

TOWN PLANNING BOARD

**Minutes of 611th Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 21.9.2018**

Present

Director of Planning
Mr Raymond K.W. Lee

Chairman

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Mr K.K. Cheung

Dr C.H. Hau

Dr Lawrence K.C. Li

Mr Stephen L.H. Liu

Miss Winnie W.M. Ng

Mr K.W. Leung

Dr Jeanne C.Y. Ng

Chief Traffic Engineer/New Territories West,
Transport Department
Mr Patrick K.H. Ho

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

Principal Environmental Protection Officer (Strategic Assessment),
Environmental Protection Department
Mr Terence S.W. Tsang

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 F.C. Chan

Mr L.T. Kwok

Mr Ricky W.Y. Yu

In Attendance

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

Chief Town Planner/Town Planning Board
Ms April K.Y. Kun

Town Planner/Town Planning Board
Miss Gloria Y.L. Sze

Agenda Item 1

Confirmation of the Draft Minutes of the 610th RNTPC Meeting held on 7.9.2018

[Open Meeting]

1. The draft minutes of the 610th RNTPC meeting held on 7.9.2018 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

- (i) Section 12A Application No. Y/SK-TMT/6
 - Request for not to take forward an approved rezoning application
Lots 157 S.D (Part), 157 RP (Part), 161 S.A (Part), 161 S.B (Part), 161 S.C (Part) and
161 RP (Part) in D.D. 258, Wong Chuk Wan Village, Sai Kung
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2. The Secretary reported that on 4.9.2015, the Committee agreed a section 12A application (No. Y/SK-TMT/6) for rezoning a site from “Government, Institution or Community” (“G/IC”) to “Village Type Development” (“V”) on the approved Tai Mong Tsai and Tsam Chuk Wan Outline Zoning Plan (the Plan) to facilitate the development of one New Territories Exempted House (NTEH) (Small House) on the consideration that the “G/IC” site was originally earmarked for proposed sewage pumping station but no longer required. The Committee also agreed to alert the applicant that a section 16 application could be submitted to speed up the development process.

3. The Secretary continued to say that on 22.1.2016, the Committee approved a section 16 application (No. A/SK-TMT/55) for proposed NTEH (Small House) development, which was largely the same site as that of the rezoning application. On 17.8.2018, the applicant’s representative wrote to the Board and requested the Board not to take forward the approved s.12A rezoning application as the applicant would implement the development proposal approved under s.16 planning application. The Planning Department had no objection to the applicant’s request as the proposed Small House development was approved by the Committee on 22.1.2016 under section 16 application (No. A/SK-TMT/55) and

7. The Committee noted that the applicant's representative requested on 4.9.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information on the number and type of niches of the subject columbarium to address comments of the Food and Environmental Hygiene Department and the Transport Department. It was the first time that the applicant requested deferment of the application.

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

Sai Kung and Islands District

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

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-PC/13 Proposed Religious Institution (Temple) in "Village Type Development" Zone, 13 Wing On Terrace, Peng Chau
(RNTPC Paper No. A/I-PC/13)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed religious institution (temple);
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The District Lands Officer/Islands, Lands Department (DLO/Is, LandsD) advised that the existing structure on the application site (the site) did not comply with the squatter control surveyed records for accommodation and canopy uses and the site was taken over by the Government on 21.8.2018, and LandsD did not support the application as the site fell on unleased government land and the respective application for Short Term Tenancy had been rejected. The Commissioner for Transport had reservation on the application as there was insufficient information in the application to demonstrate that the proposed development would have no adverse impact on public transport services. The Secretary for Home Affairs advised that the applicant was not a charitable organization under section 88 of the Inland Revenue Ordinance. Other 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, four public comments were received, with two public comments from individuals, one supporting and the other offering views on the application, and the remaining two public comments from individuals and residents of Peng Chau/worshippers of Kam Fa Temple objecting to the application. Major views were set out in paragraph 9 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 10 of the Paper.

The site fell within the “Village Type Development” zone and there was no strong justification in the submission to demonstrate that the proposed development was required to serve the needs of the villagers or to support the operation of the existing Kam Fa Temple. Though the proposed development was not incompatible with the general village/rural character of the neighbourhood, no prior planning approval had been granted for the current temple use within the site. Squatter control action had been undertaken by LandsD and the site was taken over by the Government on 21.8.2018. If the application was approved, it would convey a wrong message for illegal occupation of government land. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

10. Noting that one of the applicant’s justifications of the application was that the structure under the subject application was required to support the operation of the existing Peng Chau Kam Fa Temple, a Member enquired when the existing Peng Chau Kam Fa Temple and the existing structure under application came into existence and which of them existed first. In response, Mr Richard Y.L. Siu, STP/SKIs, with reference to Plan A-2 of the Paper, said that the structure under the subject application was located on government land to the north of the existing Peng Chau Kam Fa Temple. While he had no information at hand regarding when the two structures came into existence, DLO/Is, LandsD advised that the existing structure erected on site bore three squatter control surveyed numbers for accommodation and canopy uses and the squatter control surveyed numbers were deleted as the aforesaid structure did not comply with the surveyed records.

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

Deliberation Session

11. A Member supported PlanD’s recommendation to reject the application as the current use within the structure on the site had no prior planning approval. If the application was approved, it would set an undesirable precedent. Besides, the need of the structure under application to support the small scale Peng Chau Kam Fa Temple was in doubt.

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

“ the application site falls within the “Village Type Development” zone which is primarily for the provision of land for the retention of the existing village areas. There is no strong justification in the submission to demonstrate that the proposed development is required to serve the needs of the villagers or to support the operation of the existing Kam Fa Temple.”

Agenda Item 5

Section 16 Application

[Open Meeting]

A/SK-CWBN/49 Proposed House and the associated Excavation of Land in “Green Belt” Zone and an area shown as ‘Road’, Lots 330, 331 RP (Part), 332 S.B and 333 S.B in D.D. 225, Pak To Avenue, Clear Water Bay, Sai Kung
(RNTPC Paper No. A/SK-CWBN/49)

13. The Secretary reported that the application site was located in Clear Water Bay. Mr David Y.T. Lui had declared interest on the item for co-owning with spouse two houses in Clear Water Bay.

14. The Committee noted that the applicant had requested deferment of consideration of the application and Mr David Y.T. Lui had not yet arrived to join the meeting.

15. The Committee noted that the applicant’s representative requested on 5.9.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

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

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HC/295 Proposed Public Utility Installation (Electricity Package Substation) in an area shown as 'Road', Government Land in D.D. 244, Ho Chung Road, Ho Chung, Sai Kung
(RNTPC Paper No. A/SK-HC/295A)

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

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| Dr Jeanne C.Y. Ng | - | being a Director - CLP Research Institute, CLP Holdings Limited; |
| Mr K.K. Cheung | - | his firm having current business dealings with CLP; and |
| Mr Stephen L.H. Liu | - | having past business dealings with CLP. |

18. The Committee noted that Dr Jeanne C.Y. Ng had not yet arrived to join the meeting and agreed that Messrs K.K. Cheung and Stephen L.H. Liu could stay in the meeting as they had no involvement in the application.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed public utility installation (electricity package substation (ESS));
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; 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. While the proposed ESS fell within the boundary of the Highways Department's Hiram's Highway Improvement Stage 1 project, it was outside the permanent road widening works. There was no plan/programme for other roadworks in the area and approval of the application would not frustrate the planning intention of the area designated as 'Road'. The proposed ESS was an essential facility to enhance the electricity supply reliability in the area and given its small scale, it was not incompatible with the surrounding rural environment. It was not anticipated to have adverse drainage, environmental and landscape impacts on the surrounding areas.

20. Members had no question on the application.

Deliberation Session

21. 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 21.9.2022, 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 services installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB.”

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

Agenda Item 7

Section 16 Application

[Open Meeting]

A/SK-SKT/20 Proposed Temporary Minor Relaxation of Gross Floor Area Restrictions for a Period of 3 Years to Enable the Permitted Shop and Services Use in “Other Specified Uses” annotated “Commercial Development (with Multi-storey Vehicle Park)” Zone, Lot 1140 in D.D. 215, 1A Chui Tong Road, Sai Kung
(RNTPC Paper No. A/SK-SKT/20A)

23. The Secretary reported that the application was submitted by Albury Garden Investment Limited. Mr K.K. Cheung had declared interest on the item as his firm was having current business dealings with the applicant.

24. The Committee noted that the applicant had requested deferment of consideration of the application. As the interest of Mr K.K. Cheung was direct, the Committee agreed that he could stay in the meeting but should refrain from participating in the discussion.

25. The Committee noted that the applicant's representative requested on 5.9.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information including a revised Sewerage Impact Assessment and responses to departmental comments.

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

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

Sha Tin, Tai Po and North District

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

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/960 Shop and Services (Real Estate Agency) in “Industrial” Zone, Portion
A1 of Unit 3, G/F, Fo Tan Industrial Centre, 26-28 Au Pui Wan Street,
Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/960)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the shop and services (real estate agency);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments set out in paragraph 11 of the Paper. The applied use was small in scale and not incompatible with the industrial and industrial-related uses in the subject industrial building and the surrounding developments. The subject building was subject to a maximum permissible limit of 460m² for the aggregate commercial floor area on the ground floor of industrial building and the figure would be 265m² if the floor area of the subject premises (15m²) was included, which was within

the maximum permissible limit. The Director of Fire Services had no in-principle objection to the application subject to approval conditions on the provision of fire service installations and water supplies for fire fighting. The applied use generally complied with the Town Planning Board Guidelines No. 25D including fire safety and traffic aspects. A previous application for the same use had been approved by the Committee and there was no change in planning circumstances since the previous approval and similar applications for shop and services uses on the ground floor of the subject industrial building had also been approved. A temporary approval of three years was recommended in order not to jeopardise the long-term planning intention of industrial use for the premises and to monitor the supply and demand of industrial floor space in the area.

