

TOWN PLANNING BOARD

**Minutes of 616th Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 7.12.2018**

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 Stephen L.H. Liu

Miss Winnie W.M. Ng

Mr L.T. Kwok

Mr K.W. Leung

Mr Ricky W.Y. Yu

Chief Traffic Engineer/New Territories East,
Transport Department
Mr Ken K.K. Yip

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

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

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

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

Secretary

Absent with Apologies

Mr Ivan C.S. Fu

Mr David Y.T. Lui

Mr K.K. Cheung

Dr C.H. Hau

Dr Lawrence K.C. Li

Dr Jeanne C.Y. Ng

In Attendance

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

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

Town Planner/Town Planning Board
Ms Karmin Tong

Agenda Item 1

Confirmation of the Draft Minutes of the 615th RNTPC Meeting held on 16.11.2018

[Open Meeting]

1. The draft minutes of the 615th RNTPC meeting held on 16.11.2018 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Fanling, Sheung Shui and Yuen Long East District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/FSS/14 Application for Amendment to the Approved Fanling/Sheung Shui Outline Zoning Plan No. S/FSS/22, To Rezone the Application Site from “Comprehensive Development Area” to “Comprehensive Development Area (1)”, Sheung Shui Lot 2 RP and Adjoining Government Land
(RNTPC Paper No. Y/FSS/14B)

3. The Secretary reported that the application was submitted by Mr Hui Sai Fun, Sole Executor of the Estate of Late Hui Oi Chow, Deceased, with Ove Arup & Partners Hong Kong Ltd. (Arup), ADI Ltd. (ADI) and Dennis Lau & Ng Chun Man Architects & Engineers (HK) Ltd. (DLN) as three of the consultants of the applicant. The following Members had declared interests on the item :

- Mr Ivan C.S. Fu - having current business dealings with Arup and ADI;
- Mr K.K. Cheung - his firm having current business dealings with Arup;
- Mr Stephen L.H. Liu - having past business dealings with DLN; and
- Miss Winnie W.M. Ng - being a personal friend of the applicant.

4. The Committee noted that Messrs Ivan C.S. Fu and K.K. Cheung had tendered apologies for being unable to attend the meeting and Miss Winnie W.M. Ng had not yet arrived to join the meeting. As Mr Stephen L.H. Liu had no involvement in the application, the Committee agreed that he could stay in the meeting.

5. The following representatives from the Planning Department (PlanD) and the applicant were invited to the meeting at this point :

PlanD

Mr Tom C.K. Yip - District Planning Officer/Fanling, Sheung Shui and Yuen Long East (DPO/FSYLE)

Mr Otto K.C. Chan - Senior Town Planner/Fanling, Sheung Shui and Yuen Long East (STP/FSYLE)

Arup

Ms Theresa Yeung

Ms Natalie Leung

Ms Melissa Kwan

Ms Sara Chiong

} Applicant's representatives

6. The Chairman extended a welcome to the applicant's representatives and informed the Committee that the applicant had recently passed away as reported in the media today. In view of the legal issues involved, the Committee considered that it would be prudent to defer consideration of the application in order to allow more time for the applicant's side to submit further information to demonstrate the legal status for the applicant's representatives to continue taking forward the application. In this regard, Ms Theresa Yeung, the applicant's representative, had no objection to the arrangement.

7. After deliberation, the Committee decided to defer a decision on the application pending submission of further information from the applicant's side to demonstrate the legal capacity of the representation of the applicant.

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

Tuen Mun and Yuen Long West District

Agenda Item 4

Section 12A Application

[Open Meeting]

Y/TM-LTY Y/7 Application for Amendment to the Draft Lam Tei and Yick Yuen Outline Zoning Plan No. S/TM-LTY Y/9, To Rezone the Application Site from “Residential (Group E)” and “Village Type Development” to “Residential (Group A)”, Lots 220 RP and 221 in D.D. 130, San Hing Road, San Hing Tsuen, Tuen Mun
(RNTPC Paper No. Y/TM-LTY Y/7)

8. The Secretary reported that Ove Arup & Partners Hong Kong Ltd. (Arup) was one of the consultants of the applicant. The following Members had declared interests on the item :

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

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

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

10. The Committee noted that the applicant’s representative requested on 16.11.2018 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.

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.

Agenda Item 5

Section 12A Application

[Open Meeting]

Y/YL/14 Application for Amendment to the Approved Yuen Long Outline Zoning Plan No. S/YL/23, To Rezone Part of the Application Site from "Residential (Group A) 1" to "Government, Institution or Community" and Part from "Government, Institution or Community" to "Residential (Group A) 1", Various Lots in D.D. 120 and Adjoining Government Land, Area 13, Yuen Long
(RNTPC Paper No. Y/YL/14)

12. The Secretary reported that the application was submitted by Join Base Development Ltd., Fortune Land Development Ltd. and Winpo Development Ltd., which were all subsidiaries of New World Development Company Ltd. (NWD), with Ove Arup & Partners Hong Kong Ltd. (Arup) as the consultant of the applicants. The following Members had declared interests on the item :

- | | |
|---------------------|--|
| Mr Ivan C.S. Fu | - having current business dealings with NWD and Arup; |
| Mr Stephen L.H. Liu | - having past business dealing with NWD; |
| Dr C.H. Hau | - being a principal lecturer and programme director of the University of Hong Kong (HKU). K11 Concept Ltd. of NWD had been sponsoring his student learning projects in HKU since 2009; |

- Mr K. K. Cheung - his firm having current business dealings with Arup, and past business dealings with The Automall Limited, which was a subsidiary of NWD; and
- Mr Ricky W.Y. Yu - being the Director and CEO of Light Be which had received donations from the developer-related charity foundation, Chow Tai Fook Charity Foundation (related to NWD).

13. The Committee noted that the applicants had requested deferment of consideration of the application, and Messrs Ivan C.S. Fu and K.K. Cheung and Dr C.H. Hau had tendered apologies for being unable to attend the meeting. As Messrs Stephen L.H. Liu and Ricky W.Y. Yu had no involvement in the application, the Committee agreed that they could stay in the meeting.

14. The Committee noted that the applicants' representative requested on 16.11.2018 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 applicants requested deferment of the application.

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

Sai Kung and Islands District

Agenda Item 6

Section 16 Application

[Open Meeting]

A/SK-CWBN/50 Proposed Public Utility Installation (LV Poles, Underground Cables and Overhead Cable) and Excavation and Filling of Land in “Conservation Area” Zone, Government Land in D.D. 238, Near Hang Hau Wing Lung Road, Sai Kung
(RNTPC Paper No. A/SK-CWBN/50)

16. The Secretary reported that the application site was located in the Clear Water Bay North area and the application was submitted by CLP Power Hong Kong Ltd. (CLP), which was a subsidiary of CLP Holdings Ltd., with Kum Shing (K.F.) Construction Company Ltd. (KSCCL) as the consultant of the applicant. The following Members had declared interests on the item :

- Dr Jeanne C.Y. Ng - being a Director - CLP Research Institute, CLP Holdings Ltd.;
- Mr K.K. Cheung - his firm having current business dealings with CLP and KSCCL;
- Mr Stephen L.H. Liu - having past business dealings with CLP; and
- Mr David Y.T. Lui - co-owning with spouse two houses in Clear Water Bay.

