

**TOWN PLANNING BOARD**

**Minutes of 637<sup>th</sup> Meeting of the  
Rural and New Town Planning Committee held at 2:30 p.m. on 1.11.2019**

**Present**

Director of Planning  
Mr Raymond K.W. Lee

Chairman

Mr H.W. Cheung

Vice-chairman

Dr F.C. Chan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Mr K.K. Cheung

Dr C.H. Hau

Dr Lawrence K.C. Li

Mr Stephen L.H. Liu

Mr L.T. Kwok

Mr K.W. Leung

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

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

Principal Environmental Protection Officer (Strategic Assessment),  
Environmental Protection Department  
Mr K.H. To

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

Deputy Director of Planning/District  
Miss Fiona S.Y. Lung

Secretary

**Absent with Apologies**

Mr Ivan C.S. Fu

Miss Winnie W.M. Ng

Dr Jeanne C.Y. Ng

Mr Ricky W.Y. Yu

**In Attendance**

Assistant Director of Planning/Board  
Ms Lily Y.M. Yam

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

Town Planner/Town Planning Board  
Ms Karmin Tong

**Agenda Item 1**

Confirmation of the Draft Minutes of the 636<sup>th</sup> RNTPC Meeting held on 18.10.2019

[Open Meeting]

1. The draft minutes of the 636<sup>th</sup> RNTPC meeting held on 18.10.2019 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

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

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

**Agenda Item 3**

**Section 12A Application**

[Open Meeting]

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

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

- Mr Ivan C.S. Fu                      -     being a member of the Private Columbaria Appeal Board, and having current business dealings with Landes;
- Mr H.W. Cheung                      -     being a member of the Private Columbaria Licensing Board (PCLB); and  
(the Vice-chairman)
- Mr K.K. Cheung                      -     his firm being legal advisor of PCLB.

4.                      The Committee noted that the applicant had requested deferment of consideration of the application, and Mr Ivan C.S. Fu had tendered an apology for being unable to attend the meeting. As the interests of Messrs H.W. Cheung and K.K. Cheung were indirect, the Committee agreed that they could stay in the meeting.

5.                      The Committee noted that the applicant’s representative requested on 16.10.2019 deferment of consideration of the application for two months so as to allow time for preparation of further information to address departmental comments. It was the second

time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information in response to the comments of various government departments.

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

#### **Agenda Item 4**

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

[Open Meeting]

Y/ST/42                      Application for Amendment to the Approved Sha Tin Outline Zoning Plan No. S/ST/34, To rezone the application site from "Village Type Development" to "Government, Institution or Community", Lots 60 S.A, 60 S.B and 561 in D.D. 184 and Adjoining Government Land, South of Che Kung Miu Road, Tai Wai  
(RNTPC Paper No. Y/ST/42)

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7. The Secretary reported that the application was for rezoning the application site to "Government, Institution or Community" for religious institution and columbarium uses. Landes Limited (Landes) and MVA Hong Kong Limited (MVA) were two of the consultants of the applicant. The following Members had declared interests on the item:

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

Appeal Board, and having current business dealings with Landes and MVA;

- Mr H.W. Cheung (the Vice-chairman) - being a member of the Private Columbaria Licensing Board (PCLB); and
- Mr K.K. Cheung - his firm being legal advisor of PCLB.

8. The Committee noted that the applicant had requested deferment of consideration of the application, and Mr Ivan C.S. Fu had tendered an apology for being unable to attend the meeting. As the interests of Messrs H.W. Cheung and K.K. Cheung were indirect, the Committee agreed that they could stay in the meeting.

9. The Committee noted that the applicant's representative requested on 22.10.2019 deferment of consideration of the application for two months so as to allow time for preparation of further information to address the comments from the Transport Department. It was the first time that the applicant requested deferment of the application.