28. Members had no question on the application.

Deliberation Session

29. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 21.9.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) the submission and implementation of the fire safety measures within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.3.2019; and
- (b) if the above planning condition (a) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

Agenda Item 9

Section 16 Application

[Open Meeting]

A/ST/961 Proposed Place of Recreation, Sports or Culture in “Other Specified Uses” annotated “Race Course” Zone, Concourse Area at 2/F of Grandstand Carpark, Sha Tin Racecourse, Sha Tin
(RNTPC Paper No. A/ST/961)

31. The Secretary reported that the application was submitted by the Hong Kong Jockey Club (HKJC), with Masterplan Limited (Masterplan) as the consultant of the applicant. The following Members had declared interests on the item:

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|---------------------|---|---|
| Dr Lawrence K.C. Li | - | being a voting member of HKJC; |
| Mr Peter K.T. Yuen | - | being an ordinary member of HKJC; and a member of the Board of Governors of the Hong Kong Arts Centre which had received a donation from HKJC before; |
| Mr Ivan C.S. Fu | - | being an ordinary member of HKJC; and having current business dealings with Masterplan; |
| Mr David Y.T. Lui | } | being an ordinary member of HKJC; and |
| Mr Philip S.L. Kan | | |
| Mr K.K. Cheung | | |
| Mr Stephen L.H. Liu | | |
| Miss Winnie W.M. Ng | | |
| Dr C.H. Hau | - | applying for funding from HKJC Charities Trust for his project. |

32. The Committee noted that the applicant had requested deferment of consideration of the application and Mr Ivan C.S. Fu had tendered apologies for being unable to attend the meeting and Mr David Y.T. Lui had not yet arrived to join the meeting. As the interest of

Dr Lawrence K.C. Li was direct, the Committee agreed that he could stay in the meeting but should refrain from participating in the discussion.

33. The Committee also noted that according to the Procedure and Practice of the Town Planning Board, Member or his/her spouse who was an ordinary/corporate member of a club, association, union or other bodies would not constitute a conflict of direct interest if the Member or his/her spouse was not directly involved in the matter under consideration. Following the Procedure and Practice, Members who were just ordinary members of HKJC having no involvement in the application could be allowed to stay in the meeting. The Committee agreed that Messrs Philip S.L. Kan, K.K. Cheung and Stephen L.H. Liu and Miss Winnie W.M. Ng could stay in the meeting. The Committee also agreed that Mr Peter K.T. Yuen and Dr C.H. Hau could stay in the meeting as their interests were indirect.

34. The Committee noted that the applicant's representative requested on 5.9.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-MUP/137 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 421 S.A in D.D. 38, Man Uk Pin, Sha Tau
Kok
(RNTPC Paper No. A/NE-MUP/137)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the application site (the site) possessed potential for agricultural rehabilitation and there were active agricultural activities in the vicinity. The Director of Environmental Protection (DEP) did not support the application as connection to the public sewer was currently infeasible and the proposed location of the soakaway was unlikely to meet the requirement of 15m buffer distance from the nearest streamcourse. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as the site was located at the woodland fringe at the south and there was no detail in the application to demonstrate any potential landscape impact on the adjacent trees, and approval of the application might set an undesirable precedent to spread the village development near/into the wooded area in the “Agriculture” (“AGR”) zone.

The Commissioner for Transport (C for T) had reservation on the application but considered that application involving construction of only one Small House could be tolerated. The District Officer (North) conveyed that the Chairman of the Sha Tau Kok District Rural Committee, the incumbent North District Council member, the Indigenous Inhabitant Representative and the Resident Representative of Man Uk Pin had no comment on the application. Other 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, six public comments were received, with one public comment from the Chairman of the Sheung Shui District Rural Committee indicating no comment on the application, and the remaining five public comments from the Kadoorie Farm and Botanic Garden Corporation, World Wide Fund for Nature Hong Kong, Designing Hong Kong Limited, the Hong Kong Bird Watching Society and an individual objecting to the application. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed development was not in line with the planning intention of “AGR” zone and DAFC did not support the application. DEP and CTP/UD&L, PlanD also did not support / objected to the application respectively and C for T had reservation on the application. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, while more than 50% of the footprint of the proposed Small House fell within the village ‘environs’ of Man Uk Pin Village and land available within the “Village Type Development” (“V”) zone was insufficient to fully meet the future Small House demand, it was capable to meet the 82 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 infrastructure and services. There had not been any major change in planning circumstances of the area since the rejection of

the previous application. The site was located to the east of Man Uk Pin Village and most of the similar applications to the east of the same village had been rejected by the Committee and the circumstances of the subject application were similar to those rejected similar applications. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

37. A Member raised the following questions:

- (a) whether the planning circumstances of planning applications No. A/NE-MUP/138 and A/NE-MUP/139 in the same village to be considered at the same meeting were similar to those of the subject application;
- (b) any difference in the planning circumstances between areas to the east and to the west of the “V” zone of Man Uk Pin Village, noting that similar applications to the west were approved whereas most of the similar applications to the east were rejected; and
- (c) whether availability of land within the “V” zone of Man Uk Pin Village for Small House development was one of the recommended rejection reasons.

38. Mr Tim T.Y. Fung, STP/STN, made the following responses:

- (a) the planning circumstances of planning applications No. A/NE-MUP/138 and A/NE-MUP/139 were similar to those of the subject application;
- (b) similar applications to the west of the “V” zone of Man Uk Pin Village were approved before the adoption of a more cautious approach in approving applications for Small House development and/or with previous planning approvals for Small House development. 12 out of the 13 similar applications to the east of the “V” zone of Man Uk Pin Village were rejected on grounds including that not in line with the planning intention of “AGR” zone, land was available within the “V” zone for Small House development and/or after the adoption of a more cautious approach. In

view of the good quality agricultural land with potential for agricultural rehabilitation within the “AGR” zone to the east of Man Uk Pin Village, concerned departments including DAFC had reservation on approving Small House applications to the east of the village; and

- (c) given that land (equivalent to 132 Small House sites) was still available within the “V” zone for Small House development and capable to meet the outstanding 82 Small House applications, it was one of the recommended rejection reasons.

Deliberation Session

39. The Chairman remarked that in general, it was considered more appropriate to confine Small House developments within “V” zones or close to the existing village clusters for orderly development pattern, efficient use of land and provision of infrastructures and services. As shown on Plan A-3 of the Paper, Small House developments had been extended to the west of the “V” zone of Man Uk Pin Village whereas Small House developments to the east were mainly confined within the “V” zone.

40. 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 Man Uk Pin 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 applicant fails to demonstrate in the submission that the proposed development would not result in adverse environmental and landscape impacts on the surrounding areas; and

- (c) land is still available within the “Village Type Development” zone of Man Uk Pin Village 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 Items 11 and 12

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-MUP/138 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lots 613 S.E ss.3 and 613 S.F RP in D.D. 37, Man Uk Pin, Sha Tau Kok

(RNTPC Paper No. A/NE-MUP/138 and 139)

A/NE-MUP/139 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lots 613 S.D ss.2 and 613 S.E RP in D.D. 37, Man Uk Pin, Sha Tau Kok

(RNTPC Paper No. A/NE-MUP/138 and 139)

41. 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 (the sites) were located in close proximity to one another and within the same “Agriculture” (“AGR”) zone. The Committee agreed that the applications could be considered together.

Presentation and Question Sessions

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

- (a) background to the applications;

- (b) the proposed house (NTEH - Small House) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications as the sites possessed potential for agricultural rehabilitation and there were active agricultural activities in the vicinity. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the applications as approval of the application might set an undesirable precedent to extend village development in “AGR” zone leading to gradual degradation of the surrounding environment. The Commissioner for Transport (C for T) had reservation on the applications but considered that applications each involving construction of only one Small House could be tolerated. The District Officer (North) conveyed that the Chairman of the Sha Tau Kok District Rural Committee, the incumbent North District Council member, the Indigenous Inhabitant Representative and the Resident Representative of Man Uk Pin had no comment on the applications. Other concerned government departments had no objection to or no adverse comment on the applications;
- (d) during the first three weeks of the statutory publication period, six public comments on each application were received, with one public comment from the Chairman of the Sheung Shui District Rural Committee indicating no comment on the applications, and the remaining five public comments from the Kadoorie Farm and Botanic Garden Corporation, World Wide Fund for Nature Hong Kong, Designing Hong Kong Limited, the Hong Kong Bird Watching Society and an individual objecting to the applications. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) PlanD’s views – PlanD did not support the applications based on the assessments set out in paragraph 11 of the Paper. The proposed developments were not in line with the planning intention of “AGR” zone and DAFC did not support the applications. Both CTP/UD&L, PlanD and C for T had reservations on the applications. Regarding the Interim

Criteria for Consideration of Application for NTEH/Small House in New Territories, while more than 50% of the footprints of the proposed Small Houses fell within the village 'environs' of Man Uk Pin Village and land available within the "Village Type Development" ("V") zone was insufficient to fully meet the future Small House demand, it was capable to meet the 82 outstanding Small House applications. It was considered more appropriate to concentrate the proposed Small House developments within the "V" zone for more orderly development pattern, efficient use of land and provision of infrastructure and services. There had not been any major change in planning circumstances of the area since the rejection of the two previous applications. The sites were located to the east of Man Uk Pin Village and most of the similar applications to the east of the same village had been rejected by the Committee and the circumstances of the subject applications were similar to those rejected similar applications. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

43. Members had no question on the applications.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone in Man Uk Pin 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; and
- (b) land is still available within the “Village Type Development” zone of Man Uk Pin Village 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 Items 13 to 15

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/553 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 315 S.E in D.D. 9, Kau Lung Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/553 to 555)

A/NE-KLH/554 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” Zones, Lot 315 S.F in D.D. 9, Kau Lung Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/553 to 555)

A/NE-KLH/555 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” Zones, Lot 315 S.G in D.D. 9, Kau Lung Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/553 to 555)

45. The Committee noted that the three applications for proposed house (New Territories Exempted House (NTEH) – Small House) were similar in nature and the application sites (the sites) were located in close proximity to one another. The Committee agreed that the applications could be considered together.