17. The Committee noted that the applicant had requested deferment of consideration of the application, and Dr Jeanne C.Y. Ng and Messrs K.K. Cheung and David Y.T. Lui had tendered apologies for being unable to attend the meeting. As Mr Stephen L.H. Liu had no involvement in the application, the Committee agreed that he could stay in the meeting.

18. The Committee noted that the applicant's representative requested on 21.11.2018 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.

19. 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 7

Section 16 Application

[Open Meeting]

A/SK-TLS/54 Temporary Private Garden for a Period of 3 Years in "Green Belt"
Zone, Government Land Adjoining Lot 1929 in S.D. 2, Fei Ha Road,
Sai Kung

(RNTPC Paper No. A/SK-TLS/54)

20. The Secretary reported that the application was withdrawn by the applicant.

Sha Tin, Tai Po and North District

[Messrs Kenny C.H. Lau, Tim T.Y. Fung and 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 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/MOS/120 Proposed Subsidized Sale Flats Development in “Residential (Group A)9” and “Green Belt” Zones and areas shown as ‘Road’, Government Land at Ma On Shan Road, Ma On Shan Area 81A
(RNTPC Paper No. A/MOS/120)

21. The Secretary reported that the application was submitted by the Hong Kong Housing Authority (HKHA) with ADI Ltd. (ADI), Dennis Lau & Ng Chun Man Architects & Engineers (HK) Ltd. (DLN), AECOM Asia Company Ltd. and AECOM Consulting Services Ltd. (AECOM), and Ove Arup & Partners Hong Kong Ltd. (Arup) as the consultants of the applicant. The following Members had declared interests on the item :

- | | | |
|--|---|--|
| Mr Raymond K.W. Lee
(the Chairman)
<i>as the Director of
Planning</i> | - | being a member of the Strategic Planning Committee (SPC) and Building Committee of HKHA; |
| Mr Martin W.C. Kwan
<i>as the Chief Engineer
(Works), Home Affairs
Department</i> | - | being a representative of the Director of Home Affairs who was a member of the SPC and Subsidized Housing Committee of HKHA; |
| Mr Ivan C.S. Fu | - | having past business dealings with HKHA, and current business dealings with ADI, AECOM and Arup; |
| Mr K.K. Cheung | - | his firm having current business dealings with HKHA and Arup; |

- Dr C.H. Hau - the institute he served was having current business dealings with HKHA, and he was having current business dealings with AECOM; and
- Mr Stephen L.H. Liu - having past business dealings with HKHA and DLN.

22. The Committee noted that Messrs Ivan C.S. Fu and K.K. Cheung and Dr C.H. Hau had tendered apologies for being unable to attend the meeting, and agreed that the Chairman and Mr Martin W.C. Kwan should leave the meeting temporarily for the item as their interests were direct. As Mr Stephen L.H. Liu had no involvement in the application, the Committee agreed that he could stay in the meeting. Mr H.W. Cheung, the Vice-chairman, took over the chairmanship at this point.

[Messrs Raymond K.W. Lee and Martin W.C. Kwan left the meeting temporarily, and Dr F.C. Chan and Mr L.T. Kwok arrived to join the meeting at this point.]

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed subsidized sale flats development;
- (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, 13 public comments were received, with one from an individual indicating support for the application, and the remaining 12 comments from a Sha Tin District Council member, MTR Corporation Ltd., Chinese University of Hong

Kong, local residents and individuals raising objection to or concerns on the application. Major views and objection grounds were set out in paragraph 9 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. The proposed development and its development parameters were in line with the planning intention and development restrictions of the “Residential (Group A)9” zone. The inclusion of adjacent areas (about 1,200m²) zoned as “Green Belt” (“GB”) and shown as ‘Road’ into the site would increase the site area and flat production, and was in line with the Government policy to optimize the use of land resources so as to increase the supply of housing flats. The proposed development was not incompatible with the overall development profile in Ma On Shan and there would not be material change to the character of the locality. The proposed development was not anticipated to induce significant adverse impacts and relevant departments had no objection to or no adverse comment on the application. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

24. In response to a Member's enquiry, Mr Kenny C.H. Lau, STP/STN, with reference to Plan A-2 of the Paper, explained that the additional areas zoned as “GB” and shown as ‘Road’ included in the application site were located at the northwestern and southeastern peripheries of the site.

Deliberation Session

25. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 7.12.2022, 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.

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

[The Chairman and Mr Martin W.C. Kwan returned to the meeting at this point.]

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-HT/9 Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm, Barbecue Spot, Play Area, Handicraft Making and Refreshment Kiosk) for a Period of 3 Years in “Agriculture” Zone, Lots 1091 RP, 1134 S.A, 1134 RP (Part), 1135 (Part), 1136 (Part), 1137, 1138 and 1157 (Part) in D.D. 76, Hok Tau, Fanling
(RNTPC Paper No. A/NE-HT/9A)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary place of recreation, sports or culture (hobby farm, barbecue spot, play area, handicraft making and refreshment kiosk) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) had no strong view on the application from agricultural and nature conservation points of view on the understanding that a substantial portion of the site would be used for cultivation, no paving of land was proposed and a 3m buffer from the existing stream

would be provided and fenced off from visitors. The Director of Environmental Protection had no objection to the application noting that the site would be set back and fenced off from the Pat Sin Leng Country Park. The District Officer (North), Home Affairs Department conveyed that the Chairman of the Fanling District Rural Committee (FDRC), the Indigenous Inhabitant Representative and the Resident Representative of Hok Tau Wai had no comment on the application. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, six public comments were received, with two from the Chairmen of Sheung Shui District Rural Committee and FDRC indicating no comment, and the remaining four comments from Kadoorie Farm and Botanic Garden Corporation, World Wide Fund for Nature Hong Kong, the Hong Kong Bird Watching Society and an individual raising objection to the application. 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. Although the proposed use was not in line with the planning intention of the “Agriculture” (“AGR”) zone, DAFC had no strong view on the application. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “AGR” zone. The proposed use was not entirely incompatible with the surrounding areas of rural landscape character comprising farm/garden, plant nurseries, active/fallow agricultural land and scattered temporary domestic structures. Regarding the concerns of relevant departments, the applicants had undertaken to provide boundary fencing with buffer from the existing stream, set back from the country park boundary and designate “non-building” area within the site. Other government departments had no objection to or no adverse comment on the application. Two similar applications for temporary place of recreation (barbecue areas, play area, handicraft making, refreshment kiosk and

fishing ground) use within the same “AGR” zone had been approved by the Committee and the circumstances of the current application are similar to the approved cases. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

28. In response to a Member’s enquiry, Mr Tim T.Y. Fung, STP/STN, with reference to Plan A-2, said that the proposed barbecue spot would only occupy a small portion of the site and the applicants had undertaken not to carry out any land filling activities for the proposed development. Concerned government departments, including the Environmental Protection Department and Food and Environmental Hygiene Department, had no adverse comment on the application. Another Member asked whether there was any information on the development scale of other approved applications for hobby farm use. With reference to Plan A-1 of the Paper, Mr Fung replied that there was an approved application for hobby farm use located to the further southeast of the site which was of a similar scale to the proposed development under application.

