.K. Lai, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) temporary warehouse and open storage of construction materials 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 comment on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the applied use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. While the Site fell entirely within Category 4 areas under the Town Planning Board Guidelines No. 13E with intention to encourage the phasing out of non-conforming uses, it should be noted that the planning circumstances of the area had been changed. Part of the Site was now intended for port back-up, storage and workshop uses. Although the Site fell within an area partly shown as 'Road', the implementation programme for this part of Hung Shui Kiu New Development Area (HSK NDA) was still being formulated, approval of the application on a temporary basis of 3 years would not jeopardize the long-term development of the Site. An advisory clause had been recommended by stating that the Site might be resumed by the Government at any time during the planning approval period for implementation of government projects. Two previous applications for the same use and eleven similar applications in the same zone had been previously approved by the Committee. The approval of the current application was in line with the Committee's previous decisions.

110. Members had no question on the application.

111. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.9.2021, 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 vehicle queuing back to or reverse onto/from the public road is allowed at any time during the planning approval period;
- (d) the existing fencing on the Site shall be maintained at all times during the planning approval period;
- (e) the submission of the drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.3.2019;
- (f) in relation to (e) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.6.2019;
- (g) in relation to (f) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (h) the submission of the tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.3.2019;
- (i) in relation to (h) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of planning approval to

the satisfaction of the Director of Planning or of the TPB by 7.6.2019;

- (j) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.10.2018;
- (k) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.3.2019;
- (l) in relation to (k) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.6.2019;
- (m) if any of the above planning conditions (a), (b), (c), (d) or (g) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (e), (f), (h), (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (o) upon 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.”

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

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/91 Proposed Temporary Public Vehicle Park (excluding container vehicle) for a Period of 3 Years in “Village Type Development” Zone, Lots 557, 563 and 564 in D.D. 124, Shek Po Tsuen, Hung Shui Kiu, Yuen Long
(RNTPC Paper No. A/HSK/91)

Presentation and Question Sessions

113. Mr Vincent T.K. Lai, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) temporary public vehicle park (excluding container vehicle) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Relevant government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, six public comments from individuals were received objecting to the application. Major grounds of objection were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessment set out in paragraph 11 of the Paper. Approval of the application on a temporary basis would not frustrate the planning intention of the “Village Type Development” (“V”) zone and will not jeopardize the long term development of the Site. The applied use could provide parking

facilities to meet any such demand in the area. As the Site was located at the fringe of the village clusters, the applied use was considered not incompatible with the surrounding land uses which mainly comprised rural residential use. Concerned government departments had no adverse comment on or no objection to the application. The Committee had approved three similar applications for public vehicle park use within the same “V” zone and the approval of the current application was in line with the previous decisions of the Committee. Regarding the adverse public comments, the comments of relevant government departments and the planning assessments above were relevant.

114. Members had no question on the application.

Deliberation Session

115. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.9.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no vehicles without valid licenses issued under the Road Traffic Ordinance is allowed to be parked/stored on the Site during the planning approval period;
- (b) no light, medium and heavy goods vehicles, including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (c) a notice shall be posted at a prominent location of the Site to remind drivers on pedestrian safety on the access road to the Site, as proposed by the applicant, at any time during the planning approval period;
- (d) a notice shall be posted at a prominent location of the Site to indicate that no light, medium and heavy goods vehicles, including container

tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;

- (e) no vehicle is allowed to queue back to or reverse onto/from public roads at any time during the planning approval period;
- (f) 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 7.3.2019;
- (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 7.6.2019;
- (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 7.3.2019;
- (j) in relation to (i) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.6.2019;
- (k) the provision of fencing of the Site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.3.2019;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e) or (h) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;

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

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

Agenda Item 28

Section 16 Application

[Open Meeting]

A/TM/523 Proposed Hotel, Office and Shop and Services (Wholesale Conversion of an Existing Industrial Building) in “Other Specified Uses” annotated “Business” Zone, East Asia Industrial Building, 2 Ho Tin Street, Tuen Mun

(RNTPC Paper No. A/TM/523A)

117. The Committee noted that the applicant’s representative requested on 24.8.2018 deferment of the consideration of the application for two months so as to allow time for preparation of further information to address departmental comments. It was the second time that the applicant requested deferment of the application. Since last deferment, no further information had been submitted.