Presentation and Question Sessions

46. 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) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications as the sites possessed potential for agricultural rehabilitation and there were active agricultural activities in the vicinity. Other concerned government departments had no objection to or no adverse comment on the applications;
- (d) during the first three weeks of the statutory publication period, three public comments on each application were received, with one public comment from MTR Corporation Limited raising concerns on the applications, and the remaining two public comments from Designing Hong Kong Limited and an individual objecting to the applications. Major views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessments set out in paragraph 11 of the Paper. Though the proposed developments were not in line with the planning intention of the “Agriculture” zone and DAFC did not support the applications, the proposed developments were not incompatible with the surrounding areas which were predominantly rural in character with village houses and fallow agricultural land. The sites fell within the upper indirect water gathering ground and the proposed developments would be able to be connected to the public sewerage system, and the Director of Environmental Protection and the Chief Engineer/Construction of Water Supplies Department had no objection to the applications provided that the applicants should connect the proposed developments to the public sewer at their own costs and adequate space within the sites would be reserved for connection. The proposed developments were partially shielded from the noise sources of the East Rail Line and Fanling Highway by existing village houses and no insurmountable noise impact was anticipated.

Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, while more than 50% of the footprints of the proposed Small Houses fell within the village ‘environs’ of Yuen Leng and Kau Lung Hang and land available within the “Village Type Development” zone was insufficient to fully meet the future Small House demand, it was capable to meet the 130 outstanding Small House applications. Notwithstanding the above, the sites were the subject of previously approved applications (No. A/NE-KLH/397, 471, 472 and 473) submitted by the same applicants. Sympathetic consideration might be given to the subject applications. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

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

47. In response to a Member’s question on the reason for not implementing the approved Small Houses under the previous applications (No. A/NE-KLH/397, 471, 472 and 473) approved in 2010 and 2014 respectively, Ms Kathy C.L. Chan, STP/STN, said that in general the applicant would take some time to apply for Small House grant with the Lands Department (LandsD). With the approval of Small House grant, LandsD would issue offer letter to the applicant and then process the execution of building licence.

Deliberation Session

48. 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 21.9.2022, 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 landscape proposal to the satisfaction of the Director of Planning or of the TPB;

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

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

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/647 Proposed 2 Houses (New Territories Exempted Houses - Small Houses) in “Agriculture” Zone, Lots 913 S.B ss.1 and 913 S.B RP in D.D. 8, Ma Po Mei, Tai Po
(RNTPC Paper No. A/NE-LT/647)

50. The Committee noted that a replacement page (page 1 of Appendix V) of the Paper, rectifying editorial error of the Paper, was tabled at the meeting for Members’ reference.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed two houses (New Territories Exempted Houses (NTEHs) – Small Houses);

- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the application site (the site) possessed potential for agricultural rehabilitation and there were active agricultural activities in the vicinity. The Director of Environmental Protection (DEP) did not support the application as using a septic tank and soakaway system to treat wastewater was unacceptable inside the water gathering ground (WGG) and the connection of public sewer was considered technically infeasible due to the level difference. The Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) objected to the application as the site was located less than 30m from the nearest stream course and the connection from the proposed Small Houses to the public sewerage system in the area was considered technically infeasible. The Commissioner for Transport had reservation on the application but considered that application involving construction of two Small Houses could be tolerated. Other 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 from the Hong Kong Bird Watching Society and an individual. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed developments were not in line with the planning intention of “Agriculture” zone and DAFC did not support the application. DEP and CE/C of WSD also did not support the application. The proposed developments did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that the applicants failed to demonstrate that the proposed developments located within WGG would be able to be connected to the existing/planned sewerage system and would not cause adverse impact on the water quality in the area. While more than 50% of the footprints of the proposed Small

Houses fell within the village ‘environs’ of Ma Po Mei and land available within the “Village Type Development” (“V”) zone was insufficient to fully meet the future Small House demand, it was capable to meet the 42 outstanding Small House applications. It was considered more appropriate to concentrate the proposed Small House developments within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services. There had been no significant change in the planning circumstances since the rejection of the previous application and the planning circumstances of the subject application were similar to those rejected applications in close proximity. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

52. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed developments are not in line with the planning intention of the “Agriculture” zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) the proposed developments do not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the applicants fail to demonstrate that the proposed developments located within water gathering grounds would be able to be connected to the existing or planned sewerage system and would not cause adverse impact on the water quality in the area; and

- (c) land is still available within the “Village Type Development” (“V”) zone of Ma Po Mei and Tai Mong Che which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small Houses within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.”

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/648 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” Zones, Lots 9 and 10
in D.D. 25, Tai Om, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/648)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV 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, one public comment objecting to the application was received from the Hong Kong Bird Watching Society. Major objection grounds were set out in paragraph 10 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed development was not in line with the planning intention of “Agriculture” zone. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, while more than 50% of the footprint of the proposed Small House fell within the village ‘environs’ of Tai Om and the proposed development within water gathering ground would be able to be connected to the public sewerage system and land available within the “Village Type Development” (“V”) zone was insufficient to fully meet the future Small House demand, it was capable to meet the 42 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 infrastructure and services. Similar applications in the vicinity of the application site were approved either before the incorporation of criterion (i) on sewerage connection requirement into the Interim Criteria or before the adoption of a more cautious approach by the Board and the circumstances of the subject application were not the same as those of the similar approved applications. Regarding the adverse public comment, the comments of government departments and planning assessments above were relevant.

55. Members had no question on the application.

Deliberation Session

56. 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 and also intended to retain fallow arable land with good potential for rehabilitation

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

- (b) land is still available within the “Village Type Development” (“V”) zone of Tai Om and Ping Long 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.”

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

Fanling, Sheung Shui and Yuen Long East District

Agenda Item 18

Section 16 Application

[Open Meeting]

A/NE-KTS/457 Social Welfare Facility (Drug Rehabilitation Centre) in “Green Belt”
Zone, 48 Ki Lun Village, Kwu Tung South, Sheung Shui
(RNTPC Paper No. A/NE-KTS/457A)

57. The Committee noted that the applicant’s representative requested on 14.9.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address comments of the Civil Engineering and Development Department (CEDD). It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information in response to comments of CEDD.

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

Agenda Item 19

Section 16 Application

[Open Meeting]

A/YL-KTN/622 Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years in "Conservation Area" Zone, Lots 4111, 4112, 4113, 4129, 4130 and 4132 in D.D. 104, Fung Kat Heung, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/622)

59. The Committee noted that the applicant's representative requested on 11.9.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

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

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

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

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/623 Proposed Temporary Animal Boarding Establishment for a Period of 3
Years in "Agriculture" Zone, Lot 1344 in D.D. 107, Kam Tin, Yuen
Long
(RNTPC Paper No. A/YL-KTN/623)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary animal boarding establishment 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 as the application site (the site) possessed potential for agricultural rehabilitation, but had no

strong view on the application from nature conservation point of view provided that the applicant would undertake necessary measures to avoid causing off-site impacts on the surrounding natural habitats. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as tree felling was anticipated and the applicant should review the proposed layout to retain the existing trees on site as far as practicable. Other 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, four public comments objecting to the application were received from the Kadoorie Farm and Botanic Garden Corporation, the Hong Kong Bird Watching Society and two individuals. 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. Though the applied use was not in line with the planning intention of the “Agriculture” (“AGR”) zone and DAFC did not support the application, the approval of the application on a temporary basis would not jeopardize the long-term planning intention of the “AGR” zone. Though there were sensitive receivers in the vicinity of the site, the applicant advised that all animals would be kept inside the enclosed kennel after business hour and the temporary structures were enclosed by soundproofing steel sheets with air-conditioning and ventilation to minimise any noise impact, and no amplification system or whistle blowing would be used at the site. The Director of Environmental Protection had no adverse comment on the application. To address the concerns of DAFC, CTP/UD&L, PlanD and technical requirements of other government departments, relevant approval conditions and advisory clauses had been recommended. Approval of the subject application was in line with the Committee's previous decisions on approval of similar applications within the same “AGR” zone. Regarding the adverse public

comments, the comments of government departments and planning assessments above were relevant.

62. Members had no question on the application.

Deliberation Session

63. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 21.9.2021, 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. (except overnight animal boarding establishment), as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) all animals shall be kept inside the enclosed animal boarding establishment on the site between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, during the planning approval period;
- (c) no public announcement system, whistle blowing, portable loud speaker, or any form of audio amplification system, as proposed by the applicant, is allowed on the site during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the submission of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.3.2019;
- (f) in relation to (e) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.6.2019;

- (g) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.3.2019;
- (h) in relation to (g) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.6.2019;
- (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 21.3.2019;
- (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 21.6.2019;
- (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.”

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

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/795 Renewal of Planning Approval for Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Village Type Development” Zone, Lot 291 (Part) in D.D. 109, Kam Tin Road, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/795)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary shop and services (real estate agency) 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) no public comment was received during the first three weeks of the statutory publication period; 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 applied use was not in line with the planning intention of the “Village Type

Development” (“V”) zone, there was no Small House application approved or under processing at the application site. Approval of the application on a temporary basis would not jeopardize the long-term planning intention of the “V” zone. The applied use was to serve the residents in the vicinity and not incompatible with the surrounding areas predominated by residential structures/dwellings, storage yards and parking of vehicles. The application was generally in line with the Town Planning Board Guidelines No. 34B in that there had been no material change in planning circumstances since the granting of the previous planning approval and all approval conditions of the previous approval had been complied with. Previous applications for the same use and similar applications for the same or similar shop and services uses within the same and the adjoining “V” zone had been approved by the Committee and approval of the application was in line with the Committee’s previous decisions.