Deliberation Session

29. Regarding a Member’s observation on another recently rejected application for hobby farm with the provision of barbecue facilities, the Chairman recalled that the case quoted by the Member involved a different zoning with different site layout and proportion of various proposed activities/facilities. Members noted that a major part of the site under application would be reserved for farming purpose and the proposed barbecue spot was of a relatively small scale in respect of the entire hobby farm.

30. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.12.2021, 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 applicants, is allowed on the site during the planning approval period;

- (b) no public announcement system and loud speaker, as proposed by the applicants, is allowed to be used on the site during the planning approval period;
- (c) provision of boundary fencing along the stream in between the site and the northwestern boundary facing Pat Sin Leng Country Park, as proposed by the applicants, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.6.2019;
- (d) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.6.2019;
- (e) in relation to (d) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.9.2019;
- (f) the submission of sewerage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.6.2019;
- (g) in relation to (f) above, the provision of sewerage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.9.2019;
- (h) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.6.2019;
- (i) in relation to (h) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.9.2019;

- (j) 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 7.6.2019;
- (k) in relation to (j) 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 7.9.2019;
- (l) the submission of run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 7.6.2019;
- (m) in relation to (l) above, the implementation of run-in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 7.9.2019;
- (n) 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;
- (o) if any of the above planning conditions (c), (d), (e), (f), (g), (h), (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 the 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.”

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

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LK/113 Proposed Temporary Animal Boarding Establishment for a Period of 3
Years in “Recreation” and “Agriculture” Zones, Lots 1313 RP (Part)
and 1315 RP in D.D. 39, Wo Hang
(RNTPC Paper No. A/NE-LK/113B)

32. The Committee noted that a replacement page (page 6 of the Paper) for rectifying an editorial error in the paragraph 9.1.4(b) of the Paper was tabled for Members’ reference.

Presentation and Question Sessions

33. 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 animal boarding establishment for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural development point of view as the site possessed potential for agricultural rehabilitation. The District Officer (North), Home Affairs Department conveyed that the incumbent North District Council (NDC) member of the subject constituency and the Resident Representative (RR) of Shek Kiu Tau had no comment on the application, whereas the Chairman of Sha Tau Kok District Rural Committee, the Indigenous Inhabitant Representative and RR of Ma Tseuk Leng San Uk Ha objected to the application. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, six public comments were received, with two comments from a NDC member and the Chairman of Sheung Shui District Rural Committee indicating support for and no comment on the application respectively; and the remaining four comments from the Hong Kong Bird Watching Society and individuals raising objection to the application. Major views and objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD 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. Although the proposed use was not in line with the planning intentions of the “Recreation” and “Agriculture” zones and DAFC did not support the application, it was not entirely incompatible with the surrounding land uses which were mainly rural in character. Approval of the application on a temporary basis would not jeopardize the long-term planning intentions. Other concerned departments had no adverse comment on/no objection to the application and relevant approval conditions were recommended to minimize any possible nuisance or to address the technical requirements of concerned government departments. Regarding the adverse local views and public comments, the comments of government departments and planning assessments above were relevant.

34. Members had no question on the application.

Deliberation Session

35. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.12.2021, 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 10:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;

- (b) no broadcast equipment and dog whistle, as proposed by the applicant, is allowed to be used on the site during the planning approval period;
- (c) the provision of boundary fencing on the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.6.2019;
- (d) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.6.2019;
- (e) in relation to (d) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.9.2019;
- (f) the submission of sewerage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.6.2019;
- (g) in relation to (f) above, the provision of sewerage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.9.2019;
- (h) the submission of landscape and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.6.2019;
- (i) in relation to (h) above, the implementation of landscape and tree preservation proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.9.2019;
- (j) 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 7.6.2019;

- (k) in relation to (j) 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 7.9.2019;
- (l) 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 7.6.2019;
- (m) in relation to (l) above, the implementation of traffic management measures within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 7.9.2019;
- (n) the submission of run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 7.6.2019;
- (o) in relation to (n) above, the implementation of run-in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 7.9.2019;
- (p) the submission of a noise mitigation plan within 6 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the TPB by 7.6.2019;
- (q) in relation to (p) above, the implementation of noise mitigation plan within 9 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the TPB by 7.9.2019;
- (r) 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;

- (s) if any of the above planning conditions (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p) or (q) 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
- (t) upon expiry of the planning permission, the reinstatement of the northeastern and northwestern portions of the site to an amenity area to the satisfaction of Director of Planning or of the TPB.”

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

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

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/604 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 176 in D.D. 79, Ping Yeung Village, Ta Kwu
Ling
(RNTPC Paper No. A/NE-TKL/604)

Presentation and Question Sessions

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

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

- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural point of view as the site possessed potential for agricultural rehabilitation. The Commissioner for Transport had reservation on the application but considered the application involving construction of one Small House could be tolerated. The District Officer (North), Home Affairs Department conveyed that the incumbent North District Council (NDC) member of the subject constituency had no comment on the application, while one of the four Indigenous Inhabitant Representatives of Ping Yeung objected to the application. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, six public comments were received, with two comments from a NDC member and the Chairman of Sheung Shui District Rural Committee indicating no comment on the application, and the remaining four comments from Designing Hong Kong Limited, the Hong Kong Bird Watching Society, a villager and an individual raising objection to the application. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. Although the proposed development was not in line with the planning intention of the “Agriculture” zone and DAFC did not support the application, the proposed development was not entirely incompatible with the surrounding rural landscape predominated by domestic structures and fallow agricultural land. 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 Ping Yeung Village and land available within the “Village Type Development” zone was insufficient to fully meet the future Small House demand, it was capable to meet the 71 outstanding Small House

applications. Notwithstanding the above, the proposed development was located in close proximity to existing and approved Small Houses forming new village clusters in the locality. The planning circumstances of the subject application were similar to five similar approved applications in close vicinity of the site, i.e. A/NE-TKL/543 to 546 and 599, which were approved between 2016 and 2018. Regarding the adverse local views and public comments, comments of concerned departments and the planning assessments above were relevant.