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

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

**Agenda Item 5**

**Section 12A Application**

[Open Meeting]

Y/YL-KTS/5                      Application for Amendment to the Approved Kam Tin South Outline Zoning Plan No. S/YL-KTS/15, To Rezone the Application Site from “Agriculture” and “Village Type Development” to “Residential (Group C)”, Lots 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1447, 1448, 1472, 1476, 1477 S.A, 1478 RP, 1495, 1497, 1500, 1501, 1502 and 1503 in D.D. 106 and Adjoining Government Land, Kam Sheung Road, Kam Tin, Yuen Long  
  
(RNTPC Paper No. Y/YL-KTS/5B)

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11.            The Secretary reported that Landes Limited (Landes) and AECOM Asia Company Limited (AECOM) were two of the consultants of the applicant. The following Members had declared interests on the item:

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

Dr C.H. Hau                              -    having current business dealings with AECOM.

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

13.            The Committee noted that the applicant requested on 15.10.2019 deferment of consideration of the application for two months so as to allow time for preparation of further information to address departmental comments. It was the third time that the applicant requested deferment of the application. Since the last deferment, the applicant had

submitted further information to address departmental comments.

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

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

#### **Agenda Item 6**

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

[Open Meeting]

Y/YL-PN/9

Application for Amendment to the Approved Sheung Pak Nai & Ha Pak Nai Outline Zoning Plan No. S/YL-PN/9, To rezone the application site from "Coastal Protection Area" and an area shown as 'Road' to "Government, Institution or Community", Lot 118 in D.D.135 and Adjoining Government Land, Nim Wan Road, Pak Nai, Yuen Long

(RNTPC Paper No. Y/YL-PN/9)

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15. The Secretary reported that the application was for rezoning the application site to "Government, Institution or Community" for columbarium use. The following Members had declared interests on the item:



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

16. The Committee noted that the applicant had requested deferment of consideration of the application, and Mr Ivan C.S. Fu had tendered an apology for being unable to attend the meeting. As the interests of Messrs H.W. Cheung and K.K. Cheung were indirect, the Committee agreed that they could stay in the meeting.

17. The Committee noted that the applicant's representative requested on 2.10.2019 deferment of consideration of the application for two months so as 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.

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

**Sai Kung and Islands District**

**Agenda Item 7**

**Section 16 Application**

[Open Meeting]

A/SK-PK/254            Proposed Redevelopment of House (New Territories Exempted House)  
in “Conservation Area” Zone, Lot 110 in D.D. 219, Kei Pik Shan, Tai  
Chung Hau, Sai Kung  
(RNTPC Paper No. A/SK-PK/254)

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19.            The Committee noted that the applicant’s representative requested on 24.10.2019 deferment of consideration of the application for two months so as 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.

20.            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.

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

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

[Messrs K.W. Leung and K.H. To arrived to join the meeting at this point.]

## **Agenda Item 8**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/976                      Proposed Shop and Services (Retail Shop) in “Industrial” Zone, Unit  
4D (Part), G/F, Fo Tan Industrial Centre, 26-28 Au Pui Wan Street, Fo  
Tan, Sha Tin  
(RNTPC Paper No. A/ST/976)

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### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed shop and services (retail shop);
- (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) during the first three weeks of the statutory publication period, a public comment was received from the Owners’ Corporation of the Fo Tan Industrial Centre indicating no objection to the application. Major views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application on a temporary basis for a period of five years based on the assessments set out in paragraph 11 of the Paper. The proposed use was small in scale and considered not incompatible with the industrial and

industrial-related uses in the subject industrial building and the surrounding developments. The aggregate commercial floor area on the ground floor of the subject building was within the maximum permissible limit of 460m<sup>2</sup> after including the floor area of the proposed use. The application generally complied with the relevant considerations set out in the Town Planning Board Guidelines No. 25D including fire safety and traffic aspects. Relevant government departments had no objection to or no adverse comment on the application. A temporary approval of five years was recommended in order not to jeopardize the long-term planning intention of industrial use for the Premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area. Regarding the public comment, it should be noted that the current application was for proposed shop and services (retail shop) use.

