

**TOWN PLANNING BOARD**

**Minutes of 624<sup>th</sup> Meeting of the  
Rural and New Town Planning Committee held at 2:30 p.m. on 12.4.2019**

**Present**

Director of Planning  
Mr Raymond K.W. Lee

Chairman

Mr Ivan C.S. Fu

Dr F.C. Chan

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr C.H. Hau

Dr Lawrence K.C. Li

Miss Winnie W.M. Ng

Mr K.W. Leung

Dr Jeanne C.Y. Ng

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 Terence S.W. Tsang

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

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

Secretary

**Absent with Apologies**

Mr H.W. Cheung

Vice-chairman

Mr David Y.T. Lui

Mr K.K. Cheung

Mr Stephen L.H. Liu

Mr L.T. Kwok

**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  
Mr Terence H.Y. Sit

**Agenda Item 1**

**Confirmation of the Draft Minutes of the 623<sup>rd</sup> RNTPC Meeting held on 22.3.2019**

[Open Meeting]

1. The draft minutes of the 623<sup>rd</sup> RNTPC meeting held on 22.3.2019 were confirmed without amendments.

**Agenda Item 2**

**Matters Arising**

[Open Meeting]

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

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

**Agenda Item 3**

**Section 12A Application**

[Open Meeting]

Y/NE-STK/1                      Application for Amendment to the Approved Sha Tau Kok Outline Zoning Plan No. S/NE-STK/2, To Rezone the Application Site from “Agriculture” and “Green Belt” to “Other Specified Uses” annotated “Columbarium”, Various Lots in D.D. 41 and Adjoining Government Land, Tong To, Sha Tau Kok  
(RNTPC Paper No. Y/NE-STK/1)

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3.                      The Secretary reported that the application was for rezoning the application site to “Other Specified Uses” annotated “Columbarium” use. Landes Limited (Landes) was one of the consultants of the applicant. The following Members had declared interests on this item:

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

4.                      The Committee noted that the applicant had requested deferment of consideration of the application and the Vice-chairman had tendered an apology for being unable to join the meeting. As Mr Ivan C.S. Fu had no involvement in the application, the Committee agreed that he could stay in the meeting.

5.                      The Committee noted that the applicant’s representative requested on 2.4.2019 deferment of consideration of the application for a period of two months so as to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

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

**Agenda Item 4**

**Section 12A Application**

[Open Meeting]

Y/YL-KTS/6

Application for Amendment to the Approved Kam Tin South Outline Zoning Plan No. S/YL-KTS/15, To Amend the Notes of the "Comprehensive Development Area" Zone on the Approved Kam Tin South Outline Zoning Plan No. S/YL-KTS/15, Lots 2160 RP and 547 RP (Part) in D.D. 106 and Adjoining Government Land, Kam Wui Road, Kam Tin South, Yuen Long  
(RNTPC Paper No. Y/YL-KTS/6)

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7. The Secretary reported that the application was submitted by Super Asset Development Limited, which was a subsidiary of Henderson Land Development Company Limited (HLD), with Mott MacDonald Hong Kong Ltd. (MMHK) and MVA Hong Kong Ltd. (MVA) as two of the consultants of the applicant. The following Members had declared interests on this item:

- Mr Ivan C.S. Fu - having current business dealings with HLD, MMHK and MVA;
- Mr Peter K.T. Yuen - being a member of the Board of Governors of the Hong Kong Arts Centre which had received a donation from an Executive Director of HLD before;
- Mr K.K. Cheung - his firm having current business dealings with HLD, the Hong Kong and China Gas Company Limited (which was a subsidiary of HLD) and MMHK;
- Dr C.H. Hau - being an employee of the University of Hong Kong which had received a donation from a family member of the Chairman of HLD before;
- Dr Lawrence K.C. Li - being the Deputy Chairman of the Council of the Hong Kong Polytechnic University which had obtained sponsorship from HLD before; and
- Mr Stephen L.H. Liu - having past business dealings with HLD.

8. The Committee noted that the applicant had requested deferment of consideration of the application and Messrs K.K. Cheung and Stephen L.H. Liu had tendered apologies for being unable to join the meeting, while Mr Peter K.T. Yuen and Dr C.H. Hau had not yet arrived to join the meeting. The Committee agreed that Mr Ivan C.S. Fu could stay in the meeting but should refrain from participating in the discussion as his interest was direct. As the interest of Dr Lawrence K.C. Li was indirect, the Committee agreed that he could stay in the meeting.

9. The Committee noted that the applicant's representative requested on 28.3.2019 deferment of consideration of the application for a period of two months so as to allow time

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

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

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

#### **Agenda Item 5**

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

[Open Meeting]

Y/TM/22

Application for Amendment to the Approved Tuen Mun Outline Zoning Plan No. S/TM/35, To Amend the Notes of the "Government, Institution or Community (1)" Zone on the Approved Tuen Mun Outline Zoning Plan No. S/TM/35, Lots 491 (Part), 492 (Part), 495 RP (Part), 498 RP, 500 (Part), 501 (Part), 502 RP (Part), 503 and 717 RP in D.D. 374 and Adjoining Government Land, So Kwun Wat, Tuen Mun (RNTPC Paper No. Y/TM/22)

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11. The Secretary reported that the application site was located in Tuen Mun and MVA Hong Kong Limited (MVA) was one of the consultants of the applicant. The following Members had declared interests on this item:

- Mr Ivan C.S. Fu - having current business dealings with MVA; and
- Dr Jeanne C.Y. Ng - co-owning with spouse a flat in Tuen Mun.

12. The Committee noted that the applicant had requested deferment of consideration of the application. As Mr Ivan C.S. Fu had no involvement in the application and the property of Dr Jeanne C.Y. Ng had no direct view of the application site, the Committee agreed that they could stay in the meeting.

13. The Committee noted that the applicant's representative requested on 26.3.2019 deferment of consideration of the application for a period of two months so as to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

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

[Mr William W.T. Wong, Senior Town Planner/Sai Kung and Islands (STP/SKIs), was invited to the meeting at this point.]



**Agenda Item 6**

**Section 16 Application**

[Open Meeting]

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

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

16. The Committee noted that the applicants had requested deferment of consideration of the application and Mr David Y.T Lui had tendered an apology for being unable to join the meeting.

17. The Committee noted that the applicants’ representative requested on 28.3.2019 deferment of consideration of the application for a period of two months so as to allow time to prepare further information to address departmental comments. It was the third time that the applicants requested deferment of the application. Since the last deferment, the applicants had submitted further information including revised floor plan, swept path analysis and photomontages in response to departmental comments.

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

unless under very special circumstances.

**Agenda Item 7**

**Section 16 Application**

[Open Meeting]

A/SK-CWBS/31      Proposed House with associated Excavation of Land in “Green Belt”  
Zone, Lot 264 in D.D. 233 and adjacent Government Land, Ha Yeung,  
Sai Kung, Clear Water Bay  
(RNTPC Paper No. A/SK-CWBS/31)

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

20.            The Committee noted that the applicant had requested deferment of consideration of the application and Mr David Y.T Lui had tendered an apology for being unable to join the meeting.

21.            The Committee noted that the applicant’s representative requested on 4.4.2019 deferment of consideration of the application for a period of one month so as to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

circumstances.

[Mr Peter K.T. Yuen and Dr C. H. Hau arrived to join the meeting at this point.]

### **Agenda Item 8**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-TLS/55            Proposed Public Utility Installation (Sewage Pumping Station and Underground Sewers) and Excavation of Land (1.5m to 12m in depth) in “Green Belt” Zone, Lots 586 (Part), 587 (Part), 588 (Part), 589, 590, 591 (Part), 592 (Part) and 593 (Part) in D.D. 253 and Adjoining Government Land, Tseng Lan Shue, Sai Kung  
(RNTPC Paper No. A/SK-TLS/55A)

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

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

Mr K.K. Cheung            -    his firm having current business dealings with B&V; and

Dr C.H. Hau                -    conducting contract research projects with DSD.

24.            The Committee noted that Mr K.K. Cheung had tendered an apology for being unable to join the meeting.    The Committee agreed that as the interest of Dr C.H. Hau was direct, he should leave the meeting temporarily for the item.

[Dr C.H. Hau left the meeting temporarily at this point.]

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

- (a) background to the application;
- (b) the proposed public utility installation (sewage pumping station and underground sewers) and excavation of land (1.5m to 12m in depth);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication periods, three public comments were received from the Kadoorie Farm & Botanic Garden and individuals raising concerns on / objecting to the application. Major views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed development was an essential facility to collect and convey sewage for treatment and disposal in the area. The application site was the only piece of vacant land suitable for the proposed sewage pumping station after site selection in that it was at lower level and was supported by the village representative. The Chief Town Planner/Urban Design and Landscape, PlanD had no comment from landscape planning perspective and advised that with mitigation measures, significant visual impact was not anticipated. The proposed development was generally in line with the Town Planning Board Guidelines No. 10. The proposed development was not anticipated to generate adverse traffic, drainage, water supply and environmental impacts on the surrounding areas. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

26. In response to a Member's enquiry, Mr William W.T. Wong, STP/SKIs, said that according to the applicant, the application site which was located at a lower level would allow the collection of sewage by gravity.

## Deliberation Session

27. 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 12.4.2023, 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.

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

[Dr C.H. Hau returned to the meeting at this point.]

## Agenda Item 9

### Section 16 Application

[Open Meeting]

A/SK-TLS/56 Proposed Minor Relaxation of Site Coverage and Building Height Restrictions for Permitted Residential Redevelopment in “Residential (Group C)1” Zone, Lot 1109 RP (Part) in D.D. 253, 8 Ka Shue Road, Sai Kung  
(RNTPC Paper No. A/SK-TLS/56)

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29. The Secretary reported that MVA Hong Kong Limited (MVA) was one of the consultants of the applicant. Mr Ivan C.S. Fu had declared an interest on this item as he was having current business dealings with MVA.

30. The Committee noted that the applicant had requested deferment of consideration of the application and agreed that as Mr Ivan C.S. Fu had no involvement in the application, he could stay in the meeting.

31. The Committee noted that the applicant’s representative requested on 4.4.2019 deferment of consideration of the application for a period of two months so as to allow time



Presentation and Question Sessions

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

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

34. The Committee noted that Messrs K.K. Cheung and Stephen L.H. Liu had tendered apologies for being unable to join the meeting. The Committee agreed that as the interest of Dr Jeanne C.Y. Ng was direct, she should leave the meeting temporarily for the item.

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

35. 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 public utility installation (electricity package substation (ESS));
- (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 based on the assessments set out in paragraph 11 of the Paper. The proposed development was generally in line with the Town Planning Board Guidelines No. 10. No tree felling would be involved. The proposed ESS was an essential public utility facility for the provision of adequate and reliable power supply to the existing villages and future developments in the vicinity. The proposed ESS would not cause adverse drainage, environmental and traffic impacts on the surrounding areas and adverse visual and landscape impacts were not anticipated. The proposed ESS was supported by the Village Representatives of Sai O Village and no public comment was received.

36. Members had no question on the application.

#### Deliberation Session

37. 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 12.4.2023, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition:

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

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

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



**Agenda Item 11**

**Section 16 Application**

[Open Meeting]

A/ST/969 Proposed Place of Recreation, Sports or Culture (Equine Experience Centre) in “Other Specified Uses” annotated “Race Course” Zone, Northwestern Part of Penfold Park, Sha Tin Racecourse, Sha Tin  
(RNTPC Paper No. A/ST/969)

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39. The Secretary reported that the application was submitted by the Hong Kong Jockey Club (HKJC) with Masterplan Limited (Masterplan), DLN Architects Limited (DLN) and MVA Hong Kong Limited (MVA) as three of the consultants of the applicant. The following Members have declared interests on this item:

- Dr Lawrence K.C. Li - being a voting member of the HKJC;
- Mr Ivan C.S. Fu - being an ordinary member of the HKJC; and having current business dealings with Masterplan and MVA;
- Mr Peter K.T. Yuen - being a full member of the HKJC and being a member of the Board of Governors of the Hong Kong Arts Centre which had received a donation from the HKJC before;
- Mr K.K. Cheung - being a full member of the HKJC and his firm having current business dealings with the HKJC;
- Dr C.H. Hau - applying for funding from the HKJC Charities Trust for his project;
- Mr Stephen L.H. Liu - being an ordinary member of the HKJC and having past business dealings with DLN;

Mr David Y.T. Lui	]	
	]	
Mr Philip S.L. Kan	]	being an ordinary member of the HKJC; and
	]	
Miss Winnie W.M. Ng	]	
Mr L.T. Kwok	-	HKJC Charities Trust sponsored some of his projects.