38. Members had no question on the application.

Deliberation Session

39. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.12.2022, 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 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.”

40. The Committee also agreed to advise the applicant 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-LT/656 Proposed House (New Territories Exempted House - Small House) and Filling of Land in “Agriculture” Zone, Lots 623 S.A and 623 S.B in D.D. 8, Ma Po Mei, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/656)

Presentation and Question Sessions

41. 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 9 and Appendix V of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural development point of view as the site possessed potential for agricultural rehabilitation and there were active agricultural activity in the vicinity. The Commissioner for Transport had reservation on the application but considered the application involving construction of one 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 as the potential impact to the adjacent vegetation and surrounding landscape resources could not be ascertained and approval of the application would further attract similar developments in the “Agriculture” (“AGR”) zone and the cumulative effect would result in degradation of the landscape character. The Head of Geotechnical Engineering Office, Civil Engineering and Development Department

objected to the application unless the applicant was prepared to undertake a Natural Terrain Hazard Study and provided the necessary mitigation measures. 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, three public comments were received from Designing Hong Kong Limited, the Hong Kong Bird Watching Society and an individual raising objection to the application. 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 “AGR” zone and DAFC did not support the application. CTP/UD&L, PlanD also had reservation on the application from landscape planning point of view. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories (the Interim Criteria), although more than 50% of the footprint of the proposed Small House fell within the village ‘environs’ of Ma Po Mei and the proposed development within water gathering grounds would be able to be connected to public sewage system, there was sufficient land within the “Village Type Development” (“V”) zone of Ma Po Mei and Tai Mong Che to meet the outstanding Small House applications. It was more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructures and services. Regarding the adverse public comments, the comments of government departments and the planning assessments above were relevant.

42. In response to a Member's enquiry, Mr Tony Y.C. Wu, STP/STN, explained that the similar application (No. A/NE-LT/268) to the immediate south of the site was approved on 7.12.2001 mainly for being in compliance with the then Interim Criteria in that there was a general shortage of land to meet the Small House demand in the “V” zone of the concerned

village at the time of consideration. Despite the proposed Small House under application No. A/NE-LT/268 was not able to be connected to the sewerage system in the area, there was no criterion on the requirement for connection to existing or planned sewerage system in the Interim Criteria prevalent at that time. The said application had already lapsed and the District Lands Officer/Tai Po, Lands Department advised that no application for Small House grant at that site was received.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that there is no information in the submission to demonstrate that the proposed development would not have adverse geotechnical impact on the surrounding area; and
- (c) land is still available within the “Village Type Development” (“V”) zone of Ma Po Mei and Tai Mong Che which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small Houses within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.”

Agenda Item 13

Section 16 Application

[Open Meeting]

A/NE-LT/657 Proposed House (New Territories Exempted House) in “Agriculture”
Zone, Lot 208 in D.D. 18, Lung A Pai, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/657)

44. The Committee noted that the applicant requested on 30.11.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information in support of the application. It was the first time that the applicant requested deferment of the application.

45. 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 14

Section 16 Application

[Open Meeting]

A/NE-TK/649 Proposed Public Utility Installation (Solar Energy System) in
“Agriculture” Zone, Lot 646 S.A in D.D. 23, Po Sam Pai Village,
Shuen Wan, Tai Po

(RNTPC Paper No. A/NE-TK/649A)

46. The Committee noted that the applicant requested on 29.11.2018 deferment of the consideration of the application for one month in order to allow time to prepare further information to address departmental comments. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information providing responses to departmental 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 one month was allowed for preparation of the submission of the further information. Since it was the second deferment and a total of three 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-TK/656 Renewal of Planning Approval for Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years in “Village Type Development” Zone, Government Land adjoining Lot 818 in D.D. 28, 74 Tai Mei Tuk Village, Tai Po
(RNTPC Paper No. A/NE-TK/656)

Presentation and Question Sessions

48. 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 renewal of planning approval for temporary eating place (outside seating accommodation of a restaurant) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD 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. Although the applied use was not in line with the planning intention of the “Village Type Development” (“V”) zone, there was no Small House application at the site at present and approval of the application on a temporary basis would not frustrate the long-term planning intention nor adversely affect the land

availability in the “V” zone. The applied use was small in scale and not incompatible with the surrounding. The application was in line with the Town Planning Board Guidelines No. 34B in that there had been no material change in planning circumstances since the previous planning approval; all approval conditions under the previous approval had been complied with; and the three-year approval period sought was of the same timeframe as the previous approval. The applied use was also generally in line with the Town Planning Board Guidelines No. 15A in that it would not have any adverse impacts on traffic, drainage, sewage disposal or fire safety aspects. Previous applications for the same use at the site and similar applications for eating place use within the same “V” zone had been approved by the Committee. Approval of the current renewal application was in line with the Committee’s previous decisions.

49. Members had no question on the application.

Deliberation Session

50. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years, and be renewed from 19.12.2018 until 18.12.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 10:00 p.m. and 12:00 noon, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) maintenance of existing drainage facilities on the site at all times during the planning approval period;
- (c) the provision of fire service installations within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.6.2019;

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

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

Agenda Item 16

Section 16 Application

[Open Meeting]

A/TP/660 Redevelopment of House (New Territories Exempted House) in “Green Belt” and “Village Type Development” Zones, Lot 841 in D.D. 26, Wong Yue Tan, Tai Po
(RNTPC Paper No. A/TP/660)

52. The Secretary reported that the application was withdrawn by the applicant.

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

Fanling, Sheung Shui and Yuen Long East District

Agenda Item 17

Section 16 Application

[Open Meeting]

A/KTN/55

Proposed Minor Relaxation of Maximum Plot Ratio and/or Building Height Restrictions for Permitted Residential Development in “Residential (Group B)” Zone, Lots 78 RP (Part), 79 (Part), 80 (Part), 81 (Part), 83 (Part), 176 (Part), 177, 178 (Part), 181 (Part), 182, 183, 186, 188, 193, 194 S.A, 196 RP, 199 S.A, 806 (Part), 825 (Part), 826, 827 (Part), 831 S.A (Part), 831 S.B (Part), 841 (Part), 856 (Part), 858 RP (Part), 861 (Part), 865, 866 RP (Part), 867, 868 RP (Part), 869 (Part), 870 (Part), 871 (Part), 872 (Part), 873 (Part), 889 (Part), 1009 (Part), 1010 (Part), 1011 (Part), 1012 (Part), 1013 (Part), 1014 (Part) and 1015 (Part) in D.D. 95 and Adjoining Government Land, Kwu Tung North

(RNTPC Paper No. A/KTN/55)

53. The Secretary reported that the application site was located in the Kwu Tung North area and the application was submitted by Hilder Company Ltd., which was a subsidiary of CK Hutchison Holdings Ltd. (CKHH), with Westwood Hong & Associates Ltd. (WHA) and Mott Macdonald Hong Kong Ltd. (Mott) as two of the consultants of the applicant. The following Members had declared interests on the item :

- | | |
|---------------------|---|
| Mr Ivan C.S. Fu | - having current business dealings with CKHH, WHA and Mott; |
| Mr K.K. Cheung | - his firm having current business dealings with CKHH; |
| Mr Stephen L.H. Liu | - having past business dealings with CKHH; and |
| Dr C.H. Hau | - owning a property in Kwu Tung North. |

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

55. The Committee noted that the applicant's representative requested on 23.11.2018 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.

