

TOWN PLANNING BOARD

Minutes of 636th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 18.10.2019

Present

Director of Planning
Mr Raymond K.W. Lee

Chairman

Mr H.W. Cheung

Vice-chairman

Mr Ivan C.S. Fu

Dr F.C. Chan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Mr K.K. Cheung

Dr Lawrence K.C. Li

Mr Stephen L.H. Liu

Miss Winnie W.M. Ng

Mr L.T. Kwok

Mr K.W. Leung

Dr Jeanne C.Y. Ng

Mr Ricky W.Y. Yu

Chief Traffic Engineer/New Territories West,
Transport Department
Mr Alex K.M. Man

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

Assistant Director (Environmental Assessment),
Environmental Protection Department
Mr Terence S.W. Tsang

Assistant Director/Regional 3,
Lands Department
Mr Alan K.L. Lo

Deputy Director of Planning/District
Ms Lily Y.M. Yam

Secretary

Absent with Apologies

Dr C.H. Hau

In Attendance

Assistant Director of Planning/Board
Ms April K.Y. Kun

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

Town Planner/Town Planning Board
Mr Ryan C.K. Ho

Agenda Item 1

Confirmation of the Draft Minutes of the 635th RNTPC Meeting held on 4.10.2019

[Open Meeting]

1. The draft minutes of the 635th RNTPC meeting held on 4.10.2019 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

Amendment to Confirmed Minutes of the 634th RNTPC Meeting held on 20.9.2019

2. The Secretary reported that a typographical error was spotted on page 75 of the confirmed minutes of the 634th RNTPC meeting held on 20.9.2019. A page showing the amendment to the minutes was tabled at the meeting. The Committee agreed to the rectification of the confirmed minutes to reflect that the approval condition (f) regarding the submission of a revised drainage proposal should be complied with to the satisfaction of the Director of Drainage Services by 20.3.2020, instead of by 20.3.2019. A revised approval letter would be sent to the applicant accordingly.

Sai Kung and Islands District

Agenda Item 3

Section 16 Application

[Open Meeting]

A/SK-CWBN/58 Proposed Public Utility Installation (LV Poles, Underground Cable and Overhead Cable) and Excavation and Filling of Land in “Conservation Area” Zone, Government Land in D.D. 238, Clear Water Bay, Sai Kung
(RNTPC Paper No. A/SK-CWBN/58)

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

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

- Mr K.K. Cheung - his firm having current business dealings with CLP and past business dealings with KSCCL;

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

- Mr David Y.T. Lui - co-owing with spouse two properties in Clear Water Bay.

4. The Committee noted that the applicant had requested deferment of consideration of the application and Mr K.K. Cheung had not yet arrived to join the meeting. The Committee agreed that Dr Jeanne C.Y. Ng could stay in the meeting but should refrain from participating in the discussion as her interest was direct. Since Mr Stephen L.H. Liu had no involvement in the application and the properties co-owned by Mr David Y.T. Lui and his

spouse had no direct view of the application site, the Committee agreed that they could stay in the meeting.

5. The Committee noted that the applicant's representative requested on 8.10.2019 deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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 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 Items 4 to 8

Section 16 Applications

[Open Meeting]

A/SK-SKT/23 Proposed Social Welfare Facility (Residential Care Home for the Elderly) and Flat with Minor Relaxation of Plot Ratio Restriction in "Residential (Group E)1" Zone, 1 Hong Ting Road, Sai Kung

A/SK-SKT/24 Proposed Social Welfare Facility (Residential Care Home for the Elderly) with Minor Relaxation of Plot Ratio Restriction in "Residential (Group E)1" Zone and an area shown as 'Road', 2 Hong Ting Road, Sai Kung

A/SK-SKT/25 Proposed Social Welfare Facility (Residential Care Home for the Elderly) and Flat with Minor Relaxation of Plot Ratio Restriction in “Residential (Group E)1” Zone and an area shown as ‘Road’, 6 Hong Ting Road, Sai Kung

A/SK-SKT/26 Proposed Social Welfare Facility (Residential Care Home for the Elderly) with Minor Relaxation of Plot Ratio Restriction in “Residential (Group E)1” Zone and an area shown as ‘Road’, 7 Hong Ting Road, Sai Kung

A/SK-SKT/27 Proposed Social Welfare Facility (Residential Care Home for the Elderly) with Minor Relaxation of Plot Ratio Restriction in “Residential (Group E)1” Zone, 7 (Part) and 9 Hong Ting Road, Sai Kung
(RNTPC Paper No. A/SK-SKT/23 to 27)

7. The Secretary reported that Associated Architects Ltd. (AAL), Landes Ltd. (Landes) and Ramboll Hong Kong Ltd. (Ramboll) were three of the consultants of the applicants. The following Members had declared interests on the items :

- Mr K.K. Cheung - his firm having past business dealings with AAL;
and
- Mr Ivan C.S. Fu - having current business dealings with Landes and Ramboll.

8. The Committee noted that the applicants had requested deferment of consideration of the applications and Mr K.K. Cheung had not yet arrived to join the meeting. Since Mr Ivan C.S. Fu had no involvement in the applications, the Committee agreed that they could stay in the meeting.

9. The Committee noted that the applicants’ representative requested on 30.9.2019 deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. It was the

first time that the applicants requested deferment of the applications.

10. After deliberation, the Committee decided to defer a decision on the applications as requested by the applicants pending the submission of further information from the applicants. The Committee agreed that the applications 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 applications 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.

[Ms Jane W.L. Kwan, Senior Town Planner/Sai Kung and Islands (STP/SKIs), was invited to the meeting at this point.]

[Mr K.K. Cheung arrived to join the meeting at this point.]

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-TLS/57 Temporary Private Garden for a period of 3 Years in "Green Belt"
Zone, Government land adjoining Lot No. 1929 in S.D. 2, Fei Ha
Road, Sai Kung, New Territories
(RNTPC Paper No. A/SK-TLS/57)

Presentation and Question Sessions

11. Ms Jane W.L. Kwan, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) temporary private garden for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as approval of the application would set an undesirable precedent to encourage similar vegetation removal prior to obtaining planning permission and no information on landscape proposal was given in the application to ascertain the overall landscape quality. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, eight public comments objecting to the application were received from the Hong Kong Bird Watching Society, Owner Incorporation of Helena Heights, World Wide Fund for Nature Hong Kong, Designing Hong Kong Limited and two residents of the adjoining residential development as well as two individuals. Major objection grounds were set out in paragraph 11 of the Paper; and
- (e) PlanD's views - PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The applied use was not in line with the planning intention of the "Green Belt" ("GB") zone. It was not in line with the Town Planning Board (TPB) Guidelines No.10 in that there were no exceptional circumstances or strong planning justification for the applicant to privatise a piece of government land for a private garden for his sole enjoyment. The site was covered by dense vegetation including some existing trees in 2017, but vegetation clearance took place in 2018 and it was turned into a private garden without valid planning permission. CTP/UD&L, PlanD had reservation on the application from landscape planning perspective. The cumulative effect of approving such similar applications would generate adverse impact on the landscape resource and character of the area and resulting in gradual degradation and irreversible change to the "GB" zone. As vegetation

clearance had taken place, approval of the application could be construed as condoning to the “Destroy First, Build Later” approach. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

12. A Member raised the following questions:

- (a) whether there was any precedent case for private garden use on government land; and
- (b) in what aspect that the applied use was not complying with the TPB Guidelines No.10.

13. Ms Jane W.L. Kwan, STP/SKIs, made the following responses:

- (a) there was no similar application for private garden use on government land within the same “GB” zone in the vicinity of the application site; and
- (b) the application did not comply with the TPB Guidelines No.10 in that there was no strong planning justification for the applicant to privatise a piece of government land for a private garden for his sole enjoyment.

Deliberation Session

14. A Member said that no information on layout and setting of the private garden was given in the application to ascertain if the applied use would have any potential landscape and environmental impacts.

15. A Member raised concern on whether the development of passive recreational uses within the “GB” zone was for public enjoyment only. The Chairman said that, though there was a general presumption against development within the “GB” zone, similar applications for private garden use were found in “GB” zone in other areas and each application would be considered based on its individual merits and justifications. A Member considered that, unless under exceptional circumstances or with strong justifications

provided, it was not reasonable to use government land for private garden purpose.