40. The Committee noted that the applicant had requested deferment of consideration of the application and Messrs K.K. Cheung, Stephen L.H. Liu, David Y.T. Lui and L.T. Kwok had tendered apologies for being unable to join the meeting, while Miss Winnie W.M. Ng had not yet arrived to join the meeting. The Committee agreed that Dr Lawrence K.C. Li could stay in the meeting but should refrain from participating in the discussion as his interest was direct. According to the Procedure and Practice of the Town Planning Board, Member or his/her spouse who was an ordinary/corporate member of a club, association, union or other bodies would not constitute a conflict of direct interest if the Member or his/her spouse was not directly involved in the matter under consideration. The Committee agreed that Messrs Ivan C.S. Fu, Peter K.T. Yuen and Philip S.L. Kan could stay in the meeting. The Committee also agreed that Dr C.H. Hau could stay in the meeting as his interest was indirect.

41. The Committee noted that the applicant's representative requested on 4.4.2019 deferment of consideration of the application for a period of two months so as to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

42. 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 12**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/683      Proposed Temporary Dog Training Centre and Animal Boarding Establishment for a Period of 3 Years in “Agriculture” and “Residential (Group C)” Zones, Lot 1029 RP in D.D. 83, Lung Yeuk Tau, Fanling  
(RNTPC Paper No. A/NE-LYT/683A)

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### **Presentation and Question Sessions**

43.      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 dog training centre and animal boarding establishment for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 8 and Appendix III of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site possessed potential for agricultural rehabilitation. The Director of Environmental Protection (DEP) did not support the application in view of its close proximity to nearby village houses. There was insufficient information to demonstrate that the proposed development would not cause adverse environmental impacts/nuisance to the nearby sensitive receivers. The Commissioner for Transport (C for T) did not support the application

as the applicant failed to satisfactorily address the concerns on the provision of parking spaces, traffic arrangement, pedestrian safety management as well as vehicle manoeuvring into/from the site. According to the District Officer (North), Home Affairs Department, the incumbent North District Council (NDC) member of the subject constituency cum Indigenous Inhabitant Representative of Lung Yeuk Tau (LYT) and Resident Representative of LYT had no comment on the application, while the Chairman of Fanling District Rural Committee (FDRC) objected to the application on the grounds as set out in paragraph 8.1.12 of the Paper. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, four public comments were received. A NDC member and the Chairman of Sheung Shui District Rural Committee indicated no comment while the Chairman of FDRC and a villager of LYT objected to the application. Major views were set out in paragraph 9 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 10 of the Paper. The proposed development was not in line with the planning intention of the “Agriculture” zone and DAFC did not support the application. No strong planning justification was provided in the submission for a departure from the planning intention, even on a temporary basis. Besides, DEP and C for T had adverse comments on the application. The applicant failed to demonstrate that the proposed development would not generate adverse environmental and traffic impacts on the surrounding areas. The last planning application (No. A/NE-LYT/668) for the same use and submitted by the same applicant was rejected by the Committee on 20.7.2018 and there was no material change in the planning circumstances of the area since then. Regarding the adverse local views and public comments, comments of concerned departments and the planning assessments above were relevant.

44. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone which is primarily to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong justification in the submission for a departure from such planning intention, even on a temporary basis; and
- (b) the applicant fails to demonstrate that the proposed development would not cause adverse environmental and traffic impacts on the surrounding areas.”

**Agenda Items 13 and 14**

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/687 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lots 1846 S.A ss.1 and 1846 S.B in D.D. 76, Kan Tau Tsuen, Fanling  
(RNTPC Paper No. A/NE-LYT/687 and 688)

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A/NE-LYT/688 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lots 1846 S.A ss.2, 1846 S.D and 1850 S.B in D.D. 76, Kan Tau Tsuen, Fanling  
(RNTPC Paper No. A/NE-LYT/687 and 688)

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46. The Committee noted that the two section 16 applications for New Territories Exempted House (NTEH) – Small House were similar in nature and the sites were abutting

each other and falling within the same “Agriculture” (“AGR”) zone, and agreed that they could be considered together.

#### Presentation and Question Sessions

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

- (a) background to the applications;
- (b) the proposed house (NTEH - Small House) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications as the sites possessed potential for agricultural rehabilitation. The Commissioner for Transport had reservation on the applications but considered the applications involving construction of two Small Houses could be tolerated. The District Officer (North), Home Affairs Department conveyed that the Indigenous Inhabitant Representative and Resident Representative of Kan Tau Tsuen supported the applications while the Chairman of Fanling District Rural Committee had no comment. Other concerned government departments had no objection to or no adverse comment on the applications;
- (d) during the first three weeks of the statutory publication period, two public comments on application No. A/NE-LYT/687 and one comment on application No. A/NE-LYT/688 were received. The Chairman of Sheung Shui District Rural Committee indicated no comment on both applications while an individual objected to application No. A/NE-LYT/687 mainly on the ground that there was high potential for agricultural rehabilitation of the site; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the

applications based on the assessments set out in paragraph 11 of the Paper. Although the proposed developments were not in line with the planning intention of the “AGR” zone and DAFC did not support the applications, the proposed developments were not incompatible with the surrounding rural setting. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, more than 50% of the footprint of each of the proposed Small Houses fell within the village ‘environs’ (‘VE’) of Kan Tau Tsuen. Although land available within the “Village Type Development” zone was capable to meet the 68 outstanding Small House applications, the sites were the subject of a previously approved application and the processing of the Small House grants was already at an advance stage. The planning circumstances of the subject applications were similar to three similar approved applications in close vicinity of the site, i.e. A/NE-TKL/679 to 681, which were approved in 2018. Sympathetic consideration might be given to the applications. Regarding the adverse public comment, comments of concerned departments and the planning assessments above were relevant.

[Mr K.W. Leung left the meeting temporarily at this point.]

48. In response to a Member’s enquiry, Mr Tim T.Y. Fung, STP/STN, advised that sympathetic consideration might be given if not less than 50% of the proposed Small House footprint fell within the ‘VE’ of a recognized village. In general, other aspects including land availability, site context, previous and similar applications and departmental comments would also be taken into account during the consideration of individual applications.

#### Deliberation Session

49. After deliberation, the TPB decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the permissions should be valid until 12.4.2023, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. Each of the permissions 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; and
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB.”

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

### **Agenda Item 15**

#### **Section 16 Application**

[Open Meeting]

A/NE-TKLN/14 Proposed Filling of Ponds for Permitted Agricultural Use in “Agriculture” Zone, Lots 777 (Part) and 969 (Part) in D.D. 78, Ta Kwu Ling North  
(RNTPC Paper No. A/NE-TKLN/14A)

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51. The Secretary reported that Luen Hing Construction & Engineering Limited (LH) was one of the consultants of the applicant. Mr K.K. Cheung had declared an interest on this item as his firm was having current business dealings with LH.

52. The Committee noted that the applicant had requested deferment of consideration of the application and Mr K.K. Cheung had tendered an apology for being unable to join the meeting.

53. The Committee noted that the applicant’s representative requested on 8.4.2019 deferment of consideration of the application for a period of two months so as 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 to address departmental comments.



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

### **Agenda Item 16**

#### **Section 16 Application**

[Open Meeting]

A/NE-TKLN/18 Proposed Temporary Vehicle Park (Coach and School Bus Only) for a Period of 3 Years in "Agriculture" and "Village Type Development" Zones, Lots 389 RP, 395 S.A, 395 RP, 396 S.A, 396 RP and 398 RP in D.D.78 and Adjoining Government Land, Tsung Yuen Ha, Ta Kwu Ling North  
(RNTPC Paper No. A/NE-TKLN/18)

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55. The Committee noted that the applicant's representative requested on 20.3.2019 deferment of consideration of the application for a period of two months so as 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.

### **Agenda Item 17**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKLN/19      Proposed Temporary Shop and Services (Retail Shop) for a Period of 5 Years in "Recreation" Zone, Lot 1527 S.A in D.D. 78, Lin Ma Hang Road, Ta Kwu Ling North  
(RNTPC Paper No. A/NE-TKLN/19)

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

57.            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 shop and services (retail shop) for a period of five years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Commissioner for Transport (C for T) objected to the application as the applicant failed to demonstrate that there was no adverse traffic impact arising from the development. The applicant had not provided information on the proposed vehicular access, traffic flow, justifications for the proposed parking spaces, traffic arrangement, pedestrian facilities as well as vehicle manoeuvring within the site. The Chief Town Planner/Urban Design and Landscape, Planning

Department (CTP/UD&L, PlanD) had reservation on the application as significant adverse impact on existing landscape resources was anticipated, and the potential impact on habitat(s) for any associated wildlife and existing watercourse could not be ascertained. Besides, the proposed permanently hard paved area was incompatible with the surrounding environment. Approval of the application might encourage more similar proposed uses in the area, leading to degradation of the rural landscape character. The Director of Agriculture, Fisheries and Conservation (DAFC) advised that the proposed use would lead to wetland loss which was not desirable from nature conservation point of view. The District Officer (North), Home Affairs Department advised that the incumbent North District Council member of the subject constituency supported the application. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, three public comments were received. The Chairman of Sheung Shui District Rural Committee indicated no comment while a villager from Chuk Yuen Village and an individual objected to the application. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the 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 “Recreation” zone. No strong planning justification was provided in the submission for a departure from the planning intention, even on a temporary basis. C for T objected to the application while CTP/UD&L, PlanD and DAFC had adverse comments on the application. The planning circumstance of the subject application was different from a similar application approved by the Town Planning Board on review on 13.4.2018. Regarding the adverse public comments, comments of concerned departments and the planning assessments above were relevant.

58. In response to the Chairman's enquiry, Mr Tim T.Y. Fung, STP/STN, said that

the site was currently connected via a temporary construction access from Lin Ma Hang Road. According to the Civil Engineering and Development Department, the construction access would be closed upon completion of the Heung Yuen Wai Highway (HYWH) and associated works. The under-bridge area to the west of site would be planting area and there would be no vehicular access to the site from the HYWH.

### Deliberation Session

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

- “(a) the proposed temporary use under application is not in line with the planning intention of the “Recreation” zone for the Ta Kwu Ling North area which is primarily for low-density recreational developments for the use of the general public and encourages the development of active and/or passive recreation and tourism/eco-tourism. There is no strong planning justification in the submission to justify for a departure from the planning intention, even on a temporary basis; and
- (b) the applicant fails to demonstrate in the submission that the development would not result in adverse traffic impact on the surrounding areas.”

### **Agenda Item 18**

#### Section 16 Application

[Open Meeting]

A/NE-SLT/2                      Proposed Nature Reserve (including Artificial Marsh and Eco-pond) and associated Filling/Excavation of Land in “Conservation Area” and “Site of Special Scientific Interest” Zones, Various Lots in D.D. 31, Sha Lo Tung, Tai Po  
(RNTPC Paper No. A/NE-SLT/2)

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60. The Committee noted that the applicant requested on 26.3.2019 deferment of

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

61. 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 Kenny C.H. Lau and Mr Tim T.Y. Fung, STPs/STN, for their attendance to answer Members' enquiries. They left the meeting at this point.]

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

[Mr Otto K.C. Chan, 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.]

[Mr K.W. Leung returned to the meeting at this point.]