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

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the social welfare facility (drug rehabilitation centre (DRC));
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Commissioner for Narcotics, Security Bureau and the Director of Social Welfare (DSW) had no objection to the application from the anti-drug policy and service perspectives. DSW advised that since the existing DRC at the site had been in operation before the commencement of the Drug Dependent Persons Treatment and Rehabilitation Centres (Licensing) Ordinance (Cap. 566) on 1.4.2002, but had not yet fully met the licensing requirements, a Certificate of Exemption had been granted by his department since 24.12.2002, which would be subject to renewal. The District Lands Officer/Yuen Long, Lands Department advised that a Short Term Tenancy for the DRC use at the site had been granted since 17.9.2009. The District Officer (North), Home Affairs Department conveyed that the Chairman of the Sheung Shui District Rural Committee (SSDRC), the North District Council (NDC) member of the subject constituency and the Chairman of the New Territories Kwu Tung Kei Lun Village Neighbourhood Welfare Association raised strong objection to the application. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication periods, a total of 26 public comments were received, including 13 supportive comments from individuals, 3 comments from individuals indicating no comment on the application, and 10 objecting comments from NDC member of the subject consistency, SSDRC and individuals. Major views and objection

grounds were set out in paragraph 10 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The application involved redeveloping the existing DRC at the site into a new DRC with 20 beds. Although the applied use 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 from nature conservation point of view. The use and the scale of the proposed redevelopment were not incompatible with the surrounding areas. It was envisaged that the proposed development would not cause adverse impacts on the surrounding areas and concerned departments had no objection to or no adverse comment on the application. Three previous planning applications (No. A/NE-KTS/154, 254 and 282) for the same use had been approved by the Committee. Approval of the current application was in line with the Committee's previous decisions. Regarding the adverse local views and public comments, the comments of government departments and planning assessments above were relevant. Regarding the concerns on public order, security and alternative site, the applicant had clarified that the residents of DRC would not be allowed to leave without permission and there was difficulty in finding alternative sites. Moreover, the operation of DRC would be subject to satisfying the licensing requirements of the Social Welfare Department (SWD).

58. Some Members raised the following points / questions:

- (a) further elaboration on the management of DRC and whether there were any actual complaints/reports on public order/security problems arising from the existing DRC;
- (b) elaboration on the existing land uses in the vicinity of the site; and
- (c) the number of residents currently living in the locality.

59. Ms S.H. Lam, STP/FSYLE, made the following responses:

- (a) the facilities of the existing DRC were dilapidated. As the existing toilet of the DRC was in poor condition, residents would use the nearby public toilet. Upon redevelopment, the DRC would be an enclosed rehabilitation centre with boundary fencing and new facilities and equipment. As advised by SWD, it was expected that the redeveloped DRC would become more self-contained, thereby reducing the need for using public facilities in the locality. Regarding the public allegations on nuisance and public order and security problems, the Commissioner for Police had no comment on the application.
- (b) the surrounding areas of the site were predominately rural in character with natural hillslopes to the north and west, and scattered domestic structures, stores, storage and fallow agricultural/vacant land to the further east and south. There was a public toilet to its immediate east and the New Territories Kwu Tung Kei Lun Village Neighbourhood Welfare Association was located to its south across a village road; and
- (c) while information regarding the number of residents living in the vicinity of the site was not readily in hand, it was noted that the domestic structures nearby were mainly of 1 to 2 storeys and not many residents were observed during the site visit conducted by PlanD.

Deliberation Session

60. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.12.2022, 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;

- (b) the submission and implementation of tree preservation and landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (c) the submission and implementation of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB.”

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

Agenda Item 19

Section 16 Application

[Open Meeting]

A/YL-PH/793 Proposed Temporary Eating Place (Restaurant with Ancillary Outside Seating Accommodation) for a Period of 3 Years in “Residential (Group D)” Zone, Lot 73 S.B RP (Part) in D.D. 108, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/793)

62. The Committee noted that the applicant’s representative requested on 29.11.2018 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.

63. 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 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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/244A)

Presentation and Question Sessions

64. 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 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 Director of Agriculture, Fisheries and Conservation (DAFC) had no strong view on the application from agricultural point of view noting that crops would be grown on the site. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments objecting to the application were received from individuals.

Major objection grounds were set out in paragraph 10 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments set out in paragraph 11 of the Paper. According to the applicant, about 56% of the site would be farmland and the remaining areas would be soil/sand ground and landscaped area. The proposed use was generally not in conflict with the planning intention of the “Agriculture” (“AGR”) zone and DAFC had no strong view on the application. Approval of the application on a temporary basis would not frustrate the long-term planning intention. The proposed use was not incompatible with the surrounding areas which were rural in character with residential structures/dwellings, cultivated agricultural land, construction sites and vacant/unused land. The proposed use would unlikely cause adverse environmental, traffic, landscape or drainage impacts. Relevant approval conditions had been recommended to address the concerns or technical requirements of other government departments and to minimise any possible environmental nuisance. A similar application for hobby farm use within the same “AGR” zone had been approved by the Committee. Approval of the current application was in line with the Committee's previous decision. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

65. Members had no question on the application.

Deliberation Session

66. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.12.2021, 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. to 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;

- (b) no public announcement system, portable loudspeaker or any form of audio amplification system is allowed to be used on the site at any time during the planning approval period;
- (c) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the submission of a modification work proposal of the existing public footpath and associated street furniture at the proposed entrance of the site within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport and the Director of Highways or of the TPB by 7.6.2019;
- (f) in relation to (e) above, the implementation of the modification work proposal of the existing public footpath and associated street furniture at the proposed entrance of the site within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport and the Director of Highways or of the TPB by 7.9.2019;
- (g) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.6.2019;
- (h) in relation to (g) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.9.2019;
- (i) the submission of drainage proposal within 6 months from the date of

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

- (j) in relation to (i) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.9.2019;
- (k) in relation to (j) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (l) the submission of fire service installation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.6.2019;
- (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 7.9.2019;
- (n) if any of the above planning conditions (a), (b), (c), (d) or (k) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (o) if any of the above planning conditions (e), (f), (g), (h), (i), (j), (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;
- (p) 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; and
- (q) upon the expiry of the planning permission, the reinstatement of the existing public footpath and associated street furniture at the proposed

entrance of the Site, at the applicant's own cost, to the satisfaction of the Commissioner for Transport and the Director of Highways or of the TPB.”