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

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

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/568 Proposed Temporary Shop for Retail and Wholesale of Construction Materials for a Period of 3 Years in "Government, Institution or Community" Zone, Lot 255 RP (Part) in D.D. 122, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/568)

Presentation and Question Sessions

119. Ms Stella Y. Ng, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) proposed temporary shop for retail and wholesale of construction materials 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 comment on the application;
- (d) during the three weeks of statutory publication period, two public comments were received from individuals. One objected to the application and the other provided views on the application. Major

objection grounds and views 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 assessment set out in paragraph 11 of the Paper. While the proposed development was not in line with the planning intention of the “Government, Institution or Community” (“G/IC”) zone, there was not yet any programme/known intention to implement the zoned use on the Site for the time being. Temporary approval of the application for a period of three years would not jeopardise the long-term planning intention of the “G/IC” zone. The Site and its surrounding areas were predominantly occupied by vehicle parks and the proposed development was considered not incompatible with the surrounding land use. The proposed development would unlikely create significant adverse traffic, environmental, drainage and landscape impacts to the surrounding areas. Technical concerns from concerned government departments could be addressed through incorporation of appropriate approval conditions. The last Application No. A/YL-PS/503 submitted by the same applicant for the same use was revoked due to non-compliance with the time-specific approval condition on the implementation of fire service installations proposal. For the current application, the applicant had submitted a fire service installations layout plan to which the Director of Fire Services had no objection. Sympathetic consideration could be given to the current application. Nevertheless, shorter compliance periods were recommended in order to closely monitor the progress of compliance with approval conditions. One previous application for the same use at the Site and four similar applications within the same “G/IC” zone had previously been approved by the Committee and the approval of the current application was in line with the previous decisions of the Committee.

120. A Member enquired if MTR Corporation (MTRC) had been consulted in respect of the application as the Site fell within the West Rail Protection Boundary. In response, Ms Stella Y. Ng, STP/TMYLW, said that according to the general practice, PlanD would advise the applicant to seek views from MTRC upon approval of the application, and relevant

advisory clauses (i.e. (e) and (j)) were set out at Appendix V of the Paper. The Chief Highway Engineer/New Territories West, Highways Department (HyD) had no objection to this arrangement.

Deliberation Session

121. In response to a Member's concern, the Chairman invited Mr Edwin W.K. Chan, Assistant Director/Regional 3, Lands Department (AD/R3, LandsD), to supplement on LandsD's general practice in dealing with applications involving land that fell within the Railway Protection Boundary. Mr Edwin W.K. Chan explained that MTRC would be consulted to ensure adverse impact on the existing railway network would not be induced by the proposed development. As the subject application involved only temporary structures, he did not foresee any significant impact on the railway network.

122. The Chairman said that the boundary of the railway protection areas was about 30m wide. For any building works to be carried out within the railway protection areas, specific requirements under the Buildings Ordinance had to be met so as to safeguard the safety and stability of the railway structures. Departments including LandsD and HyD would usually provide comments on application sites falling within the Railway Protection Boundary. Relevant advisory clauses would also be incorporated in the planning approval to remind the applicant to seek MTRC's views in respect of the development.

123. In response to another Member's enquiry, the Chairman explained that as the Site was an agricultural lot, Short Term Waiver application would be required for any structures to be erected at the Site, which could also provide another safeguard to ensure the railway safety in view of potential impact from the proposed development.

124. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.9.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 7:00 p.m. and 9:00 a.m. is allowed on the Site, as proposed by the applicant, 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 washing, vehicle repair, dismantling, paint spraying or other workshop activity is allowed on the Site, as proposed by the applicant, at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the implementation of the accepted drainage proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.3.2019;
- (f) in relation to (e) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (g) the submission of a fire service installations proposal within 3 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.12.2018;
- (h) in relation to (g) above, the implementation of the fire service installations proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.3.2019;
- (i) the submission of a landscape proposal within 3 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 7.12.2018;
- (j) in relation to (i) above, the implementation of the landscape proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 7.3.2019;

- (k) the provision of boundary fencing on the Site within 3 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 7.12.2018;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (m) if any of the above planning conditions (e), (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 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.”

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

[Mr David Y.T. Lui left the meeting at this point.]

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/437 Proposed Public Utility Installation (Package Substation) and
Excavation of Land in “Village Type Development” Zone, Government
Land in D.D. 118, Nam Hang Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TT/437)

Presentation and Question Sessions

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

Dr Jeanne C.Y. Ng - being the Director - Group Sustainability of CLP;

Mr Stephen L.H. Liu - having past business dealings with CLP; and

Mr K.K. Cheung - his firm having past business dealings with CLP.

127. The Committee agreed that as the interest of Dr Jeanne C.Y. Ng was direct, she should be invited to leave the meeting temporarily for this item. As Mr Stephen L.H. Liu and Mr K.K. Cheung had no involvement in the application, they could be allowed to stay in the meeting.