66. Members had no question on the application.

Deliberation Session

67. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 20.10.2018 until 19.10.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 5:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;

- (d) the existing trees and landscape plantings on the site shall be maintained at all times during the planning approval period;
- (e) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (f) the submission of the records of the existing drainage facilities on site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 20.1.2019;
- (g) the submission of a fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.4.2019;
- (h) in relation to (g) above, the provision of fire service installations 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 20.7.2019;
- (i) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (j) if any of the above planning conditions (f), (g) or (h) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (k) upon 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.”

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

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/789 Proposed Temporary Open Storage of Construction Material and Machinery for a Period of 3 Years in “Residential (Group D)” Zone, Lots 2902 (Part), 2905 (Part), 2909 (Part), 2910 (Part), 2911 (Part), 2912 S.A (Part), 2912 RP (Part) and 2914 RP (Part) in D.D. 111, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/789)

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) the proposed temporary open storage of construction material and machinery for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential structures in the vicinity of the application site (the site) and environmental nuisance was expected. Other 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, one public comment objecting to the application was received from an individual. Major objection grounds were set out in paragraph 11 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Whilst the applied use was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone, there was no known development programme for permanent development for the site and approval of the application on a temporary basis would not frustrate the long-term planning intention of the “R(D)” zone. The applied use was considered not incompatible with the surrounding areas. The application was generally in line with the Town Planning Board Guidelines No. 13E in that the site fell within Category 3 areas where previous planning approval for similar open storage use had been granted, all approval conditions under the previous approval had been complied with and the applicant had submitted relevant technical proposals. Though DEP did not support the application, there was no environmental complaint received in the past three years and relevant approval conditions had been recommended to mitigate any potential environmental impact or technical requirements of other government departments. Previous applications for similar open storage use and a number of similar applications for temporary open storage-related uses in the vicinity of the site had been approved by the Committee and approval of the application was in line with the Committee's previous decisions. Regarding the adverse public comment, the comments of government departments and planning assessments above were relevant.

70. Members had no question on the application.

Deliberation Session

71. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 21.9.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 5:00 p.m. and 10:00 a.m., as proposed by the applicant, is allowed at the site during the planning approval period;

- (b) no operation between 1:00 p.m. and 5:00 p.m., on Saturdays, as proposed by the applicant, is allowed at the site during the planning approval period;
- (c) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (d) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities, as proposed by the applicant, shall be carried out on the site at any time during the planning approval period;
- (e) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (f) the existing boundary fencing on the site shall be maintained at all times during the planning approval period;
- (g) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (h) the existing trees and vegetation on the site shall be maintained at all times during the planning approval period;
- (i) 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 21.3.2019;
- (j) in relation to (i) 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 21.6.2019;

- (k) in relation to (j) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (l) the provision of fire extinguisher(s) with a valid fire certificate (FS251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.11.2018;
- (m) 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 21.3.2019;
- (n) in relation to (m) 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 21.6.2019;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (k) 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;
- (p) if any of the above planning conditions (i), (j), (l), (m) or (n) 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
- (q) 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.”

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

Agenda Item 23

Section 16 Application

[Open Meeting]

A/YL-PH/790 Proposed Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of 3 Years in “Village Type Development” Zone, Lots 3043 S.A, 3043 S.B, 3043 S.C, 3043 S.D, 3043 S.E, 3043 S.F, 3043 S.G, 3043 S.H, 3043 S.I and 3043 RP in D.D. 111 and Adjoining Government Land, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/790)

73. The Committee noted that the applicant’s representative requested on 13.9.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to support the application. It was the first time that the applicant requested deferment of the application.

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

Agenda Item 24

Section 16 Application

[Open Meeting]

A/YL-SK/241 Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years in “Agriculture” Zone, Lot 361 S.B RP in D.D. 112, Shek Kong, Yuen Long
(RNTPC Paper No. A/YL-SK/241)

75. The Committee noted that the applicant’s representative requested on 17.9.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/273 Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Residential (Group C)” Zone, Lot 3250 S.B ss.48 in D.D. 104 and Adjoining Government Land, Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/273)

77. The Secretary reported that the application site (the site) was located in Mai Po and Mr K.W. Leung had declared interest on the item for owning a house at Fairview Park. The Committee agreed that Mr K.W. Leung could stay in the meeting as his property did not have a direct view on the site.

Presentation and Question Sessions

78. Ms Helen H.Y. Chan, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed temporary shop and services (real estate agency) 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 objecting to the application were received from a Yuen Long District Council member. Major objection grounds were set out in paragraph 11 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Whilst the applied use was not in line with the planning intention of the “Residential (Group C)” (“R(C)”) zone, it could provide temporary real estate agency services to the nearby residents. There was no immediate permanent development proposal at the site and approval of the application on a temporary basis would not frustrate the long-term planning intention of the “R(C)” zone. The applied use was considered not incompatible with the surrounding land uses. The site fell within the Wetland Buffer Area of the Town Planning Board Guidelines No. 12C which specified that the requirement of Ecological Impact Assessment was exempted for temporary use and the Director of Agriculture, Fisheries and Conservation had no comment on the application. Concerned government departments had no objection to or no adverse comment on the application from environmental, traffic, fire safety, drainage and landscape aspects respectively. Relevant approval conditions had been recommended to address the technical requirements of the concerned government departments. Similar applications for temporary shop and services uses relating to real estate agency within the same “R(C)” zone had been approved by the Committee and approval of the application was in line with the Committee's previous decisions. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

79. Members had no question on the application.

Deliberation Session

80. Members noted that real estate agency was subsumed under ‘Shop and Services’ use under the Broad Use Terms. Once planning permission was granted for a broad use term, in general all the uses subsumed under the broad use term could be interchangeable, whereas for applications with specification of the type of use, e.g. real estate agency, as under the current application, implications of such specific use would be assessed in detail.

81. While Members in general considered that the applied use could be tolerated for a period of three years, a Member noted that a number of planning applications for real estate agency on a temporary basis had been approved but no operation had been found on site since then, e.g. those along Fairview Boulevard. The Member wondered if such application sites or premises might be turned into alternative uses.

82. Mr Edwin W.K. Chan, Assistant Director/Regional 3, Lands Department (LandsD), said that there were some recent cases in the Yuen Long area having obtained temporary planning approval being suspected to be converted for domestic purposes while lease enforcement actions were being considered by LandsD. However, he emphasized that it was not meant for the current application.

83. The Chairman supplemented that concerned departments including LandsD, PlanD and the Environmental Protection Department would take necessary enforcement action against unauthorized developments under their respective purviews.

84. A Member considered that justifications should be provided by applicants to substantiate the genuine need of the applied use, and information such as the number of real estate agencies and whether they were in operation in the surrounding areas of application sites/premises would be useful for the Committee's consideration of the application.

85. A Member was of view that land under the "Residential" zoning should be developed for residential uses given the current shortage of land for housing and the Government should take a more proactive role at the policy level to encourage early implementation of the residential zones to respond to the acute demand for housing land. In response, the Chairman said that the Committee had been prudent in assessing planning applications for use(s) other than residential within "Residential" zones in the urban areas and such planning applications would only be approved under special circumstances. For areas in the New Territories, many lots were being occupied by temporary uses and permanent developments were subject to various constraints, e.g. lacking of supporting infrastructures and multiple land ownerships which would take time to overcome.

86. As a means to encourage early implementation of permanent developments, a Member said the Government might consider to impose tax on vacant land. Another

member concurred and was of view that the Committee should convey the message that land under “Residential” zoning should be reserved for residential use to meet acute demand for housing land.

87. In response to a Member’s concerns on proliferation of temporary uses in the New Territories, the Chairman said that the planning application system in fact help to control and confine the temporary uses with the imposition of relevant approval conditions such as those related to the landscape and drainage aspects. In the long run, unleashing the development potential of brownfield sites in the New Territories was one of the main directions of the Government’s multi-pronged land supply strategy, and it was one of the options being examined by the Task Force on Land Supply.

88. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 21.9.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 8:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no vehicle (excluding private car) is allowed to access the site at all times during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from the site at all times during the planning approval period;
- (d) the maintenance of paving and boundary fencing on the site at all times during the planning approval period;
- (e) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.3.2019;
- (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 21.6.2019;

- (g) 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 21.3.2019;
- (h) in relation to (g) 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 21.6.2019;
- (i) 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;
- (j) if any of the above planning conditions (e), (f), (g) or (h) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (k) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/360 Proposed Temporary Shop and Services (Grocery Store) for a Period of 3 Years in “Comprehensive Development Area” Zone, Lot 624 in D.D. 105, Shek Wu Wai San Tsuen, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/360B)

Presentation and Question Sessions

90. Ms Helen H.Y. Chan, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed temporary shop and services (grocery store) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Chief Engineer/Mainland North, Drainage Services Department did not support the application as flooding/drainage complaints had been recorded and the area adjoining the application site (the site) was subject to overland flows and possible flooding, but the revised drainage proposal submitted by the applicant was considered unacceptable. The Commissioner of Police (C of P) did not support the application as the applicant did not provide sufficient information / justification for setting up a grocery store in a non-residential area. The Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) had reservation on the application as the site was now formed with all vegetation removed, resulting in adverse landscape impact as compared with the aerial photo in 2015, and the landscape proposal submitted by the applicant was considered not acceptable. Approval of the application would encourage similar site modification prior to application and set an

undesirable precedent. Other 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, four public comments objecting to the application were received from individuals. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed use was not entirely in line with the planning intention of the “Comprehensive Development Area” (“CDA”) zone and no strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis. The proposed use was not entirely compatible with the surrounding areas with farm land, ponds and domestic dwellings, etc.. No approval for temporary shop and services use within the “CDA” zone had been granted and approval of the application without addressing the adverse drainage and landscape impacts would set an undesirable precedent for similar applications in the area. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

91. A Member raised the following questions:

- (a) noting that the planning intention of the “CDA” zone was primarily for comprehensive development/redevelopment of the area for residential use with commercial, open space and other supporting facilities, whether the planning intention of “CDA” zone had been complied with if only one of the aforementioned uses had been put forward;
- (b) whether the planning intention of “CDA” zone would also need to be taken into account while processing applications for temporary uses; and
- (c) whether C of P's comment had been taken into account for assessing the subject application.