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

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/375 Proposed Temporary Shop and Services (Metalware Shop) for a Period of 3 Years in “Residential (Group C)” Zone, Lots 1766 RP and 1767 RP (Part) in D.D. 105 and adjoining Government Land, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/375)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary shop and services (metalware shop) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments set out in paragraph 11 of the Paper. Although the proposed use was not in line with the planning intention of the “Residential (Group C)” (“R(C)”) zone, it could provide services to the nearby residents. There was no immediate development proposal for the site and approval of the application on a temporary basis would not frustrate the long-term planning intention of the “R(C)” zone. The proposed use was not incompatible with the surrounding uses. Concerned departments had no objection to or no adverse comment on the application. Relevant approval conditions had been recommended to mitigate any potential environmental impact or to address the technical requirements of concerned government departments. A similar application for temporary shop and services (sales of building materials) within the same “R(C)” zone had been approved by the Committee. Approval of the current application was in line with the Committee's previous decision.

69. Members had no question on the application.

Deliberation Session

70. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.12.2021, 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) only private cars and light goods vehicles not exceeding 5.5 tonnes as defined in the Road Traffic Ordinance are allowed to access the site at any time 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 maintenance of paving and boundary fencing on the site at all times during the planning approval period;
- (e) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.6.2019;
- (f) in relation to (e) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.9.2019;
- (g) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.6.2019;
- (h) in relation to (g) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.9.2019;
- (i) the submission of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.6.2019;
- (j) in relation to (i) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.9.2019;
- (k) if any of the above planning condition (a), (b), (c) or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (l) if any of the above planning conditions (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.”

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

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

Tuen Mun and Yuen Long West District

Agenda Item 22

Section 16 Application

[Open Meeting]

A/YL-PN/55 Temporary Animal Boarding Establishment for a Period of 3 Years in “Agriculture” Zone and an area shown as ‘Road’, Government Land in D.D. 135, Sheung Pak Nai, Yuen Long
(RNTPC Paper No. A/YL-PN/55A)

72. The Committee noted that the applicant’s representative requested on 22.11.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address further comments of the Environmental Protection Department. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information providing responses to departmental comments.

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

consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of 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 Simon P.H. Chan, Senior Town Planner/Tuen Mun and Yuen Long West (STP/TMYLW), and Ms Floria Y.T. Tsang, Town Planner/Tuen Mun and Yuen Long West (TP/TMYLW), were invited to the meeting at this point.]

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/108 Temporary Logistics Centre for a Period of 3 Years in "Open Space", "Residential (Group B) 1" and "Residential (Group B) 2" Zones, Lots 2999 (Part), 3000 RP (Part), 3010 RP (Part), 3011 RP, 3012 RP (Part), 3035 RP (Part), 3038 RP (Part), 3041 RP, 3042 RP, 3043 (Part), 3044 (Part), 3045 RP, 3046 RP (Part), 3047 RP, 3050 RP (Part), 3051 (Part), 3053 (Part), 3055 (Part), 3056 S.A (Part), 3056 S.B (Part), 3058 (Part), 3062 (Part), 3063 (Part), 3064, 3065, 3066 (Part), 3067, 3068, 3069, 3070, 3071, 3072 (Part), 3073 S.A (Part), 3074, 3076, 3077 (Part), 3078 (Part), 3105 (Part), 3106, 3107, 3108 (Part), 3109, 3110, 3111 RP (Part), 3112 RP (Part), 3113, 3134 RP (Part) and 3135 (Part) in D.D. 129 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/HSK/108)

Presentation and Question Sessions

74. 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 for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Whilst the applied use was not in line with the planning intentions of the “Residential (Group B)1” (“R(B)1”), “Residential (Group B)2” (“R(B)2”) and “Open Space” (“O”) zones, the implementation programme for this part of the Hung Shui Kiu New Development Area (HSK NDA) was still being formulated, and the Director of Leisure and Cultural Services and the Project Manager (New Territories West), Civil Engineering and Development Department had no objection to the temporary use of the site for three years. Approval of the application on a temporary basis would not jeopardize the long-term development of the site. The applied use was not incompatible with the surrounding uses predominated by open storage/storage yards, logistics centres and warehouses. Although DEP did not support the application, there was no substantiated 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 logistics centre and open storage uses at the site and similar applications within areas covered by the same “R(B)1”, “R(B)2” and “O” zones had been approved by the Committee. Approval of the current application was in line with the Committee’s previous decisions.

75. Members had no question on the application.

Deliberation Session

76. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.12.2021, 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 Sundays or public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no repairing, recycling, cleansing, dismantling and workshop activity, as proposed by the applicant, is allowed on the site during the planning approval period;
- (d) no vehicle is allowed queue back to or reverse onto/from the public road at any time during the planning approval period;
- (e) the existing fencing on the site shall be maintained at all times during the planning approval period;

- (f) the submission of a revised drainage proposal within 6 months to the satisfaction of the Director of Drainage Services or of the TPB by 7.6.2019;
- (g) in relation to (f) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.9.2019;
- (h) in relation to (g) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (i) the submission of a tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.6.2019;
- (j) in relations to (i) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.9.2019;
- (k) the submission of a fire service installations proposal within 6 months to the satisfaction of the Director of Fire Services or of the TPB by 7.6.2019;
- (l) in relation to (k) above, the implementation of the fire service installations proposal within 9 months to the satisfaction of the Director of Fire Services or of the TPB by 7.9.2019;
- (m) 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; and
- (n) if any of the above planning conditions (f), (g), (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/110 Proposed Temporary Logistics Centre and Warehouse for a Period of 3 Years in “Open Space”, “Other Specified Uses” annotated “Parking and Operational Facilities for Environmentally Friendly Transport Services” and “Other Specified Uses” annotated “Port Back-up, Storage and Workshop Uses” Zones and an area shown as ‘Road’, Lots 19, 42 (Part), 44 S.B (Part), 50 (Part), 51 (Part), 146 (Part), 147 (Part), 148 (Part), 167 (Part), 168 (Part), 169 (Part), 171 (Part), 172 (Part), 173 (Part), 174, 175 (Part), 176 (Part), 177, 178, 179, 180 S.A, 180 S.B, 181 (Part), 182, 183 (Part), 184 (Part), 257 (Part) and 258 (Part) in D.D. 125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/HSK/110)