16. Members then went through the reasons for rejecting the application as stated in paragraph 13.1 of the Paper and agreed that reason (b) should be suitably amended to reflect Members' views as expressed at the meeting.

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

- “(a) the application is not in line with the planning intention of the “Green Belt” (“GB”) zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong justification in the submission for a departure from the planning intention even on a temporary basis;
- (b) the application does not meet the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” Zone’ in that there are no exceptional circumstances to justify the application for utilizing a piece of government land for a private garden for the applicant’s sole enjoyment; and
- (c) approval of the application would set an undesirable precedent for other similar applications within the “GB” zone. The cumulative effect of approving such similar applications will cause adverse impact to the landscape resource and character of the area and resulting in gradual degradation and irreversible change to the “GB” zone.”

[The Chairman thanked Ms Jane W.L. Kwan, STP/SKIs, for her attendance to answer Members' enquiries. She left the meeting at this point.]

Sha Tin, Tai Po and North District

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

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/MOS/124 Public Utility Installation (Fresh Water Tank) in “Green Belt” Zone,
Government land in D.D. 188, Mui Tsz Lam Village, Ma On Shan
(RNTPC Paper No. A/MOS/124)

18. The Secretary reported that the application was submitted by the Water Supplies Department (WSD) and Urbis Ltd. (Urbis) was one of the consultants of the applicant. The following Members had declared interests on the item:

Mr K.K. Cheung - his firm having current business dealings with
WSD and past business dealings with Urbis; and

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

19. The Committee agreed that Messrs K.K. Cheung and Ivan C.S. Fu could stay in the meeting as they had no involvement in the application.

Presentation and Question Sessions

20. 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) proposed public utility installation (fresh water tank (FWT));
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, three public comments was received, including one supporting comment from the Chairman of Sha Tin Rural Committee and two objecting comments from the Conservancy Association and an individual. Major views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. Although the proposed development was not entirely in line with the planning intention of the “Green Belt” zone, the proposed FWT was an essential component of the proposed water supply system for Mui Tsz Lam Village. The location of the application site was considered appropriate taking into account the hydraulic requirements, mainlaying and recurrent pumping cost and potential environmental, visual and landscape impacts. There was also no alternative government land with sufficient area to meet the elevation, operation and maintenance requirements of the proposed development in the “Village Type Development” zone. The proposed development was small in scale and not entirely incompatible with the surrounding rural environment, and significant adverse impact was not anticipated. Concerned government departments had no objection to or no adverse comment on the application. Regarding the adverse public comments, the comments of government departments and the planning assessments above were relevant.

21. Members had no question on the application.

Deliberation Session

22. 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 18.10.2023, 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 to the satisfaction of the Director of Fire Services or of the TPB.”

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

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/974 Renewal of Planning Approval for Temporary Shop and Services
(Construction Materials Store) for a Period of 3 Years in “Industrial”
Zone, Workshop 5A (Part), G/F, Veristrong Industrial Centre, 34-36
Au Pui Wan Street, Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/974)

Presentation and Question Sessions

24. 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 renewal of planning approval for temporary shop and services (construction materials store) for a period of three years;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) 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 application generally complied with the Town Planning Board (TPB) Guidelines No. 34C in that there had been no material change in the planning circumstances of the area since the approval of the last application, there were no major adverse departmental comments, all the approval conditions for the last application had been complied with and the approval period sought was not unreasonable. The applied use also generally complied with the relevant considerations set out in the TPB Guidelines No. 25D including fire safety and traffic aspects. Concerned government departments had no objection to or no adverse comment on the application.

25. Members had no question on the application.

Deliberation Session

26. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 12.11.2019 to 11.11.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following condition :

“the existing fire service installations implemented at the application premises should be maintained in efficient working order at all times.”

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

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/575 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” Zone, Lot 708 S.B in D.D. 9, Yuen Leng Village, Tai Po
(RNTPC Paper No. A/NE-KLH/575)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House - Small House);
- (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 the site was located within water gathering ground (WGG) and there was no existing or planned public sewer in the immediate vicinity of the site. The proposed use of septic tank and soakaway system to treat wastewater generated on-site should be avoided within WGG. The Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) objected to the application as the application could not meet the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories (the Interim Criteria) in that the proposed development was not able to be connected to existing and planned sewerage system. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservations on the application from the landscape planning perspective as approval of the proposed development would encourage similar piecemeal Small House applications within the “Green Belt” (“GB”) zone and the cumulative effect of extending village development outside “Village Type Development”

("V") zone would undermine the integrity of the "GB" zone and degrading the landscape character of the area. The Commissioner for Transport (C for T) had reservation on the application but considered that the application involving construction of only one Small House could be tolerated. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, three public comments were received from Designing Hong Kong Limited, World Wide Fund for Nature Hong Kong and an individual objecting to the application. Major objection grounds were set out in paragraph 11 of the Paper; and
- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of "GB" zone and there was a general presumption against development within the zone. Both DEP and CE/C of WSD objected to the application as the site fell within the upper indirect WGG and no public sewer would be available in the near future. The proposed development did not comply with the Interim Criteria in that the applicant failed to demonstrate that the proposed development located within the WGG would be able to be connected to the existing or planned sewerage system and would not cause adverse impact on the water quality in the area. Besides, land was available within the "V" zone to meet the outstanding 134 Small House applications. It was considered more appropriate to concentrate the proposed Small House developments within the "V" zone for more orderly development pattern, efficient use of land and provision of infrastructures and services. The site was part of the subject of a previous application (No. A/NE-KLH/394) for five proposed Small Houses, which was submitted by different applicants, and rejected by the Town Planning Board on review on 30.4.2010 mainly for the reason of not complying with the Interim Criteria in that it was uncertain whether the proposed Small Houses could be connected to the planned sewerage system in the area. The current application was one of the five proposed Small Houses under the previous

application. Compared with the previous application, except the disposition of the proposed Small House footprint which was slightly different, other development parameters were the same. There were 12 similar applications nearby and three applications were rejected. The planning circumstances of the current application were similar to the recently rejected applications. Regarding the adverse public comments, the comments of government departments and the planning assessments above were relevant.

29. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong planning justification given in the submission for a departure from the planning intention of the “GB” zone;
- (b) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the applicant fails to demonstrate that the proposed development located within the water gathering ground would be able to be connected to the existing or planned sewerage system and would not cause adverse impact on the water quality in the area; and
- (c) land is still available within the “Village Type Development” (“V”) zone of Yuen Leng and Kau Lung Hang which is primarily intended for Small House development. It is considered more appropriate to concentrate the

proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.”

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/674 Proposed Temporary Car Park (Private Cars only) for a Period of 3 Years in “Agriculture” Zone, Lots 722 S.A (Part), 722 RP (Part), 725 RP (Part), 762 (Part) and 763 RP in D.D. 29 and Adjoining Government Land, Ting Kok, Tai Po
(RNTPC Paper No. A/NE-TK/674)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed temporary car park (private cars only) 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 some reservations on the application as vegetation had been cleared within and outside the site prior to submission of the application. Approval of the application would set an undesirable precedent and the cumulative effect would result in degradation of landscape character and cause adverse landscape impact to the area. The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application as the site possessed potential for agricultural rehabilitation. Other concerned

government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, five public comments were received from Designing Hong Kong Limited, World Wide Fund for Nature Hong Kong and individuals objecting to the application. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed use was not in line with the planning intention of the “Agriculture” (“AGR”) zone and the applicant had not provided any strong planning justifications in the submission to merit a departure from the planning intention of the “AGR” zone, even on a temporary basis. Whilst the proposed use was considered not incompatible with the surrounding areas which were predominantly rural in character, DAFC had reservation on the application as the site possessed potential for agricultural rehabilitation. Since vegetation had been cleared within and outside the site for providing car park prior to submission of the application, CTP/UD&L, PlanD had some reservations on the application as approval of the application would set an undesirable precedent to encourage vegetation clearance prior to application and the cumulative effect would result in degradation of landscape character and caused adverse landscape impact to the area. The site was part of the subject of a previous application (No. A/NE-TK/629) submitted by different applicants for the same use, which was rejected by the Committee on 9.2.2018. Compared with the previous application, the scale of the proposal was largely similar except a slight reduction in site area and number of proposed parking spaces. Regarding the public comments, the comments of concerned government departments and the planning assessments above were relevant.

32. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention of “AGR” zone, even on a temporary basis;
- (b) the applicant fails to demonstrate in the submission that the development would not cause adverse landscape impact to the area; and
- (c) approval of the application would set an undesirable precedent for other similar applications in the “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the landscape character of the area.”

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/675 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” Zones, Lots 9 and 10
in D.D. 25, Tai Om, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/675)

Presentation and Question Sessions

34. Ms Kathy C.L. Chan, STP/STN, presented the application and covered the

following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, three public comments were received from the Hong Kong Bird Watching Society and two individuals 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 did not support the application based on the assessments set out in paragraph 11 of the Paper. Whilst the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone, the Director of Agriculture, Fisheries and Conservation (DAFC) had no strong view against the application from agricultural development point of view. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria), while land available within the “Village Type Development” (“V”) zone was insufficient to fully meet the future Small House demand, it was capable to meet the 36 outstanding Small House applications. It was considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructures and services. The planning circumstances of the subject application were different from those similar approved applications in close proximity as they were approved before the Town Planning Board’s adoption of a more cautious approach in 2015. Regarding the adverse public comments, the comments of government departments and the

planning assessments above were relevant.

35. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention; and
- (b) land is still available within the “Village Type Development” (“V”) zone of Tai Om and Ping Long which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructures and services.”

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/676 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” Zones, Lot 1406 S.B in D.D. 8, Ping Long, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/676)

37. The Committee noted that replacement pages (p.9 of the Main Paper and p.1 of Appendix V) of the Paper, rectifying editorial error, were tabled at the meeting for Members' reference.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site possessed potential for agricultural rehabilitation and there were active agricultural activities in the vicinity. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from Designing Hong Kong Limited 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 based on the assessments set out in paragraph 11 of the Paper. The proposed Small House development was not in line with the planning intention of the "Agriculture" ("AGR") zone and DAFC did not support the application. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria), while land available within the "Village Type Development" ("V") zone was insufficient to fully meet the future Small House demand, it

was capable to meet the 36 outstanding Small House applications. Notwithstanding the above, the site was the subject of a previously approved application (No. A/NE-LT/428) for the same use submitted by the same applicant with a slight reduction in site area and the proposed footprint and the subject Small House grant application was still under processing by the Lands Department. Sympathetic consideration could be given to the current application based on its exceptional circumstances. While there were three similar applications for Small House developments in the vicinity of the site with two approved and one rejected, the circumstances of the current application were different from those similar applications. Regarding the adverse public comment, the comments of government departments and planning assessments above were relevant.

39. Members had no question on the application.

Deliberation Session

40. 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 18.10.2023, 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 conditions :

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

41. The Committee also agreed to advise the applicant to note the advisory clauses as

set out at Appendix VII of the Paper.

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/677 Proposed House (New Territories Exempted House - Small House) in
 “Agriculture” and “Village Type Development” Zones, Lot 739 S.J in
 D.D. 10, Ng Tung Chai, Lam Tsuen, Tai Po
 (RNTPC Paper No. A/NE-LT/677)

42. The Committee noted that replacement pages (p.5, p.8 and p.9 of the Main Paper and p.4 of Appendix V) of the Paper, rectifying editorial error, were tabled at the meeting for Members’ reference.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site possessed potential for agricultural rehabilitation and there were active agricultural activities in the vicinity. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public

comments were received from Designing Hong Kong Limited and an individual 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 based on the assessments set out in paragraph 11 of the Paper. The proposed Small House development was not in line with the planning intention of the “Agriculture” (“AGR”) zone and DAFC did not support the application. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria), while land available within the “Village Type Development” (“V”) zone was insufficient to fully meet the future Small House demand, it was capable to meet the 10 outstanding Small House applications. Notwithstanding the above, the site was the subject of a previously approved application (No. A/NE-LT/350) for the same use submitted by the same applicant with no major change in development parameters except the disposition of the proposed Small House and the subject Small House grant application was still under processing by the Lands Department. Sympathetic consideration could be given to the current application. While there were six similar applications for Small House developments in the close vicinity of the site with two approved and four rejected, the circumstances of the current application were different from those similar applications. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

44. Members had no question on the application.

Deliberation Session

45. Nothing that the previous approved Small House application granted to the same applicant in 2005 was yet to commence, a Member enquired whether the applicant could be asked to commence the development early should the current application be approved. In response, the Chairman said that planning permission granted by the Town Planning Board (TPB) was normally subject to a validity period of four years so as to ensure the approved

proposal would be implemented within a reasonable period, which was also applicable to the current application.

46. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the TPB. The permission should be valid until 18.10.2023, 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 conditions :

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

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

Agenda Item 17

Section 16 Application

[Open Meeting]

A/NE-TKL/626 Proposed Temporary Logistics Centre for a Period of 3 Years in “Open Storage” Zone, Taxlord Lot 483 S.B RP (Part) in D.D. 83, Kwan Tei North, Fanling
(RNTPC Paper No. A/NE-TKL/626)

48. The Committee noted that the applicant’s representative requested on 4.10.2019 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.

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

[Mr Ivan C.S. Fu left the meeting at this point.]

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/713 Proposed House (New Territories Exempted House - Small House) in
"Green Belt" Zone, Lot 913 in D.D. 46, Sha Tau Kok Road - Ma Mei
Ha

(RNTPC Paper No. A/NE-LYT/713)

Presentation and Question Sessions

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

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

House);

- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservations on the application from the landscape planning perspective as approval of the application might set an undesirable precedent of extending Small House development into “Green Belt” (“GB”) zone, which would defeat the purpose of defining the limits of urban and sub-urban areas by natural features, and to contain urban sprawl as well as to provide passive recreational outlets. The Commissioner for Transport (C for T) had reservation on the application but considered that the application involving construction of only one Small House could be tolerated. Local views conveyed by the District Officer (North), Home Affairs Department (DO(N), HAD) were set out in paragraph 10.1.13 of the Paper. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, five public comments were received, with one comment from the Chairman of the Sheung Shui District Rural Committee indicating no comment on the application, and the remaining four from Kadoorie Farm and Botanic Garden Corporation, The Hong Kong Bird Watching Society, Designing Hong Kong Limited and an individual objecting to the application. Major objection grounds were set out in paragraph 11 of the Paper; and
- (e) PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of “GB” zone and there was a general presumption against development within the zone. Both CTP/UD&L, PlanD and C for T had reservations on the application. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (Interim Criteria), while land available within the “Village Type Development” (“V”) zone was

insufficient to fully meet the future Small House demand, it was capable to meet the 20 outstanding Small House applications. It was considered more appropriate to concentrate the proposed Small House developments within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructures and services. There had been no significant change in the planning circumstances since the rejection of the previous application (No. A/NE-LYT/559) for the same use and the planning circumstances of the subject application were different from those approved similar applications in close proximity. Regarding the local comments conveyed by DO(N), HAD and the adverse public comments, the comments of government departments and the planning assessments above were relevant.

51. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” zone in the Lung Yeuk Tau and Kwan Tei South area which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets and there is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from the planning intention; and
- (b) land is still available within the “Village Type Development” (“V”) zone of Ma Mei Ha for Small House development. It is considered more appropriate to concentrate the proposed Small House within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructures and services.”

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/192 Renewal of Planning Approval for Temporary Asphalt Plant for a Period of 5 Years in “Open Storage” Zone, Lots 20 RP (Part), 21 and 23 RP (Part) in D.D. 88 and adjoining Government Land, East of Man Kam To Road, Sheung Shui
(RNTPC Paper No. A/NE-FTA/192)

53. The Secretary reported that Landes Ltd. (Landes) was one of the consultants of the applicant. Mr Ivan C.S. Fu had declared an interest on the item for having current business dealings with Landes. The Committee noted that Mr Ivan C.S. Fu had already left the meeting.

54. The Secretary reported that a concern group (i.e. 紅橋瀝青廠關注組) had submitted a letter to the Town Planning Board (TPB) raising objection to the application right before the meeting. Since the letter was received after the statutory publication period, it could not be considered as submission made under s.16 (2F) of the Town Planning Ordinance. Members noted that the latest submission by the concern group was largely similar to its comments received by the TPB during the publication period, which had been included in the Paper.