92. The Chairman said that under the “CDA” zoning, planning applications should be submitted in the form of a Master Layout Plan with relevant technical assessments. The planning intention was for comprehensive development of the whole site.

93. Ms Helen H.Y. Chan, STP/FSYLE, supplemented with the following responses:

- (a) if the “CDA” zone was not yet ready for comprehensive development, considerations might be given to allowing temporary uses in individual sites; and
- (b) C of P’s comment had been taken into account in assessing the application. Noting that the site was located away from main roads in the area with piecemeal residential structures, the applicant had not demonstrated how the applied use could serve the nearby residents.

Deliberation Session

94. 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 “Comprehensive Development Area” (“CDA”) zone, which is primarily for comprehensive development/redevelopment of the area for residential use with commercial, open space and other supporting facilities. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the applicant fails to demonstrate that the proposed development would not have any adverse drainage and landscape impacts on the surrounding areas; and
- (c) approval of the application would set an undesirable precedent for similar applications within the “CDA” zone. The cumulative effect of approving

such application would result in a general degradation of the environment of the area.”

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/362 Temporary Open Storage of Construction Material for a Period of 3 Years in “Comprehensive Development Area” Zone, Lots 686 (Part), 687, 690 and 692 (Part) in D.D. 105 and Adjoining Government Land, Shek Wu Wai San Tsuen, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/362B)

95. The Committee noted that two replacement pages (pages 1 and 14) of the Paper, rectifying editorial errors of the Paper, were dispatched to Members before the meeting.

Presentation and Question Sessions

96. Ms Helen H.Y. Chan, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the temporary open storage of construction material 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 did not support the application as the application site (the site) was within 100m from the nearest residential dwellings and environmental nuisance was expected. The Chief Engineer/Mainland North, Drainage Services Department did not support the application as flooding/drainage complaints had been recorded and the area adjoining the site was subject to overland

flows and possible flooding, but the revised drainage proposal submitted by the applicant was considered unacceptable. The Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) had reservation on the application as the site had been formed and the vegetation cover had been removed resulting in adverse landscape impacts as compared with the aerial photo in 2014, and the landscape proposal submitted by the applicant was considered not acceptable. Approval of the application would encourage similar site modification prior to application, resulting in piecemeal development destroying the tranquil nature of the rural area. Other 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, one public comment objecting to the application was received from an individual. Major objection grounds were set out in paragraph 11 of the Paper; and
- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The applied use was not in line with the planning intention of the “Comprehensive Development Area” (“CDA”) zone and no strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis. The applied use was not entirely compatible with the surrounding areas with domestic dwellings, ponds and cultivated agricultural land, etc.. The application was not in line with the Town Planning Board Guidelines No. 13E in that no previous approval for open storage use had been granted for the site and there were adverse departmental comments. No approval for temporary open storage use within the “CDA” zone had been granted and approval of the application without addressing the adverse drainage and landscape impacts would set an undesirable precedent for similar applications in the area. Regarding the adverse public comment, the comments of government departments and planning assessments above were relevant.

97. Members had no question on the application.

Deliberation Session

98. 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 “Comprehensive Development Area” (“CDA”) zone, which is primarily for comprehensive development/redevelopment of the area for residential use with commercial, open space and other supporting facilities. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the proposed development is not in line with the Town Planning Board Guidelines No. 13E in that no previous approval has been granted for the site, there are adverse departmental comments on the drainage, environmental and landscape aspects and the applicant fails to demonstrate that the proposed development would not have any adverse drainage, environmental and landscape impacts on the surrounding areas; and
- (c) approval of the application would set an undesirable precedent for similar applications within the “CDA” zone. The cumulative effect of approving such application would result in a general degradation of the environment of the area.”

Agenda Item 28

Section 16 Application

[Open Meeting]

A/YL-NTM/371 Proposed Temporary Goods Compartment Assembling Workshop for Light Goods Vehicle for a Period of 3 Years in “Comprehensive Development Area” Zone, Lots 625 (Part), 626 (Part), 627 (Part), 628 (Part) and 629 (Part) in D.D. 105 and Adjoining Government Land, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/371A)

99. The Committee noted that the applicant’s representative requested on 6.9.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address comments of the Drainage Services Department (DSD) and the Planning Department. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information in response to comments of the Agriculture, Fisheries and Conservation Department and DSD.

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

[The Chairman thanked Ms Ivy C.W. Wong and Ms Helen H.Y. Chan, STPs/FSYLE, for their attendance to answer Members’ enquiries. They left the meeting at this point.]

Tuen Mun and Yuen Long West District

Agenda Item 29

Section 16 Application

[Open Meeting]

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

101. The Secretary reported that the application was for columbarium use. The following Members had declared interests on the item:

- | | | |
|---------------------------------------|---|---|
| Mr H.W. Cheung
(The Vice-chairman) | - | being a member of the Private Columbaria Licensing Board; and |
| Mr Ivan C.S. Fu | - | being a member of the Private Columbaria Appeal Board. |

102. The Committee noted that the applicant had requested deferment of consideration of the application and Messrs H.W. Cheung and Ivan C.S. Fu had tendered apologies for being unable to attend the meeting.

103. The Committee noted that the applicant’s representative requested on 12.9.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address comments of the Transport Department. 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 Traffic Impact Assessment, junction performance data and calculation and responses to departmental and public comments.

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

Agenda Item 30

Section 16 Application

[Open Meeting]

A/TM/530 Columbarium Use in "Government, Institution or Community" Zone,
Lot 2011 (Part) in D.D. 132, Tuen On Lane, Tuen Fu Road, Fu Tei,
Tuen Mun
(RNTPC Paper No. A/TM/530)

105. The Secretary reported that the application was for columbarium use, with Landes Limited (Landes) as one of the consultants of the applicant. The following Members had declared interests on the item:

- | | | |
|---------------------------------------|---|--|
| Mr H.W. Cheung
(The Vice-chairman) | - | being a member of the Private Columbaria Licensing Board; and |
| Mr Ivan C.S. Fu | - | being a member of the Private Columbaria Appeal Board; and having current business dealings with Landes. |

106. The Committee noted that the applicant had requested deferment of consideration of the application and Messrs H.W. Cheung and Ivan C.S. Fu had tendered apologies for being unable to attend the meeting.

107. The Secretary also reported a letter from the Incorporated Owners of Parkland Villas was received on 14.9.2018 raising objection to the subject planning application. According to the Town Planning Ordinance, as the letter was submitted after the statutory publication period, it should be treated as not having been made.

108. The Committee noted that the applicant's representative requested on 31.8.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental and public comments. It was the first time that the applicant requested deferment of the application.

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

[Ms Bonnie K.C. Lee, Senior Town Planner/Tuen Mun and Yuen Long West (STP/TMYLW), and Mr Kris W.K. Leung, Town Planner/Tuen Mun and Yuen Long West (TP/TMYLW), were invited to the meeting at this point.]

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/93 Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Village Type Development” Zone, Government Land in D.D. 124, Shek Po Tsuen, Yuen Long
(RNTPC Paper No. A/HSK/93)

Presentation and Question Sessions

110. Mr Kris W.K. Leung, TP/TMYLW, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed temporary shop and services (real estate agency) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The District Lands Officer/Yuen Long, Lands Department advised that no permission was given for occupation of government land (GL). Land within the “Village Type Development” (“V”) zone or village ‘environs’ was primarily reserved for development of New Territories Exempted House (NTEH) by indigenous villagers. There was no Small House application approved or under processing within the application site (the site) and there were 35 outstanding Small House applications in Shek Po Tsuen and the 10-year forecast of Small House demand in Shek Po Tsuen was 500. The site abutted Hung Chi Road and was considered capable for separate alienation and application for unleased GL capable for reasonable separate alienation would not normally be considered even if planning approval was obtained. Other 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, six public comments objecting to the application were received from individuals. Major objection grounds were set out in paragraph 9 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 10 of the Paper. Whilst the proposed use was not incompatible with the existing land uses of the area predominated by residential structures and the applicant claimed that the proposed use would serve the needs of the nearby residents, shop and services uses were always permitted on the ground floor of NTEHs of the subject “V” zone to cater for any such demand. Based on the latest estimate by PlanD, about 4.68 ha of land (equivalent to about 187 Small House sites) were available within the “V” zone in the concerned village. Land within “V” zone should be reserved for Small House development. Approval of the application would affect the GL available for Small House development and there was no strong planning justification and planning merit given in the submission for the applied use in the site, even on a temporary basis. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

111. Members had no question on the application.

Deliberation Session

112. A Member supported PlanD's recommendation to reject the application in view that government land should not be allocated for the applied use.

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

- “(a) the planning intention of the “Village Type Development” (“V”) zone is 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. 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 for a departure from the planning intention, even on a temporary basis;

- (b) the applicant fails to demonstrate a reasonable prospect for securing the required government land for implementing the proposed use; and
- (c) approval of the application would set an undesirable precedent attracting other similar development in the area. The cumulative effect will jeopardize the availability of land for Small House development in the subject “V” zone.”