Presentation and Question Sessions

78. 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 proposed temporary logistics centre and warehouse for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of

residential use 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) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Whilst the applied use was not in line with the planning intentions of the “Open Space” (“O”) and “Other Specified Uses” annotated “Parking and Operational Facilities for Environmentally Friendly Transport Services” (“OU(POFEFTS)”) zones, the implementation programme for this part of the Hung Shui Kiu New Development Area (HSK NDA) was still being formulated, and the Director of Leisure and Cultural Services and the Project Manager (New Territories West), Civil Engineering and Development Department had no objection to the temporary use of the site for three years. Approval of the application on a temporary basis would not jeopardize the long-term development of the site. The applied use was not incompatible with the surrounding uses predominated by open storage yards, logistics centres and warehouses. Although DEP did not support the application, there was no substantiated 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. While the site fell within Category 4 areas under the Town Planning Board Guidelines No. 13E with the intention to encourage the phasing out of non-conforming uses, it should be noted that the planning circumstances of the area had been changed and part of the site was now intended for port back-up, storage and workshop uses. A previous application for open storage use at the site and similar applications for various types of storage use within areas covered by the same “O”, “OU(POFEFTS)” and “Other Specified Uses” annotated “Port Back-up, Storage and Workshop Uses” zones had

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

79. A Member enquired whether the construction of the proposed road traversing the site was in progress noting that 'works in progress (site formation)' was annotated on Plan A-2 of the Paper. Mr Simon P.H. Chan, STP/TMYLW, replied that the construction of the proposed road would be carried out under the HSK NDA development. With reference to the site photos on Plan A-4a of the Paper, he explained that the annotation of 'works in progress (site formation)' was referring to the current condition of the site.

Deliberation Session

80. In response to a Member's observation, the Chairman remarked that, in general, DEP might raise adverse comment on applications involving sensitive receivers/uses, such as residential use, in the vicinity of the sites in view of the potential environmental nuisances generated by the proposed uses. Generally speaking, the past records of environmental complaints pertaining to the site, among other things, would be taken into consideration in assessing whether an application would warrant sympathetic consideration.

81. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.12.2021, 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 and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no material is allowed to be stored/dumped within 1m of any tree on the site at any time 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 drainage proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.6.2019;
- (f) in relations to (e) above, the implementation of the proposed drainage proposal for the development within 9 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.9.2019;
- (g) in relations to (f) above, the implemented drainage facilities on site shall be maintained at all times during the planning approval period;
- (h) the submission of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.6.2019;
- (i) in relations to (h) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.9.2019;
- (j) the submission of fire service installations proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.6.2019;
- (k) in relation to (j) above, the implementation of the fire service 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 7.9.2019;
- (l) if any of the above planning conditions (a), (b), (c), (d), or (g) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and

- (m) if any of the above planning conditions (e), (f), (h), (i), (j) or (k) 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.”

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

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/111 Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Village Type Development” Zone, Lot 1149 (Part) in D.D. 125, Tseung Kong Wai, Ha Tsuen, Yuen Long (RNTPC Paper No. A/HSK/111)

83. The Committee noted that three replacement pages (pages 9 to 11 of the Paper) reflecting the addition of an approval condition (paragraph 12.2(b)) and corresponding revisions to the other approval conditions were dispatched to Members before the meeting.

Presentation and Question Sessions

84. 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 proposed 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) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments set out in paragraph 11 of the Paper. Although the proposed use was not entirely in line with the planning intention of the “Village Type Development” (“V”) zone, there was no Small House application at the site at present and it could provide commercial use to serve any such demand in the area. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “V” zone. The proposed use was small in scale and not incompatible with the surrounding area which was predominantly residential in nature. It was not expected to create any significant adverse impact on the surroundings areas. Relevant approval conditions had been recommended to address the technical requirements of concerned government departments. A previous application and 11 similar applications for temporary shop and services (real estate agency) use within the same “V” zone had been approved by the Committee. Approval of the current application was in line with the Committee's previous decisions.

85. Members had no question on the application.

Deliberation Session

86. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.12.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 8:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;

- (b) the submission of a condition record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.3.2019;
- (c) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) the existing trees and landscape planting on the site shall be maintained at all times during the planning approval period;
- (e) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.6.2019;
- (f) in relation to (e) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.9.2019;
- (g) if any of the above planning conditions (a), (c) or (d) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (h) if any of the above planning conditions (b), (e) or (f) 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.”

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

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/926 Temporary Warehouse for Storage of Construction Material and Furniture for a Period of 3 Years in “Undetermined” Zone, Lots 1250 (Part), 1256 (Part), 1259 (Part), 1260, 1261 (Part) and 1267 (Part) in D.D.119, Pak Sha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/926)

88. The Committee noted that two replacement pages (page 6 of the Main Paper and page 1 of Appendix IV) rectifying the comments of the District Lands Officer/Yuen Long, Lands Department were dispatched to Members before the meeting.

Presentation and Question Sessions

89. Ms Floria Y.T. Tsang, TP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary warehouse for storage of construction material and furniture for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application 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” zone and was not incompatible with the surrounding uses. Whilst the site fell within an area zoned “Residential – Zone 2 (Subsidized Sale Flats with Commercial)”, “Amenity” and an area shown as ‘Road’ on the Recommended Outline Development Plan of Yuen Long South, the Chief Engineer/Cross-boundary Infrastructure and Development, PlanD and the Project Manager (New Territories West), Civil Engineering and Development Department had no objection to the application and approval on a temporary basis would not jeopardize the long-term development of the area. However, the site was subject to three previously revoked planning permissions (No. A/YL-TYST/583, 691 and 719) due to non-compliance with approval conditions and the approval conditions requiring implementation of drainage and fire service installations proposals under the last previous application (No. A/YL-TYST/798) had yet to be complied with since granting of planning permission in 2016. Despite that the applicant of the current application was different, the site condition and proposed site layout were almost the same as those under the previous permissions. Given the above background and that the applicant had not demonstrated that he would implement the said proposals if the current application was approved, it was doubtful that the potential drainage impact and fire risks could be duly addressed by imposing approval conditions. Approval of the application with repeated non-compliances would set an undesirable precedent for other similar applications, thus nullifying statutory planning control.

90. Members had no question on the application.

Deliberation Session

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

“three previous planning permissions granted on the site by the Town Planning Board were revoked due to non-compliance of the approval conditions and the approval conditions requiring implementation of drainage and fire service

installations proposals under the last previous application are yet to be complied with since granting of planning permission by the Town Planning Board. Approval of the application with repeated non-compliances with approval conditions would set an undesirable precedent for other similar applications, thus nullifying the statutory planning control mechanism.”

