

## **TOWN PLANNING BOARD**

### **Minutes of 613<sup>th</sup> Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 19.10.2018**

#### **Present**

Director of Planning  
Mr Raymond K.W. Lee

Chairman

Mr H.W. Cheung

Vice-chairman

Dr F.C. Chan

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Mr K.K. Cheung

Dr Lawrence K.C. Li

Mr Stephen L.H. Liu

Miss Winnie W.M. Ng

Mr K.W. Leung

Dr Jeanne C.Y. Ng

Mr Ricky W.Y. Yu

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

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

Assistant Director/Regional 3,  
Lands Department  
Ms Angela S.C. Chan

Deputy Director of Planning/District  
Ms Jacinta K.C. Woo

Secretary

**Absent with Apologies**

Mr Ivan C.S. Fu

Mr David Y.T. Lui

Dr C.H. Hau

Mr L.T. Kwok

Chief Engineer (Works), Home Affairs Department  
Mr Paul Y.K. Au

**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  
Mr Terence H.Y. Sit

**Agenda Item 1**

**Confirmation of the Draft Minutes of the 612<sup>th</sup> RNTPC Meeting held on 5.10.2018**

[Open Meeting]

1. The draft minutes of the 612<sup>th</sup> RNTPC meeting held on 5.10.2018 were confirmed without amendments.

**Agenda Item 2**

**Matters Arising**

[Open Meeting]

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

**Tuen Mun and Yuen Long West District**

**Agenda Item 3**

**Section 12A Application**

[Open Meeting]

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

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3.                      The Committee noted that a replacement page (page 2 of the Paper) for rectifying an editorial error in the Paper was tabled for Members’ reference.

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

- |                     |   |  |
|---------------------|---|--|
| Mr Ivan C.S. Fu     | - | having current business dealings with Arup; and being a shareholder and a director of LWK; |
| Mr K.K. Cheung      | - | his firm having current business dealings with Arup; and                                   |
| Mr Stephen L.H. Liu | - | having past business dealings with LWK.  |

5.                      The Committee noted that the applicant had requested deferment of consideration of the application and Mr Ivan C.S. Fu had tendered an apology for being unable to join the meeting. As Messrs K.K. Cheung and Stephen L.H. Liu had no involvement in the application, the Committee agreed that they could stay in the meeting.

6.                      The Committee noted that the applicant’s representative requested on 5.10.2018 deferment of the consideration of the application for two months in order to allow time to

revise technical assessments 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 to address departmental comments.

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

#### **Agenda Item 4**

##### **Section 12A Application**

[Open Meeting]

Y/YL-HTF/3                      Application for Amendment to the Draft Ha Tsuen Fringe Outline Zoning Plan No. S/YL-HTF/11 and Draft Hung Shui Kiu and Ha Tsuen Outline Zoning Plan No. S/HSK/1, to Rezone the Application Site from "Green Belt" and an area shown as 'Road' to "Government, Institution or Community" and an area shown as 'Road', Lots 1363 RP (Part), 1364 (Part), 1365 (Part), 1366 (Part), 1373, 1374, 1375, 1376, 1377, 1378 (Part), 1393 (Part), 1399 S.A (Part), 1399 S.B (Part) and 1401 (Part) in D.D. 125 and Adjoining Government Land, San Wai, Ha Tsuen, Yuen Long  
(RNTPC Paper No. Y/YL-HTF/3)

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8. The Secretary reported that the application was for rezoning the application site to "Government, Institution or Community" for religious institution with ancillary

columbarium. Masterplan Limited (Masterplan) and MVA Hong Kong Limited (MVA) were two of the consultants of the applicant. The following Members had declared interests on this item:

- |                                   |  |
|-----------------------------------|--|
| Mr H.W. Cheung<br>(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 Masterplan and MVA. |

9. The Committee noted that the applicant had requested deferment of consideration of the application and Mr Ivan C.S. Fu had tendered an apology for being unable to join the meeting. As the interest of Mr H.W. Cheung was indirect, the Committee agreed that he could stay in the meeting.

10. The Committee noted that the applicant's representative requested on 21.9.2018 deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

**Sai Kung and Islands District**

**Agenda Item 5**

**Section 16 Application**

[Open Meeting]

A/I-LI/28                      Proposed Redevelopment of Two Houses, Amenity Planting and Filling of Land / Excavation of Land in “Conservation Area” Zone, Lots 5 and 23 in D.D. 7, Lamma Island  
(RNTPC Paper No. A/I-LI/28)

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12.            The Secretary reported that Landes Limited (Landes) was one of the consultants of the applicant. Mr Ivan C.S. Fu had declared an interest on this item as he was having current business dealings with Landes. The Committee noted that the applicant had requested deferment of consideration of the application and Mr Ivan C.S. Fu had tendered an apology for being unable to attend the meeting.

13.            The Committee noted that the applicant’s representative requested on 3.10.2018 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.

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

**Agenda Item 6**

**Section 16 Application**

[Open Meeting]

A/SK-HC/284 Proposed Public Utility Installation (Sewerage Treatment Plant and Underground Sewers) in an area shown as 'Road', Government Land in D.D. 214 and D.D. 244, Ho Chung, Sai Kung  
(RNTPC Paper No. A/SK-HC/284B)

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15. The Secretary reported that the application was submitted by the Drainage Services Department (DSD). Black & Veatch Hong Kong Limited (B&V) was the consultant of the applicant. The following Members had declared interests on this item:

- |                |   |  |
|----------------|---|--|
| Dr C.H. Hau    | - | conducting contract research projects with DSD;<br>and |
| Mr K.K. Cheung | - | his firm having current business dealings with<br>B&V. |

16. The Committee noted that the applicant had requested deferment of consideration of the application and Dr C.H. Hau had tendered an apology for being unable to join the meeting. As Mr K.K. Cheung had no involvement in the application, the Committee agreed that he could stay in the meeting.

17. The Committee noted that the applicant requested on 28.9.2018 deferment of the consideration of the application for two months in order to allow time for addressing departmental comments. It was the third time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted responses to comments and supplementary information on temporary reprovisioning carpark and parking survey.

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





agreed that they should be allowed to stay in the meeting.

### Presentation and Question Sessions

21. Ms Kitty S.T. Lam, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed social welfare facility (day care centre for the elderly);
- (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) during the first three weeks of the statutory publication period, two objecting public comments were received from two Sai Kung District Council members. The major objection grounds were set out in paragraph 9 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. While the development was not entirely in line with the planning intention of the “Village Type Development” (“V”) zone, the proposed use was generally acceptable given its nature of serving community needs and that the Director of Social Welfare had no in-principle objection to the development. The day care centre was of small scale and was not incompatible with the surrounding land uses. The Commissioner for Transport had no adverse comment on the proposed transport arrangement and the day care centre would not have adverse impacts on environmental aspect and infrastructure provisions. Regarding the adverse public comments, the comments of government departments and the planning assessments above were relevant.

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

22. Members had no question on the application.

### Deliberation Session

23. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 19.10.2022, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition:

“the provision of fire service installations and water supplies for fire-fighting before operation of the proposed use to the satisfaction of the Director of Fire Services or of the TPB.”

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

[The Chairman thanked Ms Kitty S.T. Lam, STP/SKIs, for her attendance. Ms Lam left the meeting at this point.]

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

### **Agenda Item 8**

#### **Section 16 Application**

[Open Meeting]

A/NE-FTA/187 Proposed Temporary Cold Storage for Poultry and Distribution Centre for a Period of 3 Years in “Agriculture” Zone, Lots 471 S.B RP (Part), 472, 473, 474, 475, 476, 482 RP, 483, 484, 486 (Part), 487 RP, 497 S.A RP, 500 S.B RP (Part), 501, 502, 504 S.B, 505 and 506 S.B RP in D.D. 89 and Adjoining Government Land, Man Kam To Road, Sha Ling (RNTPC Paper No. A/NE-FTA/187)

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25. The Committee noted that the applicant's representative requested on 3.10.2018 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.

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

[Messrs Kenny C.H. Lau, Tim T.Y. Fung, Tony Y.C. Wu 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 9**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/962                      Temporary Shop and Services for a Period of 5 Years in "Industrial"  
Zone, Portion of Ground Floor, HK JEBN Group Centre, 13-15 Shing  
Wan Road, Tai Wai  
(RNTPC Paper No. A/ST/962)

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### **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 temporary shop and services for a period of five years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two objecting public comments were received from the Chairperson of the Sha Tin Rural Committee and a group of local drivers. The major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments set out in paragraph 11 of the Paper. The 'Shop and Services' use under application was considered not incompatible with the industrial and industrial-related uses in the subject industrial building and the surrounding developments. Similar applications for shop and service use had been approved on the ground floor of the other industrial building nearby. The aggregate commercial floor area for the subject industrial building, taking into account the floor area of the application premises (448m<sup>2</sup>), was within the maximum permissible limit of 460m<sup>2</sup>. The previous application (No. A/ST/873) submitted by the same applicant for the same use was approved with conditions by the Committee in 2015 on a temporary basis for a period of three years. There was no change in planning circumstances since the approval of the previous application. Relevant government departments had no objection to or no adverse comment on the application. Regarding the adverse public comments, the comments of government departments and the planning assessments above were relevant. However, a temporary approval of three years was recommended in order not to jeopardise the long term planning intention of

industrial use for the application premises and to allow the Committee 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 19.10.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) the submission and implementation of the fire safety measures within 6 months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 19.4.2019; and
- (b) if the above planning condition 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 V of the Paper.

#### **Agenda Items 10 and 11**

##### Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/675      Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” Zone, Lot 1773 S.A ss.2 in D.D. 76, Ma Mei Ha Leng  
Tsui, Fanling  
(RNTPC Paper No. A/NE-LYT/675 and 676)

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A/NE-LYT/676 Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” Zone, Lot 1773 S.A ss.4 in D.D. 76, Ma Mei Ha Leng  
Tsui, Fanling  
(RNTPC Paper No. A/NE-LYT/675 and 676)

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31. The Committee noted that the two applications were similar in nature within the same “Agriculture” (“AGR”) zone and the application sites were located close to each other. The Committee agreed that the applications should be considered together.

#### Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed houses (New Territories Exempted Houses (NTEH) – Small Houses);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications as agricultural activities in the vicinity were active and the sites possessed potential for agricultural rehabilitation. The Commissioner for Transport (C for T) had reservation on the applications but considered the applications involving construction of one Small House each could be tolerated. The District Officer (North), Home Affairs Department, conveyed that the Chairman of Fanling District Rural Committee (FDRC) and the Indigenous Inhabitant Representative of Leng Tsui had no comment on the applications while the Resident Representative of Leng Tsui objected to 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, nine public comments were received, with three public comments from a North District Council member, the Chairman of Sheung Shui District Rural Committee and the Chairman of FDRC indicating no comment on the applications, and the six public comments from five villagers of the Ma Mei Ha Leng Tsui Tsuen and an individual objecting to both applications. The major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessments set out in paragraph 11 of the Paper. Although the proposed developments were not in line with the planning intention of the “AGR” zone and the DAFC did not support the applications, the proposed developments were not incompatible with the surrounding rural setting. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, more than 50% of the footprints of the proposed Small Houses fell within the village ‘environs’ of Ma Mei Ha Leng Tsui and Leng Pei Tsuen and land available within the “Village Type Development” (“V”) zone was insufficient to meet both the 43 outstanding Small House applications and the future Small House demand. The sites were in close proximity to the “V” zone of Ma Mei Ha Leng Tsui and Leng Pei Tsuen and was bounded by existing village houses and approved Small House applications forming a new village cluster. Similar applications for Small House developments in the vicinity of the site were approved by the Committee. There had not been any major change in planning circumstances of the area since the approval of these similar applications. Regarding the adverse public comments, comments of concerned departments and the planning assessments above were relevant.

33. Members had no question on the application.

#### Deliberation Session

34. 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 19.10.2022, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. The permissions were subject to the following conditions:

Application No. A/NE-LYT/675

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

Application No. A/NE-LYT/676

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

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

**Agenda Item 12**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/598      Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years in “Agriculture” Zone, Lot 1088 S.B. (Part) in D.D. 82, Shui Hau, Ta Kwu Ling  
(RNTPC Paper No. A/NE-TKL/598A)

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**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 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. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application that the level of the site appeared approximately 1m higher than its adjacent land and there was no information in the submission to illustrate the extent and the depth of further land filling required for the farming area of the hobby farm. The District Officer (North), Home Affairs Department, conveyed that the incumbent North District Council (NDC) member of the subject constituency had no comment to the application. 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 were received. While a NDC member supported the

application, the Chairman of Sheung Shui District Rural Committee indicated no comment and an individual objected to the application. The major views were set out in paragraph 10 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for a period of three years based on the assessments set out in paragraph 11 of the Paper. The proposed use was considered generally in line with the planning intention of the “Agriculture” (“AGR”) zone and was not incompatible with the surrounding land uses which were of rural landscape character. Although CTP/UD&L, PlanD had reservation on the application, no significant adverse impact on existing landscape resource arising from the proposed development was anticipated. Other relevant government departments consulted had no adverse comment on or no objection to the application. Regarding the adverse public comments, comments of concerned departments and the planning assessments above were relevant.

37. The Chairman enquired and Mr Tim T.Y. Fung, STP/STN, responded that the hard-paved area to the immediate north of the site was zoned “AGR” on the Ping Che and Ta Kwu Ling Outline Zoning Plan and was within the village ‘environ’ of Tong Fong with a number of approved Small House applications at various stages of implementation.

#### Deliberation Session

38. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years 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. daily, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no use of public announcement system, as proposed by the applicant, is allowed on the site during the planning approval period;

- (c) the submission of traffic management measures within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 19.4.2019;
- (d) in relation to (c) above, the implementation of traffic management measures identified therein within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 19.7.2019;
- (e) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.4.2019;
- (f) in relation to (e) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.7.2019;
- (g) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.4.2019;
- (h) in relation to (g) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.7.2019;
- (i) the submission of proposals for fire service installations and water supplies for firefighting within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.4.2019;
- (j) in relation to (i) above, the implementation of proposals for fire service installations and water supplies for firefighting within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.7.2019;

- (k) if any of the above planning conditions (a) or (b) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (l) if any of the above planning conditions (c), (d), (e), (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 Director of Planning or of the TPB.”

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

### **Agenda Item 13**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/599 Proposed 6 Houses (New Territories Exempted Houses - Small Houses) in “Agriculture” Zone, Lots 164 S.A ss.2, ss.6, Lots 164 S.B ss.3 S.A, S.B, S.D and S.E in D.D.79, Ping Yeung Village, Ta Kwu Ling  
(RNTPC Paper No. A/NE-TKL/599A)

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

40. 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 six houses (New Territories Exempted Houses (NTEH) –

Small Houses);

- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as agricultural infrastructure such as road access was available and the sites possessed potential for agricultural rehabilitation. The Commissioner for Transport (C for T) had reservation on the application but considering the additional traffic generated by the proposed developments were not expected to be significant, the application could be tolerated. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as the canopy of a tree of good amenity value located outside House No.1 might be affected. The District Officer (North), Home Affairs Department, conveyed that the Indigenous Inhabitant Representatives, the Resident Representative of Ping Yuen and the Ta Kwu Ling District Rural Committee had no comment on the application. 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 were received. While a North District Council member supported the application, the Chairman of Sheung Shui District Rural Committee indicated no comment and two village representatives of Ping Yeung Village provided views on the application. Objecting comments were also received from two individuals. The major views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. Although the proposed developments were not in line with the planning intention of the “Agriculture” (“AGR”) zone and DAFC did not support the application, the proposed developments were not entirely incompatible with the surrounding rural landscape character. CTP/UD&L, PlanD had reservation on the application as the tree outside House No.1 might be

affected but significant adverse landscape impact arising from the development of Houses No.2 to 6 was not anticipated. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the 'Interim Criteria'), while more than 50% of the footprints of the proposed Small Houses fell within the village 'environs' ('VE') of Ping Yeung Village and land available within the "Village Type Development" ("V") zone was insufficient to fully meet the future Small House demand, it was sufficient to meet the 71 outstanding Small House applications. Although it was noted that the Town Planning Board (TPB) had adopted a more cautious approach in approving Small House applications in recent years, given that the proposed Small Houses were sandwiched by four Small House applications (No. A/NE-TKL/543 to 546) approved by the Committee, the subject application could be considered as an infill Small House developments at the fringe of the 'VE' of Ping Yeung Village where a new village cluster was forming in the locality. In this regard, sympathetic consideration might be given to the application. Similar applications for Small House developments in the vicinity of the sites were approved by the Committee. In particular, the circumstance of the subject application was similar to the approved similar applications No. A/NE-TKL/543 to 546 and approval of the subject application was in line with the Committee's previous decision. Regarding the local views and adverse public comments, comments of concerned departments and the planning assessments above were relevant.

41. In response to a Member's enquiry, Mr Tim T.Y. Fung, STP/STN, replied that according to the 'Interim Criteria', sympathetic consideration might be given if not less than 50% of the proposed Small House footprint fell within the 'VE' of a recognized village and there was a general shortage of land in meeting the demand for Small House development in the "V" zone of the village. Given the TPB had adopted a more cautious approach in approving Small House applications in recent years, in considering whether there was a general shortage of land, more weighting had been put on the number of outstanding Small House applications. For the four similar applications near the subject application sites previously approved by the Committee after the adoption of a more cautious approach by the TPB, the Committee had also taken into consideration that similar applications in close

proximity were approved. The circumstance of the subject application was similar to these four similar applications and that sympathetic consideration might be given.

### Deliberation Session

42. Members noted that 55.1% of the site and 69.6% of the footprint of the proposed House No.1 fell within the 'VE' of Ping Yeung Village, as indicated in paragraph 9 of the Paper. For the four similar applications (No. A/NE-TKL/543 to 546), they were approved by the Committee in October 2016 based on sympathetic consideration that there were similar approved applications in close proximity. With reference to Plan A-2a of the Paper, Members also noted that there were a few Small House grant applications being processed which were yet to be submitted to the TPB for consideration.

43. In response to a Member's query on taking into account similar applications previously approved by the Committee as one of the assessment criteria on the current application, the Chairman said that while the principle to concentrate Small House development within "V" zone for more orderly development pattern should be adhered to as far as possible, there were approved Small House developments at the fringe of the 'VE' of Ping Yeung Village forming a new village cluster in the locality. The subject application could be considered as an infill Small House development in the new village cluster. A Member said that although the sites were zoned "AGR", the area had already transformed into a village cluster. The Chairman remarked that based on the existing site conditions, it appeared that village type developments had not substantially proliferated into the subject "AGR" zone.

44. 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 19.10.2022, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- “(a) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and



- (b) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Drainage Services or of the TPB.”

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

#### **Agenda Item 14**

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

[Open Meeting]

A/NE-TKL/600 Temporary Vehicle Repair Workshop with Ancillary Site Office for Contractor Vehicles serving Public Works for a Period of 3 Years in “Agriculture” Zone, Lot 1 (Part) in D.D. 84, Ping Che, Ta Kwu Ling  
(RNTPC Paper No. A/NE-TKL/600A)

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46. The Committee noted that the applicant’s representative requested on 10.10.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address further 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 to address department comments.

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

**Agenda Item 15**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/602      Temporary Vehicle Repair Workshop for Lorry, Coach and Container Vehicle with Ancillary Office and Electricity Transformer Station for a Period of 3 Years in “Agriculture” and “Open Storage” Zones, Lots 783 and 784 in D.D. 77 and Adjoining Government Land, Ping Che (RNTPC Paper No. A/NE-TKL/602)

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48.            The Secretary reported that MVA Hong Kong Limited was one of the consultants of the applicant. Mr Ivan C.S. Fu had declared an interest on the item as he was having current business dealings with MVA. The Committee noted that Mr Fu had tendered an apology for being unable to join the meeting.

**Presentation and Question Sessions**

49.            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 temporary vehicle repair workshop for lorry, coach and container vehicle with ancillary office and electricity transformer station 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 domestic structures within 100m from the site boundary and traffic of heavy vehicles was expected. The District Officer (North), Home Affairs Department, conveyed that the incumbent North District Council (NDC) member of the subject constituency, the Indigenous Inhabitant Representative and

Resident Representative of Ping Che had no comment on the application whereas the Vice-Chairman of Ta Kwu Ling District Rural Committee objected to the application. 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, two public comments were received from a NDC member and the Chairman of Sheung Shui District Rural Committee indicating no comment on the application; and
  
- (e) the Planning Department (PlanD)'s views – PlanD considered the temporary use under application could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Although the temporary vehicle repair workshop was not in line with the planning intention of “Agriculture” (“AGR”) zone, the Director of Agriculture, Fisheries and Conservation had no strong view against the application as the site was a well-established open storage with low agricultural rehabilitation potential. The applied use was not incompatible with the surrounding environment which were mainly warehouses, vehicle repair workshop and parking of vehicles. The application was generally in line with the Town Planning Board Guidelines No. 13E in that majority of the site fell within Category 1 area where favourable consideration would normally be given to applications. For the minor portion of the site falling within the Category 3 area, there was no major impact and that the concerns of relevant department could be addressed through the stipulation of approval condition and there were previous planning approvals. Although the DEP did not support the application, there was no environmental complaint for the site in the past three years. Approval conditions restricting the operation hours would be imposed to address the DEP's concerns. Previous applications for similar use at the site and a number of similar applications within “AGR” zones in the vicinity of the site had been approved by the Committee. While the last approved application (No. A/NE-TKL/481) was revoked due to non-compliance with the approval condition in relation to the provision of water supplies for

firefighting and fire service installations (FSI), the applicant had submitted FSI proposal for the current application. In this regard, shorter compliance periods on the approval conditions were proposed to monitor the progress of compliance. Regarding the adverse local views, comments of concerned departments and the planning assessments above were relevant.