[Dr Jeanne C.Y. Ng left the meeting temporarily at this point.]

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

- (a) background to the application;
- (b) proposed public utility installation (package substation) and excavation of land;
- (c) departmental comments – departmental comments were set out paragraph 8 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the

application based on the assessments set out in paragraph 10 of the Paper. The Site fell within an area zoned “Village Type Development” (“V”). The package substation was to alleviate the loading condition of existing supply facilities and to enhance the reliability of the electricity supply system for the village type developments in the “V” zone. Given the nature and small scale of the package substation, it was not expected that the package substation would cause any significant adverse environmental, traffic and drainage impacts on the surrounding areas. The Committee had approved six similar applications for public utility installation/utility installation for private project within the same “V” zone and the approval of the current application was in line with the Committee’s previous decisions.

129. Members had no question on the application.

Deliberation Session

130. 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 7.9.2022, 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 service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB.”

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

[Dr Jeanne C.Y. Ng returned to the meeting at this point.]

Agenda Item 31

Section 16 Application

[Open Meeting]

A/YL-TT/439

Proposed House and Minor Relaxation of Building Height Restriction in “Residential (Group D)” and “Village Type Development” Zones, Lots 3188, 3338, 3339 S.H ss. 1 to ss. 5, 3339 S.H RP, 3339 S.I ss. 1 to ss. 10, 3339 S.I RP, 3339 S.J ss. 1 to ss. 9, 3339 S.J RP, 3339 S.K ss. 1 to ss. 11, 3339 S.K RP, 3339 S.L ss. 1 to ss. 8 and 3339 S.L RP in D.D. 116, Nga Yiu Tau, Yuen Long
(RNTPC Paper No. A/YL-TT/439)

132. The Committee noted that the applicant’s representative requested on 28.8.2018 deferment of the consideration of the application for two months so as to allow time for preparation of further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

[Messrs Stephen L.H. Liu and Ricky W.Y. Yu left the meeting at this point.]

Agenda Items 32 and 33

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/909 Temporary Warehouse for Storage of Construction Material for a Period of 3 Years in “Undetermined” Zone, Lots 774 (Part) and 775 (Part) in D.D. 119 and Adjoining Government Land, Pak Sha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/909)

A/YL-TYST/910 Temporary Warehouse for Storage of Construction Material for a Period of 3 Years in “Undetermined” Zone, Lots 772 (Part) and 774 (Part) in D.D. 119, Pak Sha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/910)

134. The Committee noted that the two applications for temporary warehouse for storage of construction materials for a period of three years were similar in nature, and the application sites were located closely together and within the same “Undetermined” (“U”) zone. The Committee agreed that they could be considered together.

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) proposed warehouse for storage of construction material for a period of three years at each of the Sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 in each of the Papers. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two

objecting comments were received for each of the applications. Major grounds of objection were set out in paragraph 10 in each of the Papers; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary use on each of the Sites could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Papers. The Sites fell within Category 1 areas under Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). Preliminary technical assessments demonstrated that the developments would not generate adverse impacts on the surrounding areas. Regarding application No. A/YL-TYST/909, a previous approval for the same use has been granted and 94 similar applications had been approved in this part of the “Undetermined” (“U”) zone. The previous approval was revoked due to non-compliance with the time-limited approval condition requiring the implementation of the drainage proposal. since the applicant had submitted a drainage proposal in support of the application, sympathetic consideration could be given to the application. However, shorter compliance period was recommended in order to closely monitor the progress on compliance with associated approval conditions. Regarding application No. A/YL-TYST/910, given that a previous approval for similar use had been granted to the Site and 94 similar applications had been approved in this part of the “U” zone, approval of the current application was in line with the Committee's previous decisions. The technical concerns of relevant departments could be addressed by incorporation of relevant approval conditions. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

136. In response to a Member's enquiry, Ms Bonnie K.C. Lee, STP/TMYLW said that as the previous approval for the Site of application No. A/YL-TYST/909 had been revoked due to non-compliance with the time-limited approval condition, if the two Sites were covered under one planning application, a shorter period for compliance of approval conditions would be recommended for both Sites. That might be the reason for the

applicant to submit two separate applications.

Deliberation Session

137. In response to a Member's enquiries, the Chairman said that enforcement action would be carried out separately for the two Sites should there be any unauthorized development. The Secretary said that for warehouse use, provision of fencing at the site boundary was generally not required, whereas for applications involving open storage use, an approval condition on provision of fencing would usually be incorporated in the approval.