**Agenda Item 19**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/250            Renewal of Planning Approval for Temporary Camping Ground for Meditation Use for a Period of 3 Years in “Conservation Area” Zone, Lots 1556 (Part) and 1558 in D.D.114, Shek Kong, Yuen Long  
(RNTPC Paper No. A/YL-SK/250)

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**Presentation and Question Sessions**

62.            Mr Otto K.C. Chan, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the renewal of planning approval for temporary camping ground for meditation use for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned 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 from the village representative of Lui Kung Tin Tsuen and Pat Heung Rural Committee members objecting to the application were received. Major objection grounds were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. In view that the applied use did not involve buildings/structures or site formation, a temporary planning permission for three years would not frustrate the long-term planning intention of the “Conservation Area” zone.

The development was considered not incompatible with the surrounding areas which were predominantly rural in character with densely vegetated woodlands. Significant environmental impact on the surrounding areas was not anticipated and there were no environmental complaint in the past three years. The renewal of planning approval was in line with the Town Planning Board Guidelines No. 34C in that since the last approval, there had been no major change in planning circumstances, adverse planning implications were not expected, no objection from concerned government departments and the approval conditions under the previous approval had been complied with. To address the technical requirements of government departments, relevant approval conditions had been recommended for the current application. The site was the subject of six previous approved applications for the same applied use and there had been no major change in planning circumstances. Approval of the current application was in line with the previous decisions of the Committee. Regarding the adverse public comments, comments of concerned departments and the planning assessments above were relevant.

63. In response to some Members' enquiries, Mr Otto K.C. Chan, STP/FSYLE, replied that the applicant did not provide information with regard to the costume of the meditators which was one of the concerns raised in the public comment. There would be some concrete-based fixtures and wooden boards within the site and the applicant would be responsible for the general maintenance of the area. Other than the requirement for a Short Term Waiver under the purview of the Lands Department, other concerned departments did not indicate other licence-related requirements for the proposed use.

#### Deliberation Session

64. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years, and be renewed from 23.4.2019 until 22.4.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

“(a) no new fixture or structure is allowed to be placed/built on the site during

the planning approval period;

- (b) no trees within the site are allowed to be interfered with by any means, felled or topped at any time during the planning approval period;
- (c) no open burning, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (d) no chemicals, including fertilizers and pesticides, are allowed to be used or stored on the site at any time during the planning approval period;
- (e) no public announcement system, portable loudspeaker or any form of audio amplification system, as proposed by the applicant, is allowed to be used on the site at any time during the planning approval period;
- (f) the existing trees and landscape plantings on the site shall be maintained at all times during the planning approval period;
- (g) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (h) 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.”

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



**Agenda Item 20**

**Section 16 Application**

[Open Meeting]

A/YL-SK/251            Proposed Temporary Shop and Services (Metalware Retail Shop) for a Period of 3 Years in “Residential (Group D)” Zone, Lot 1640 S.A (Part) in D.D. 114, Shek Kong, Yuen Long  
(RNTPC Paper No. A/YL-SK/251)

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66.            The Committee noted that the applicant’s representative requested on 3.4.2019 deferment of consideration of the application for a period of two months so as to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

67.            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 21**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/645            Proposed Temporary Animal Boarding Establishment for a Period of 3 Years in “Agriculture” Zone, Lot 1117 in D.D.107, Fung Kat Heung, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/645)

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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary animal boarding establishment for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site possessed potential for agricultural rehabilitation. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments from individuals objecting to the application were received. 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 entirely in line with the planning intention of the “Agriculture” (“AGR”) zone and DAFC did not support application, approval of the application on a temporary basis would not jeopardize the long-term planning intention. The proposed use was not incompatible with the surrounding land uses. While there were sensitive receivers (residential structures/dwellings) in the vicinity of the site, the Director of Environmental Protection had no adverse comment on the application taking into account the measures proposed by the applicant in minimising nuisance. No environmental complaint concerning the site was received in the past three years. Relevant approval conditions had been recommended to address the concerns or technical requirements of

government departments and to minimise any possible environmental nuisance. Similar applications within the same “AGR” zone had been approved by the Committee. Approval of the current application was generally in line with the Committee’s previous decision. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

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 12.4.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 6:00 p.m. and 9:00 a.m. (except overnight animal boarding), as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) all animals shall be kept inside the enclosed animal boarding establishment on the site between 6:00 p.m. and 9:00 a.m, as proposed by the applicant, at all times during the planning approval period;
- (c) no public announcement system, portable loud speaker, or any form of audio amplification system or whistle blowing is allowed to be used on the site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the provision of boundary fencing within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 12.10.2019;

- (f) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 12.10.2019;
- (g) in relation to (f) 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 12.1.2020;
- (h) in relation to (g) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (i) the submission of 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 12.10.2019;
- (j) in relation to (i) 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 12.1.2020;
- (k) if any of the above planning conditions (a), (b), (c), (d) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (l) if any of the above planning conditions (e), (f), (g), (i) or (j) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (m) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

**Agenda Item 22**

**Section 16 Application**

[Open Meeting]

A/YL-KTN/647 Proposed Residential Development (Flat) in “Residential (Group E)” Zone, Lots 215 S.C, 242 S.B RP, 264 S.B RP, 266 S.A, 266 RP, 267, 268, 269 S.B RP, 269 S.B ss.2 RP, 270, 271, 272, 275, 277 (Part), 295 (Part) and 296 S.B RP (Part) in D.D.103 and Adjoining Government Land, Ha Ko Po Tsuen, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/647)

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72. The Secretary reported that the application was submitted by Ease Gold Development Limited, which was a subsidiary of Sun Hung Kai Properties Limited (SHK), with Llewelyn-Davies Hong Kong Limited (LD), Black & Veatch Hong Kong Limited (B&V), Ramboll Environ Hong Kong Limited (Ramboll), Urbis Limited (Urbis) and Hyder Consulting Limited (Hyder) as five of the consultants of the applicant. The following Members have declared interests on this item:

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

73. The Committee noted that the applicant had requested deferment of consideration of the application and Messrs K.K. Cheung and Stephen L.H. Liu had tendered apologies for being unable to join the meeting, while Miss Winnie W.M. Ng had not yet arrived to join the

meeting. The Committee agreed that Mr Ivan C.S. Fu could stay in the meeting but should refrain from participating in the discussion as his interest was direct. As Mr Ricky W.Y. Yu had no involvement in the application, the Committee agreed that he could stay in the meeting.

74. The Committee noted that the applicant's representative requested on 2.4.2019 deferment of consideration of the application for a period of two months so as to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

75. 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.

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

**Agenda Item 23**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/803            Temporary Open Storage of Backdrop Screens, Advertising Aluminium Frames and Construction Materials for a Period of 3 Years in “Agriculture” Zone, Lots 1831 RP, 1832 RP (Part), 1867 (Part), 1868 (Part), 1869 (Part), 1870 (Part), 1871 (Part), 1872 (Part), 1873 (Part), 1874 RP and 1875 RP (Part) in D.D. 111, Pat Heung, Yuen Long  
  
(RNTPC Paper No. A/YL-PH/803)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary open storage of backdrop screens, advertising aluminium frames and construction materials for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers (residential dwellings/structure) located to the south and along the access to the site, and environmental nuisance was expected. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment from an individual objecting to the application was received. Major objection grounds were set out in paragraph 11 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD considered the temporary use under application could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Although the applied use was not in line with the planning intention of the “Agriculture” (“AGR”) zone, the Director of Agriculture, Fisheries and Conservation had no comment on the application and approval of the application on a temporary basis would not frustrate the long-term planning intention. The development was not incompatible with the surrounding areas and significant impact on the existing landscape was not anticipated. The site fell within Category 3 areas under the Town Planning Board Guidelines No. 13E (TPB PG-No. 13E) and the application was generally in line with the TPB PG-No. 13E in that previous planning approvals for the same use had been granted and there was no adverse comment from the relevant government departments except DEP. While DEP did not support the application, no environmental complaint for the site was received in the past three years. To address the concerns on the possible environmental nuisances and the technical requirements of other government departments, relevant approval conditions were recommended. Regarding the adverse public comment, the comments of government departments and planning assessments above were relevant.

77. Members had no question on the application.

#### Deliberation Session

78. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 12.4.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

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



- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the site at any time during the planning approval period;
- (d) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) all existing trees on the site shall be maintained at all times during the planning approval period;
- (g) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (h) the submission of the 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 12.7.2019;
- (i) the provision of fire extinguisher(s) with a valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.5.2019;
- (j) the submission of fire services 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 12.10.2019;
- (k) in relation to (j) above, the provision of fire services installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.1.2020;

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

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

#### **Agenda Item 24**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/804 Proposed Temporary Wholesale Trade (Food) for a Period of 5 Years in “Open Storage” Zone, Lots 872, 873, 875, 876, 877, 878, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891 (Part), 892 (Part), 893 (Part), 3049 and 3050 in D.D. 111 and Adjoining Government Land, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/804)

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

80. 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 wholesale trade (food) for a period of five years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as the proposed use would cause traffic of heavy vehicles and there were sensitive receivers (residential structures) located in the vicinity of the site, and environmental nuisance was expected. Other concerned 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 five 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 “Open Storage” (“OS”) zone, it was not incompatible with the intended uses and approval of the application on a temporary basis would not jeopardize the long-term planning intention. With regard to the traffic of heavy vehicles, vehicular access to the site from Fan Kam Road would be via the “OS” zone and would not pass through the residential dwellings/structures to the south of the site. To address the concerns of DEP on the possible environmental nuisances and the technical requirements of government departments, relevant approval conditions were recommended.

81. Members had no question on the application.

#### Deliberation Session

82. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 12.4.2024, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 5:00 p.m. and 10:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (c) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 12.10.2019;
- (d) in relation to (c) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 12.1.2020;
- (e) 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 12.10.2019;
- (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 12.1.2020;
- (g) 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
- (h) if any of the above planning conditions (c), (d), (e) or (f) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

**Agenda Item 25**

**Section 16 Application**

[Open Meeting]

A/YL-MP/276 Proposed Temporary Public Vehicle Park for Private Cars, Light Goods Vehicles and Coaches for a Period of 3 Years in “Village Type Development” Zone, Lots 76 S.G (Part) and 76 S.H (Part) in D.D. 101, Mai Po, Yuen Long  
(RNTPC Paper No. A/YL-MP/276A)

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84. The Secretary reported that the application site was located in Mai Po. Mr K.W. Leung had declared an interest on this item as he owned a property in Fairview Park, Mai Po.

85. The Committee noted that the applicants had requested deferment of consideration of the application. As the property of Mr K.W. Leung had no direct view on the application site, the Committee agreed that he could stay in the meeting.

86. The Committee noted that the applicants’ representative requested on 25.3.2019 deferment of consideration of the application for a period of two months so as to allow time to prepare further information to address public comments and conduct traffic surveys. It was the second time that the applicants requested deferment of the application. Since the last deferment, the applicants had submitted further information including revised layout and landscape plans in response to departmental and public comments.

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

**Agenda Item 26**

**Section 16 Application**

[Open Meeting]

A/YL-NSW/267 Proposed Private Secondary School and Residential Institution in “Undetermined” Zone, Lots 693 RP, 694 RP, 698 S.B, 1272 RP and 1283 in D.D. 115 and Adjoining Government Land, Small Traders New Village, Nam Sang Wai, Yuen Long (including Part of Former Small Traders New Village Public School)  
(RNTPC Paper No. A/YL-NSW/267A)

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88. The Secretary reported that Mott MacDonald Hong Kong Limited (MMHK) and P&T Architects and Engineers Limited (P&T) were two of the consultants of the applicant. The following Members have declared interests on this item:

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

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

Ms Jacinta K.C. Woo - her spouse being a Group Director of P&T.  
(Secretary)

89. The Committee noted that the applicant had requested deferment of consideration of the application and Mr K.K. Cheung had tendered an apology for being unable to join the meeting. The Committee agreed that as Mr Ivan C.S. Fu had no involvement in the application, and the interest of Ms Jacinta K.C. Woo, as Secretary, was remote, they could stay in the meeting.