Presentation and Question Sessions

55. 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) renewal of planning approval for temporary asphalt plant for a period of five years;
- (c) departmental comments – departmental comments were set out in

paragraph 9 of the Paper. Concerned government departments consulted had no objection to or no adverse comment on the application. Local views conveyed by the District Officer (North) of the Home Affairs Department (DO(N), HAD) were set out in paragraph 9.1.13 of the Paper ;

- (d) during the first three weeks of the statutory publication period, 1,177 public comments were received, including 759 objecting comments from Ms Fong Kwok-shan, 紅橋瀝青廠關注組, villagers and individuals, 400 supporting comments from the Chairman of North District Council and individuals, 13 comments by individuals raising concerns as well as five with no comments. 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 temporary use for a period of five years based on the assessments set out in paragraph 11 of the Paper. While the asphalt plant was not entirely in line with the planning intention of the “Open Storage” (“OS”) zone, approval of the application on a temporary basis for a period of five years would not jeopardise the long-term planning intention of the zone. The applied use was considered not incompatible with the existing surrounding rural environment nor significantly affecting the existing landscape character. Though the asphalt plant was considered not compatible with the planned poultry slaughtering centre use to the immediate south, the Secretary for Food and Health, the Director of Food and Environmental Hygiene and the Director of Agriculture, Fisheries and Conservation had no comment on the application as the current renewal application would not be in conflict with the possible relocation of Cheung Sha Wan Temporary Wholesale Poultry Market (CSWTWPM) to the adjoining replacement site, which was currently under review, as the site if required would only commence work beyond the renewal period of the current application. The Director of Environmental Protection (DEP) had no adverse comment on the application from environmental planning perspective, and regular and surprise checks had been carried out to ensure the operation of the asphalt plant was in compliance with all environmental related regulations and requirements. Additional air quality controls had been implemented since

commencement of the operation in 2017, whilst the applicant had also committed to provide relevant noise mitigation measures in the current submission. To address the concerns on the possible environmental nuisances on noise impact, relevant approval condition on the implementation of noise mitigation measures had been recommended. The current development proposal was largely the same as the previously approved scheme under Application No. A/NE-FTA/148-2. All the approval conditions for the previous application had been complied with and there had not been major change in planning circumstances since the approval of the previous application. The application generally complied with the TPB PG-No. 34C on 'Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development'. Regarding the local comments conveyed by DO(N), HAD and adverse public comments, the comments of concerned government departments and the planning assessments above were relevant.

56. Some Members raised the following questions:
- (a) the location and situation of the closest village settlement;
 - (b) the status of Hung Kiu San Tsuen, whether there was any village representative for the village, and whether the objecting comments were submitted in standard format;
 - (c) the environmental concerns of the asphalt plant and any complaints received by the Environmental Protection Department (EPD) during the planning approval period of the last application;
 - (d) under what circumstances, would the Director of Health (D of Health) be consulted on the application and his major views on the application; and
 - (e) whether the odour impact had been taken into account in the air quality impact assessment.

57. In response, Mr Tim T.Y. Fung, STP/STN made the following main points:

- (a) the closest village settlement was Hung Kiu San Tsuen, which was located about 100m away from the application site. There were about 25 squatter structures with 50 to 60 villagers, mainly on government land and in existence prior to the publication of the first statutory plan in the area in 1990; and
- (b) since Hung Kiu San Tusen was not a recognised village, there was no village representative. Nonetheless, it was noted that the North District Office could approach the local villagers to collect their views on the application. Whilst the objecting comments were generally on environmental and health grounds, they were not submitted in standard format.

58. Mr Terence S.W. Tsang, Assistant Director (Environmental Assessment) (AD(EA)), EPD supplemented the following points:

- (a) the asphalt plant was currently operating in accordance with the requirements of the Specified Process (SP) Licence under Air Pollution Control Ordinance (Cap. 311) issued by the EPD. According to the Environmental Assessment (EA) report prepared by the applicant, there would be no adverse air quality impact on all air sensitive receivers (ASRs) from the plant operation. The nearest ASRs was a workshop located at about 4m to the south of the site. Since the operation of the subject asphalt plant, about 110 complaints had been received, majority of which were related to air nuisance. After around 150 numbers of regular and surprise checks by EPD, no non-compliance was found and all the complaints were considered unsubstantiated, except for an offence case on the first day of operation in April 2017, for which the applicant was convicted and fined HKD\$15,000 for contravening Air Pollution Control Ordinance (Cap. 311);
- (b) since there were currently no standards/criteria in Hong Kong for some of

the air pollutants (e.g. bitumen fume) emitting from the operation of asphalt plant, the applicant had adopted relevant international standards/criteria for the assessment in the EA report. D of Health was consulted and had no comment on those standards/criteria for assessment; and

- (c) odour impact assessment was covered in the EA report and the operator was required to conduct regular air quality monitoring, including odour, in accordance with the requirements of the SP Licence.

59. The Chairman noted that there were public comments objecting to the application as the proposed development would cause water pollution to Ng Tung River nearby. In response to the Chairman's enquiry, Mr Tim T.Y. Fung, STP/STN said that Ng Tung River was located more than 500m away from the application site.

Deliberation Session

60. Members noted that the complaints received by EPD were mainly related to air nuisance including mostly odour emissions. As regards some Members' views on enhancement of the monitoring mechanism, Mr Terence S.W. Tsang, AD(EA), EPD said that the SP Licence required the operator to conduct regular monitoring to ensure there would be no adverse air quality impact arising from the plant operation and additional air quality control measures had also been implemented by the applicant since the commencement of operation in 2017. Under the Air Pollution Control Ordinance (Cap. 311), the operator conducting specified process should adopt the best practicable means for preventing the emission of noxious or offensive emissions from the plant. The applicant would also be required to follow the latest standards/requirements, if any, when they applied for renewal of a licence.

61. In response to a Member's queries, the Chairman said that 'Asphalt Plant' use is a Column 2 use under the "OS" zone and there was provision for the applicant to apply for a permanent development. The site was the subject of a previous application for development of a permanent asphalt plant, which was rejected by the Committee in 2014. Subsequently, another planning application for the same use but in temporary nature was approved by the Committee on temporary basis for a period of five years as the proposed temporary

development would not jeopardise the long-term planning intention of “OS” zone; it was not incompatible with the surrounding land uses; and it would not affect the implementation programme of the proposed relocation of the CSWTWPM, and relevant government departments had no objection to the application.

62. Given that the relevant government departments had confirmed that reprovisioning of CSTWPM, if any, would be beyond the renewal period of the current application and no adverse environmental impact would be anticipated, Members generally had no objection to the renewal of planning approval. A Member considered a shorter period of permission (i.e. 3 years instead of 5 years as sought) should be granted in order to closely monitor the potential pollution problem arising from the applied use. Another Member considered that the SP License should have provided a mechanism for such monitoring, and an approval of the application for five years would not affect the implementation programme of the proposed relocation of the CSTWPM as the concerned site would not be required before 2024. Other Members concurred with that Member’s views.

63. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years, and be renewed from 13.12.2019 until 12.12.2024, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the maintenance of peripheral fencing on the site at all times during the planning approval period;
- (b) the maintenance of all existing trees within the site at all times during the planning approval period;
- (c) the submission of a drainage proposal within 6 months from the date of the commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.6.2020;
- (d) in relation to (c) above, the implementation of drainage proposal within 9 months from the date of the commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the

TPB by 13.9.2020;

- (e) the submission of proposals for fire service installations and water supplies for fire-fighting within 6 months from the date of the commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.6.2020;
- (f) in relation to (e) above, the implementation of the proposals for fire service installations and water supplies for fire-fighting within 9 months from the date of the commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.9.2020;
- (g) the implementation of noise mitigation measures, as proposed by the applicant, within 9 months from the date of the commencement of the renewed planning approval to the satisfaction of the Director of Environmental Protection or of the TPB by 13.9.2020;
- (h) 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
- (i) if any of the above planning conditions (c), (d), (e), (f) or (g) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

[The Chairman thanked Mr Kenny C.H. Lau, Mr Tony Y.C. Wu, Ms Kathy C.L. Chan 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

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

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KTN/66 Proposed Temporary Storage of Furniture with Ancillary Facilities for a Period of 3 Years in “Open Space” and “Other Specified Uses” annotated “Amenity Area” Zones, Lots 916 (Part), 917 (Part), 918 (Part), 919 (Part) and 923 (Part) in D.D.92, Kwu Tung North
(RNTPC Paper No. A/KTN/66)