50. Members had no question on the application.

### Deliberation Session

51. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years 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 6:15 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) the peripheral fencing shall be maintained on site at all times during the planning approval period;
- (d) the existing drainage facilities should be maintained properly and those facilities if found inadequate/ineffective should be rectified during the planning approval period;
- (e) all existing trees shall be maintained in good condition 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 the TPB by 19.1.2019;

- (g) the submission of proposals for fire service installations and water supplies for firefighting within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.1.2019;
- (h) in relation to (g) above, the implementation of proposals for fire service installations and water supplies for firefighting within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.4.2019;
- (i) the implementation of traffic improvement measures identified in the Traffic Impact Assessment within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 19.4.2019;
- (j) 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;
- (k) if any of the above planning conditions (f), (g), (h) or (i) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (l) upon expiry of the planning permission, the reinstatement of the “Agriculture” portion of the site to an amenity area to the satisfaction of Director of Planning or of the TPB.”

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

## **Agenda Item 16**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-SSH/119      Proposed Temporary Private Car Park (Private Cars Only) for a Period of 3 Years in “Village Type Development” Zone, Lots 1445, 1446 S.A and 1446 RP in D.D. 165, Nga Yiu Tau, Shap Sz Heung, Sai Kung  
(RNTPC Paper No. A/NE-SSH/119A)

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### **Presentation and Question Sessions**

53.      Mr Tony Y.C. Wu, STP/STN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed temporary private car park (private cars only) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment from an individual objecting to the application was received. The major objection grounds were set out in paragraph 9 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD considered the temporary use under application could be tolerated for a period of three years based on the assessments as set out in paragraph 10 of the Paper. While the proposed use was not totally in line with the planning intention of “Village Type Development” (“V”) zone, the temporary private car park was to serve the residents of Nga Yiu Tau Village and there was no Small House application received at the site. The proposed use was considered

not incompatible with the surrounding village setting and approval of the application on a temporary basis would not jeopardize the long-term planning intention of the “V” zone. Relevant government departments had no adverse comment on the application. Similar applications within other “V” zones were approved by the Committee and that the circumstances of the subject application were similar to these approved cases. Regarding the adverse public comment, comments of concerned departments and the planning assessments above were relevant.

54. Members had no question on the application.

#### Deliberation Session

55. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years 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 vehicles other than private cars are allowed to be parked within the application site;
- (b) no vehicle repairing, car washing/fuelling, vehicle dismantling and workshop activities shall be permitted within the site during the planning approval period;
- (c) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.4.2019;
- (d) in relation to (c) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.7.2019;
- (e) the submission of water supplies for fire fighting and fire service installations proposal within 6 months from the date of planning approval

to the satisfaction of the Director of Fire Services or of the TPB by 19.4.2019;

- (f) in relation to (e) above, the implementation of water supplies for fire fighting and fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.7.2019;
- (g) if any of the above planning conditions (a) or (b) is not complied with at any time during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (h) if any of the above planning conditions (c), (d), (e) or (f) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall be revoked on the same date without further notice.”

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

### **Agenda Item 17**

#### **Section 16 Application**

[Open Meeting]

A/NE-SSH/120

Proposed Comprehensive Residential and Commercial Development with Government, Institution or Community Facilities with Minor Relaxation of Gross Floor Area and Building Height Restrictions in “Comprehensive Development Area”, “Country Park”, “Government, Institution or Community”, “Green Belt”, “Open Space”, “Village Type Development” Zones and areas shown as ‘Road’, Tai Po Town Lot 157 and Various Lots in D.D. 165, D.D. 207 and D.D. 218 and Adjoining Government Land, Sai Sha, Shap Sz Heung  
(RNTPC Paper No. A/NE-SSH/120)

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57. The Secretary reported that the application was submitted by Light Time Investments Limited which was a subsidiary of Sun Hung Kai Properties Limited (SHK), with Llewelyn-Davies Hong Kong Limited (LD), AECOM Asia Company Limited (AECOM), LWK & Partners (Hong Kong) Limited (LWK), Ove Arup & Partners Hong Kong Limited (Arup) and P&T Architect and Engineers Limited (P&T) as five of the consultants of the applicant. The following Members had declared interests on this item:

- |                               |   |
|-------------------------------|---|
| Mr Ivan C.S. Fu               | - having current business dealings with SHK, AECOM and Arup; and being a shareholder and a director of LWK;       |
| Mr K.K. Cheung                | - his firm having current business dealings with SHK and Arup;  |
| Dr C.H. Hau                   | - having current business dealings with AECOM;  |
| Mr Stephen L.H. Liu           | - having past business dealings with SHK, LD and LWK;   |
| Miss Winnie W.M. Ng           | - being a Director of the Kowloon Motor Bus Company (1933) Ltd. (KMB) and SHK was one of the shareholders of KMB; |
| Mr Ricky W.Y. Yu              | - his firm having current business dealings with LD; and  |
| Ms Jacinta Woo<br>(Secretary) | - her spouse being a Group Director of P&T.   |

58. The Committee noted that the applicant had requested deferment of consideration of the application and Mr Ivan C.S. Fu and Dr C.H. Hau had tendered apologies for being unable to join the meeting. As the interest of Miss Winnie W.M. Ng was direct, the Committee agreed that she could stay in the meeting but should refrain from participating in the discussion. As Messrs K.K Cheung, Stephen L.H. Liu, Ricky W.Y. Yu had no involvement in the application, and as the interest of Ms Jacinta Woo, as Secretary, was remote, the Committee agreed that they could stay in the meeting.

59. The Committee noted that the applicant's representative requested on 8.10.2018 deferment of the consideration of the application for two months in order to allow time for

preparation of further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

### **Agenda Item 18**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-SSH/123      Proposed House (New Territories Exempted House - Small House) in  
"Green Belt" Zone, Government Land in D.D. 209, Kei Ling Ha San  
Wai, Shap Sz Heung, Sai Kung  
(RNTPC Paper No. A/NE-SSH/123)

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

61. Mr Tony Y.C. Wu, STP/STN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);

- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) advised that site formation plan should be provided to clarify the potential impact of the proposed Small House to nearby trees and vegetation. The Commissioner for Transport (C for T) had general reservation on the application but considered the application only involving development of a Small House could be tolerated. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservation on the application since the adverse impact arising from site formation and/or slope works to the adjacent woodland could not be ascertained based on the information of the application. In addition, there was vegetation clearance within the site and approval of the application would set an undesirable precedent to encourage unauthorized removal of vegetation. 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 objecting to the application were received from World Wide Fund for Nature Hong Kong, Kadoorie Farm and Botanic Garden, the Hong Kong Bird Watching Society, Designing Hong Kong and two individuals. The major objection grounds were set out in paragraph 11 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 12 of the Paper. The proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone and there was no strong planning justification in the submission for a departure from the planning intention. While the proposed development was not incompatible with the surrounding area which was predominantly rural in character, the application did not comply with the Town Planning Board Guidelines No. 10 (TPB PG-No.10) in that DAFC and CTP/UD&L, PlanD considered more information was required to ascertain the impact of the proposed

development to the nearby trees and vegetation. CTP/UD&L, PlanD was also of the view that approval of the application would set an undesirable precedent to encourage unauthorized removal of vegetation which might have occurred within the site. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the 'Interim Criteria'), while more than 50% of the footprint of the proposed Small House fell within the village 'environs' ('VE') of Kei Ling Ha San Wai but land available within the "Village Type Development" ("V") zone could fully meet the demand for Small House development. In this connection, the proposed development did not comply with the 'Interim Criteria' as there was no general shortage of land in meeting the demand for Small House development in the concerned "V" zone and it would cause adverse landscape impact to the area. Compared with the previous application (No. A/NE-SSH/116) rejected by the Committee on 15.6.2018, there was no change in the planning circumstances. Compared with the approved similar applications, the planning circumstances of the current application were different as TPB PG-No.10 was not complied, there was currently no shortage of land within the "V" zone for Small House development and the proposed Small house could not be considered as an infill development. Regarding the adverse public comments, comments of concerned departments and the planning assessments above were relevant.

62. In response to a Member's enquiry, Mr Tony Y.C. Wu, STP/STN, said that the similar applications previously approved by the Committee were mainly on the ground that there was a general shortage of land to meet the demand for Small House development in the concerned "V" zone at the time of consideration. The planning circumstances of the current application were different from these approved similar applications.

#### Deliberation Session

63. The Chairman said that the site was zoned "GB" and was located on a piece of government land. A previous application for Small House at the site was rejected by the Committee on 15.6.2018. Notwithstanding that there were similar applications approved

previously in the area, the assessment for the current application should take into account the latest planning circumstances.

64. 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 “Green Belt” (“GB”) zone, which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) the proposed development is not in line with the Town Planning Board Guidelines for Application for Development within “GB” zone under section 16 of the Town Planning Ordinance in that the proposed development will involve clearance of vegetation and generate adverse landscape impact to the area;
- (c) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that it will cause adverse landscape impact on the surrounding areas and there is no general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of Kei Ling Ha San Wai; and
- (d) land is still available within the “V” zone of Kei Ling Ha San Wai which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.”

**Agenda Item 19**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-SSH/124      Temporary Private Car Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years in “Village Type Development” Zone, Lots 1497 RP (Part), 231 (Part), 235, 236 (Part), 240, 241 and 245 (Part) in D.D. 165, Tai Tung, Shap Sz Heung, Sai Kung  
(RNTPC Paper No. A/NE-SSH/124)

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**Presentation and Question Sessions**

65.      Mr Tony Y.C. Wu, STP/STN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the temporary private car park (private cars and light goods vehicles) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment from an individual objecting to the application was received. The major objection grounds were set out in paragraph 9 of the Paper; and;  
and
- (e) the Planning Department (PlanD)’s views – PlanD considered the temporary use under application could be tolerated for a period of three years based on the assessments set out in paragraph 10 of the Paper. While the proposed use was not totally in line with the planning intention of “Village Type Development” (“V”) zone, the temporary private car park

was to serve the residents of Tai Tung Village and there was no Small House application received at the site. Approval of the application on a temporary basis would not jeopardise the long-term planning intention of the “V” zone. The applied use was considered not incompatible with the surrounding village setting. Relevant government departments consulted had no adverse comment on the application. The site was part of the subject of three previously approved applications submitted by the same applicant for the same use. The planning circumstances of the current application were similar to those approved cases. Regarding the adverse public comments, comments of concerned departments and the planning assessments above were relevant.