Agenda Item 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/94 Temporary Logistic Centre and Warehouse for a Period of 3 Years in “Residential (Group A) 3” and “Government, Institution or Community” Zones and an area shown as ‘Road’, Lots 797 RP (Part), 799 (Part), 800 (Part), 801 (Part) and 809 RP (Part) in D.D. 125, Lots 3299 RP (Part), 3300 (Part), 3301, 3302 (Part), 3303 RP (Part), 3304 RP (Part), 3305 RP (Part), 3315 RP (Part), 3316, 3317, 3323 S.A (Part), 3323 S.B (Part), 3324 S.A, 3324 S.B, 3325 (Part) and 3326 in D.D. 129 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/HSK/94)

Presentation and Question Sessions

114. Mr Kris W.K. Leung, TP/TMYLW, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;

- (b) the temporary logistic centre and warehouse for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the application site (the site) and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; 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 applied use was not in line with the planning intentions of the “Residential (Group A) 3” (“R(A)3”) and “Government, Institution or Community” (“G/IC”) zones, the implementation programme for this part of the Hung Shui Kiu New Development Area (HSK NDA) was still being formulated and the Project Manager (New Territories West), Civil Engineering and Development Department (PM(NTW), CEDD) had no objection to the temporary use of the site for three years. Approval of the application on a temporary basis would not jeopardize the long-term development of the site. The use was not incompatible with the surrounding uses. The application was generally in line with the Town Planning Board Guidelines No. 13E in that the site fell within Category 1 areas. Though DEP did not support the application, there was no environmental complaint pertaining to the site in the past three years and relevant approval conditions had been recommended to address the technical requirements of concerned government departments. Previous applications for the same applied use and similar applications within the same “R(A)3” and “G/IC” zones had been approved by the Committee. Approval of the application was in line with the Committee's previous decisions.

115. Two Members raised the following questions:

- (a) the current uses found within the “R(A)3” portion of the site and the surrounding areas within the same zone;
- (b) whether the subject application was a renewal or a fresh planning application; and
- (c) the implementation timetable of the HSK NDA in respect of the site.

116. Mr Kris W.K. Leung, TP/TMYLW, made the following responses:

- (a) logistic centre, which was the subject of three previous planning approvals, was currently found within the “R(A)3” portion of the site. Uses such as open storage yards, logistics centres and warehouses were currently found in the surrounding areas within the same zone and most of them were granted with planning permissions;
- (b) the latest planning application for the same applied use at the site was approved with conditions by the Committee on 3.7.2015 for a period of 3 years and the planning permission lapsed on 3.7.2018. The subject application was a fresh one; and
- (c) according to PM(NTW), CEDD, the development of HSK NDA and relevant site formation and infrastructure works would be implemented in five stages, viz. Advance Works and Stage 1 to Stage 4. The subject site fell within a site under Stage 3 and 4 Works stage and it was envisaged that clearance of the subject site would not be arranged before the first population intake of the HSK NDA expected in 2024.

Deliberation Session

117. The Chairman remarked that the applied logistic centre and warehouse uses under the subject application were brownfield operations. Storage yards of containers were found in the Ha Tsuen area 10 to 20 years ago and large scale logistic centres were currently established in the area. Brownfield operations would be gradually phased out through the implementation of HSK NDA. The draft Hung Shui Kiu and Ha Tsuen Outline Zoning Plan (OZP) was agreed by the Committee and the consideration of representations and comments in respect of the draft OZP was completed earlier this year. The draft OZP would be submitted to the Chief Executive in Council for approval which would form the basis for the funding application and implementation of HSK NDA.

118. A Member was of view that to facilitate the early implementation of HSK NDA, applications for temporary uses within HSK NDA area should no longer be approved as the occupation of temporary uses would complicate the land clearance and land resumption exercise and slow down the HSK NDA development process, noting that the relocation and compensation for brownfield operations would be controversial and time-consuming.

119. In response, the Chairman said that whilst the subject site fell within a site under Stage 3 and 4 Works stage, temporary uses could be considered during the interim period before the brownfield sites were resumed for HSK NDA development in view that brownfield operations also contributed to Hong Kong's economy. Land had been reserved for the consolidation of brownfield operations within HSK NDA.

120. A Member suggested briefings / brainstorming / discussion exercises could be organized so that Members could participate in the long-term planning for optimizing the development potential of brownfield sites.

121. In response, the Chairman said that the issue of brownfield operations in the New Territories was being tackled at the policy level and feasibility studies were being carried out to accommodate brownfield operations within multi-storey buildings. Meanwhile, PlanD was conducting a survey on brownfield operations to identify the locations of the brownfield sites and to understand the current operations and their needs, etc.. Arrangement could be made to share with Members the findings of those studies / survey at an appropriate time.

122. In response to a Member's question, Mr Edwin W.K. Chan, Assistant Director/Regional 3, Lands Department, said that the resumption costs of brownfield sites with operation and those being vacant at the time of resumption were different. Applicable compensation might have to be made for business undertakings affected by land resumption and clearance.

123. A Member said that to facilitate the assessment of planning applications for temporary uses within HSK NDA, information on the reserved land for consolidation of brownfield operations within HSK NDA and the existing distribution of the brownfield activities within HSK NDA would be useful.

124. Members in general considered that the applied use could be tolerated for a period of three years, while noting the general discussion in relation to brownfield operations and HSK NDA.

125. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 21.9.2021, 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 or public holidays, and after 1:00 p.m. on Saturdays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no workshop activity, as proposed by the applicant, is allowed on the site during the planning approval period;
- (d) no material is allowed to be stored/dumped and no vehicle is allowed to be parked within 1m of any tree on the site, as proposed by the applicant, during the planning approval period;

- (e) no vehicle is allowed queue back to or reverse onto/from the public road at any time during the planning approval period;
- (f) the existing trees and landscape planting on the site shall be maintained at all time during the planning approval period;
- (g) the submission of a condition record of existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.12.2018;
- (h) the existing 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 21.3.2019;
- (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 21.6.2019;
- (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 21.3.2019;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (m) if any of the above planning conditions (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 planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

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

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/95 Temporary Vehicle Park for Medium/Heavy Goods Vehicle with Vehicle Parts Assembly for a Period of 3 Years in “Village Type Development (1)” Zone and an area shown as ‘Road’, Lots 60 (Part), 65 (Part), 66, 67 (Part), 69 (Part), 70 (Part), 71 (Part) and 72 RP (Part) in D.D. 128 and Adjoining Government Land, Ha Tsuen, Yuen Long (RNTPC Paper No. A/HSK/95)

Presentation and Question Sessions

127. Mr Kris W.K. Leung, TP/TMYLW, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the temporary vehicle park for medium/heavy goods vehicle with vehicle parts assembly for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the application site (the site) and along the access roads and

environmental nuisance was expected. The Project Manager (New Territories West), Civil Engineering and Development Department (PM(NTW), CEDD) advised that the site fell within a site under Stage 1 Work stage, being an area designated for “Rural Residential – Zone 4” on the Revised Recommended Outline Development Plan (RODP) of the Hung Shui Kiu New Development Area (HSK NDA) intended for the construction of village resite houses. The current target was to have the first population intake by 2025 for village resite arrangement in HSK NDA. Whilst he had no objection to the temporary uses at the site, he did not support the approval of three years. Nevertheless, he did not have objection if the application was approved for a temporary period until late 2020. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of two years based on the assessments set out in paragraph 12 of the Paper. Whilst the applied use was not in line with the planning intention of the “Village Type Development (1)” zone and fell partly within an area shown as ‘Road’, PM(NTW), CEDD did not envisage adverse impacts on the HSK NDA project if the application was approved for a temporary period until late 2020. Approval of the application on a temporary basis of two years would not jeopardize the long-term development of the site. The use was not incompatible with the surrounding uses. The application was generally in line with the Town Planning Board Guidelines No.13E in that the site fell within Category 1 areas. Though DEP did not support the application, there was no environmental complaint pertaining to the site in the past three years and relevant approval conditions had been recommended to address the technical requirements of concerned government departments. Previous applications for vehicle/container trailer and tractor parking and ancillary workshop uses had been approved

by the Committee. Approval of the application was in line with the Committee's previous decisions.

128. Members had no question on the application.

Deliberation Session

129. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 21.9.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions with shorter compliance periods:

- “(a) no operation between 7:00 p.m. to 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 vehicle is allowed to queue back to public road or reverse onto/from the public road at all times 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 existing drainage facilities shall be maintained at all times during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.12.2018;
- (g) the submission of a tree preservation and landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.12.2018;

- (h) in relation to (g) above, the implementation 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 21.3.2019;
- (i) the submission of a fire service installations proposals within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.12.2018;
- (j) in relation to (i) above, the implementation of the fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.3.2019;
- (k) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (l) if any of the above planning conditions (f), (g), (h), (i) or (j) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (m) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HTF/1091 Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years in “Agriculture” Zone, Lots 438 and 439 in D.D. 128, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HTF/1091)

Presentation and Question Sessions

131. Mr Kris W.K. Leung, TP/TMYLW, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed temporary place of recreation, sports or culture (hobby farm) 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, five public comments objecting to the application were received from the Hong Kong Bird Watching Society, World Wide Fund for Nature Hong Kong, the Kadoorie Farm and Botanic Garden Corporation, Designing Hong Kong Limited and an individual. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. The applied use mainly involving agriculture/farming use was considered in line with the planning

intention of the “Agriculture” (“AGR”) zone and the Director of Agriculture, Fisheries and Conservation had no objection to the application. The applied use was not incompatible with the surrounding areas predominately rural in character with fallowed farmland. The proposed development would unlikely result in significant adverse landscape, ecological, environmental, traffic and drainage impacts on the surrounding areas and there was no major adverse comment from the concerned government departments. Relevant approval conditions had been recommended to address the technical requirements of concerned government departments. A similar application within the same “AGR” zone had been approved by the Committee and approval of the application was in line with the Committee’s previous decision. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

132. Members had no question on the application.

Deliberation Session

133. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 21.9.2021, 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 vehicles are allowed to be parked/stored on the site, as proposed by the applicant, at any time during the planning approval period;
- (c) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.3.2019;