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/927 Proposed Temporary Warehouse for Storage of Construction Materials for a Period of 3 Years in “Undetermined” Zone, Lot 864 S.A&S.B (Part) in D.D. 119, Yuen Long
(RNTPC Paper No. A/YL-TYST/927)

Presentation and Question Sessions

92. Ms Floria Y.T. Tsang, TP/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) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the

temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. The proposed use was not in conflict with the planning intention of the “Undetermined” (“U”) zone and was not incompatible with the surrounding uses predominated by warehouses intermixed with open storage/storage yards. Whilst the site fell within an area zoned “Other Specified Uses” annotated “Hillside River Corridor with Scenic Cycle Track” on the Recommended Outline Development Plan of Yuen Long South, the Chief Engineer/Cross-boundary Infrastructure and Development, PlanD and the Project Manager (New Territories West), Civil Engineering and Development Department had no objection to the application. Approval on a temporary basis would not jeopardize the long-term development of the area. Relevant approval conditions had been recommended to address the concerns on the possible environmental nuisance or the technical requirements of other concerned government departments. Similar applications for warehouse use had been approved in this part of the “U” zone. Approval of the current application was in line with the Committee’s previous decisions.

93. Members had no question on the application.

Deliberation Session

94. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.12.2021, 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, are allowed on the site at any time during the planning approval period;

- (d) no open storage activities, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (e) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) the submission of a revised drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.6.2019;
- (h) in relation to (g) above, the implementation of the revised drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.9.2019;
- (i) in relation to (h) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (j) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.6.2019;
- (k) in relation to (j) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.9.2019;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f) 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; and

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

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

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/928 Temporary Warehouse for Storage of Construction Materials for a Period of 3 Years in “Undetermined” Zone, Lots 784 S.A, S.B & S.C (Part) and 785 (Part) in D.D.119, Pak Sha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/928)

Presentation and Question Sessions

96. Ms Floria Y.T. Tsang, TP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary warehouse for storage of 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) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. The proposed use was not in conflict with the planning intention of the “Undetermined” (“U”) zone and was not incompatible with the surrounding uses predominated by warehouses intermixed with open storage/storage yards, parking of vehicles and workshops. Whilst the site fell within an area zoned “Amenity” and “Residential – Zone 2 (Subsidized Sale Flats with Commercial)” on the Recommended Outline Development Plan of Yuen Long South, the Chief Engineer/Cross-boundary Infrastructure and Development, PlanD and the Project Manager (New Territories West), Civil Engineering and Development Department had no objection to the application. Approval on a temporary basis would not jeopardize the long-term development of the area. Relevant approval conditions had been recommended to address the concerns on the possible environmental nuisance or the technical requirements of other concerned government departments. A previous application at the site and similar applications for warehouse use in this part of the “U” zone had been approved. Approval of the current application was in line with the Committee’s previous decisions.

97. Members had no question on the application.

Deliberation Session

98. Members noted that the previous planning permission (No. A/YL-TYST/765) granted to the site for the same applied use had expired on 4.12.2018 and that the current application was a fresh application, instead of renewal of the previous approval.

99. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.12.2021, 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 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no repairing, dismantling, cleaning or other workshop activities, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (d) no open storage activities, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (e) no storage or handling (including loading and unloading) of electrical appliances, computer/ electronic parts (including cathode-ray tubes) or any other types of electronic waste, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (f) 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;
- (g) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (h) all existing trees and landscape plantings within the site shall be maintained at all times during the planning approval period;
- (i) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;

- (j) the submission of a condition record of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.3.2019;
- (k) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.6.2019;
- (l) in relation to (k) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.9.2019;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) 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; and
- (n) if any of the above planning conditions (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.”

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

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/929 Renewal of Planning Approval for Temporary “Retail Shop for Hardware Groceries” for a Period of 3 Years in “Residential (Group B) 1” Zone, Lot 1375 RP (Part) in D.D. 121 and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/929)

Presentation and Question Sessions

101. Ms Floria Y.T. Tsang, TP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the renewal of planning approval for temporary retail shop for hardware groceries 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) indicated that environmental nuisances were expected should the applied use involve workshop activities and use of heavy vehicles. 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 was received from the Jasper Court Owner’s Committee raising objection to the application. Major objection grounds were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments set out in paragraph 11 of the Paper. Although the applied use was not in line with the planning intention of the “Residential (Group B)” (“R(B)”) zone, there was currently no known programme for long-term development on the site. Approval of the application on a temporary basis would not frustrate the planning intention of the “R(B)” zone. The proposed use was small in scale and not entirely incompatible with the surrounding uses. The application was generally in line with the Town Planning Board Guidelines No. 34B in that there had been no material change in planning circumstances since the granting of the previous

approval; all approval conditions under the previous approval had been complied with; and the three-year approval period sought was of the same timeframe as the previous approval. Despite DEP's concerns, the applicant confirmed that the applied use was for retail purpose, only light goods vehicles would be used and there would be no workshop activities at the site. Relevant approval conditions had been recommended to minimize any possible nuisance or to address the technical requirements of concerned government departments. Previous applications for the same use at the site had been approved since 2003. Approval of the renewal application was in line with the Committee's previous decisions. Regarding the adverse public comment, the comments of government departments and planning assessments above were relevant. As for the local concerns on operation hours, workshop and loading/unloading activities and fire safety in relation to storage of dangerous goods, relevant approval conditions were recommended and a licence granted under the Dangerous Goods Ordinance would be required for storage of dangerous goods in excess of the exempted quantity.

102. Members had no question on the application.

Deliberation Session

103. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 19.12.2018 to 18.12.2021, 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 8:30 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no metal cutting or other workshop activities, as proposed by the applicant,

is allowed to be carried out on the site at any time during the planning approval period;

- (d) no parking and loading/unloading activities, as proposed by the applicant are allowed to be carried out on the site at any time during the planning approval period;
- (e) only light goods vehicles not exceeding 5.5 tonnes, as defined in the Road Traffic Ordinance is allowed for loading/unloading activities to be carried out along Tong Yan San Tsuen Road, as proposed by the applicant, at any time during the planning approval period;
- (f) no loading/unloading activities are allowed to be carried out along Ma Fung Ling Road, as proposed by the applicant, 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 provision of boundary fence on the site 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 19.6.2019;
- (i) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (j) the submission of a condition record of the existing drainage facilities on the site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.3.2019;
- (k) the implementation of the accepted fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB

by 19.6.2019;

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

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

Agenda Item 30

Section 16 Application

[Open Meeting]

A/YL-TYST/930 Proposed Temporary Public Vehicle Park for Private Car for a Period of 3 Years in “Residential (Group B) 2” Zone, Lot 294 S.C RP in D.D. 127, Hung Shui Kiu, Yuen Long
(RNTPC Paper No. A/YL-TYST/930)

105. The Committee noted that the applicant’s representative requested on 30.11.2018 deferment of the consideration of the application for two months in order to allow time to prepare further information to address comments from the Transport Department. It was the first time that the applicant requested deferment of the application.

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

could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

[The Chairman thanked Mr Simon P.H. Chan, STP/TMYLW, and Ms Floria Y.T. Tsang, TP/TMYLW, for their attendance to answer Members' enquiries. They left the meeting at this point.]

Agenda Item 31

Any Other Business

107. There being no other business, the meeting closed at 3:45 p.m..