66. In response to Members’ enquiries, Mr Tony Y.C. Wu, STP/STN, said that there were only a few newly completed Small Houses in the area in recent years. According to the covering Notes of the Outline Zoning Plan (OZP), there was provision for application for temporary use or development of any land not exceeding a period of three years, notwithstanding that the use or development was not provided for in terms of the OZP. The Secretary supplemented that other than communal car park coordinated or implemented by the Government, planning permission was required for car park use since it was not a use always permitted in “V” zone.

#### Deliberation Session

67. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years 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 vehicles other than private cars and light good vehicles are allowed to be parked within the application site;
- (b) no vehicle repairing, car washing/fuelling, vehicle dismantling and workshop activities shall be permitted within the site during the planning approval period;

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

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

## **Agenda Item 20**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/650            Temporary Private Car Park for a Period of 3 Years in “Village Type Development” Zone, Lots 1103 S.B and 1103 RP in D.D. 23, Po Sam Pai Village, Tai Po  
(RNTPC Paper No. A/NE-TK/650A)

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### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary private car park for a period of three years;



- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, three public comments from individuals objecting to the application were received. The major objection grounds were set out in paragraph 9 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD considered the temporary use under application could be tolerated for a period of three years based on the assessments set out in paragraph 10 of the Paper. Although the “Village Type Development” (“V”) zone was primarily intended for Small House development, there was no Small House application received at the site. The temporary private car park was to serve the applicant and the local residents in the vicinity of the 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 considered not incompatible with the surrounding village setting. Relevant government departments consulted had no adverse comment on the application. Given the relatively small scale of the applied use providing ten private cars parking spaces, significant environmental nuisance was unlikely to be generated. There was a similar application falling within the same “V” zone approved by the Committee on 6.7.2018 and that the planning circumstances under the current application were similar to the approved application. Regarding the adverse public comments, comments of concerned departments and the planning assessments above were relevant.

70. In response to a Member's enquiry, Ms Kathy C.L. Chan, STP/STN, said that there was no environmental complaint received in the past three years in relation to the application site as advised by the Director of Environmental Protection.

Deliberation Session

71. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years 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 vehicles without valid licences issued under the Road Traffic (Regulation and Licensing of Vehicles) Regulations are allowed to be parked/stored on the site at any time during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out at the site at any time during the planning approval period; and
- (d) if any of the above planning conditions (a), (b) or (c) 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.”

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

**Agenda Item 21**

**Section 16 Application**

[Open Meeting]

A/NE-TK/651            Temporary Storage Area for Barbecue Site for a Period of 3 Years in  
“Agriculture” Zone, Lots 422 (Part), 423 (Part), 426 (Part), 427 (Part),  
428 (Part) and 429 (Part) in D.D. 17, Ting Kok, Tai Po  
  
(RNTPC Paper No. A/NE-TK/651)

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73.            The Committee noted that the applicant’s representative requested on 10.10.2018 deferment of the consideration of the application for two months in order to allow time for preparation of further information. 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 the further information, and no further deferment would be granted unless under very special circumstances.

**Agenda Item 22**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/652            Proposed Temporary Shop and Services (Store) for a Period of 3 Years  
in “Recreation” Zone, Lot 1690 S.B (Part) in D.D. 17, Lung Mei, Tai  
Po  
  
(RNTPC Paper No. A/NE-TK/652)

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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary shop and services (store) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comments from an individual objecting to the application on the ground of undesirable precedent was received; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the temporary use under application for a period of three years based on the assessments set out in paragraph 10 of the Paper. Although the applied use was not in line with the planning intention of the “Recreation” (“REC”) zone, the proposed store on a temporary basis was not expected to jeopardize the long-term planning intention of the “REC” zone. The applied use was small in scale and not incompatible with the surrounding rural character. It was also not anticipated to cause significant adverse traffic, sewerage, drainage and landscape impacts on the surrounding areas. Concerned government departments consulted had no adverse comment on the application. Similar applications within the same “REC” zone were approved by the Committee and that the circumstances of the current application were similar with those of the approved cases. Regarding the adverse public comments, comments of concerned departments and the planning assessments above were relevant.

76. In response to the Chairman's enquiry, Ms Kathy C.L. Chan, STP/STN, said that the area to the north of the application use was currently vacant without any specific use. There was a grave and some containers to the further north-west to the application site.

### Deliberation Session

77. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years 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 8:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.4.2019;
- (c) in relation to (b) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.7.2019;
- (d) the submission of a fire service installations and water supplies for fire-fighting proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.4.2019;
- (e) in relation to (d) above, the implementation of fire service and water supplies for fire-fighting installations proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.7.2019;
- (f) if approval condition (a) is not complied with at any time during the planning approval, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and

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

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

### **Agenda Item 23**

#### **Section 16 Application**

[Open Meeting]

A/TP/652 Religious Institution and Columbarium with Ancillary Quarters in “Green Belt” Zone, Lot 1171 (part) in D.D. 6 and Adjoining Government Land, Shek Lin Road, Shek Kwu Lung, Tai Po  
(RNTPC Paper No. A/TP/652A)

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79. The Secretary reported that the application was for religious institution and columbarium with ancillary quarters while the application site was in Tai Po. The following Members had declared interests on this item:

Mr H.W. Cheung - being a member of the Private Columbaria  
(*Vice-chairman*) Licensing Board (PCLB) and owning a flat in  
Tai Po; and

Mr Ivan C.S. Fu - being a member of the Private Columbaria  
Appeal Board.

80. The Committee noted that the applicant had requested deferment of consideration of the application and Mr Ivan C.S. Fu had tendered an apology for being unable to join the meeting. As the interest of Mr H.W. Cheung as member of PCLB was indirect and the property of Mr Cheung had no direct view of the application site, the Committee agreed that he could stay in the meeting.

81. The Committee noted that the applicant’s representative requested on 3.10.2018

deferment of the consideration of the application for two months in order to allow time for preparation of further information to address Transport Department's comments. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information to provide responses to departmental comments.

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

[Mr Stephen L.H. Liu left the meeting temporarily at this point.]

#### **Agenda Item 24**

##### Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/655                      Proposed House (New Territories Exempted House - Small House) in  
"Green Belt" Zone, Lots 102 S.A ss.7 and 102 S.A ss.1 S.F in D.D. 14,  
Tung Tsz, Tai Po  
(RNTPC Paper No. A/TP/655)

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83. The Committee noted that three replacement pages (pages 6 and 9 of the Main Paper and page 4 of Appendix V) for rectifying editorial errors in the Paper were tabled for Members' reference.

##### Presentation and Question Sessions

84. 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 11 and Appendix V of the Paper. The Commissioner for Transport (C for T) had general reservation on the application but considered that the application only involving development of a Small House could be tolerated. Other concerned government departments had no objection to or no adverse comment on the applications;
- (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 13 of the Paper. Although the proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone, the Director of Agriculture, Fisheries and Conservation had no strong view on the application as the site was vacant. The proposed development was not incompatible with the surrounding area which was rural in character. C for T considered that the application involving development of a Small House only could be tolerated and other relevant government departments consulted had no adverse comment 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 Tseng Tau (including A Shan and Tung Tsz) and land available within the “Village Type Development” (“V”) zone was insufficient to meet the future Small House demand, it was capable to meet



the 19 outstanding Small House applications. It was noted that the Town Planning Board (TPB) had adopted a more cautious approach in approving Small House applications in recent years and that it was considered more appropriate to concentrate the proposed Small House development within the “V” zone. However, the site was the subject of a previously approved application (No. A/TP/543) submitted by the same applicant with no change to the site boundary, footprint and other development parameters. Moreover, Lands Department had approved the Small House grant application in June 2017 and was preparing to issue the Building Licence for the subject Small House development. As the planning permission lapsed on 18.1.2018, a fresh application was required. Since the Small House application was at an advance stage, special consideration could be given to the current application.

85. Members had no question on the application.

#### Deliberation Session

86. 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 19.10.2022, 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:

- “(a) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (b) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Drainage Services or of the TPB.”

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

**Agenda Item 25**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/656                      Proposed Social Welfare Facility (Residential Care Home for the Elderly) in “Residential (Group B) 9” Zone, Government Land at the Junction of Yau King Lane and Pok Yin Road, Pak Shek Kok, Tai Po  
(RNTPC Paper No. A/TP/656)

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**Presentation and Question Sessions**

88.            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 social welfare facility (residential care home for the elderly (RCHE));
- (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) during the first three weeks of the statutory publication period, six public comments were received, with five nearby villagers objecting to the application and the MTR Corporation Limited expressing concerns. The major objection grounds and concerns were set out in paragraph 9 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. While the proposed RCHE was not entirely in line with the planning intention of “R(B)9” zone for medium density residential development, it could provide residential care accommodation for the elderly to meet the

keen demand for the aging society. As the provision of the RCHE in private residential development was in line with Government's policy, and it was compatible with the surrounding uses with no adverse traffic and environmental impacts on the surrounding areas, the application might warrant special and favourable consideration. This application was also in line with the Government's overall policy of augmenting the provision of welfare facilities and the Labour and Welfare Bureau had given policy support for the proposal. The elderly facility was considered not incompatible with the private residential development to be developed on the site. The proposed provision of 100 service places would not induce major increase in the population for the whole development. If the planning application was approved, special conditions in respect of the proposed RCHE would be incorporated into the sale conditions. Detailed design of the proposed RCHE would be controlled through relevant ordinances and regulations including the statutory requirements governing the licensing of RCHEs, the building plan submission and the land sale conditions. Regarding the adverse public comments, comments of concerned departments and the planning assessments above were relevant.

[Mr Stephen L.H. Liu returned to join the meeting at this point.]

89. In response to a Member's enquiry, Ms Kathy C.L. Chan, STP/STN, said that the estimated Gross Floor Area (GFA) for the proposed RCHE was about 3,000m<sup>2</sup> and this would only take up about 3.4% of the total maximum GFA for the whole development on the site.