- (d) in relation to (c) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.6.2019;
- (e) in relation to (d) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (f) the submission of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.3.2019;
- (g) in relation to (f) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.6.2019;
- (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 21.3.2019;
- (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 21.6.2019;
- (j) the provision of fencing on the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.3.2019;
- (k) if any of the above planning conditions (a), (b) or (e) 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;
- (l) if any of the above planning conditions (c), (d), (f), (g), (h), (i) or (j) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;

and

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

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

Agenda Item 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/326 Proposed Temporary Open Storage of Construction Machinery for a Period of 3 Years in “Recreation” Zone, Lots 1739 S.A (Part), 1739 S.B, 1739 S.C, 1743, 1744, 1745 and 1746 S.A RP (Part) in D.D. 129, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/326)

Presentation and Question Sessions

135. Mr Kris W.K. Leung, TP/TMYLW, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed temporary open storage of construction machinery for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Commissioner for Transport did not support the application as the applied use would generate additional traffic flow of medium goods vehicles / heavy goods vehicles to Deep Bay Road which was undesirable. The Director of Environmental Protection did not

support the application as there were sensitive uses of residential dwellings in the vicinity of the application site (the site) and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) had reservation on the application as the proposed use was incompatible with the landscape character and adverse landscape impact had been taken place when comparing with aerial photos of 2015 and 2018. Approval of the application would likely encourage other similar applications to clear the site prior to obtaining planning permission. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The applied use was not in line with the planning intention of the “Recreation” (“REC”) zone and there was no strong planning justification in the submission to merit a departure from such planning intention, even on a temporary basis. The applied use was not compatible with the surrounding areas predominantly rural in character comprising mainly fallow/active agricultural land. The applied use was not in line with the Town Planning Board Guidelines No. 13E in that no previous approval for similar open storage uses had been granted for the site and there were adverse departmental comments. No previous application and similar application within the same “REC” zone had been granted by the Committee and the rejection of the subject application was in line with previous Committee's decisions.

136. Members had no question on the application.

Deliberation Session

137. 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 “Recreation” (“REC”) zone which is intended primarily for recreational developments for the use of the general public and encourages the development of active and/or passive recreation and tourism/eco-tourism. There is no strong planning justification to merit a departure from such planning intention, even on a temporary basis;
- (b) the proposed development is not in line with the Town Planning Board Guidelines No. 13E in that the applicant fails to demonstrate that the proposed development would not generate adverse environmental, landscape and traffic impacts and there is no exceptional circumstance to justify the development in the Category 3 areas; and
- (c) approval of the application, even on a temporary basis, would set an undesirable precedent for applications for other developments within the “REC” zone, the cumulative effect of which will result in a general degradation of the environment.”

Agenda Item 36

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/440 Proposed Temporary Shop and Services (Sales of Building Materials)
for a Period of 3 Years in “Village Type Development” Zone, Lot 1607
RP (Part) in D.D. 119, Muk Kiu Tau Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TT/440)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary shop and services (sales of building 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 first three weeks of the statutory publication period, two public comments objecting to the application were received from 12 indigenous villagers of Muk Kiu Tau Tsuen and an individual. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Whilst the applied use was not in line with the planning intention of the “Village Type Development” (“V”) zone, there was no Small House application approved/under processing at the application site. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “V” zone. The proposed use was not entirely incompatible with the surrounding uses. Significant adverse traffic, environmental, infrastructural, landscape and fire safety impacts on the surrounding areas were not envisaged. Relevant approval conditions had been recommended to address the technical requirements of concerned government departments. A similar application for shop and services use within the subject “V” zone had been approved by the Committee and approval of the application was in line with the Committee’s previous decision. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

139. Members had no question on the application.

Deliberation Session

140. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 21.9.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 4:00 p.m. and 10:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (d) the submission of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.3.2019;
- (e) in relation to (d) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.6.2019;
- (f) 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 21.3.2019;
- (g) in relation to (f) 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 21.6.2019;

- (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 21.3.2019;
- (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 21.6.2019;
- (k) 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;
- (l) if any of the above planning conditions (d), (e), (f), (g), (i) or (j) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (m) upon 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.”

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

Agenda Item 37

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/441 Filling of Land for Permitted Agricultural Use and Ancillary Footpath
and Drain in “Agriculture” Zone, Lot 739 (Part) in D.D. 118, Tai Tong,
Yuen Long
(RNTPC Paper No. A/YL-TT/441)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the filling of land for permitted agricultural use and ancillary footpath and drain;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application as no sufficient information of the farming proposal had been submitted by the applicants and no application of Letter of Approval for erecting agricultural structure had been received. The Chief Engineer/Mainland North, Drainage Services Department advised that more information to clarify how the runoff within the application site (the site) could be properly collected and whether overland flow would be blocked by the development should be provided by the applicants. Other 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, five public comments objecting to the application were received from the village representatives of Shui Chiu Lo Wai, Hung Tso Tin and Nam Hang Tsuen,

the Kadoorie Farm and Botanic Garden Corporation, World Wide Fund for Nature Hong Kong, Designing Hong Kong Limited and the Hong Kong Bird Watching Society. Major objection grounds were set out in paragraph 10 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. Though agricultural use within “Agriculture” zone was always permitted and the development was considered not entirely incompatible with the surrounding areas comprising cultivated and fallow farmland and ponds, the applicants failed to demonstrate that the filling of land would not cause adverse drainage impact on the area. DAFC had reservation on the application. The site was fenced off by corrugated metal sheets and a temporary structure and storage of construction materials were found on site and the genuine intention to use the site for agricultural activities was in doubt. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

143. Members had no question on the application.

Deliberation Session

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

- “(a) the planning intention of the “Agriculture” zone 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 rehabilitation for cultivation and other agricultural purposes. There is no strong justification to demonstrate the need for land filling for the proposed agricultural purpose; and
- (b) the applicant fails to demonstrate that the filling of land would not cause adverse drainage impact on the surrounding areas.”

Agenda Item 38

Section 16 Application

[Open Meeting]

A/YL-TYST/885 Proposed Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years in “Village Type Development” Zone, Lot 1562 RP (Part) in D.D. 121, Shan Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/885A)

145. The Committee noted that the applicant’s representative requested on 12.9.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address comments of the Transport Department. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information including an updated traffic survey and analysis and a new traffic impact assessment.

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

Agenda Item 39

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/914 Proposed Temporary Eating Place and Shop and Services (Grocery Store) for a Period of 3 Years in “Residential (Group C)” Zone, Lots 1279 S.B ss.1 S.A (Part), 1279 S.B ss.1 S.B (Part) and 1281 (Part) in D.D. 119, Pak Sha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/914)

147. The Committee noted that two replacement pages (page 10 and page 3 of Appendix V) of the Paper, rectifying editorial error of the Paper, were tabled at the meeting for Members’ reference.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary eating place and shop and services (grocery store) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) advised that the applicant should provide justifications to demonstrate the hydraulic capacity of the existing drainage facilities, especially the existing 750mm diameter surface channel downstream of the application site (the site), would not be adversely affected by the proposed development. Other 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, one public comment objecting to the application was received from an individual. Major objection grounds were set out in paragraph 10 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. Whilst the proposed use, being housed within a single-storey structure, was considered not incompatible with the surrounding environment, the site was the subject of two previously revoked applications (No. A/YL-TYST/577 and 738) for the same use. Though the applicant had submitted drainage, tree preservation and fire service installations proposals in the subject application, comments of CE/MN, DSD on the drainage proposal had yet to be addressed. As such, the applicant had failed to demonstrate that the proposed development would not cause adverse drainage impact on the surrounding areas. Whilst the applicant had been advised in the latest planning approval (A/YL-TYST/738) for the site in 2015 that the warehouse use that existed on site was not condoned by the planning approval and should be discontinued immediately, such warehouse use was still found on site. The proposed temporary eating place and grocery store had never been implemented since obtaining the planning approval under application No. A/YL-TYST/738 in 2015 and none of the time-limited approval conditions had been complied with. There was no indication that the applicant would discontinue the warehouse use. Since the last approval was revoked and the applicant had not provided any justification in the submission for non-compliance with the approval conditions imposed on the previous permission, approval of the subject application would set an undesirable precedent for similar applications. Regarding the adverse public comment, the comments of government departments and planning assessments above were relevant.

149. Members had no question on the application.

Deliberation Session

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

- “(a) the applicant fails to demonstrate that the proposed development would not cause adverse drainage impacts on the surrounding areas; and
- (b) previous planning permission for the same proposed use granted under application No. A/YL-TYST/738 was revoked due to non-compliance with approval conditions. Approval of the application would set an undesirable precedent for other similar applications, thus nullifying the statutory planning control mechanism.”

Agenda Item 40

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/915 Proposed Temporary Shop and Services (Motor-vehicle Showroom) for a Period of 3 Years in “Residential (Group B) 1” and “Residential (Group D)” Zones, Lots 638 RP, 638 S.A RP, 638 S.B, 638 S.C, 1023 S.C, 1025, 1026, 1029, 1031, 1032 S.A to S.C, 1033 S.A, 1033 S.B, 1033 S.D, 1868 RP, 1868 S.A RP, 1868 S.A ss.1, 1868 S.A ss.2, 1868 S.B, 1868 S.C and 1884 S.B (Part) in D.D. 121, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/915)

151. The Committee noted that four replacement pages (pages 6, 11, 12 and 13) of the Paper, for revising comments of the Director of Environmental Protection, planning assessment and addition of rejection reason (b), were tabled at the meeting for Members’ reference.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary shop and services (motor-vehicle showroom) 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 there were sensitive receivers of residential use in the vicinity and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment objecting to the application was received from an individual. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Whilst the applied use was not entirely in line with the planning intentions of the “Residential (Group B)1” (“R(B)1”) and “Residential (Group D)” (“R(D)”) zones and the application site (the site) fell within an area zoned “Residential - Zone 5”, “Green Belt”, “Green Belt (1)” and “Local Open Space” and an area shown as ‘Road’ on the Recommended Outline Development Plan of Yuen Long South, the Chief Engineer/Cross-boundary Infrastructure and Development, PlanD and the Project Manager (New Territories West), Civil Engineering and Development Department had no objection to the application. Approval of the application on a temporary basis would not jeopardize the long-term development of the area. The applied use was

not entirely incompatible with the surrounding uses. Though DEP did not support the application, there was no environmental complaint concerning the site received in the past three years and relevant approval conditions had been recommended to address technical requirements of other government departments. Similar applications for shop and services uses within the subject “R(B)1” and/or “R(D)” zones had been approved and approval of the application was in line with the Committee’s previous decisions. Regarding the adverse public comment, the comments of government departments and planning assessments above were relevant.