90. The Committee noted that the applicant’s representative requested on 2.4.2019 deferment of consideration of the application for a period of two months so as to allow time to prepare further information to address departmental comments. It was the second time

that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information including revised technical assessments and architectural drawings in response to departmental and public comments.

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

### **Agenda Items 27 and 28**

#### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/372 Proposed Houses in "Residential (Group D)" Zone, Lots 1217 S.A RP and 1217 S.B RP in D.D. 104 and Adjoining Government Land, Ngau Tam Mei, Yuen Long  
(RNTPC Paper No. A/YL-NTM/372B)

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A/YL-NTM/377 Proposed House in "Residential (Group D)" Zone, Lots 2572 RP, 2573, 2578 in D.D. 104 and Adjoining Government Land, Ngau Tam Mei, Yuen Long  
(RNTPC Paper No. A/YL-NTM/377A)

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92. The Committee noted that the two section 16 applications for proposed houses were similar in nature and the sites were located close to each other and falling within the same "Residential (Group D)" ("R(D)") zone, and agreed that they could be considered together.

Presentation and Question Sessions

93. Ms Emily P.W. Tong, STP/FSYLE, presented the applications and covered the following aspects as detailed in the Papers:

- (a) background to the applications;
- (b) the proposed house(s) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Papers. Concerned departments had no objection to or no adverse comment on the applications;
- (d) during the first three weeks of the statutory publication periods, 93 public comments were received from a Yuen Long District Council (YLDC) member and individuals objecting to application No. A/YL-NTM/372; for application No. A/YL-NTM/377, 65 public comments from a YLDC member and individuals were received objecting to the application. Major objection grounds were set out in paragraph 10 of the Papers; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments set out in paragraph 11 of the Papers. The proposed house developments were in line with the planning intention of “R(D)” zone and the proposed development parameters conformed to the development restrictions under the Outline Zoning Plan. The proposed low-rise developments were not incompatible with the surrounding environment. Approval of the house development could serve as a catalyst to phase out the non-conforming and undesirable rural industrial-related uses in the vicinity of the sites and help achieve the planning intention of the “R(D)” zone. The proposed developments were not anticipated to generate adverse impacts on traffic, environmental, sewerage, drainage and infrastructural aspects on the surrounding area. Relevant approval conditions were recommended to address technical



requirements of government departments. Two similar applications within the same “R(D)” zone were rejected by the Committee/Town Planning Board between 1999 and 2000. However, the planning circumstances of the current applications were different in that the rejected applications involved relaxation of plot ratio restriction. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

94. In response to a Member’s enquiry, Ms Emily P.W. Tong, STP/FSYLE, said that there was no previous approved application within the subject “R(D)” zone.

#### Deliberation Session

95. The Chairman briefly explained the planning intention of “R(D)” zone, which was to primarily improve and upgrade the existing temporary structures within the rural areas through redevelopment to permanent buildings. “R(D)” zones in general covered areas with infrastructure constraints. While there was public concern on the sewerage arrangements, the Director of Environmental Protection considered that septic tank and soakaway system were acceptable in view of the scale and nature of the proposed development.

96. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the permissions should be valid until 12.4.2023, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. The permissions were subject to the following conditions:

#### For Application No. A/YL-NTM/372

- “(a) the design and provision of vehicular access and parking arrangement for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the submission and implementation of run-in/run-out proposal to the satisfaction of the Commissioner for Transport and the Director of

Highways or of the TPB;

- (c) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (d) the submission and implementation of water supplies for fire-fighting and fire service installations proposal to the satisfaction of the Director of Fire Services or of the TPB.”

For Application No. A/YL-NTM/377

- “(a) the design and provision of vehicular access and parking arrangement for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the submission and implementation of run-in/run-out proposal to the satisfaction of the Commissioner for Transport and the Director of Highways or of the TPB;
- (c) the submission of a Noise Impact Assessment and implementation of mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the TPB;
- (d) the submission of a drainage proposal including preservation and protection of the part of public drainage system that falls within the site to the satisfaction of the Director of Drainage Services or of the TPB;
- (e) in relation to (d) above, the implementation of the drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (f) the submission and implementation of water supplies for fire-fighting and fire service installations proposal to the satisfaction of the Director of Fire Services or of the TPB.”

97. The Committee also agreed to advise the applicants to note the advisory clauses as set out at Appendix IV of the Papers.

## **Agenda Item 29**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/387 Proposed Temporary Vehicle Repair Workshop with Ancillary Vehicle Stripping Yard for a Period of 3 Years in “Open Storage” Zone, Lots 396 S.A RP (Part), 433 (Part), 434 (Part), 435 (Part), 436 (Part), 437 (Part), 438 (Part) and 444 in D.D. 102, and Adjoining Government Land, Ngau Tam Mei, Yuen Long  
(RNTPC Paper No. A/YL-NTM/387)

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### **Presentation and Question Sessions**

98. 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 vehicle repair workshop with ancillary vehicle stripping yard for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned 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 from individuals were received objecting to the application. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the

application on a temporary basis for a period of three years based on the assessments set out in paragraph 11 of the Paper. The applied use was generally in line with the planning intention of the “Open Storage” (“OS”) zone and it was not incompatible with the surrounding land uses. Relevant approval conditions had been recommended to address the technical requirements of government departments and to mitigate any possible environmental nuisance. The site was the subject of two previous approved applications for the same use and similar applications within the same “OS” zone had been approved. Approval of the subject application was in line with the previous decisions of the Committee. Regarding the adverse public comments, comments of concerned departments and the planning assessments above were relevant.

99. Members had no question on the application.

#### Deliberation Session

100. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 12.4.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 5:00 p.m. and 10:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from the site at any time during the planning approval period;

- (e) only hand tools will be used for vehicle stripping, and no stripping or compaction machine shall be used on site at any time during the planning approval period;
- (f) the existing fencing on the site shall be maintained at all times during the planning approval period;
- (g) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 12.10.2019;
- (h) in relation to (g) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 12.1.2020;
- (i) 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 12.10.2019;
- (j) in relation to (i) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.1.2020;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (l) if any of the above planning conditions (g), (h), (i) or (j) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

101. 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 (Presentation and Question Sessions Only)]

A/YL-ST/538            Temporary Retail Shop (Container Tractors, Medium Goods Vehicles, Vehicle Parts and Building Materials) for a Period of 3 Years in “Residential (Group D)” Zone, Lots 204 RP (Part), 331 S.B RP (Part), 332 S.B RP, 333 S.B RP (Part), 356 (Part), 357 (Part), 358 (Part), 359 (Part) and 361 S.B (Part) in D.D. 105 and Adjoining Government Land, San Tin, Yuen Long  
(RNTPC Paper No. A/YL-ST/538)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary retail shop (container tractors, medium goods vehicles, vehicle parts and building materials) 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 the applied use would generate traffic of heavy vehicles, there was sensitive use (residential dwelling) nearby and environmental nuisance was expected. Other concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and

- (e) the Planning Department (PlanD)’s views – PlanD considered the temporary use under application could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Although the applied use was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone, approval of the application on a temporary basis would not frustrate the long-term planning intention. The site fell within Category 2 areas under the Town Planning Board Guidelines No. 13E (TPB PG-No. 13E). The application was generally in line with the TPB PG-No. 13E in that previous planning approvals for similar uses had been granted and there was no adverse comment from the relevant government departments except DEP. While DEP did not support the application, there was no environmental complaint related to the site in the past three years. To address the concerns on the possible environmental nuisances and the technical requirements of other government departments, relevant approval conditions were recommended. Six previous applications for similar use at the site and a number of similar applications within the same “R(D)” zone had been approved by the Committee. Approval of the current application was in line with the previous decisions of the Committee.

103. Members had no question on the application.

#### Deliberation Session

104. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 12.4.2022, 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 car washing, vehicle repair, dismantling, paint spraying or other workshop activity is allowed on the site at all times during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from the subject site at any time during the planning approval period;
- (e) the boundary fencing on the site shall be maintained at all times during the planning approval period;
- (f) the existing trees within the site shall be maintained in healthy condition at all times during the approval period;
- (g) the drainage facilities on the site shall be maintained at all times during the planning approval period;
- (h) the submission of a photographic record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 12.7.2019;
- (i) 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 12.10.2019;
- (j) in relation to (i) 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 12.1.2020;
- (k) the submission of a run-in/run-out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 12.10.2019;
- (l) in relation to (k) above, the provision of the run-in/run-out within 9 months



from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 12.1.2020;

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

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

### **Agenda Items 31 and 32**

#### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/540            Temporary Public Car Park (Private Cars and Light Goods Vehicles under 5.5 tonnes) for a Period of 3 Years in “Village Type Development” Zone, Lot 196 (Part) in D.D. 102 and Adjoining Government Land, San Tin, Yuen Long  
(RNTPC Paper No. A/YL-ST/540)

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A/YL-ST/541            Temporary Public Car Park (Private Cars and Light Goods Vehicles under 5.5 tonnes) with Ancillary Office for a Period of 3 Years in “Village Type Development” Zone, Lots 145 (Part), 153 (Part), 154 S.A (Part), 155 (Part), 156 and 157 (Part) in D.D. 102, San Tin, Yuen Long  
(RNTPC Paper No. A/YL-ST/541)

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106. The Committee noted that the two section 16 applications for proposed temporary public car park (private cars and light goods vehicles under 5.5 tonnes) for a period of three

years were similar in nature and the sites were located close to each other and falling within the same “Village Type Development” (“V”) zone, and agreed that they could be considered together.

#### Presentation and Question Sessions

107. Ms Emily P.W. Tong, STP/FSYLE, presented the applications and covered the following aspects as detailed in the Papers:

- (a) background to the applications;
- (b) the proposed temporary public car parks (private cars and light goods vehicles under 5.5 tonnes) for a period of three years at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Papers. Concerned departments had no objection to or no adverse comment on the applications;
- (d) during the first three weeks of the statutory publication periods, no public comment was received for application No. A/YL-ST/540 while there was one public comment raising concern on application No. A/YL-ST/541. Major views were set out in paragraph 11 of the Paper for application No. A/YL-ST/541; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications on a temporary basis for a period of three years based on the assessments set out in paragraph 12 of the Papers. No small house application was received/being processed at the sites and approval of the applications on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “V” zone. The applied uses were not incompatible with the rural character of the surrounding areas. Adverse environmental, traffic and infrastructural impacts on the surrounding areas were not anticipated and there was no environmental complaint related to the sites in the past three years. To mitigate potential

impacts of the applied uses, relevant approval conditions were recommended. For Application No. A/YL-ST/541 which was proposed to also serve travellers from and to the Mainland China, the application was also in line with the Town Planning Board Guidelines No. 13E in that it could satisfy some of the parking demand for cross-boundary travellers since the site was near the cross-boundary bus terminus in San Tin and the Lok Ma Chau Control Point. There were five previous approved applications for similar parking uses involving the sites and similar applications within the same “V” zone had been approved by the Committee. Approval of the current applications was in line with the previous decisions of the Committee. Regarding the public comment raising concern on application No. A/YL-ST/541, comments of concerned departments and the planning assessments above were relevant.

108. In response to the Chairman’s enquiry, Ms Emily P.W. Tong, STP/FSYLE, said that the previous approved application (No. A/YL-ST/481) was revoked as the previous applicant had failed to comply with the approval condition in relation to the provision of boundary fencing. There was no information under the current application regarding the detailed arrangement for the boundary fencing.