90. The Chairman pointed out that the application was submitted by the Social Welfare Department (SWD) to seek planning permission for RCHE before incorporating the RCHE requirements into the sale conditions of the site. It was the government policy to identify suitable sale sites for accommodating social welfare facilities. A recent similar case was a land sale site in Kai Tak. In response to a Member's question, the Chairman said that although no conceptual design was provided in the current application, the detailed design of RCHE would be governed by relevant regulations. Therefore, land use compatibility should be the focus of consideration for the current application.

Deliberation Session

91. The Chairman reminded that the application site was previously rezoned from “Government, Institution or Community” to “Residential (Group B)9” (“R(B)9”). In response to the views of some representations regarding the provision of social welfare facilities at the site, SWD considered a 100-place RCHE was appropriate to be incorporated in the future development of the site. However, given that the site was zoned “R(B)9” under the current OZP, planning permission for the proposed RCHE use was sought before Lands Department could incorporate relevant conditions in the land sale documents.

92. A Member commented that the design of the RCHE might be constrained by the layout of the residential portion of the future development. Ms Angela S.C. Chan, Assistant Director/Regional 3, Lands Department, said that relevant special conditions would be incorporated into the sale documents to govern the future RCHE such that the design of which should be up to the satisfaction of relevant authorities. A Member pointed out that the proposed RCHE would also be controlled by the licence to be granted by SWD and the operation of the facilities could be monitored under this mechanism. In this regard, another Member considered the existing mechanism had sufficient safeguard on the design and future operation of the proposed RCHE.

93. A Member expressed that the current proposed 100-place RCHE was relatively small in scale while increasing the scale would help achieve cost-effectiveness. In response, the Chairman said that SWD considered that a 100-place RCHE would be at an appropriate scale to be set up on the site taking into account the location and the parameters of the development on the site.

94. 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 19.10.2022, 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 Chairman thanked Messrs Kenny C.H. Lau, Tim T.Y. Fung, Tony Y.C. Wu and

Ms Kathy C.L. Chan, STP/STN, for their attendance to answer Members' enquiries. Mr Lau, Mr Fung, Mr Wu and Ms Chan left the meeting at this point.]

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

**Agenda Item 26**

**Section 16 Application**

[Open Meeting]

A/KTN/51

Temporary Warehouse and Vehicle Repair Workshop with Ancillary Office and Staff Rest Room for a Period of 3 Years in "Open Space" and "Other Specified Uses" annotated "Business and Technology Park" Zones and an area shown as 'Road', Lots 736 RP (Part), 738 RP (Part) and 739 RP in D.D.95 and Adjoining Government Land, Kwu Tung North

(RNTPC Paper No. A/KTN/51)

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95. The Secretary reported that the application site was in Kwu Tung North. Dr C.H. Hau had declared an interest on the item as he owned a property in Kwu Tung North area. The Committee noted that the applicant had requested deferment of consideration of the application and Dr C.H. Hau had tendered an apology for being unable to join the meeting.

96. The Committee noted that the applicant requested on 11.10.2018 deferment of the consideration of the application for one month in order to allow time for preparation of further information to address Transport Department's comments. It was the first time that the applicant requested deferment of the application.

97. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the

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

### **Agenda Item 27**

#### **Section 16 Application**

[Open Meeting]

A/KTN/52

Proposed Temporary Vehicle Repair Workshop for a Period of 3 Years in "Other Specified Uses" annotated "Business and Technology Park" and "Other Specified Uses" annotated "Amenity Area" Zones and an area shown as 'Road', Lots 880 S.C RP (Part), 903 (Part), 904 and 905 (Part) in D.D. 92 and Adjoining Government Land, Yin Kong, Sheung Shui

(RNTPC Paper No. A/KTN/52)

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98. The Secretary reported that the application site was in Kwu Tung North. Dr C.H. Hau had declared an interest on the item as he owned a property in Kwu Tung North area. The Committee noted that the applicant had requested deferment of consideration of the application and Dr C.H. Hau had tendered an apology for being unable to join the meeting.

99. The Committee noted that the applicant's representative requested on 11.10.2018 deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments of Urban Design & Landscape Section, Planning Department. It was the first time that the applicant requested deferment of the application.

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

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

## **Agenda Item 28**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/624      Proposed Temporary Shop and Services (Plant Showroom) for a Period of 3 Years in "Agriculture" Zone, Lots 1204 and 1208 in D.D. 107, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/624)

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### **Presentation and Question Sessions**

101.      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 shop and services (plant showroom) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix III of the Paper. The Director of

Environmental Protection (DEP) did not support the application as there were sensitive receivers nearby and environmental nuisance was expected. Two substantiated complaints on waste aspect in 2017 and 2018 were received. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservation on the application as soil compaction was anticipated which would inhibit vegetation establishment in future, and the proposed use deviated from the planning intention of “Agriculture” (“AGR”) zone. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site possessed potential for agricultural rehabilitation. The proposed vehicular access to the east of the site crossing over the abutting watercourse was also not favoured. 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, five public comments objecting to the application were received from the Hong Kong Bird Watching Society, World Wide Fund for Nature Hong Kong, Kadoorie Farm and Botanic Garden, Designing Hong Kong and one individual. The 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 shop and services (plant showroom) was not entirely in line with the planning intention of the “Agriculture” (“AGR”) zone. DAFC and DEP did not support the application while the CTP/UD&L, PlanD had reservation on the application. No strong planning justification had been given in the submission to justify for a departure from the planning intention, even on a temporary basis. Although there were similar applications approved by the Committee, these applications were subject to different circumstances from the current application in that no adverse comments were raised by DAFC and CTP/UD&L, PlanD. Regarding the adverse public comments, comments of concerned departments and the



planning assessments above were relevant.

102. Members had no question on the application.

### Deliberation Session

103. 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 to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong justification in the submission for a departure from the planning intention, even on temporary basis; and
- (b) the applicant fails to demonstrate that the proposed development will not generate environmental nuisance on the surrounding areas.”

### Agenda Item 29

#### Section 16 Application

[Open Meeting]

A/YL-KTN/626 Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years in “Agriculture” Zone, Lot 1397 in D.D. 107, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/626)

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104. The Committee noted that the applicant requested on 12.10.2018 deferment of the consideration of the application for two months in order to allow time for preparation of responses to address departmental concerns. It was the first time that the applicant requested deferment of the application.

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

### **Agenda Item 30**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/627      Proposed House (New Territories Exempted House - Small House) in  
"Agriculture" and "Village Type Development" Zones, Lots 597A S.I  
(Part) and 597A S.V (Part) in D.D. 109, Shui Tau Tsuen, Chi Ho Road,  
Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/627)

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

106. 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 house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in

paragraph 10 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as agricultural activities in the vicinity were active and the site possessed potential for agricultural rehabilitation. 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, seven public comments objecting to the application were received from seven individuals. The major objection grounds were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments as set out in paragraph 12 of the Paper. The proposed Small House development was not in line with the planning intention of “Agriculture” (“AGR”) zone. DAFC did not support the application and there was no strong planning justification provided in the submission for a departure from the planning intention of “AGR” zone. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the ‘Interim Criteria’), although majority of the site and the footprint of the proposed Small House fell within “Village Type Development” (“V”) zone, there was no shortage of land in meeting the Small House demand of Shui Tau Tsuen, Shui Mei Tsuen and Kam Hing Wai. Therefore, the proposed development did not comply with the ‘Interim Criteria’ and no sympathetic consideration would be given to the application. Similar applications within/straddling over the same “V” zone and “AGR” zone in the vicinity of the site were rejected by the Committee except one application (No. A/YL-KTN/380) that sympathetic consideration was given as there was a shortage of land within the “V” zone to meet the Small House demand at the time of consideration. It was considered more appropriate to concentrate the proposed Small House close to the existing village cluster within the “V” zone for a more orderly development pattern, efficient use of land and provision of infrastructure and services. Regarding the adverse public comments,

comments of concerned departments and the planning assessments above were relevant.

107. Members had no question on the application.

#### Deliberation Session

108. 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 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; and
- (b) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that there is no shortage of land in meeting the demand for Small House development in the “Village Type Development” zone in general, and there is no exceptional circumstances that merit approval of the application. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for more orderly development pattern, efficient use of land and provision of infrastructure and services.”

**Agenda Item 31**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/628      Temporary Car Repair Centre for a Period of 3 Years in “Open Space”,  
“Residential (Group C) 2” and “Agriculture” Zones, Lot 513 in D.D.  
110, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/628)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary car repair centre for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Commissioner for Transport advised that there was insufficient information in the submission to support the application and the applicant should be required to estimate the traffic generation and attraction to the nearby public road arising from the proposed development. The Director of Environmental Protection did not support the application as there were sensitive receivers nearby and noise nuisance of vehicle repair workshop was expected. The Chief Town Planner/Urban Design and Landscape, Planning Department had some reservation to the application in that the accepted trees and shrubs planting as implemented for compliance with the landscape condition under the last application No. A/YL-KTN/415 could not be found on site and impact of the landscape resources had been made. 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, one public comment objecting to the application were received from one individual. The 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 the “Open Space” (“O”) and “Residential (Group C)2” (“R(C)2”) zones. Although there were no development programmes for the “O” and “R(C)2” zones, no strong planning justification given in the submission to justify a departure from the planning intentions, even on a temporary basis. The development was not compatible with the surrounding areas which were mainly rural in character and the applicant failed to demonstrate that the development would not generate adverse traffic impact and environmental nuisance on the surroundings. In addition, impact on the landscape resources had been made. No previous or similar approval had been granted within the same “O” and “R(C)2” zone for car repair centre use. Approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the concerned zones. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area. Regarding the adverse public comments, comments of concerned departments and the planning assessments above were relevant.

110. Members had no question on the application.

#### Deliberation Session

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

- “(a) the development is not in line with the planning intentions of the “Open Space” (“O”) and “Residential (Group C)2” (“R(C)2”) zones. The planning intention of the “O” zone is primarily for the provision of outdoor open-air

public space for active and/or passive recreational uses serving the needs of local residents as well as the general public. The planning intention of the “R(C)2” zone is primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Town Planning Board. There is no strong planning justification in the submission for a departure from the planning intentions, even on a temporary basis;

- (b) the applicant fails to demonstrate that the development will not generate adverse traffic impact and environmental nuisance on the surrounding areas; and
- (c) the approval of the application, even on a temporary basis, will set an undesirable precedent for similar applications within the same “O” and “R(C)2” zones. The cumulative effect of approving such applications will result in degradation of the rural environment of the area.”