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

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed temporary storage of furniture with ancillary facilities for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were residential premises within

100m of the site boundary and within 50m of the access road to the site. Other concerned government departments had no objection to or no adverse comment on the application. Local views conveyed by the District Officer (North), Home Affairs Department (DO(N), HAD) were set out in paragraph 9.1.12 of the Paper;

- (d) during the first three weeks of the statutory publication period, two public comments from individuals were received, with one indicating no comment and one objecting to the application. Major views were set out in paragraph 10 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Whilst the proposed use was not in line with the planning intention of the “Other Specified Uses” annotated “Amenity Area” (“OU(A)”) and “Open Space” zones, the site was within the Remaining Phase of the Kwu Tung North New Development Area (KTN NDA) Project which would commence in 2024 tentatively. The Project Manager/North, Civil Engineering and Development Department had no comment on the application from project interface point of view. Approval of the application on a temporary basis would not frustrate the long-term development of the concerned zones. The proposed use was not incompatible with the surrounding land uses. Although DEP did not support the application, there had not been any substantiated environmental complaint against the site over the past three years. To address the concerns on the possible environmental nuisances or the technical requirements of the other departments, relevant approval conditions had been recommended. The site was the subject of a previous application (No. A/DPA/NE-KTN/6) for proposed warehouse for storage of wood, which was approved by the Committee on 8.5.1992. There was also one similar application for temporary warehouse use within a nearby “OU(A)” zone approved by the Committee in 2019. Regarding the local views conveyed by DO(N), HAD and the public comments, the comments of government departments and the planning assessments above were

relevant.

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

67. In response to a Member's enquiry, Ms S.H. Lam, STP/FSYLE, made the following points:

- (a) the site was previously zoned "Industrial (Group D)" ("I(D)") and the warehouse use at the site was always permitted under the "I(D)" zone. The site was not the subject of any previous application for the proposed use; and
- (b) the site fell within the project limit of the Remaining Phase of the KTN NDA Project and planned for amenity area but there was no firm implementation programme at the moment.

Deliberation Session

68. A Member considered that the application should not be approved as there was planned development at the site and approval of the application would complicate the future land clearance and resumption process and adversely affect the NDA implementation. Another Member considered that favourable consideration could be given to the application as the site was previously zoned "I(D)" in which a warehouse was always permitted, and there was no firm programme for implementation of the remaining phase of KTN NDA Project at the moment. The Chairman said that a similar application located in an area covered in the first phase of KTN NDA Project was rejected by the Committee in view of the implementation programme.

69. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.10.2022, 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 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 workshop activities are allowed to be carried out 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 proposal for fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.4.2020;
- (f) in relation to (e) above, the implementation of the proposal for 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 18.7.2020;
- (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 18.4.2020;
- (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 18.7.2020;
- (i) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the planning approval period, the approved hereby given shall cease to have effect and shall be revoked without further notice; and
- (j) if any of the above planning conditions (e), (f), (g) or (h) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

70. The Committee also agreed to advise the applicant to note the advisory clauses as

set out at Appendix V of the Paper.

Agenda Item 21

Section 16 Application

[Open Meeting]

A/FLN/18 Proposed Minor Relaxation of Maximum Plot Ratio and Building Height Restrictions for Permitted Commercial/Residential Development with Public Transport Interchange, and Proposed Shop and Services, Eating Place, School (not elsewhere specified) and Place of Entertainment in “Other Specified Uses” annotated “Commercial/Residential Development with Public Transport Interchange (2) ” Zone, Lots 247, 255 (Part), 257 (Part), 267, 406 (Part), 408 (Part), 409, 414 (Part), 415 (Part), 416 (Part), 418 (Part), 420 (Part), 424 (Part), 425 (Part), 426 (Part), 427 (Part), 434 (Part) and 435 (Part) in D.D. 51 and Adjoining Government Land, Fanling North (RNTPC Paper No. A/FLN/18)

71. The Secretary reported that the item was rescheduled.

Agenda Item 22

Section 16 Application

[Open Meeting]

A/FSS/275 Columbarium in “Government, Institution or Community” Zone, G/F, 1/F, 2/F, 3/F, 5/F and 6/F, The Emperor Hall, 18 Sha Tau Kok Road - Lung Yeuk Tau, On Lok Tsuen, Lung Yeuk Tau, Fanling (RNTPC Paper No. A/FSS/275)

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

- Mr Ivan C.S. Fu - being member of the Private Columbaria Appeal Board (PCAB);
- Mr H.W. Cheung (the Vice-chairman) - being member of the Private Columbaria Licensing Board (PCLB); and
- Mr K.K. Cheung - his firm being legal advisor of PCLB.

73. The Committee noted that the applicant had requested deferment of consideration of the application and Mr Ivan C.S. Fu had already left the meeting. As the interests of the Vice-chairman and Mr K.K. Cheung were indirect, the Committee agreed that they could stay in the meeting.

74. The Committee noted that the applicant's representative requested on 11.10.2019 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.

Agenda Item 23

Section 16 Application

[Open Meeting]

A/YL-SK/259 Temporary Private Vehicle Park (Private Cars Only) for a Period of 3
Years in “Village Type Development” Zone, Lot 721 RP (Part) in D.D.
112, Lin Fa Tei Tsuen, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-SK/259)

76. The Committee noted that the applicant requested on 11.10.2019 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. The applicant needed more time for the preparation of submission of further information.

77. 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 24

Section 16 Application

[Open Meeting]

A/YL-SK/263 Temporary Animal Boarding Establishment and Hospice Services Establishment for a Period of 3 Years in “Agriculture” Zone, Lots 383 (Part), 384 S.D (Part), 385 S.A-S.C (Part) and 386 (Part) in D.D. 112, Kam Sheung Road, Shek Kong, Yuen Long
(RNTPC Paper No. A/YL-SK/263)

78. The Committee noted that the applicant requested on 10.10.2019 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.

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

Agenda Item 25

Section 16 Application

[Open Meeting]

A/YL-KTN/674 Proposed Temporary Private Vehicle Park and Open Storage of Construction Machinery for a Period of 3 Years in “Open Space” Zone, Government Land in D.D. 109, Kam Tin Road, Kam Tin
(RNTPC Paper No. A/YL-KTN/674)

80. The Committee noted that the applicant requested on 8.10.2019 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.

81. 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 26

Section 16 Application

[Open Meeting]

A/YL-KTN/675 Proposed Temporary Shop and Services (Vehicle Showroom) with Ancillary Office for a Period of 5 Years in “Village Type Development” Zone, Lots 987 RP (Part), 989 RP (Part), 990 RP (Part), 1590 (Part) and 1603 (Part) in D.D. 107, Sha Po Tsuen, Kam Tin
(RNTPC Paper No. A/YL-KTN/675)

82. The Committee noted that the applicant’s representative requested on 10.10.2019 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.

83. 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 27

Section 16 Application

[Open Meeting]

A/YL-KTN/676 Proposed Houses (New Territories Exempted Houses) in “Residential (Group D)” Zone, Lots 624 and 787 in D.D. 110, Kam Tin Road, Shek Kong San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-KTN/676)

84. The Committee noted that the applicant requested on 9.10.2019 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.

85. 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 28

Section 16 Application

[Open Meeting]

A/YL-MP/281 Proposed School (Expansion of Hong Chi Morninglight School) with Minor Relaxation of the Plot Ratio and Building Height Restrictions in “Residential (Group C)” Zone, Lot 4748 in D.D. 104, Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/281A)

86. The Secretary reported that the application site was located in Mai Po, Yuen Long. Leigh and Orange Ltd. (L&O), Meinhardt (M & E) Ltd. (M(M&E)) and Meinhardt (C & S) Ltd. (M(C&S)) were three of the consultants of the applicant. The following Members had declared interests on the item:

- Mr Ivan C.S. Fu - having current business dealings with M(M&E) and M(C&S);
- Mr K.K. Cheung - his firm having current business dealings with Meinhardt (Singapore) Pte Ltd. and past business dealings with L&O ; and
- Mr K.W. Leung - owning a flat in Mai Po.