#### Deliberation Session

109. After deliberation, the Committee decided to approve the applications on a temporary basis for a period of 3 years until 12.4.2022, on the terms of each of the applications as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no vehicle without valid licences issued under the Road Traffic Ordinance are allowed to access the site at any time during the planning approval period;
- (b) no vehicle other than private car and light goods vehicle under 5.5 tonnes are allowed to access the site at any time during the planning approval period;

- (c) a notice should be posted at a prominent location of the site to indicate that only private car and light goods vehicle under 5.5 tonnes as defined in the Road Traffic Ordinance is allowed to access the site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from the site at any time during the planning approval period;
- (e) the existing trees within the site shall be maintained in healthy condition at any time during the approval period;
- (f) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 12.10.2019;
- (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 12.1.2020;
- (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 fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.10.2019;
- (j) in relation to (i) above, the implementation of fire service installations proposed within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.1.2020;
- (k) the provision of boundary fencing within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 12.10.2019;

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

110. The Committee also agreed to advise the applicants to note the advisory clauses as set out at Appendix IV of the Paper for Application No. A/YL-ST/540 and Appendix V of the Paper for Application No. A/YL-ST/541.

[The Chairman thanked Mr Otto K.C. Chan, 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**

[Mr David Y.M. Ng, District Planning Officer/Tuen Mun and Yuen Long West (DPO/TMYLW), Ms Bonnie K.C. Lee, Mr Steven Y.H. Siu and Mr Simon P.H. Chan, Senior Town Planners/Tuen Mun and Yuen Long West (STPs/TMYLW), were invited to the meeting at this point.]

**Agenda Item 33**

**Section 16 Application**

[Open Meeting]

A/TM-SKW/101      Temporary Barbecue Area for a Period of 3 Years in “Village Type Development” Zone, Lots 263 S.B (Part) and 268 (Part) in D.D. 385, Tai Lam Chung, Tuen Mun  
(RNTPC Paper No. A/TM-SKW/101)

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111.            The Committee noted that the applicant’s representative requested on 29.3.2019 deferment of consideration of the application for a period of two months so as to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

112.            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 34**

**Section 16 Application**

[Open Meeting]

A/TM/537            Columbarium Use in “Government, Institution or Community” Zone, Lots 501 and 533 in D.D. 131 and Adjoining Government Land, Tsing Shan Tsuen, Tuen Mun  
(RNTPC Paper No. A/TM/537)

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113. The Secretary reported that the application was for columbarium use and the application site was located in Tuen Mun. MVA Hong Kong Limited (MVA) was one of the consultants of the applicant. The following Members had declared interests on this item:

Mr H.W. Cheung (Vice-chairman) - being a member of the Private Columbaria Licensing Board;

Mr Ivan C.S. Fu - being a member of the Private Columbaria Appeal Board; and having current business dealings with MVA; and

Dr Jeanne C.Y. Ng - co-owning with spouse a flat in Tuen Mun.

114. The Committee noted that the applicants had requested deferment of consideration of the application and the Vice-chairman had tendered an apology for being unable to join the meeting. As Mr Ivan C.S. Fu had no involvement in the application, and the property of Dr Jeanne C.Y. Ng had no direct view of the application site, the Committee agreed that they could stay in the meeting.

115. The Committee noted that the applicants' representative requested on 22.3.2019 deferment of consideration of the application for a period of two months so as to allow time to prepare further information to address departmental comments. It was the first time that the applicants requested deferment of the application.

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

**Agenda Item 35**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HTF/1092 Proposed Temporary Warehouse of Electric Spare Parts for a Period of 2 Years in “Agriculture” Zone, Lot 384 RP in D.D. 128, Deep Bay Road, Lau Fau Shan, Yuen Long  
(RNTPC Paper No. A/YL-HTF/1092B)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed temporary warehouse of electric spare parts for a period of two years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Commissioner for Transport (C for T) did not support the application as the applicant failed to demonstrate that the proposed development would not generate adverse traffic impact on the surrounding area. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as adverse impact on the landscape character and its resources had taken place without planning approval. Approval of the application would set an undesirable precedent which might likely encourage other similar applications to clear and form the sites prior to obtaining planning permission obtained. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site possessed high potential for agricultural rehabilitation. Other concerned departments had no objection to or no adverse comment on the application;



- (d) during the first three weeks of the statutory publication period, four public comments were received from the Hong Kong Bird Watching Society, Designing Hong Kong, Kadoorie Farm and Botanic Garden and an individual objecting to the application. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone and DAFC did not support the application. No strong planning justification was provided in the submission for a departure from the planning intention, even on a temporary basis. C for T and CTP/UD&L, PlanD also objected to the application. Approval of the application would set an undesirable precedent for similar applications and the cumulative effect of approving such similar applications would result in a general degradation of the environment of the area. Since no application for warehouse uses within the subject “AGR” zone had been approved by the Committee, rejection of the application was in line with the Committee's previous decisions. Regarding the adverse public comments, comments of concerned departments and the planning assessments above were relevant.

118. Members had no question on the application.

#### Deliberation Session

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

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

There is no strong justification in the submission to merit a departure from such planning intention, even on a temporary basis;

- (b) the applicant fails to demonstrate that the proposed development would not generate adverse traffic and landscape impacts on the surrounding areas; and
- (c) approval of the application will set an undesirable precedent for applications for other developments within the “AGR” zone, the cumulative effect of which will result in a general degradation of the environment of the “AGR” zone.”

### **Agenda Item 36**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/336      Temporary Open Storage of Construction Materials, Aluminum Pipes/Frames, Elevating Platforms, Small-scale Machinery with Ancillary Workshop and 2 Loading and Unloading Spaces for Goods Vehicles for a Period of 3 Years in “Recreation” Zone, Lot 2227 (Part) in D.D. 129, Lau Fau Shan, Yuen Long  
(RNTPC Paper No. A/YL-LFS/336)

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

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

- (a) background to the application;
- (b) the temporary open storage of construction materials, aluminum pipes/frames, elevating platforms, small-scale machinery with ancillary workshop and two loading and unloading spaces for goods vehicles for a

period of three years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the site and environmental nuisance was expected. Other concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD considered the temporary use under the application could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. While the applied use was not in line with the planning intention of the “Recreation” (“REC”) zone, there was not yet any known implementation programme. Approval of the application on a temporary basis would not frustrate the long-term planning intention. The applied use was not incompatible with the surrounding uses of the area. The site fell within Category 3 areas under the Town Planning Board Guidelines No. 13E (TPB PG-No. 13E). The development was in line with the TPB PG-No. 13E in that there were previous planning approvals at the site and there was no adverse comment from concerned departments except DEP. Although DEP did not support the application, there was no substantiated environmental complaint pertaining to the site in the past three years. To minimize any possible environmental impacts and nuisance on the surrounding developments, and to address the technical requirements of the concerned departments, relevant approval conditions were recommended. Seven previous applications for similar uses had been granted to the site and other similar applications had been approved within the same “REC” zone. Approval of the current application was in line with the Committee’s previous decisions.

121. Members had no question on the application.

### Deliberation Session

122. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 12.4.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 8:30 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 painting and paint spraying activities, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (d) no vehicle exceeding 24 tonnes, including container trailer/tractor, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to enter/exit or to be parked/stored on the site at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from the public roads at any time during the planning approval period;
- (f) the existing fencing on the site shall be maintained at all times during the planning approval period;
- (g) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (h) 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 12.7.2019;

- (i) the existing trees on the site shall be maintained in good condition at all times during the planning approval period;
- (j) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.5.2019;
- (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 12.10.2019;
- (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 12.1.2020;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (i) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (n) if any of the above planning conditions (h), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

**Agenda Item 37**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/448            Temporary Open Storage and Warehouse of Construction Materials and Miscellaneous Goods, Agricultural Use and associated Filling of Land (about 0.2m) for a Period of 3 Years in “Agriculture” Zone, Lots 1040 S.A RP and 1040 S.A ss.1 S.A in D.D. 117, Yeung Ka Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TT/448A)

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124.            The Committee noted that a replacement page (page 6 of the Paper) clarifying the departmental comments in paragraph 10.1.2 (b) of the Paper had been despatched to Members prior to the meeting.

**Presentation and Question Sessions**

125.            Mr Steven Y.H. Siu, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the temporary open storage and warehouse of construction materials and miscellaneous goods, agricultural use and associated filling of land (about 0.2m) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site possessed potential for agricultural rehabilitation. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservations on the application as the proposed use was not entirely compatible with the existing landscape character. Approval of the application would set an undesirable precedent encouraging other similar

application to form and fill the site prior to obtaining planning permission. The cumulative impact of which would undermine the integrity of the “Agriculture” (“AGR”) zone and degrade the rural landscape character in general. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, four public comments objecting to the application were received from Kadoorie Farm and Botanic Garden, World Wild Fund for Nature Hong Kong, the Hong Kong Bird Watching Society and an individual. Major objection grounds were set out in paragraph 11 of the Paper; and
- (e) the PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The applied use was not in line with the planning intention of the “AGR” zone and DAFC did not support the application. No strong planning justifications had been provided in the submission for a departure from the planning intention, even on a temporary basis. The site fell within Category 3 areas under the Town Planning Board Guidelines No. 13E (TPB PG-No. 13E). The development was not in line with the TPB PG-No. 13E in that no previous planning approval for similar use had been granted to the site and there were adverse departmental comments on the application. Two similar applications for open storage or warehouse uses within the same “AGR” zone were rejected by the Committee/Town Planning Board on review. Approval of the current application would set an undesirable precedent and the cumulative effect would result in a general degradation of the rural environment and landscape quality of the area. Regarding the adverse public comments, comments of concerned departments and the planning assessments above were relevant.

126. A Member enquired and Mr Steven Y.H. Siu, STP/TMYLW, replied that the site was subject to planning enforcement action against unauthorized development. Both enforcement notice and reinstatement notice had been issued to the concerned parties.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the proposed development is not compatible with the surrounding areas comprising mainly fallow and cultivated agricultural land;
- (c) the development is not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that no previous approval has been granted to the site and there are adverse departmental comments on the application; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.”



**Agenda Item 38**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/450            Proposed Temporary Shop and Services (Retail Shop for Plants) with Plant Nursery for a Period of 3 Years in “Agriculture” and “Village Type Development” Zones, Lots 1958 (Part), 1959 (Part) and 1960 (Part) in D.D. 119 and Adjoining Government Land, Yuen Long (RNTPC Paper No. A/YL-TT/450A)

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128.            The Committee noted that a replacement page (page 6 of the Paper) clarifying the departmental comments in paragraph 9.1.2 (a) of the Paper had been despatched to Members prior to the meeting.

**Presentation and Question Sessions**

129.            Mr Steven Y.H. Siu, 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 (retail shop for plants) with plant nursery for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservations on the application as the proposed use was not entirely compatible with the surrounding environment. Approval of the application would likely set an undesirable precedent encouraging other similar applications to clear the site prior to obtaining planning permission. The cumulative impact would result in the degradation of rural landscape character in general. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, one public comment objecting to the application was received from the World Wild Fund for Nature Hong Kong. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the PlanD's views – PlanD considered the temporary use under application could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “Agriculture” zone and the Director of Agriculture, Fisheries and Conservation had no strong view on the application. The proposed development was considered not incompatible with the surrounding uses, which were largely rural in character. Relevant government departments consulted, except CTP/UD&L, PlanD, had no objection to or no adverse comment on the application. Although CTP/UD&L, PlanD had reservations on the application, the applicant had pledged to unpave the entire site for the current proposed plant nursery use. To minimize any potential nuisance on the surrounding areas or to address the concerns of the public and technical requirements of concerned departments, relevant approval conditions were recommended. Regarding the adverse public comment, comments of concerned departments and the planning assessments above were relevant.