### **Agenda Item 32**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/797      Proposed Temporary Shop and Services (Motor Vehicles Showroom) for a Period of 3 Years in “Residential (Group C)” and “Village Type Development” Zones, Lots 1689 S.C, 1689 S.D, 1689 S.E, 1689 S.F, 1689 S.G, 1689 S.H and 1689 RP in D.D. 109 and Adjoining Government Land, Kam Tin Road, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTS/797)

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

112.      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 shop and services (motor vehicles showroom) 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, one public comment from an individual objecting to the application was received. The major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the temporary use under application for a period of three years based on the assessments set out in paragraph 11 of the Paper. Although the proposed use was not in line with the planning intention of the “Residential (Group C)” (“R(C)”) zone, there was no known development programme for the subject “R(C)” site, it was considered that the proposed use on a temporary basis would not frustrate the long-term planning intention of the “R(C)” zone. The development was considered not incompatible with the surrounding areas which were rural in character. Relevant government departments had no adverse comment on the application. Possible environmental nuisance generated by the proposed use and technical requirements of government departments could be addressed by imposing approval conditions. A previous application (No. A/YL-KTS/746) for the same use submitted by the same applicant as the current application was approved by the Committee in 2017. However, the application was revoked on 27.7.2018 due to non-compliance of approval conditions in relation to the implementation of drainage, landscape and fire service installations (FSIs) proposals. The applicant had submitted the approved drainage, FSIs and landscape plans and relevant government departments had no adverse comment on the application. Therefore, sympathetic



consideration could be given to the current application. Yet, shorter compliance periods were recommended to monitor the progress of compliance of the conditions. Regarding the adverse public comment, comments of concerned departments and the planning assessments above were relevant.

113. In response to a Member's enquiry, Ms Ivy C.W. Wong, STP/FSYLE, clarified that while it was recommended that planning permission for the application should be valid on a temporary basis for a period of three years, shorter compliance periods were recommended to monitor the progress of compliance of the conditions in relation to drainage, FSIs and landscape proposals.

#### Deliberation Session

114. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years 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 6:30 p.m. and 10:30 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation between 10:30 a.m. and 11:30 a.m. on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out at the site during the planning approval period;
- (d) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;

- (e) the existing boundary fencing on the site shall be maintained at all times 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) no vehicle is allowed to make left turn from public road to the site or right turn from the site to the public road at any time during the planning approval period;
- (h) the implementation of the accepted drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.4.2019;
- (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 landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.1.2019;
- (k) in relation to (j) above, the implementation of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.4.2019;
- (l) the implementation of the accepted 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 19.4.2019;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) 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;

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

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

### **Agenda Item 33**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/798      Renewal of Planning Approval for Temporary Open Storage of Vehicles and Vehicle Parts for a Period of 3 Years in “Agriculture” Zone, Lot 466 RP in D.D.106 and Adjoining Government Land, Kam Sheung Road, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTS/798)

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

116. 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) renewal of planning approval for temporary open storage of vehicles and vehicle parts for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were residential structures located to the immediate north and in the vicinity of the site, and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the

applications;

- (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 the temporary use under application could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Although the applied use was not in line with the planning intention of the “Agriculture” (“AGR”) zone, the Director of Agriculture, Fisheries and Conservation had no strong view against the application. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “AGR” zone. The development was considered not incompatible with the surrounding areas. The site was the subject of seven previous applications approved by the Committee and there were four approved similar application at the west of the site. Approval of the application was in line with the Committee's previous decisions. The site fell within Category 3 areas under the application under the Town Planning Board Guidelines No. 13E (TPB PG-No. 13E). The application was generally in line with the TPB PG-No. 34B and No. 13E in that previous approvals for the same applied use had been granted and there was no adverse comment from the relevant government departments except DEP. Compared with the last application No. A/YL-KTS/678, the current application submitted by the same applicant was of the same applied use, site area/boundary, total floor area and site layout. As previous approvals had been granted and there was no major change in planning circumstances since the last approval, sympathetic consideration could be given to the current application. While DEP did not support the application, there had been no environmental complaint received in the past three years. In order to address any potential environmental nuisance and technical requirements of government departments, relevant approval conditions were recommended.

117. Members had no question on the application.

Deliberation Session

118. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 24.10.2018 until 23.10.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 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 dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (d) no heavy goods vehicles exceeding 24 tonnes including container tractors/trailers, as defined in the Road Traffic Ordinance, 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;
- (e) no machinery is allowed to be stored at the site at any time during the planning approval period;
- (f) the stacking height of vehicles and vehicle parts should not exceed the height of the peripheral fence of the site at any time 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 drainage facilities implemented on the site shall be maintained

at all times during the planning approval period;

- (i) the submission of a record of the existing drainage facilities on the site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.1.2019;
- (j) the submission of a landscape proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 24.4.2019;
- (k) in relation to (j) above, the implementation of the landscape proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 24.7.2019;
- (l) the provision of fire extinguisher(s) with a valid fire certificate (FS251) within 6 weeks from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.12.2018;
- (m) the submission of 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 24.4.2019;
- (n) in relation to (m) 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 24.7.2019;
- (o) 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;

- (p) if any of the above planning conditions (i), (j), (k), (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 application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

### **Agenda Item 34**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/799      Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Village Type Development” Zone, Lot 367 RP (Part) in D.D. 109, Kam Sheung Road, Kam Tin South, Yuen Long  
(RNTPC Paper No. A/YL-KTS/799)

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

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

- (a) background to the application;
- (b) the temporary shop and services (real estate agency) 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, one public comment from an individual objecting to the application was received. The major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the temporary use under application for a period of three years based on the assessments set out in paragraph 11 of the Paper. Although the applied use was not entirely in line with the planning intention of the “Village Type Development” (“V”) zone, the proposed development was to serve the local community and there was no Small House application approved or under processing within the site. Approval of the application on a temporary basis would not jeopardize the long-term planning intention of the “V” zone. The development was considered not incompatible with the surrounding land uses which were rural in character. Relevant government departments had no adverse comment on the application. To minimize the possible nuisance generated by the development and to address the technical requirements of government departments, relevant approval conditions were recommended. Similar applications within the same and adjoining “V” zone were approved by the Committee. The site was the subject of two previous applications submitted by the same applicant for the same use as the current application which were approved by the Committee. Compared with the last approved application (No. A/YL-KTS/648), the current application had the same site area/boundary and site layout. However, the last approval was revoked on 17.10.2015 due to non-compliance with planning conditions in relation to the submission of existing drainage facilities record and implementation of tree preservation proposal. In the current application, the applicant submitted drainage and landscape plans and relevant government departments had no adverse comment. Therefore, sympathetic consideration could be given to the current application. Shorter compliance periods were recommended to monitor the progress of compliance of the conditions. Regarding the



adverse public comment, comments of concerned departments and the planning assessments above were relevant.

121. Members had no question on the application.

#### Deliberation Session

122. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years 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 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (d) the existing trees 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 planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.1.2019;
- (g) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire

Services or of the TPB by 19.1.2019;

- (h) in relation to (g) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.4.2019;
- (i) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (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.”

123. 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-KTS/800      Proposed Temporary Open Storage of Vehicles for Sale (Including New/ Used Vehicles) for a Period of 3 Years in “Agriculture” Zone, Lots 512 RP (Part) and 515 (Part) in D.D. 103 and Adjoining Government Land, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTS/800)

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

124. 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 vehicles for sale (including new/used vehicles) 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 there were residential dwellings/structures located in the vicinity of 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 from an individual objecting to the application was received. The major objection grounds were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD considered the temporary use under application could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Although the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone, the Director of Agriculture, Fisheries and Conservation had no strong view on the application. Granting of temporary permission on the application would not frustrate the long-term planning intention of the “AGR” zone. Similar applications were approved in the adjacent “AGR” zone by the Committee. The application was generally in line with the Town Planning Board Guidelines No. 13E in that the site fell within Category 3 areas and previous approvals for similar uses were granted. There was no adverse comment from relevant government departments except DEP and sympathetic consideration could be given to the current application. Although DEP did not support the application, there was no substantiated environmental complaint at the site received in the past three years. To address the concern of DEP on the possible nuisance generated by the proposed temporary use and the technical requirements of government departments,

relevant approval conditions were recommended. Regarding the adverse public comment, comments of concerned departments and the planning assessments above were relevant.

125. In response to a Member's and the Chairman's enquiries, Ms Ivy C.W. Wong, STP/FSYLE, said that the applicant had specified in the previous application that there would be storage of left hand or right hand vehicles. However, the applicant did not provide such information in the current application. The current application was for temporary open storage of vehicles which was different in nature when comparing with temporary vehicle car park.

### Deliberation Session

126. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years 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 7:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no storage/sales of vehicle parts and no repairing, dismantling, cleansing, paint-spraying or other workshop activities, as proposed by the applicant, shall be carried out on the site at any time during the planning approval period;
- (d) no medium or heavy goods vehicles exceeding 5.5 tonnes including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at

any time during the planning approval period;

- (f) the submission of 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 19.4.2019;
- (g) in relation to (f) above, the implementation of the drainage proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.7.2019;
- (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 landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.4.2019;
- (j) in relation to (i) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.7.2019;
- (k) the provision of fire extinguisher(s) within 6 weeks with a valid fire certificate (FS 251) from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 30.11.2018;
- (l) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.4.2019;
- (m) in relation to (l) 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 19.7.2019;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e) or (h) is not

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

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

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

### **Agenda Item 36**

#### **Section 16 Application**

[Open Meeting]

A/YL-SK/244 Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years in “Agriculture” Zone, Lots 110 S.A RP, 110 S.D ss.1, 110 S.D ss.2, 110 S.D ss.3 and 110 S.D RP in D.D. 112, Shek Kong, Yuen Long  
(RNTPC Paper No. A/YL-SK/244)

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128. The Committee noted that the applicant’s representative requested on 12.10.2018 deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

129. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the

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

[Mr Patrick K.H. Ho left the meeting temporarily at this point.]

### **Agenda Item 37**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/245            Renewal of Planning Approval for Temporary Animal Boarding Establishment (Kennel) for a Period of 3 Years in "Village Type Development" Zone, Lots 670 S.A (Part) , 670 S.F (Part), 670 RP (Part), 671 RP (Part) and 685 RP (Part) in D.D. 112 and Adjoining Government Land, Lin Fa Tei, Shek Kong, Yuen Long  
(RNTPC Paper No. A/YL-SK/245)

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

130.        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 animal boarding establishment (kennel) 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, one public comment from land owners of the site objecting to the application was received. The major objection grounds were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD considered the temporary use under application could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Although the applied use was not in line with the planning intention of the “Village Type Development” (“V”) zone, there was no Small House approved or under processing at the site. Approval of the application on a temporary basis would not jeopardize the long-term planning intention of the “V” zone. The development was considered not incompatible with the surrounding areas which were mixed with fallow agricultural land, vacant/unused land, residential structures/dwellings, open storage/storage yards and warehouses. The application was in line with the Town Planning Board Guidelines No. 34B in that previous approvals for the same applied use were granted. The current application was the same as the last application in terms of site area/boundary, applied use and site layout and there was no major change in planning circumstances since the last approval. Relevant government departments consulted had no adverse comment on the application. To minimize the possible environmental nuisance and to address the technical requirements of government departments, relevant approval conditions were recommended. Regarding the adverse public comment, comments of concerned departments and the planning assessments above were relevant.