87. The Committee noted that the applicant had requested deferment of consideration of the application and Mr Ivan C.S. Fu had already left the meeting. As Mr K.K. Cheung had no involvement in the application and the property owned by Mr K.W. Leung had no direct view of the application site, the Committee agreed that they could stay in the meeting.

88. The Committee noted that the applicant’s representative requested on 27.9.2019 deferment of the consideration of the application for two months in order to allow time for preparation of further information to further 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.

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

Agenda Item 29

Section 16 Application

[Open Meeting]

A/YL-NSW/273 Proposed Temporary Eating Place and Shop and Services
(Convenience Store) for a Period of 3 Years in "Undetermined" Zone,
Lot 751 (Part) in D.D. 115, Castle Peak Road - Yuen Long Section,
Yuen Long
(RNTPC Paper No. A/YL-NSW/273)

90. The Committee noted that the applicant's representative requested on 24.9.2019 deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/391 Filling of Land and Filling of Pond for Permitted Agricultural Use in
"Green Belt" Zone, Lots 232 (Part), 233 (Part), 234 (Part), 235 (Part)
and 236 RP (Part) in D.D. 104, and Adjoining Government Land, Ngau
Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/391A)

Presentation and Question Sessions

92. 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) filing of land and filing of pond for permitted agricultural use;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application and considered that any pond filling or pond maintenance works causing a reduction of pond surface area was not recommended, and pond filling was also not supported from nature conservation perspective as it resulted in wetland loss. Other concerned government departments had no objection to or no

adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, five public comments from World Wide Fund for Nature Hong Kong, Kadoorie Farm & Botanic Garden Corporation, Designing Hong Kong Limited, the Hong Kong Bird Watching Society and an individual were received objecting to the application. Major views 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. Whilst fish farming was permitted within the “Green Belt” (“GB”) zone, filling of land and filling of pond were subject to planning permission. As shown in the past aerial photos, the site condition had been substantially changed after the filling activities including clearance of natural vegetation and reduction in pond area. DAFC had reservation on the application from nature conservation point of view and advised that pond filling was not supported as it resulted in wetland loss. The concrete reinforcement had resulted in reduction in pond area and depth. Whilst noting that the ponds were used for fish culture purpose, any pond filling or pond maintenance works causing a reduction of pond surface area was not recommended from fisheries perspective, and that the applicant should consult and apply to the relevant departments for approval before carrying out any filling work at the site. As such, it was considered that the land and pond filling works at the site was not in line with the planning intention of the “GB” zone and the Town Planning Board Guidelines No. 10 (TPB PG-No. 10). Approval of the application would set an undesirable precedent and the cumulative effect would result in a general degradation of the environment of the area. Regarding the adverse public comments, the comments of concerned government departments and the planning assessments above were relevant.

93. Members had no question on the application.

Deliberation Session

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

- “(a) the application is not in line with the planning intention of the “Green Belt” (“GB”) zone and the Town Planning Board PG-No. 10 for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance in that the applied filling of land and filling of pond, which have been completed, involve clearance of natural vegetation and reduction of pond area, thereby adversely affecting the natural landscape; and
- (b) the approval of the application will set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.”

[The Chairman thanked Ms S.H. Lam 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

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

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HTF/1098 Proposed Temporary Plastic Recycling Centre with Workshop and Ancillary Office for a Period of 3 Years in “Agriculture” Zone, Lot 298 RP (Part) in D.D.128, Ha Tsuen Fringe, Yuen Long
(RNTPC Paper No. A/YL-HTF/1098)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed temporary plastic recycling centre with workshop and ancillary office for a period of three 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 from traffic engineering point of view as the applicant was requested to justify that the nearby public road network had adequate capacity to accommodate the traffic induced by the proposed use and the traffic impact on Deep Bay Road should be well assessed as a result of the proposed use. The Director of Environmental Protection (DEP) also did not support the application as there were sensitive receivers of residential use in the vicinity of the site, with the nearest one located at its immediate north about 3m away, and environmental nuisance was expected. The Director of Agriculture, Fisheries and Conservation (DAFC) had ecological concern on the application as the site was immediately adjacent to an active egret and the proposed use would cause potential impact on the egret. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the

application from landscape planning perspective as approval of the application would set an undesirable precedent attracting other similar development and the cumulative effect of which would degrade the rural coastal landscape character of the area. Local views conveyed by the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD) were set out in paragraph 9.1.12 of the Paper. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication periods, nine public comments were received from two Yuen Long District Councilors, the villagers of Sha Kong Tsuen, Kadoorie Farm & Botanic Garden Corporation, World Wide Fund for Nature Hong Kong, Designing Hong Kong Limited and Hong Kong Bird Watching Society and two individuals objecting to the application. Major views were set out in paragraph 10 of the Paper; and
- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed use was not in line with the planning intention of the “Agriculture” (“AGR”) zone. DAFC did not support the application from the agricultural point of view as the site was considered having high potential for agricultural rehabilitation. The applicant had not provided any strong planning justifications in the submission for a departure from such planning intention, even on a temporary basis. The proposed use was considered not compatible with the surrounding landscape character. The applicant failed to demonstrate that the proposed use would not have adverse traffic, environmental, ecological and landscape impacts on the surrounding areas. Relevant government departments including C for T, DAFC and CTP/UD&L, PlanD had adverse comments on the application. No approval for similar rural workshop use with recycling facilities had ever been granted by the Committee within the same “AGR” zone. 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 similar applications would result in a general degradation of the rural environment and landscape quality of the area. Regarding the local objection conveyed by DO(YL), HAD and public comments, the comments of concerned government departments and the planning assessments above were relevant.

96. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed use is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and also to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the applicant fails to demonstrate that the proposed use would not generate adverse traffic, environmental, ecological and landscape impacts on the surrounding areas; and
- (c) approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications for other developments within the “AGR” zone, the cumulative effect of which will result in a general degradation of the rural environment of the area.”

Agenda Item 32

Section 16 Application

[Open Meeting]

A/YL-LFS/350 Proposed Houses in “Residential (Group E)” Zone, Lots 1694, 1697
(Part) and 1698 in D.D. 129, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/350)

98. The Committee noted that the applicant’s representative requested on 26.9.2019 deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

99. 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 Items 33 and 34

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/184 Proposed Temporary Reinforcing Steel Processing Workshop with Ancillary Office for a Period of 3 Years in “Open Space”, “Other Specified Uses” annotated “Enterprise and Technology Park” and “Village Type Development” Zones, Lots 1225 (Part) and 1226 RP (Part) in D.D. 124, San Sang Tsuen, Tin Ha Road, Hung Shiu Kiu (RNTPC Paper No. A/HSK/184)

A/HSK/185 Temporary Industrial Use (Food Processing and Storage) for a Period of 3 Years in “Other Specified Uses” annotated “Enterprise and Technology Park” Zone, Lot 1340 in D.D. 124, San Sang Tsuen, Tin Ha Road, Yuen Long (RNTPC Paper No. A/HSK/185)

100. As the two section 16 applications were similar in nature and the application sites were located adjacent to each other and within the same “Other Specified Uses” annotated “Enterprise and Technology Park” zone, the Committee agreed that the two applications could be considered together.

Presentation and Question Sessions

101. Mr Simon P.H. Chan, STP/TMYLW, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) proposed temporary reinforcing steel processing workshop with ancillary office for a period of three years (A/HSK/184) and temporary food processing factory and storage for a period of three years (A/HSK/185);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Papers.

For Application No. A/HSK/184

- (i) The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential use in the vicinity. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservations on the application from landscape planning perspective due to the landscape impact that had taken place on the site. Other concerned government departments had no objection to or no adverse comment on the application;

For Application No. A/HSK/185

- (ii) Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment from an individual raising objection was received on each of the applications. Major views were set out in paragraph 10 of the Papers; and
- (e) PlanD's views –

For Application No. A/HSK/184

- (i) PlanD considered the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. While the proposed use was not in line with the planning intentions, the implementation programme for that part of New Development Area (NDA) was still being formulated, and the Project Manager (New Territories West), Civil Engineering and Development Department (PM/NTW, CEDD) had no objection to the application. The applied use was not entirely incompatible with the surrounding land uses. Although DEP did not support the application, there had not been any substantiated environmental complaint against the site over the past three years. To address the environmental and landscape concerns or the technical requirements of the other departments, relevant approval conditions had been

recommended. Approval of the application on a temporary basis would not jeopardize the long-term development of the site. Regarding the public comment, the comments of concerned government departments and the planning assessments above were relevant; and

For Application No. A/HSK/185

- (ii) PlanD considered the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. While the proposed use was not in line with the planning intention, the implementation programme for that part of NDA was still being formulated, and PM/NTW, CEDD had no objection to the application. The applied use was not entirely incompatible with the surrounding land uses. Concerned government departments had no objection to or no adverse comment on the application. To minimize any possible environmental nuisance generated by the proposed use, approval conditions were recommended. Regarding the public comment, the comments of concerned government departments and the planning assessments above were relevant.