130. Members had no question on the application.

#### Deliberation Session

131. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 12.4.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 4:00 p.m. and 10:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;

- (b) no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (c) no workshop activities, as proposed by the applicant, shall be carried out on the site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the submission of a revised 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 12.10.2019;
- (f) in relation to (e) 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 12.1.2020;
- (g) in relation to (f) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (h) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.10.2019;
- (i) in relation to (h) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.1.2020;
- (j) if any of the above planning conditions (a), (b), (c), (d) or (g) is not complied with during the planning approval period, the approval hereby

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

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

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

### **Agenda Item 39**

#### **Section 16 Application**

[Open Meeting]

A/YL-TT/459                      Proposed Temporary Open Storage of Construction Materials for a Period of 3 Years in “Agriculture” Zone, Lots 1969 and 2101 in D.D. 118, Sung Shan New Village, Tai Tong, Yuen Long  
(RNTPC Paper No. A/YL-TT/459)

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133. The Committee noted that the applicant requested on 20.3.2019 deferment of consideration of the application for a period of two months so as to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

134. 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 40**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/460           Renewal of Planning Approval for Temporary “Dog Hotel” for a Period of 3 Years in “Village Type Development” Zone, Lots 24 RP (Part), 26 RP (Part) and 28 RP (Part) in D.D. 118 and Adjoining Government Land, No. 169B, Tai Tong Road, Hung Tso Tin Tsuen, Yuen Long  
  
(RNTPC Paper No. A/YL-TT/460)

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**Presentation and Question Sessions**

135.       Mr Steven Y.H. Siu, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the renewal of planning approval for temporary “dog hotel” for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD considered the temporary use under application could be tolerated for a further period of three years based on the assessments set out in paragraph 12 of the Paper.

Although the proposal was not in line with the planning intention of the “Village Type Development” zone, the proposed dog hotel could meet any such demand in the area and approval of the application on a temporary basis would not frustrate the long-term development of the area. The current renewal application was generally in line with the Town Planning Board Guidelines No. 34C in that there had been no material change in planning circumstances since the previous approved application, all approval conditions had been complied with, and the approval period sought was reasonable. Relevant government departments had no adverse comment on the application. To minimise any possible nuisance, relevant approval conditions were recommended. Three previous approvals for the same applied use/similar use had been granted to the site and approval of the current application was in line with the Committee’s previous decisions.

136. Members had no question on the application.

#### Deliberation Session

137. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 23.4.2019 to 22.4.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no visitors are allowed on the site between 6:30 p.m. and 8:45 a.m. from Mondays to Fridays, 6:30 p.m. and 9:00 a.m. on Saturdays and 7:00 p.m. and 9:30 a.m. on Sundays and public holidays, as proposed by the applicant, during the planning approval period;
- (b) the dogs shall be kept inside the enclosed boarding facilities between 6:30 p.m. and 9:00 a.m. on the site, as proposed by the applicant, during the planning approval period;
- (c) the existing double glazing windows installed for the boarding facilities

shall be maintained at all times during the planning approval period;

- (d) no vehicle is allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (g) 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 23.7.2019;
- (h) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.10.2019;
- (i) in relation to (h) above, the implementation of fire service installations proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.1.2020;
- (j) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (k) if any of the above planning conditions (g), (h) or (i) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

#### **Agenda Item 41**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/953 Temporary Open Storage of Construction Materials, Equipment and Machinery for a Period of 3 Years in “Undetermined” Zone, Lots 348 RP (Part), 349 RP, 350 RP (Part), 351 (Part), 352 (Part), 353 S.A RP (Part), 353 S.B (Part), 361 RP and 362 RP in D.D. 119, Yuen Long  
(RNTPC Paper No. A/YL-TYST/953)

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

139. Mr Steven Y.H. Siu, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the temporary open storage of construction materials, equipment and machinery for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers (residential dwelling/structure) along the access track leading to the site, the applied use would cause traffic of heavy vehicles and environmental nuisance was expected. Other concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and



- (e) the Planning Department (PlanD)'s views – PlanD considered the temporary use under application could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The applied use was not in conflict with the planning intention of the “Undetermined” (“U”) zone and approval of the application on a temporary basis would not jeopardize the long-term development of the area. The proposed development was not incompatible with the surrounding uses. The application was generally in line with the Town Planning Board Guidelines No. 13E in that the site fell within Category 1 areas which were considered suitable for open storage and port back-up use and the technical concerns of relevant government departments could be addressed through the implementation of approval conditions. There was no adverse comment on the application from concerned departments, except DEP. Although DEP did not support the application, there had been no environmental complaint concerning the site in the past three years. To address the concerns on the possible environmental nuisances and the technical requirements of other departments, relevant approval conditions were recommended. Six previous approvals for similar open storage uses had been granted to the site and similar applications had been approved in this part of the “U” zone. Approval of the current application was in line with the Committee's previous decisions.

140. Members had no question on the application.

#### Deliberation Session

141. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 12.4.2022, 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 and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no repairing, dismantling, spraying, cleansing or any other workshop activities, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (d) no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the 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 12.10.2019;
- (g) all existing trees within the site shall be maintained at all times during the planning approval period;
- (h) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (i) the submission of a condition record of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 12.7.2019;
- (j) the provision of fire extinguisher(s) with valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.5.2019;

- (k) 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 12.10.2019;
- (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 12.1.2020;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (g) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (n) if any of the above planning conditions (f), (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.”

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

#### **Agenda Item 42**

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

[Open Meeting]

A/YL-TYST/954 Proposed Temporary Eating Place and Shop and Services for a Period of 3 Years in “Industrial (Group D)” and “Residential (Group B)1” Zones, Lot 1201 RP in D.D. 121, Tong Yan San Tsuen Road, Yuen Long  
(RNTPC Paper No. A/YL-TYST/954)

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143. The Committee noted that the applicant’s representative requested on 25.3.2019 deferment of consideration of the application for a period of two months so as to allow time to prepare further information to address departmental comments. It was the first time that

the applicant requested deferment of the application.

144. 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 43**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/955 Temporary Open Storage of Construction Material with Ancillary Site Office for a Period of 3 Years in "Undetermined" Zone, Lot 1064 (Part) in D.D. 119, Pak Sha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/955)

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

145. Mr Steven Y.H. Siu, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the temporary open storage of construction material with ancillary site office for a period of three years;
- (c) departmental comments – departmental comments were set out in

paragraph 10 of the Paper. Concerned departments had no objection to or no adverse comment on the application;

- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD considered the temporary use under application could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The applied use was not in conflict with the planning intention of the “Undetermined” (“U”) zone and approval of the application on a temporary basis would not jeopardize the long-term development of the area. The proposed development was not incompatible with the surrounding uses. The application was generally in line with the Town Planning Board Guidelines No. 13E in that the site fell within Category 1 areas which were considered suitable for open storage and port back-up use and the technical concerns of relevant government departments could be addressed through the implementation of approval conditions. There was no adverse comment on the application from concerned departments. To minimize any potential environmental nuisances and to address the technical requirements of other departments, relevant approval conditions were recommended. One previous approval for the same applied use had been granted to the site and similar applications had been approved in this part of the “U” zone. Approval of the current application was in line with the Committee's previous decisions.

146. Members had no question on the application.

#### Deliberation Session

147. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 12.4.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 5:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (d) no dismantling, cleaning, repairing or workshop activities, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (e) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) 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 12.10.2019;
- (h) all existing trees 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 12.7.2019;

- (k) the provision of fire extinguisher(s) with a valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.5.2019;
- (l) 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 12.10.2019;
- (m) in relation to (l) 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 12.1.2020;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (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
- (o) if any of the above planning conditions (g), (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.”

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

**Agenda Item 44**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

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

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**Presentation and Question Sessions**

149.        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 social welfare facility (private elderly home) and residential institution (senior citizen housing);
- (c)    departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. The District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) noted that none of the private lots of the site was owned by the applicant, and the applicant had yet to obtain consent/full consent for some lots from the respective owners including those lots held by Tsos and Tongs. The applicant should demonstrate how the proposed scheme could be implemented. Moreover, DLO/YL, LandsD had reservation on the applicant’s proposal to surrender the southern portion of the site to the Government. For the northern portion of the site, the Secretary for Food and Health advised that the proposed development would reduce the area reserved for a hospital development. Besides, the irregular shape of the remaining site would greatly impact on both the access to and the planning efficiency of the



future hospital. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, one public comment objecting to the application was received from the Village Representatives of Hung Uk Tsuen. Major objection grounds were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. According to the Hung Shui Kiu and Ha Tsuen (HSK & HT) Outline Development Plan No. D/HSK/1, the northern portion of the site was designated for the development of a hospital including polyclinic/specialist clinic while the southern portion was designated for a public road and reserved for the development of a primary school and secondary school. The proposed senior citizen housing was not entirely in line with the planning intention of the “Government, Institution or Community” (“G/IC”) zone and might pose unnecessary constraint to those government projects. There was no strong planning justification given in the submission to support a departure from the planning intention. The application did not comply with the Town Planning Board Guidelines No. 16 in that there was no information to demonstrate that the proposed development would not adversely affect the provision of Government, institution or community facilities in the district on a long-term basis. In addition, the applied use was not compatible with the current land uses in the surrounding areas. The applicant had not demonstrated in the submission that there was a reasonable prospect to implement the proposed development. Regarding the adverse public comment, comments of concerned departments and the planning assessments above were relevant.

150. The Chairman and some Members raised the following questions:

- (a) whether decontamination works would be required given that the site was currently used as a concrete batching plant;

- (b) the details of the proposed land surrender arrangement given that the applicant was not the “current land owner”; and
- (c) as the subject site was on private lands which would be resumed by the Government in the future to carry out the government projects, whether the impact on HSK New Development Area (NDA) development would be different in comparing the current concrete batching plant with the proposed development.

151. Mr Simon P.H. Chan, STP/TMYLW, made the following responses:

- (a) the applicant would need to compile a Land Contamination Assessment Report prior to the commencement of the proposed development;
- (b) the applicant had yet to obtain the consents of the concerned Tsos and Tongs, but some of the land owned by Tsos and Tongs was proposed to be surrendered to the Government under the applicant’s proposal. Thus, the implementation prospect for the proposed development was in doubt; and
- (c) the current concrete batching plant was running on a short term waiver while the proposed development was a proposal for permanent development which might involve more complicated land grant arrangements. It was expected that the proposed development could only operate for a short span of time before land was resumed by the Government for HSK NDA development.

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

#### Deliberation Session

152. The Secretary briefed Members that the site was the subject of a representation to the draft HSK & HT Outline Zoning Plan (OZP) No. S/HSK/1 (gazetted on 26.5.2017) submitted by the same applicant. The representation opposed the “G/IC” zoning of the site,

and proposed to rezone the site to “G/IC(1)” for the development under the current application. The Town Planning Board heard the representation and decided not to amend the OZP to meet the representation on the grounds that the site was reserved for a hospital development including polyclinic/specialist clinics with an aim to providing medical services to serve the future population in the New Territories West. Relevant details were included in paragraph 4.3 of the Paper. Members noted.

153. A Member expressed that given medical facilities were in serious shortage in Hong Kong and the site had already been reserved for future hospital development, the current application which might affect the implementation of the hospital was not supported.

154. Members noted that as none of the private lots of the site was owned by the applicant, the applicant would need to assemble the ownership of all the private lots within the application site prior to commencing the land grant arrangement with LandsD.

155. A Member was of the view that while noting the implementation prospect of the proposed development, the individual merits of the proposed scheme should be considered. Given that the surrounding areas, in particular the area to the north of the site, were mainly occupied by open storage uses, the Member considered the proposed elderly home would be incompatible with the surrounding. Another Member however considered that in comparing with the existing concrete batching plant, the current proposal might bring improvement to the environment.

156. A Member pointed out that as the site had already been designated for hospital development, approving an application for permanent use would not be appropriate. In this connection, the rejection reason (a) as recommended by PlanD under paragraph 13.1 of the Paper was relevant. As rejection reason (a) had sufficiently elaborated the major consideration of the Committee, Members agreed that rejection reason (b) under paragraph 13.1 of the Paper was not required.

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

“the site falls mainly within a “Government, Institution or Community” zone

reserved for a planned hospital and specialist clinic/ polyclinic. There is no strong justification for the proposed development which may adversely affect the planned development.”