131. Members had no question on the application.

#### Deliberation Session

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



temporary basis for a period of 3 years from 24.10.2018 until 23.10.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) all animal shall be kept inside the enclosed structures from 11:00 p.m. to 7:00 a.m., as proposed by the applicant, at all times during the planning approval period;
- (b) no public announcement system, portable loudspeaker, or any form of amplification system, and whistle blowing, as proposed by the applicant, is allowed to be used 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 replacement of the missing and dead trees on the site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 24.1.2019;
- (e) the existing trees on the site shall be maintained at all times during the planning approval period;
- (f) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (g) the submission of the records 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 24.1.2019;
- (h) the submission of 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 24.4.2019;

- (i) in relation to (h) 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 24.7.2019;
- (j) if any of the above planning conditions (a), (b), (c), (e) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (k) if any of the above planning conditions (d), (g), (h) or (i) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

[Mr Patrick K.H. Ho returned to join the meeting at this point.]

### **Agenda Item 38**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/525            Temporary Cargo Handling and Forwarding Facilities with Ancillary Tyre Repair Workshop for a Period of 3 Years in “Residential (Group D)” Zone, Lots 204 RP (Part), 205, 206 RP (Part), 207 to 209, 210 (Part), 211 (Part), 212 (Part), 213 RP, 214 RP (Part), 215 RP (Part), 353 (Part), 354 (Part), 355, 356(Part), 357 (Part), 358 (Part), 359 (Part) and 360 in D.D.105 and Adjoining Government Land, San Tin, Yuen Long  
(RNTPC Paper No. A/YL-ST/525A)

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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary cargo handling and forwarding facilities with ancillary tyre repair workshop 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 the temporary use under application could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Although the applied use was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone, there was no immediate permanent development proposal or program for the site, approval of the application on a temporary basis would not frustrate the long-term planning intention of the “R(D)” zone. The application was in line with the Town Planning Board Guidelines No. 13E (TPB PG-No. 13E) in that the site fell within the Category 2 areas in that there were a number of open storage yards and port backup facilities in the vicinity, concerned government departments had no adverse comment on or objection to the application and the site was the subject of previously approved planning applications mainly for temporary open storage of containers and cargo handling and container trailer park. Although the site fell within the Wetland Buffer Area of the TPB PG-No. 12C, the Director of Agriculture, Fisheries and Conservation had no comment on the application. The applied use was not incompatible with the surrounding land uses comprising mainly open storage yards, vehicle parks (including container vehicle parks) and vehicle repair workshops.

To mitigate potential environmental impacts and to address the technical concerns of government departments, relevant approval conditions were recommended. Similar applications were approved by the Committee within the same “R(D)” zone and approval of the current application was in line with the previous decisions of the Committee.

135. Members had no question on the application.

#### Deliberation Session

136. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years 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 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sunday and public holiday, 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 the site at any time during the planning approval period;
- (d) the paving and boundary fencing on the site shall be maintained at all times during the planning approval period;
- (e) the existing trees on the site should be maintained at all times during the approval period;
- (f) the drainage facilities on the site shall be maintained at all times during the planning approval period;
- (g) the submission of an as-built drainage plan and photographic records 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 19.1.2019;

- (h) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.4.2019;
- (i) in relation to (h) above, the implementation of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.7.2019;
- (j) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (k) if any of the above planning conditions (g), (h) or (i) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

### **Agenda Item 39**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/365      Temporary Open Storage of Construction Materials for a Period of 3 Years in “Comprehensive Development Area” Zone, Lots 630 (Part), 631 (Part), 632, 633 (Part), 634 (Part) and 651 (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/365B)

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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of construction materials for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) 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. The drainage proposal submitted by the applicant was considered unacceptable. 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, one public comment from an individual objecting to the application was received. The major objection grounds were set out in paragraph 11 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 12 of the Paper. The applied use was not in line with the planning intention of the “Comprehensive Development Area” (“CDA”) zone. Despite there was no approved development/programme in the “CDA” zone, 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 considered not entirely compatible with the surrounding land use. CE/MN, DSD did not support the application as the site was subject to overland flows and possible flooding. The application was not in line

with the Town Planning Board Guidelines No. 13E in that while the site fell within Category 3 areas, no previous approval for open storage use had been granted for the site, there were adverse comments from CE/MN, DSD, and the submitted technical assessments/proposals failed to demonstrate that the applied use would not have adverse drainage impact on the surrounding areas. Two similar applications within “CDA” zone were rejected by the Committee and approval of the application without addressing the adverse drainage impact would set an undesirable precedent and encourage other applications for similar development in the area. The cumulative effect of approving the similar application would result in piecemeal development and general degradation of the environment of the area. Regarding the adverse public comment, comments of concerned departments and the planning assessments above were relevant.

139. Members had no question on the application.

#### Deliberation Session

140. 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 for Application for Open Storage and Port Back-up Uses in that no previous approval has been granted for the site, there are adverse departmental comments on the drainage aspect and the applicant fails to demonstrate that the proposed development will not have any adverse drainage impact on the surrounding areas; and

- (c) the approval of the application will set an undesirable precedent for similar applications within the “CDA” zone. The cumulative effect of approving such application will result in general degradation of the environment of the area.”

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

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

#### **Agenda Item 40**

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

[Open Meeting]

A/TM/532

Proposed Comprehensive Residential Development in “Comprehensive Development Area (3)” Zone, Lots 398 RP, 406 RP, 407, 408 RP, 409, 410 RP, 411 RP, 412 S.B, 412 RP, 413, 442 RP, 443 RP, 444, 445 S.A, 445 RP, 446 S.A, 446 RP, 447, 448, 449, 450, 451, 453(part), 454, 455, 456, 457, 458, 459(part), 462(part), 464 RP and 466 RP in D.D. 374 and Lots 248 RP, 249 S.A RP, 249 S.B, 250 RP, 251, 253(part), 255 RP(part) in D.D. 375 and Adjoining Government land, So Kwun Wat, Area 56, Tuen Mun

(RNTPC Paper No. A/TM/532)

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141. The Secretary reported that the application was submitted by Fill Year Limited which was a subsidiary of Sun Hung Kai Properties Limited (SHK), with Llewelyn-Davies Hong Kong Limited (LD), Black & Veatch Hong Kong Limited (B&V), LWK & Partners (Hong Kong) Limited (LWK) and MVA Hong Kong Limited (MVA) as four of the consultants of the applicant. The following Members had declared interests on this item:



- Mr Ivan C.S. Fu - having current business dealings with SHK and MVA; and being a shareholder and a director of LWK;
- Mr K.K. Cheung - his firm having current business dealings with SHK and B&V;
- Mr Stephen L.H. Liu - having past business dealings with SHK, LD and LWK;
- Miss Winnie W.M. Ng - being a Director of the Kowloon Motor Bus Company (1933) Ltd. (KMB) and SHK was one of the shareholders of KMB; and
- Mr Ricky W.Y. Yu - his firm having current business dealings with LD.

142. The Committee noted that Mr Ivan C.S. Fu had tendered an apology for being unable to join the meeting. As the interest of Miss Winnie W.M. Ng was direct, the Committee agreed that she could stay in the meeting but should refrain from participating in the discussion. As Messrs K.K. Cheung, Stephen L.H. Liu, Ricky W.Y. Yu had no involvement in the application, the Committee agreed that they could stay in the meeting.

143. The Secretary reported that the Planning Department (PlanD) recommended deferment of the consideration of the application as the application site was the subject of one of the amendment items under the draft Tuen Mun Outline Zoning Plan (OZP) No. S/TM/34 which was currently in force and that adverse representations were received during the exhibition period of the draft OZP. According to the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Board Ordinance (TPB PG-No. 33), a decision on the current application should be deferred until the Chief Executive in Council (CE in C) considered the draft OZP and the representations.

144. After deliberation, the Committee decided to defer a decision on the application as recommended by PlanD. The Committee agreed that the application should be submitted for its consideration after CE in C considered the draft OZP and the representations.

**Agenda Item 41**

**Section 16 Application**

[Open Meeting]

A/TM-LTY Y/357 Proposed Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles Not Exceeding 5.5 Tonnes) and Ancillary Shroff for a Period of 3 Years in “Residential (Group D)” and “Village Type Development” Zones, Lot 2336 (Part) in D.D. 130, Tsoi Yuen Tsuen, Nai Wai, Tuen Mun  
(RNTPC Paper No. A/TM-LTY Y/357)

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145. The Committee noted that the applicant’s representative requested on 3.10.2018 deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

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

**Agenda Item 42**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/920 Proposed Temporary Warehouse for Storage of Construction Materials for a Period of 3 Years in “Undetermined” Zone, Lots 1008 (Part), 1009 (Part) and 1010 (Part) in D.D. 119, Yuen Long  
(RNTPC Paper No. A/YL-TYST/920)

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**Presentation and Question Sessions**

147. 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 warehouse for storage of construction materials for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment from a Yuen Long District Councillor objecting to the application without providing specific grounds was received; and
- (e) the Planning Department (PlanD)’s views – PlanD considered the temporary use under application 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 and approval of the application on a temporary basis would not jeopardize the long-term development of the area. The development was not incompatible with the surrounding uses which were

mainly warehouses, open storage/storage yards and workshop uses. Concerned government department had no adverse comment on the application and there had been no environmental complaint concerning the site received in the past three years. To minimize any potential environmental nuisances and to address the technical requirements of government departments, relevant approval conditions were recommended. Similar applications had been approved in the “U” zone and approval of the current application was considered in line with the Committee’s previous decisions. Regarding the adverse public comment, comments of concerned departments and the planning assessments above were relevant.