102. Members had no question on the applications.

Deliberation Session

103. A Member reiterated his concern on the interface issue of temporary use with the implementation programme of Hung Shui Kiu (HSK) NDA. In this regard, Members noted that the proposal under Application No. A/HSK/184 only involved two temporary structures (i.e. converted containers), and the application sites fell within the project limit of Stages 2 (A/HSK/185) and 3 (A/HSK/184) Works respectively in the latest programme of HSK NDA and the clearance of both sites in question would not be arranged before 2024.

104. The Chairman pointed out that granting planning permission for the applications would not affect the land resumption process by the government. Mr Alan K.L. Lo,

Assistant Director/Regional 3 of Lands Department (LandsD), supplemented that should the applications be approved, the applicants would need to apply for Short Term Waiver (STW) from LandsD for regularization or erection of temporary structure(s), which were generally subject to terms and conditions. Amongst others, the STW could be terminated by the government by giving a three months' notice. A Member opined that the applicants should be made known about land resumption by the government for implementation of government projects. After further discussion, Members generally agreed that approval of the applications on a temporary basis for three years would not jeopardise the long-term development of the sites.

105. After deliberation, the Committee decided to approve the applications on a temporary basis for a period of 3 years until 18.10.2022, on the terms of the applications as submitted to the Town Planning Board (TPB) and subject to the following conditions :

For Application No. A/HSK/184

- “(a) no operation between 6:00 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 public roads at any time during the planning approval period;
- (d) 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 18.4.2020;
- (e) in relation to (d) 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 18.7.2020;
- (f) the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;

- (g) the submission of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.4.2020;
- (h) in relation to (g) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.7.2020;
- (i) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.4.2020;
- (j) in relation to (i) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.7.2020;
- (k) 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
- (l) if any of the above planning conditions (d), (e), (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.”

For Application No. A/HSK/185

- “(a) no operation between 6:00 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 public roads at

any time during the planning approval period;

- (d) 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 18.4.2020;
- (e) in relation to (d) 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 18.7.2020;
- (f) the implemented drainage facilities on the site 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 18.4.2020;
- (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 18.7.2020;
- (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.”

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

Agenda Item 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/187 Proposed Temporary Open Storage of Containers with Ancillary Logistics Uses, Vehicle Repair Workshop, Container Repair Workshop and Parking of Container Tractors for a Period of 3 Years in “Government, Institution or Community”, “Open Space” and “Residential (Group A)3” Zones and an area shown as ‘Road’, Lots 1808 RP (Part), 1809, 1810 S.B RP (Part), 1816, 1817, 1818, 1819 (Part), 1820, 1821, 1822, 1823, 1824 S.B RP (Part) and 1825 (Part) in D.D. 125, and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/HSK/187)

Presentation and Question Sessions

107. 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) proposed temporary open storage of containers with ancillary logistics uses, vehicle repair workshop, container repair workshop and parking of container tractors for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Whilst the proposed use was not in line with the planning intentions of the “Government, Institution or Community” (“G/IC”), “Open Space” (“O”) and “Residential (Group A)3” (“R(A)3”) zones, the implementation programme for that part of New Development Area was still being formulated, and the Project Manager (West), Civil Engineering and Development Department (PM/W, CEDD) and Director of Leisure and Cultural Services (DLCS) had no objection to the proposed temporary use for a period of 3 years on the site. The application was generally in line with the Town Planning Board Guidelines No. 13E in that the application site fell within the Category 1 area which was suitable for open storage and port back-up uses. Although DEP did not support the application, there was no substantiated environmental complaint concerning the site in the past three years. To address the concern of DEP on the possible nuisance generated by the proposed temporary use and the technical requirements of government departments, relevant approval conditions were recommended. Previous applications at the site and similar applications for open storage uses within the same “G/IC”, “O” and “R(A)3” zones had been approved by the Committee. Approval of the application was considered in line with the Committee’s previous decisions.

108. Members had no question on the application.

Deliberation Session

109. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.10.2022, 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 or public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) the stacking height of containers stored within 5m of the periphery of the site shall not exceed the height of the boundary fence, as proposed by the applicant, during the planning approval period;
- (d) the stacking height of containers stored on the site shall not exceed 8 units, as proposed by the applicant, during the planning approval period;
- (e) the existing trees and landscape planting on the site shall be maintained at all times during the planning approval period;
- (f) the submission of a revised drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.4.2020;
- (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 18.7.2020;
- (h) in relation to (g) above, the implemented drainage facilities on the site should be maintained at all times during the planning approval period;
- (i) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.11.2019;
- (j) the submission of a fire service installations proposal within 6 months to the satisfaction of the Director of Fire Services or of the TPB by 18.4.2020;
- (k) in relation to (j) above, the implementation of the fire service installations proposal within 9 months to the satisfaction of the Director of Fire Services

or of the TPB by 18.7.2020;

- (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 applicant to note the advisory clauses as set out at Appendix VI of the Paper.

Agenda Item 36

Section 16 Application

[Open Meeting]

A/TM-LTY Y/384 Temporary Workshop of Construction Machinery and Storage of Parts for a Period of 3 Years in “Green Belt” Zone, Short Term Tenancy No. 563, Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/384)

111. The Committee noted that the applicant requested on 2.10.2019 deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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 Items 37 and 38

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/481 Temporary Open Storage of Used Bus for a Period of 3 Years in
"Recreation" Zone, Lot 1584 B-G (Part) in D.D. 117, Tai Tong, Yuen
Long

(RNTPC Paper No. A/YL-TT/481)

A/YL-TT/482 Temporary Open Storage of Construction Materials with Ancillary
Warehouse for a Period of 3 Years in "Recreation" Zone, Lot 1584
B-G (Part) in D.D. 117 and Adjoining Government Land, Tai Tong,
Yuen Long

(RNTPC Paper No. A/YL-TT/482)

113. As the two section 16 applications were similar in nature within the same "Recreation" ("REC") zone and the application sites were abutting each other, the Committee agreed that the two applications could be considered together.

Presentation and Question Sessions

114. Mr Steven Y.H. Siu, STP/TMYLW, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) temporary open storage of used bus for a period of three years (A/YL-TT/481) and temporary open storage of construction materials with

ancillary warehouse for a period of three years (A/YL-TT/482);

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Papers. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservations on the proposals as the applied uses would degrade the rural landscape character of the area. 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, 46 and 42 public comments from residents of Tai Tong Tsuen and individuals raising objection were received on Applications No. A/YL-TT/481 and A/YL-TT/482 respectively. Major views were set out in paragraph 11 of the Papers; and
- (e) PlanD's views - PlanD did not support the applications based on the assessments set out in paragraph 12 of the Papers. The applied uses were not in line with the planning intention of the "REC" zone, which was primarily for recreational developments for the use of the general public and the development of active and/or passive recreation and tourism/eco-tourism. There was no strong planning justification given in the submissions for a departure from such planning intention, even on a temporary basis. The applied uses were considered not compatible with the rural recreational character of the area. The sites fell within Category 3 areas under the Town Planning Board Guidelines No. 13E (TPB PG-No. 13E). The applied uses were not in line with TPB PG-No. 13E since there was no previous approval on the sites and no assessment had been submitted to demonstrate that the uses would not generate adverse landscape impact on the surrounding areas. CTP/UD&L, PlanD had reservations on the applications. There were no similar applications for open storage use within the subject "REC" zone. Approval of the applications would set an undesirable precedent and attract similar applications within the area. The cumulative impact would result in a general degradation of the rural landscape character of the area.