## **Agenda Item 45**

### **Section 16 Application**

[Open Meeting]

Information Note on Planning Applications  
for Temporary Brownfield Uses in Hung Shui Kiu  
(RNTPC Paper No. 2/19)

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158. With the aid of a PowerPoint presentation, Mr David Y.M. Ng, DPO/TMYLW, briefed Members on the Information Note including the background, development of brownfield uses in Hung Shui Kiu (HSK) area, consideration of applications for temporary brownfield uses since gazettal of HSK and Ha Tsuen Outline Zoning Plan (HSK & HT OZP) and the prevailing practice for consideration of brownfield uses as detailed in the Paper.

159. As the presentation was completed, the Chairman invited comments and questions from Members. Some Members had the following questions:

- (a) when considering individual planning applications for open storage and port back-up use, apart from the Town Planning Board Guidelines No. 13E (TPB PG-No. 13E), whether the Committee should take into account the zonings of the current HSK & HT OZP and the planning history of the specific application sites under the previous OZP;
- (b) as ten new applications for temporary brownfield operations without previous planning permission had been approved by the Committee since the gazettal of the HSK & HT OZP in 2017, how the Planning Department (PlanD) would view the increase in the number of brownfield operations vis-à-vis the long-term planning to transform the brownfield sites according to the zoning on the current OZP;

- (c) the rationale for the location of the new zonings intended for brownfield operations under the HSK & HT OZP which were mostly situated on the western portion of the area; and
- (d) whether it was the Government's long-term plan to relocate all the existing brownfield operations scattered at the eastern part of the HSK New Development Area (NDA) to those areas under the new zonings intended for brownfield operations; and for short-term arrangement, whether the temporary uses which were not in line with the planning intention of the current zonings should not be permitted, so as to encourage them to relocate to those new appropriate zones.

160. In response, Mr David Y.M. Ng, DPO/TMYLW, made the following main points:

- (a) taking the approved application No. A/HSK/89 as an example, although the site fell within Category 4 areas under TPB PG-No. 13E, the Committee had taken into account various factors including landuse compatibility and departmental comments before deciding to approve the application. The change in planning circumstances vis-à-vis the zonings on the current OZP had not been reflected in TPB PG-No. 13E which was now under review;
- (b) the Civil Engineering and Development Department (CEDD) was conducting a feasibility study on multi-storey buildings (MSBs) for accommodating brownfield operations. In fact, around 80ha of land had already been reserved on the current OZP for "Industrial" and various "Other Specified Uses" ("OU") zones annotated "Logistics Facility", "Port Back-up, Storage and Workshop Uses" ("PBU&SWU") and "Enterprise and Technology Park" uses. Some brownfield uses were always permitted in those zonings whereas other brownfield uses might require planning permission from the Town Planning Board. For individual cases like application No. A/HSK/89 that fell outside those relevant zonings on the current OZP and had no previous planning permission, the Committee

had holistically assessed all relevant considerations before making a decision. This approach could be followed for future similar applications;

- (c) the HSK & HT OZP was formulated based on the HSK NDA planning and engineering study conducted by the Government. The study recommended that the western part of the NDA could serve as an employment hub for special industrial uses as it was close to the Kong Sham Western Highway (KSWH). The heavy vehicle traffic generated from the special industry would be conveniently directed to and from the KSWH without going through the residential areas mainly located in the other parts of the NDA; and
- (d) while it was the planning intention to reserve areas for brownfield operations at those new zonings, whether it was technically feasible to relocate the existing brownfield operations to those sites designated for MSB development was being investigated in the feasibility study on MSB by CEDD. For those sites which were not intended for brownfield uses under the current zonings, in particular the clusters on the eastern portion of the NDA, the applications were approved mostly because the Committee had taken into consideration the planning history that in general the area was within Category 1 and 2 areas under the TPB PG-No. 13E and they were covered by previous planning permissions. Regarding the land conditions, the sites under the new zonings for brownfield operations were largely occupied and resumption by the Government would be required for the implementation of the HSK NDA project. While around 24.8ha of land was designated for “OU(PBU&SWU)” for the erection of MSBs, some of those sites could also be used for open storage to meet the need of certain industries that required open air operation and could not be accommodated in the future MSBs.

161. The Chairman briefed Members that it was the Government’s intention to take the opportunity of developing NDAs to resolve the problems related to brownfield operations in the New Territories. The Government had announced that the first phase of HSK NDA would be completed by 2024 for population intake. As CEDD’s study on MSB was still

on-going and the Government's policy in handling the existing brownfield operations had yet to be formulated, a consistent approach in assessing the planning applications had to be adopted during the interim period.

162. A Member said that while it had been the intention of the Committee to regularize the brownfield operations, the Committee should focus on issues from the planning perspective in processing planning applications and it was not the responsibility of the Committee to deal with the interests of particular trades or types of activities.

163. Noting that the detailed implementation programme for the whole HSK NDA was still being formulated, a Member considered that as long as the applied use was temporary in nature, the long-term development of the area would not be jeopardized and temporary uses could still be tolerated. The prevailing practice for consideration of brownfield uses could be followed. Another Member added that it would be the business decisions of individual operators to decide the way forward of their operations.

164. A Member opined that the existing brownfield operations had their economic values in meeting the demand for open storage and port back-up uses and there should be a gradual transition period to transform the existing operation mode into that under the planned MSB/industrial estate arrangements. When the CEDD's study was completed and more concrete information was available to the operators, it would then be up to the trades to decide their way forward. Meanwhile, brownfield operations could still be tolerated in the interim period.

165. Another Member said that proliferation of the brownfield operations should not be encouraged in view of the imminent development of the NDA and it was pragmatic to adopt a confinement approach for future applications. This would help strike a balance between meeting the interim needs of the trades and safeguarding the long-term planning of the area. While individual merits of each planning application would continue to be assessed, consideration from a more macro level (e.g. locations and number of approved cases in the area) would also be important. Another Member concurred and said that tighter control would help facilitate the gradual transformation of the area in accordance with the zonings on the OZP.

166. A Member pointed out that the transformation process towards more environmental friendly uses was noticed and related infrastructure facilities had to be provided by the Government to facilitate the overall transformation process. Another Member suggested that for future applications which could improve the existing rural environment, sympathetic consideration could be given while for cases which would bring further environmental nuisance, a more stringent approach should be adopted. A Member opined that some operations might have difficulty in adopting new operation mode under the MSB arrangement, and it would be useful if the Government's stance towards those operations could be made available.

167. The Chairman concluded that the Committee recognized the economic value of temporary brownfield operations in meeting the demand for open storage and port back-up uses. Considering that if not properly controlled, those activities would lead to degradation of the rural environment and create environmental nuisance. Over the years, the Committee had been monitoring the land use via the planning application mechanism with the imposition of approval conditions. For temporary brownfield operations in the HSK area, the Committee agreed to adopt the practice as stated in paragraph 4 of the Paper.

168. The Chairman thanked Mr David Y.M. Ng for attending the briefing and answering Members' enquiries.

[Dr Lawrence K.C. Li left the meeting at this point.]



**Agenda Item 46**

**Further Consideration of Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/132                      Proposed Temporary Open Storage of Recyclable Materials (Including Metal and Plastic) for a Period of 3 Years and Filling of Pond in “Government, Institution or Community” and “Open Space” Zones and an area shown as ‘Road’, Lots 280 (Part) and 281 (Part) in D.D. 125, San Wai, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/HSK/132A)

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**Presentation and Question Sessions**

169.            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 open storage of recyclable materials (including metal and plastic) for a period of three years;

**Further Information**

- (c)    On 8.3.2019, the Committee considered the subject application and application No. A/HSK/133 and decided to defer a decision on the applications, pending further information to be provided by the Planning Department (PlanD). Accordingly, PlanD had prepared an information note on planning applications for temporary brownfield uses in Hung Shui Kiu (HSK) (the Information Note) for consideration by the Committee at this meeting (Agenda Item 45).
- (d)    PlanD’s views – PlanD maintained its previous view that the temporary use under application could be tolerated for a period of three years based on the assessments set out in paragraph 3 of the Paper. Based on the

recommended approach for consideration of future temporary brownfield uses in HSK as set out in the Information Note, further assessments had been made for the subject application. Notwithstanding that the site fell within the Category 4 areas under the Town Planning Board Guidelines No. 13E and was not involved in any previous planning approval, the planning circumstance for the subject application was akin to a previously approved similar application (No. A/HSK/89) in that the two sites were adjoining each other and were close to areas zoned “Other Specified Uses” (“OU”) annotated “Port Back-up, Storage and Workshop Uses” and “OU” annotated “Logistics Facility” to their further west where some brownfield uses were Column 1 uses. In view of that the implementation programme for that part of HSK New Development Area was still being formulated, a number of similar applications adjacent to the site within the same “Government, Institution or Community” and “Open Space” zones were approved, the applied use was not incompatible with the surrounding uses, and there were no adverse departmental comments, sympathetic consideration might be given to the application.

170. Members had no question on the application.

#### Deliberation Session

171. A Member noted that the location of the subject application was within the current cluster of the existing brownfield operations and considered the application could be approved.

172. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 12.4.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no part of the pond shall be filled to a depth exceeding 1.2m, as proposed by the applicant;
- (b) no operation between 7:00 p.m. and 9:00 a.m., as proposed by the applicant,

- is allowed on the site during the planning approval period;
- (c) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
  - (d) no workshop activity, as proposed by the applicant, will be allowed on the site during the planning approval period;
  - (e) no heavy goods vehicle exceeding 24 tonnes, including container trailer/tractor, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
  - (f) no vehicle is allowed to queue back to or reverse onto/from the 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 the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 12.10.2019;
  - (h) in relations to (g) above, the implementation of the revised drainage proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 12.1.2020;
  - (i) in relations to (h) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
  - (j) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS 251) within 6 weeks from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.5.2019;
  - (k) the submission of a 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 12.10.2019;

- (l) in relation to (k) 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 12.1.2020;
- (m) the provision of fencing within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 12.10.2019;
- (n) 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
- (o) if any of the above planning conditions (g), (h), (j), (k), (l) or (m) 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.”

173. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix VII of Annex F-I of the Paper.

#### **Agenda Item 47**

##### **Further Consideration of Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/133 Proposed Temporary Open Storage of Construction Machinery for a Period of 3 Years in “Government, Institution or Community” Zone, Lots 108 S.A (Part), 108 S.B ss.1 (Part), 108 S.B ss.2, 108 S.B ss.3 (Part), 110 (Part) and 112 (Part) in D.D. 128, Ha Tsuen, Yuen Long (RNTPC Paper No. A/HSK/133A)

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Presentation and Question Sessions

174. 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 open storage of construction machinery for a period of three years;

Further Information

- (c) On 8.3.2019, the Committee considered the subject application and application No. A/HSK/132 and decided to defer a decision on the applications, pending further information to be provided by the Planning Department (PlanD). Accordingly, PlanD had prepared an information note on planning applications for temporary brownfield uses in Hung Shui Kiu (HSK) (the Information Note) for consideration by the Committee at this meeting (Agenda Item 45);
- (d) PlanD's views – PlanD did not support the application based on the assessments as set out in paragraph 3 of the Paper. Based on the recommended approach for consideration of future temporary brownfield uses in HSK as set out in the Information Note, further assessments had been made for the subject application. The applied use was not in line with the planning intention of the “Government, Institution or Community” (“G/IC”) zone and there was no strong planning justification given in the submission for a departure from the planning intention, even on a temporary basis. The applied use, which was industrial in nature, was not compatible with the surrounding environment, in particular the village cluster of Fong Kong Tsuen. The application did not comply with the Town Planning Board Guidelines No. 13E (TPB PG-No.13E) in that the site fell within Category 4 areas where applications would normally be rejected except under exceptional circumstances. The site was not the

subject of any previous planning approval and there was no strong justification to warrant a sympathetic consideration. Besides, there was no similar approved application within the subject “G/IC” zone since the promulgation of TPB PG-No. 13E. Regarding the adverse public comment, the planning considerations and assessment above were relevant.

175. Members had no question on the application.

### Deliberation Session

176. Members noted that unlike application No. A/HSK/132 (Agenda Item 46), the subject application was not located within a cluster of the existing brownfield operations. A Member said that if the application was approved, it would set an undesirable precedent for similar applications within the said “G/IC” zone.