148. Members had no question on the application.

#### Deliberation Session

149. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years 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 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 operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no repairing, dismantling or other workshop activities, as proposed by the applicant, shall be carried out on the site at any time during the planning approval period;
- (d) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;

- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the implementation of the accepted drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.4.2019;
- (g) in relation to (f) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (h) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.4.2019;
- (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 19.7.2019;
- (j) if any of the above planning conditions (a), (b), (c), (d), (e) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (k) if any of the above planning conditions (f), (h) or (i) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (l) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

**Agenda Item 43**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/921 Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 5 Years in “Green Belt” Zone, Lots 40, 130, 502 (Part), 503, 504, 506, 507, 508, 509, 510, 512, 544 and 2154 in D.D. 119, Lam Tai West Road, Yuen Long  
(RNTPC Paper No. A/YL-TYST/921)

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151. The Committee noted that a replacement page (page 1 of the Paper) for rectifying an editorial error in the Paper was tabled 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 temporary place of recreation, sports or culture (hobby farm) for a period of five years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservations on the application as it seemed that the existing trees, shrubs and groundcovers at the site were gradually removed and cleared prior to the application. Impact on existing landscape resources had taken effect. 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, five public

comments were received, with the Kadoorie Farm and Botanic Garden Corporation urging the Town Planning Board to examine whether the rejection reasons of previous application were applicable to the current application, and four individuals objecting to the application. The major objection grounds were set out in paragraph 11 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the temporary use under application for a period of five years based on the assessments set out in paragraph 12 of the Paper. The proposal involving recreational use was considered not entirely in conflict with the planning intention of the “Green Belt” (“GB”) zone. The scale of the development under application was not entirely incompatible with the surrounding areas which were largely rural in character. While CTP/UD&L, PlanD had reservation on the application, the applicant had proposed to provide substantial farming area and landscaping area within the site. The proposed development was not expected to generate significant environmental, ecological, traffic, drainage and other infrastructural impacts on the surrounding areas. To address the concerns on the technical requirements of government departments, relevant approval conditions were recommended. In view of the above, the proposed development was generally in line with the Town Planning Board Guidelines No. 10 that sympathetic consideration might be given. A similar application covering an adjacent site in the same “GB” zone submitted by the same applicant was approved by the Committee. Approval of the current application was in line with the Committee's previous decision. Although there were two other similar applications in the same “GB” zone rejected by the Committee mainly on the ground that there were adverse departmental comments, no adverse comment from concerned government departments were received for the current application. Regarding the adverse public comments, comments of concerned departments and the planning assessments above were relevant.

153. In response to a Member's and the Chairman's enquiry, Ms Bonnie K.C. Lee, STP/TMYLW, said that the provision of barbeque spot and tent camping ground was one of

the major considerations for applications for hobby farm. In general, barbeque spot and tent camping ground might create environmental nuisance and the Director of Environmental Protection might raise adverse comment on the relevant application.

### Deliberation Session

154. A Member considered that since applications for hobby farm with barbeque spot and tent camping ground would generally not be given favourable consideration, the public could be informed of such practice to facilitate future applications. In response, the Chairman said that the relevant trades were already familiar with this practice of the Town Planning Board through the record of minutes.

155. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 19.10.2023, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no excavation and land filling, as proposed by the applicant, are allowed on the site during the planning approval period;
- (b) 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;
- (c) no loudspeakers and public announcement systems will be used within the site, as proposed by the applicant, at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) 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) the provision of boundary fence 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 19.4.2019;
- (g) the submission of run-in/run-out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 19.4.2019;
- (h) in relation to (g) above, the implementation of run-in/run-out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 19.7.2019;
- (i) all existing trees and landscape plantings within the site shall be maintained at all times during the planning approval period;
- (j) 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 19.4.2019;
- (k) in relation to (j) 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 19.7.2019;
- (l) in relation to (k) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (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 19.4.2019;
- (n) in relation to (m) 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 19.7.2019;

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

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

#### **Agenda Item 44**

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

[Open Meeting]

A/YL/249                      Proposed Flat, Shop and Services, Eating Place and Public Vehicle Park (excluding container vehicle) and Minor Relaxation of Plot Ratio Restriction in “Residential (Group E)1” Zone, No. 21 Wang Yip Street West, Yuen Long  
(RNTPC Paper No. A/YL/249)

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157. The Secretary reported Star Properties (H.K.) Limited (Star), Aurecon Hong Kong Limited (Aurecon), Rider Levett Bucknall Limited (RLB), MVA Hong Kong Limited (MVA) and Landes Limited (Landes) were five of the consultants of the applicant. The following Members had declared interests on this item:

Mr Ivan C.S. Fu                      -    having current business dealings with MVA and Landes;

- Mr K.K. Cheung - his firm having current business dealings with Star and Aurecon; and
- Mr Stephen L.H. Liu - having past business dealings with RLB.

158. The Committee noted that the applicant had requested deferment of consideration of the application and Mr Ivan C.S. Fu had tendered an apology for being unable to join the meeting. As Messrs K.K Cheung and Stephen L.H. Liu had no involvement in the application, the Committee agreed that they could stay in the meeting.

159. The Committee noted that the applicant's representative requested on 3.10.2018 deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental and public comments. It was the first time that the applicant requested deferment of the application.

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

## **Agenda Item 45**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/99 Temporary Logistics Centre with Storage of Recyclable Materials (Plastic, Metal and Paper) for a Period of 3 Years in “Residential (Group A)2” and “Residential (Group A)3” Zones and an area shown as ‘Road’, Lots 89 (Part), 90 (Part), 93 RP (Part), 94 (Part), 95 (Part), 96 (Part), 98 (Part), 100 (Part), 101 (Part), 103, 104 (Part), 106 (Part), 107 (Part), 116 (Part), 117 (Part), 118, 119, 120 (Part), 121 (Part), 123 (Part), 129 (Part), 130, 131, 132 (Part) and 133 (Part) in D.D.125 and Adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/HSK/99)

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161. The Committee noted that two replacement pages (page 6 of the Main Paper and page 1 of Appendix V) for rectifying editorial errors in the Paper were tabled for Members’ reference.

### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary logistics centre with storage of recyclable materials (plastic, metal and paper) 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 because there are sensitive uses in the vicinity of the site and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the applications;

- (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 the temporary use under application could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Although the development was not in line with the planning intentions of “Residential (Group A)2” (“R(A)2”) and “Residential (Group A)3” (“R(A)3”) zones, the implementation programme for this part of New Development Area was still being formulated. Approval of the application on a temporary basis would not jeopardize the long-term development of the site. The site was located in an area which was predominantly occupied by open storage/storage yards, logistics centres, warehouses, vehicle repair workshops and parking of vehicle uses. The applied use was not incompatible with the surrounding land uses. Although DEP did not support the application, there was no environmental complaint pertaining to the site in the past three years. To address the concerns on the possible environmental nuisances and the technical requirements of government departments, relevant approval conditions were recommended. The proposed development was generally in line with the Town Planning Board Guidelines No. 13E in that the site fell within Category 1 areas, the proposed use would not generate adverse impacts and the technical concerns of relevant government departments could be addressed through the implementation of approval conditions. Previous applications for open storage and logistics centre uses at the site and similar applications within areas covered by the same “R(A)2” and “R(A)3” zones were approved by the Committee. Approval of the current application was in line with the previous decisions of the Committee.

163. A Member noted that DEP did not support the application and considered that without any mitigation measures, the soil and underground water of the site were expected to be contaminated by the proposed logistics centre use. The Member enquired the current monitoring arrangements on such type of use in relation to recyclable materials by

Environmental Protection Department (EPD). Mr Stanley C.F. Lau, Principal Environmental Protection Officer (Strategic Assessment), EPD, responded that EPD had promulgated the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' for operators to follow. Examples of mitigation measures included the requirements on hard-paving the processing areas and chemical storage area. The operators were also required to comply with the relevant environmental ordinances and obtain the relevant licences as appropriate.

164. In response to another Member's enquiry, Mr Simon P.H. Chan, STP/TMYLW, said that although storage of recyclable materials was part of the applied use, no processing of the recyclable materials were identified during a previous site visit. No information was provided in the submission regarding the reason to include storage of recyclable materials in the application.

#### Deliberation Session

165. In response to a Member's question, the Chairman said that that application site fell within the Hung Shui Kiu (HSK) New Development Area (NDA). The draft Hung Shui Kiu and Ha Tsuen Outline Zoning Plan was agreed by the Committee and the consideration of representations and comments in respect of the draft OZP was completed. The draft OZP had just been approved by the Chief Executive in Council which would form the basis for the funding application and implementation of HSK NDA. It was envisaged that clearance of the subject area would not be arranged before 2024 and therefore the temporary use at the site could still be tolerated for a period of time.

166. Another Member noted that the applied use was for storage but not for processing of recyclable materials. Therefore, the concern on possible environmental nuisance would be less. The Chairman agreed and remarked that the intention of imposing relevant approval conditions was to better control the temporary uses in these areas before the sites were cleared for long-term development.

167. The Secretary drew Members' attention that the application site involved a previous approved application which was revoked due to non-compliance of approval condition in relation to the implementation of fire services installations. Members

considered that shorter compliance periods should be imposed to monitor the progress of compliance of the conditions.

168. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years 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 8:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no cutting, dismantling, cleansing, repairing, compaction, tyre repair, vehicle repair, container repair and workshop activity, 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 the public road at any time during the planning approval period;
- (e) the submission of a condition record of existing drainage facilities within 3 months to the satisfaction of the Director of Drainage Services or of the TPB by 19.1.2019;
- (f) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (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 19.1.2019;
- (h) in relations 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 19.4.2019;

- (i) the submission of a fire service installations proposal within 3 months to the satisfaction of the Director of Fire Services or of the TPB by 19.1.2019;
- (j) in relation to (i) above, the implementation of the fire service installations proposal within 6 months to the satisfaction of the Director of Fire Services or of the TPB by 19.4.2019;
- (k) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of Director of Planning or of the TPB by 19.4.2019;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (m) if any of the above planning conditions (e), (g), (h), (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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



**Agenda Item 46**

**Section 16 Application**

[Open Meeting]

A/HSK/100

Proposed Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles Not Exceeding 5.5 Tonnes) and Ancillary Shroff for a Period of 3 Years in “Village Type Development(1)” and “Open Space” Zones and an area shown as ‘Road’, Lots 1677 (Part), 1684 (Part), 1685 (Part), 1687 (Part), 1688 and 1689 (Part) in D.D. 130 and Adjoining Government Land, Tsing Yick Road, Lam Tei, Tuen Mun (RNTPC Paper No. A/HSK/100)

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170. The Committee noted that the applicant’s representative requested on 3.10.2018 deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

[The Chairman thanked Ms Bonnie K.C. Lee and Mr Simon P.H. Chan, STPs/TMYLW, for their attendance to answer Members’ enquiries. Ms Lee and Mr Chan left the meeting at this point.]

**Agenda Item 47**

**Any Other Business**

172.        There being no other business, the meeting closed at 5:00 p.m..