138. After deliberation, the Committee decided to approve the applications on a temporary basis for a period of 3 years until 7.9.2021, on the terms of the applications as submitted to the Town Planning Board (TPB) and subject to the following conditions:

For Application No. A/YL-TYST/909

- “(a) no operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no repairing, dismantling, cleansing or other workshop activities, as proposed by the applicant, is allowed on the Site at any time during the planning approval period;
- (d) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractor/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the Site, as proposed by the applicant, at any time during the planning approval period;
- (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 landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.12.2018;
- (g) in relation to (f) above, the implementation of the landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.3.2019;
- (h) the implementation of the accepted 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 7.3.2019;
- (i) in relation to (h) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (j) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.12.2018;
- (k) in relation to (j) above, the implementation of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.3.2019;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), or (i) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (m) if any of the above planning conditions (f), (g), (h), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;
and
- (n) upon the expiry of the planning permission, the reinstatement of the site to

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

For Application No. A/YL-TYST/910

- “(a) no operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no workshop activities, as proposed by the applicant, shall be carried out on the site at any time during the planning approval period;
- (d) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site, 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 implementation of the accepted 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 7.3.2019;
- (g) in relation to (f) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (h) the submission of 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 7.3.2019;
- (i) in relation to (h) above, the implementation of the fire service installations

proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.6.2019;

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

139. The Committee also agreed to advise the applicants to note the advisory clauses as set out at Appendix V at each of the Papers.

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/912 Proposed Temporary Shop and Services (Motor-vehicle Showroom) for a Period of 3 Years in “Village Type Development” Zone, Lot 1543 (Part) in D.D. 121, Shan Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/912)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed temporary shop and services (motor vehicle showroom) for a period of three years;
- (c) departmental comments – departmental comments were set out at paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments objecting to the application were received. Major grounds of objection 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. While the proposed motor-vehicle showroom use was not entirely in line with the planning intention of the “Village Type Development” (“V”), as there was currently no Small House application under processing, approval of the development on a temporary basis would not frustrate the long-term planning intention of the “V” zone. The proposed development was not entirely incompatible with the surrounding uses which mainly comprised village houses and some open storage yards. Concerned government departments had no objection to or no adverse comment on the application. Adverse environmental, traffic, drainage, fire safety and landscape impacts were not anticipated. A similar application for shop and services in the subject “V” zone had previously been approved by the Committee, approval of the subject application was in line with the Committee's previous decision. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

141. A Member enquired on the difference between the current application and application No. A/YL-KTN/602 considered by the Committee at the same meeting. In response, the Secretary said that the scale of development in application No. A/YL-KTN/602

was larger than that of the current application.

Deliberation Session

142. A Member enquired whether the decision for this application should be consistent with that of application No. A/YL-KTN/602 since both applications were for proposed temporary motor-vehicle showroom in “V” zone. Another Member expressed that different applications should be considered based on individual circumstances.

143. Members generally agreed that the current application was different from application No. A/YL-KTN/602 in that the site area and the scope of operation of the current application was much smaller; only two container-like structures were proposed; no previous rejected application was involved; not in close proximity to village houses; and no objection from the Director of Environmental Protection from environmental perspective.

144. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.9.2021, 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 medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractors and trailers, as defined in the Road Traffic Ordinance, is allowed to enter/be parked on the Site at any time during the planning approval period;
- (c) no car beauty, car washing, car repairing, car dismantling or other workshop activities, as proposed by the applicant, is allowed on the Site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;

- (e) the submission of a revised landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.3.2019;
- (f) in relation to (e) above, the implementation of the revised landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.6.2019;
- (g) the submission of a revised drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.3.2019;
- (h) in relation to (g) above, the implementation of the revised drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.6.2019;
- (i) in relation to (h) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (j) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.3.2019;
- (k) in relation to (j) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.6.2019;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (i) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (m) if any of the above planning conditions (e), (f), (g), (h), (j) or (k) is not

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

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

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

Agenda Item 35

Section 16 Application

[Open Meeting]

A/YL-TYST/913 Temporary Logistics Centre for a Period of 3 Years in “Industrial (Group D)” Zone, Lots 1092 S.A, 1819 (Part) and 2008 S.H RP (Part) in D.D. 121 and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/913)

146. The Committee noted that the applicant’s representative requested on 28.8.2018 deferment of the consideration of the application for two months so as to allow time for preparation of further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

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

[The Chairman thanked Mr Vincent T.K. Lai, Ms Stella Y. Ng and Ms Bonnie K.C. Lee, STPs/TMYLW, for their attendance to answer Members' enquiries. Mr Lai, Ms Ng and Ms Lee left the meeting at this point.]

Agenda Item 36

Any Other Business

148. There being no other business, the meeting closed at 5:30 p.m..