177. 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 “Government, Institution or Community” (“G/IC”) zone which is intended primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. No strong planning justification has been given in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the proposed development is not compatible with the surrounding land uses which are predominantly residential in nature; and
- (c) approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the same “G/IC” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.”

## **Agenda Item 48**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/135                      Temporary Open Storage of Containers and Logistics Centre for a Period of 3 Years in “Government, Institution or Community” and “Residential (Group A)3” Zones and an area shown as ‘Road’, Lots 80 (Part), 89 (Part), 90 (Part), 91 (Part) and 92 (Part) in D.D. 125, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/HSK/135)

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### **Presentation and Question Sessions**

178.            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 open storage of containers and 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 along the access road and environmental nuisance was expected. Other concerned 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; and
- (e) the Planning Department (PlanD)’s views – PlanD considered the temporary use under application could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper.

Although the applied use was not in line with the planning intention of the “Residential (Group A)3” (“R(A)3”) zone, the implementation programme for this part of the Hung Shui Kiu New Development Area was still being formulated. Approval of the application on a temporary basis would not jeopardize the long-term development of the site. The applied use was not incompatible with the surrounding land uses. The proposed development was generally in line with the Town Planning Board Guidelines No. 13E in that the site fell within Category 1 areas which were considered suitable for open storage and port back-up use, no adverse impacts would be generated and the technical concerns of relevant departments could be addressed through the implementation of approval conditions. There was no adverse comment on the application from concerned departments, except DEP. Although DEP did not support the application, there had been no environmental complaint concerning the site in the past three years. To address the concerns on the possible environmental nuisances and the technical requirements of other departments, relevant approval conditions were recommended. Five previous approvals for similar uses had been granted to the site and similar applications had been approved within the same “R(A)3” zone. Approval of the current application was in line with the Committee’s previous decisions.

179. Members had no question on the application.

#### Deliberation Session

180. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 12.4.2022, 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. on Mondays to Saturdays, as proposed by the applicant, is allowed on the site during the 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 cutting, cleansing, melting, dismantling or other workshop activity, as proposed by the applicant, is allowed to be carried out on the site at any time during the planning approval period;
- (d) the existing fencing on the site shall be maintained at all times during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from the public road at any times during the planning approval period;
- (f) the stacking height of containers stored on the site shall not exceed 8 units, as proposed by the applicant, at all times during the planning approval period;
- (g) the existing trees and landscape planting on the site shall be maintained at all times during the planning approval period;
- (h) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (i) the submission of a condition record of the existing drainage facilities on site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 12.7.2019;
- (j) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.5.2019;
- (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 12.10.2019;

- (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 12.1.2020;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (n) if any of the above planning conditions (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.”

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

#### **Agenda Item 49**

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

[Open Meeting]

A/HSK/136                      Proposed Temporary Shop and Services (Domestic Goods) for a Period of 5 Years in “Village Type Development” Zone, Lots 1095 (Part), 1096 (Part) and 1097 (Part) in D.D. 124 and Adjoining Government Land, Hung Shui Kiu, Yuen Long  
(RNTPC Paper No. A/HSK/136)

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182. The Committee noted that after issuance of the Paper, the applicant’s representative wrote to the Secretary of Town Planning Board (the Board) on 4.4.2019 and requested the Board to defer making a decision on the application for two months so as to allow time for preparation of further information to support the application. The letter was tabled at the meeting for Members’ consideration. It was the first time that the applicant requested deferment of the application.

183. 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 50**

#### **Section 16 Application**

A/HSK/137                      Proposed Temporary Wholesale Trade with Ancillary Shop and Services (Metalware Goods) for a Period of 3 Years in "Government, Institution or Community" and "Open Space" Zones and an area shown as 'Road', Lots 1082 (Part), 1083 (Part), 1084 (Part), 1088 (Part), 1109 (Part) and 1111 (Part) in D.D. 124, Hung Shui Kiu, Yuen Long  
  
(RNTPC Paper No. A/HSK/137)

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

## **Agenda Item 51**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/139            Proposed Temporary Open Storage of Recyclable Materials (Metal only) for a Period of 3 Years in “Other Specified Uses” annotated “Logistics Facility” Zone and an areas shown as ‘Road’, Lots 1511 S.B (Part), 1512 (Part), 1521 (Part), 1522 (Part), 1533 (Part), 1534 (Part), 1535 (Part), 1536 (Part), 1538 RP (Part) and 1540 (Part) in D.D. 125, Ha Tsuen, Yuen Long  
  
(RNTPC Paper No. A/HSK/139)

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### **Presentation and Question Sessions**

185.            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 open storage of recyclable materials (metal only) 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 along the access road and environmental nuisance was expected. Other concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD considered the temporary use under application could be tolerated for a period of three

years based on the assessments set out in paragraph 12 of the Paper. The proposed open storage use was always permitted under the “Other Specified Uses” annotated “Logistics Facility” (“OU(LF)”) zone. Although the applied use was not in line with the planning intention for the ‘Road’ area, the implementation programme for this part of the Hung Shui Kiu New Development Area was still being formulated. Approval of the application on a temporary basis would not jeopardize the long-term development of the site. The applied use was not incompatible with the surrounding land uses. The proposed development was generally in line with the Town Planning Board Guidelines No. 13E (TPB PG-No. 13E) in that the site fell within Category 1 areas which were considered suitable for open storage and port back-up use, no adverse impacts would be generated and the technical concerns of relevant departments could be addressed through the implementation of approval conditions. There was no adverse comment on the application from concerned departments, except DEP. Although DEP did not support the application, there had been no substantiated environmental complaint against the site in the past three years. To minimize any potential environmental impacts and to address the technical concerns of other departments, relevant approval conditions were recommended. Three previous approvals for similar uses had been granted to the site and similar applications had been approved within the same “OU(LF)” zone. Approval of the current application was in line with the Committee’s previous decisions.

186. Members had no question on the application.

#### Deliberation Session

187. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 12.4.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no night-time operation from 8:00 p.m. to 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) the existing fencing 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 existing drainage facilities shall be maintained at all times during the planning approval period;
- (f) the submission of record of 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 12.7.2019;
- (g) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.5.2019;
- (h) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.10.2019;
- (i) in relation to (h) 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 12.1.2020;
- (j) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and

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

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

## **Agenda Item 52**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/140 Temporary Warehouse for Storage of Exhibition Materials for a Period of 3 Years in “Commercial (3)” and “Residential (Group A)2” Zones and an area shown as ‘Road’, Lots 597 RP (Part), 599 RP, 601 RP, 602 (Part), 637 RP (Part), 638 RP, 639 RP, 648 RP, 649 RP, 650, 651, 652 (Part) and 653 RP in D.D. 124 and adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/HSK/140)

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### **Presentation and Question Sessions**

189. 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 warehouse for storage of exhibition materials for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, one public comment from an individual objecting to the application was received. Major objection grounds were set out in paragraph 10 of the Paper; and
  
- (e) the Planning Department (PlanD)'s views – PlanD considered the temporary use under application could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Although the applied use was not in line with the planning intention for the “Commercial (3)” (“C(3)”) and “Residential (Group A)2” (“R(A)2”) zones, the implementation programme for this part of the Hung Shui Kiu New Development Area was still being formulated. Approval of the application on a temporary basis would not jeopardize the long-term development of the site. The relevant structures on site had already existed before the gazettal of the Hung Shui Kiu and Ha Tsuen Outline Zoning Plan (OZP) when the site was zoned “Open Storage” on the then approved Ha Tsuen OZP in which ‘Warehouse’ and ‘Open Storage’ uses were Column 1 uses. While the previous use within the structures before the gazettal had not been established by the applicant, favourable consideration might be given to the current application. The applied use was not incompatible with the surrounding land uses. There was no adverse comment on the application from concerned departments. To address the possible environmental nuisances and the technical requirements of departments, relevant approval conditions were recommended. One previous approval for similar use had been granted to the site and one similar application had been approved within the same “C(3)” and “R(A)2” zones. Approval of the current application was in line with the Committee’s previous decisions. Regarding the adverse public comment, comments of concerned departments and the planning assessments above were relevant.

190. Members had no question on the application.



Deliberation Session

191. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 12.4.2022, 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 vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;
- (d) 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 12.10.2019;
- (e) in relation to (d) 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 12.1.2020;
- (f) in relation to (e) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (g) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.10.2019;
- (h) in relation to (g) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.1.2020;

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

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

### **Agenda Item 53**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/141 Proposed Temporary Logistics Centre for a Period of 3 Years in “Other Specified Uses” annotated “Logistics Facility” and “Other Specified Uses” annotated “Sewage Treatment Works” Zones and an area shown as ‘Road’, Lots 1457 RP (Part), 1458 RP (Part), 1459 (Part), 1460 (Part), 1461 (Part), 1462 (Part), 1463 (Part), 1464 (Part), 1465 (Part) and 1466 (Part) in D.D. 125, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/HSK/141)

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193. The Committee noted that a replacement page (page 12 of the Paper) rectifying an editorial error in paragraph 13.2 of the Paper had been despatched to Members prior to the meeting.

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

194. 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 for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment from an individual objecting to the application was received. Major objection grounds were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD considered the temporary use under application could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The applied use was in line with the planning intention for the “Other Specified Uses” annotated “Logistic Facility” (“OU(LF)”) zone but not in line with that of the “OU” annotated “Sewage Treatment Works” (“OU(STW)”) zone. As the implementation programme for this part of the Hung Shui Kiu New Development Area was still being formulated, approval of the application on a temporary basis would not jeopardize the long-term development of the site. The proposed development was not incompatible with the surrounding land uses. The application was generally not in line with the Town Planning Board Guidelines No. 13E (TPB PG-No.13E) in that the site fell within Category 4 areas where applications would normally be rejected except under exceptional circumstances. Nevertheless, the planning circumstances of the area had been changed as the site had been rezoned. Majority of the site was now intended for development of modern logistics facilities. There was no adverse comment on the application from concerned departments. Sympathetic consideration might be given to the proposed development. To address the possible environmental nuisances and the technical requirements of the concerned departments, relevant approval conditions were recommended. Three

similar applications within the same “OU(LF)” and “OU(STW)” zones had been approved. Approval of the current application was in line with the Committee’s previous decisions. Regarding the adverse public comment, comments of concerned departments and the planning assessments above were relevant.

195. Members had no question on the application.

#### Deliberation Session

196. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 12.4.2022, 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 and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no cutting, dismantling, cleansing, repairing, compaction, vehicle repair and other workshop activity, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (d) no vehicle queuing back to or reverse onto/from the public road is allowed 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 existing trees and landscape plants on the site shall be maintained at all times 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 12.10.2019;

- (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 12.1.2020;
- (i) in relation to (h) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (j) the submission of 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 12.10.2019;
- (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 12.1.2020;
- (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.”

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

**Agenda Item 54**

**Section 16 Application**

[Open Meeting]

A/HSK/142 Proposed Temporary Wholesale Trade with Ancillary Shop and Services (Furniture) for a Period of 3 Years in “Government, Institution or Community” Zone, Lots 1094 (Part), 1095 (Part), 1096 (Part) and 1097 (Part) in D.D. 124 and Adjoining Government Land, Hung Shui Kiu, Yuen Long  
(RNTPC Paper No. A/HSK/142)

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198. The Committee noted that after issuance of the Paper, the applicant’s representative wrote to the Secretary of Town Planning Board (the Board) on 4.4.2019 and requested the Board to defer making a decision on the application for two months so as to allow time for preparation of further information to support the application. The letter was tabled at the meeting for Members’ consideration. It was the first time that the applicant requested deferment of the application.

199. 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 David Y.M. Ng, DPO/TMYLW, Ms Bonnie K.C. Lee, Mr Steven Y.H. Siu and Mr Simon P.H. Chan, STPs/TMYLW, for their attendance to answer Members’ enquiries. They left the meeting at this point.]

**Agenda Item 55**

**Any Other Business**

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