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

115. Members had no question on the applications.

Deliberation Session

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

- “(a) the applied use is not in line with the planning intention of the “Recreation” (“REC”) zone which is intended primarily for recreational developments for the use of the general public and the development of active and/or passive recreation and tourism/eco-tourism. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the applied use is incompatible with the rural character of the vicinity;
- (c) the applied use is not in line with the Town Planning Board Guidelines No. 13E “Application for Open Storage and Port Back-up Uses” in that no previous approval for open storage has been granted to the site, the applicant fails to demonstrate that the applied use would not generate adverse landscape impact and there is no exceptional circumstance to justify the development in the Category 3 areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “REC” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.”

Agenda Item 39

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/483 Proposed Temporary Shop and Services (Grocery Store) for a Period of
5 Years in “Open Space” Zone, Lot 4219 (Part) in D.D. 116, Tai Tong,
Yuen Long
(RNTPC Paper No. A/YL-TT/483)

Presentation and Question Sessions

117. 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) proposed temporary shop and services (grocery shop) for a period of five years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, 15 public comments were received from individuals 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 based on the assessments set out in paragraph 11 of the Paper. Although the proposed development was not in line with the planning intention of the “Open Space” (“O”) zone, the Director of Leisure and Cultural Services (DLCS) had no plan to develop the site into public open space use at the moment. The proposed development was considered not incompatible with the surrounding land uses. There was no adverse

comment on the application from concerned government departments. To address the public concerns and technical requirements of other concerned government departments, relevant approval conditions had been recommended. Given that one similar application for temporary shop and services use had been approved in the subject “O” zone, approval of the current application was considered in line with the Committee’s previous decision. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

118. Members had no question on the application.

Deliberation Session

119. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 18.10.2024, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 6:00 p.m. and 10:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no manufacturing or other workshop activities, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (c) only private car, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on or enter/exit the site during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the submission of a 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 18.4.2020;

- (f) in relation to (e) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.7.2020;
- (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 18.4.2020;
- (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 18.7.2020;
- (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;
- (k) if any of the above planning conditions (e), (f), (h) or (i) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (l) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 40

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/980 Temporary Vehicle Inspection Centre with Ancillary Open Storage of Vehicle and Vehicle Parts for a Period of 3 Years in “Undetermined” and “Village Type Development” Zones, Lots 1439 (Part) and 1440 S.A (Part) in D.D. 119, Shan Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/980)

Presentation and Question Sessions

121. 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) temporary vehicle inspection centre with ancillary open storage of vehicles and vehicle parts for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from local villagers of Shan Ha objecting to the application. Major objection grounds were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The site was almost entirely zoned “Undetermined” (“U”) and the applied use was generally not in conflict with the planning intention of the “U” zone. While the site fell

within areas zoned “Local Open Space” (“LO”) and “Special Residential – Public Rental Housing (with Commercial)” (“RSc”) on the Recommended Outline Development Plan of Yuen Long South (YLS) and partly fell outside the development area of YLS, the Chief Engineer/Cross-Boundary Infrastructure and Development, PlanD and Project Manager (West), Civil Engineering and Development Department had no objection to the temporary use. Approval of the application on a temporary basis would not jeopardize the long-term development of the area. The development was generally not incompatible with the surrounding uses in the subject “U” zone. The application was generally in line with the Town Planning Board Guidelines No. 13E in that the application site fell within the Category 1 areas which were considered suitable for open storage and port back-up uses. There was no adverse comment on the application from concerned government departments. To address public concerns and the technical requirements of other concerned government departments, relevant approval conditions had been recommended. Given that five previous approvals for similar uses had been granted and 137 similar applications had been approved in that part of the “U” zone, approval of the current application was in line with the Committee’s previous decisions. Regarding the adverse public comment, the comments of government departments and the planning assessments above were relevant.

122. Members had no question on the application.

Deliberation Session

123. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.10.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 7:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant,

is allowed on the site during the planning approval period;

- (c) no 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;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) no repairing, cleansing or any other workshop activities except vehicle inspection, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (f) the existing boundary fencing on the site shall be maintained at all times during the planning approval period;
- (g) 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 18.1.2020;
- (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 29.11.2019;
- (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 18.4.2020;

- (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 18.7.2020;
- (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.”

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

Agenda Item 41

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/981 Temporary Warehouse for Storage of Construction Machinery and Construction Material with Ancillary Site Office for a Period of 3 Years in “Undetermined” zone, Lots 2813 (Part) and 2814 (Part) in D.D. 120 and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/981)

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) temporary warehouse for storage of construction machinery and construction material with ancillary site office for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. The site was zoned “Undetermined” (“U”) and the applied use was generally not in conflict with the planning intention of the “U” zone. While the site fell partly within an area zoned “District Open Space” (“DO”) and partly within an area shown as ‘Road’ on the Recommended Outline Development Plan of Yuen Long South (YLS), the Chief Engineer/Cross-Boundary Infrastructure and Development, PlanD and Project Manager (West), Civil Engineering and Development Department had no objection to the proposed temporary use. Approval of the application on a temporary basis would not jeopardize the long-term development of the area. The development was generally not incompatible with the surrounding uses in the subject “U” zone. There was no adverse comment on the application from concerned government departments. To address the concerns on the possible environmental nuisances generated by the temporary use and the technical requirements of other concerned government departments, relevant approval conditions were recommended. Given that two previous approvals for similar uses had been granted and 46 similar applications had been approved in that part of the “U” zone, approval of the current application was in line with the Committee’s previous decisions.

126. Members had no question on the application.

Deliberation Session

127. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.10.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no open storage, repairing, cleaning, dismantling or other workshop activities, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (d) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractor/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the existing boundary fencing on the site shall be maintained at all times during the planning approval period;
- (g) the 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 18.1.2020;
- (j) the implementation of the accepted fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.4.2020;
- (k) 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
- (l) if any of the above planning conditions (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.”

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

Agenda Item 42

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/982 Temporary Warehouse for Storage of Construction Material with Ancillary Site Office for a Period of 3 Years in “Undetermined” Zone, Lots 1229 (Part), 1237 (Part), 1238 (Part) and 1252 (Part) in D.D. 119, Pak Sha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/982)

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) temporary warehouse for storage of construction material with ancillary site office for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. The site was zoned “Undetermined” (“U”) and the applied use was generally not in conflict with the planning intention of the “U” zone. While the site fell partly within an area zoned “Other Specified Uses” annotated “Mixed Use” (“OU(MU)”) and partly within an area shown as ‘Road’ on the Recommended Outline Development Plan of Yuen Long South (YLS) and partly fell outside the development area of YLS, the Chief Engineer/Cross-Boundary Infrastructure and Development, PlanD and Project Manager (West), Civil Engineering and Development Department had no objection to the temporary use. Approval of the application on a temporary basis would not jeopardize the long-term development of the area. The development was generally not incompatible with the surrounding uses in the subject “U” zone. There was no adverse comment on the application from concerned government departments. To address the concerns on the possible environmental nuisances generated by the

temporary use and the technical requirements of other concerned government departments, relevant approval conditions were recommended. Given that three previous approvals for similar uses had been granted and 107 similar applications had been approved in that part of the “U” zone, approval of the current application was in line with the Committee’s previous decisions.

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 18.10.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 7:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no open storage, repairing, dismantling, cleaning and other workshop activities, as proposed by the applicant, shall be carried out on the site at any time during the planning approval period;
- (d) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) all existing trees within the site shall be maintained at all times, as proposed

by the applicant, during the planning approval period;

- (g) the existing boundary fencing 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 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 18.1.2020;
- (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 18.4.2020;
- (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 18.7.2020;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (m) if any of the above planning conditions (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

Agenda Item 43

Section 16 Application

[Open Meeting]

A/YL-TYST/983 Temporary Warehouse for Storage of Electronic Goods with Ancillary Site Office for a Period of 3 Years in “Undetermined” zone, Lots 716 RP, 718 RP, 744 S.A, 744 S.B, 745 (Part), 746, 747 (Part), 749 (Part), 750, 751, 752 (Part), 753 (Part), 754 (Part), 755, 756 and 757 in D.D. 117 and Adjoining Government Land, Kung Um Road, Yuen Long (RNTPC Paper No. A/YL-TYST/983)

133. The Committee noted that the applicant’s representative requested on 10.10.2019 deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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.

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

Agenda Item 44

Any Other Business

135. There being no other business, the meeting closed at 4:55 p.m..