153. A Member raised the following questions:

- (a) whether storage use was involved in the subject application, noting that the site was subject to planning enforcement action against unauthorized development (UD) involving storage use; and
- (b) reason(s) for the need of displaying a large number (250) of new and/or second-hand private cars for a motor-vehicle showroom.

154. Ms Bonnie K.C. Lee, STP/TMYLW, made the following responses:

- (a) Enforcement Notice was issued on 31.8.2018 requiring discontinuation of the UD involving storage use. Should the UD continue, the Central Enforcement and Prosecution Section of PlanD would take necessary action. An advisory clause had also been recommended to request the applicant to take immediate action to discontinue any other development/use (i.e. open storage of vehicles use) currently existed on the site but not covered by the application; and
- (b) no information had been submitted by the applicant to substantiate the need for displaying 250 new and/or second-hand private cars in a motor-vehicle showroom.

Deliberation Session

155. Members noted from Drawing A-2 of the Paper that the proposed motor-vehicle showroom would display vehicles outdoor with a mobile office converted from a medium goods vehicle. A Member cast doubt on the outdoor nature of the proposed motor-vehicle showroom, which was more akin to open storage.

156. A Member did not support the application on grounds including: (i) the genuine intention of the proposed motor-vehicle showroom was in doubt in view that the site was subject to planning enforcement action against UD involving storage use. Storage of motor vehicles and motor-vehicle showroom were similar in nature and storage of motor vehicles was found on site prior to planning permission; (ii) the scale of the proposed motor-vehicle showroom for display of 250 new and/or second-hand private cars was excessive and not common for other motor-vehicle showrooms; and (iii) residential zones should be reserved for residential use particularly in view of the large area of the site. Another Member concurred and queried if the applicant was a company dealing with sale of motor vehicles.

157. A Member, however, said that there were yards for co-existence of storage and showroom of left-hand-drive vehicles and assessment on the subject application should therefore be handled with care. Should there be any development/use existed on site but not covered by planning permission, enforcement action could be undertaken by relevant government departments, as appropriate. In response, another Member said that the subject application should not be approved in case of any doubt and there were insufficient manpower and resources for undertaking enforcement actions by concerned government departments.

158. Members noted that applications for open storage of motor vehicles were normally assessed based on, amongst others, the Town Planning Board Guidelines No. 13E, but the said guidelines were not applicable to applications for motor-vehicle showroom, which was subsumed under 'Shop and Services' use. A Member doubted if that was the reason for the applicant to apply for motor-vehicle showroom. Another Member suggested that should the Committee agree to tighten up the consideration of applications for moto-vehicle showroom, the relevant guidelines and/or assessment criteria should be revised suitably.

159. A Member was of view that the nature of the proposed motor-vehicle showroom was different from carparks in residential areas serving the need of nearby residents. As compared with motor-vehicle showroom, carpark use was more compatible with the residential areas and the Member thus did not support the application.

[Mr Philip S.L. Kan left the meeting at this point.]

160. The Chairman concluded that a majority of the Members did not support the application. To reflect Members' concerns on the large scale of the proposed motor-vehicle showroom, the Committee agreed to suitably revise the rejection reasons set out in paragraph 12.3 of the Paper.

161. 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 “Residential (Group B)1” zone, which is intended primarily for sub-urban medium-density residential developments. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis; and
- (b) the scale of the proposed motor-vehicle showroom is excessive, and the applicant fails to demonstrate the need for the proposed development in the area.”

Agenda Item 41

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/916 Renewal of Planning Approval for Temporary Storage of Advertisement Material with Ancillary Workshop for a Period of 3 Years in “Undetermined” Zone, Lots 1198 S.E (Part), 1223 RP (Part) and 1224 RP (Part) in D.D. 119 and Adjoining Government Land, Kung Um Road, Yuen Long
(RNTPC Paper No. A/YL-TYST/916)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary storage of advertisement material with ancillary workshop for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential use in the vicinity and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; 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. The applied use was not

in conflict with the planning intention of the “Undetermined” (“U”) zone which was generally intended for open storage use. Whilst the application site (the site) fell within an area zoned “Local Open Space” and an area shown as ‘Road’ on the Recommended Outline Development Plan of Yuen Long South, the Chief Engineer/Cross-boundary Infrastructure and Development, PlanD and the Project Manager (New Territories West), Civil Engineering and Development Department had no objection to the application. Approval of the application on a temporary basis would not jeopardize the long-term development of the area. The applied use was not incompatible with the surrounding areas comprising similar uses. The application was generally in line with the Town Planning Board Guidelines No. 34B in that there had been no material change in planning circumstances since the previous planning approval, all approval conditions under the previous approval had been complied with and the three-year approval period sought was of the same timeframe as the previous approval. Though DEP did not support the application, there was no environmental complaint received in the past three years and relevant approval conditions had been recommended to address the concerns on potential environmental nuisance or technical concerns of other government departments. Previous applications for workshop and the same use for the site and a number of similar applications within the same “U” zone had been approved by the Committee. Approval of the application was in line with the Committee’s previous decisions.

163. Members had no question on the application.

Deliberation Session

164. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 10.10.2018 to 9.10.2021, 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 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no storage at the open area of the site, as proposed by the applicant, is allowed at any time during planning approval period;
- (d) no workshop activities, except ancillary glass cutting activities, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (e) no container tractor/trailer, as defined in the Road Traffic Ordinance, is allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) all existing trees and landscape plantings within the site shall be maintained at all times during the planning approval period;
- (h) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (i) the submission of a condition record of the existing drainage facilities on the site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 10.1.2019;
- (j) the submission of a fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.4.2019;

- (k) in relation to (j) above, the implementation of the fire service installations proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.7.2019;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (m) if any of the above planning conditions (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (n) upon 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.”

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

Agenda Item 42

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/917 Temporary Warehouse for Storage of Event Supplies and Equipment with Ancillary Site Office for a Period of 3 Years in “Undetermined” Zone, Lots 1040 (Part) and 1042 (Part) in D.D. 119 and Adjoining Government Land, Pak Sha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/917)

166. The Committee noted that a replacement page (page 2 of Appendix IV) of the Paper regarding addition of advisory clause (j) was dispatched to Members before the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary warehouse for storage of event supplies and equipment with ancillary site 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) no public comment was received during the first three weeks of the statutory publication period; 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 applied use was not in conflict with the planning intention of the “Undetermined” (“U”) zone which was generally intended for open storage use. Whilst the application site fell within an area zoned “Green Belt (1)” and “Other Specified Uses” annotated “Hillside River Corridor with Scenic Cycle Track” on the Recommended Outline Development Plan of Yuen Long South, the Chief Engineer/Cross-boundary Infrastructure and Development, PlanD and the Project Manager (New Territories West), Civil Engineering and Development Department had no objection to the application. Approval of the application on a temporary basis would not jeopardize the long-term development of the area. The applied use was not incompatible with the

surrounding areas comprising similar uses. There was no adverse departmental comment. Relevant approval conditions had been recommended to address technical requirements of other government departments. Previous applications for similar warehouse uses and a number of similar applications within the same “U” zone had been approved by the Committee. Approval of the application was in line with the Committee’s previous decisions.

168. Members had no question on the application.

Deliberation Session

169. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 21.9.2021, 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 workshop activities, as proposed by the applicant, shall be carried out on the site at any time during the planning approval period;
- (d) no open storage, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (e) 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;

- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) all existing trees and landscape plantings within the site shall be maintained at all times during the planning approval period;
- (h) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (i) the submission of a condition record of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.12.2018;
- (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 21.3.2019;
- (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 21.6.2019;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (m) if any of the above planning conditions (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (n) upon 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.”

170. 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 Ms Bonnie K.C. Lee, STP/TMYLW, and Mr Kris W.K. Leung, TP/TMYLW, for their attendance to answer Members' enquiries. They left the meeting at this point.]

Agenda Item 43

Any Other Business

(i) Section 16A Application

[Open Meeting]

A/NE-TKL/539-8 Application for Extension of Time for Compliance with Planning Conditions, Lots 1504 S.B, 1505, 1506, 1509 RP and 1510 RP in D.D. 76, Sha Tau Kok Road - Ma Mei Ha, Ta Kwu Ling, New Territories

171. The Committee noted that a replacement page (page 1 of the Paper), rectifying editorial error of the Paper, was tabled at the meeting for Members' information.

172. The Secretary reported that the application No. A/NE-TKL/539 was approved with conditions by the Committee on 28.10.2016. The deadline for compliance with approval conditions (e), (g) and (i) was 28.9.2018. An application for extension of time (EOT) for compliance with approval conditions (e), (g) and (i) up till 28.12.2018 was received by the Town Planning Board on 14.9.2018, which was only ten working days before the expiry of the specified time limit for the approval conditions (e), (g) and (i). It was recommended not to consider the application as there was insufficient time to process the application before the expiry of the specified time limit for compliance with the conditions (e), (g) and (i) which were essential for the consideration of the application.

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

174. There being no other business, the meeting closed at 5:20 p.m..