22. Members had no question on the application.

#### Deliberation Session

23. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 1.11.2024, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission and implementation of the fire safety measures to the satisfaction of the Director of Fire Services or of the TPB before operation of the use; and
- (b) if the above planning condition is not complied with, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.”

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

**Agenda Item 9**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/567 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” Zones, Lot 9 S.A RP in D.D. 7, Sha Li Yuen, Chung Sum Wai, Tai Hang Village, Tai Po (RNTPC Paper No. A/NE-KLH/567C)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH)- Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site possessed potential for agricultural rehabilitation. The District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) and the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) did not support/objected to the application as the proposed Small House footprint fell entirely outside the village ‘environ’ (‘VE’) of Tai Hang and less than 50% of it fell within the “Village Type Development” (“V”) zone. In view that the site was located within the upper indirect water gathering grounds (WGG) and housing development, in general, would have risk of pollution to the WGG, CE/C, WSD considered that there was insufficient information in the submission to demonstrate that the proposed development would not cause adverse impact on the water quality in the area despite the applicant’s proposal to connect the Small House with the nearby public sewers. 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 objecting public comments were received from the Hong Kong Bird Watching Society and an individual. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed Small House was not in line with the planning intention of the “Agriculture” (“AGR”) zone and DAFC did not support the application. DLO/TP, LandsD and CE/C, WSD did not support/objected to the application as the proposed Small House footprint fell entirely outside the ‘VE’ of the concerned village. CE/C, WSD also considered there was insufficient information to demonstrate that the proposed development would not cause adverse impact on the water quality in the area. The application did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that more than 50% of the proposed Small House footprint fell outside both the “V” and ‘VE’ of Tai Hang, and there was sufficient land within the “V” zone to fully meet the outstanding Small House applications and forecasted Small House demand. As there was no shortage of land in meeting the demand for Small House development in the “V” zone, it was considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services. The planning circumstances of the current application were similar to those previously rejected similar applications within the same “AGR” zone. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

26. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that more than 50% of the footprint of the proposed Small House falls outside the “Village Type Development” (“V”) zone and the village ‘environs’ of Tai Hang, and there is no general shortage of land in meeting the demand for Small House development in the “V” zone of Tai Hang;
- (c) the applicant fails to demonstrate that the proposed development would not cause adverse impact on the water quality in the area; and
- (d) land is still available within the “V” zone of Tai 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 a more orderly development pattern, efficient use of land and provision of infrastructure and services.”

## **Agenda Item 10**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/649            Proposed Public Utility Installation (Solar Energy System) in  
                                 “Agriculture” Zone, Lot 646 S.A in D.D. 23, Po Sam Pai Village,  
                                 Shuen Wan, Tai Po  
  
                                 (RNTPC Paper No. A/NE-TK/649D)

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28.            The Secretary reported that the application was related to the installation of solar energy system. Mr H.W. Cheung, the Vice-chairman, had declared an interest on the item for being the Chairman of the Hong Kong Green Building Council, which had been supporting the use of solar panel. As Mr H.W. Cheung had no involvement in the application, the Committee agreed that he could stay in the meeting.

### **Presentation and Question Sessions**

29.            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 – the application was for proposed installation of solar energy system involving the erection of two 3m-high steel racks with about 71 solar panels atop and a battery panel box underneath the racks. The proposed system would be connected to the existing electrical power network of CLP Power Hong Kong Limited (CLP) under the ‘Renewable Energy Feed-in Tariff Scheme’ (FiT Scheme). The amount of electricity expected to be generated would be about 56,235.55 kWh per year which would all be sold to CLP on commercial basis. During the consideration of the application on 5.7.2019, the Committee, whilst appreciating the purpose of the application was to generate renewal energy (RE), considered that further information was required for Members’ consideration of the application. The Committee decided to defer making a decision on the application pending submission of further information on the technical feasibility of the installation and maintenance



of the proposed solar energy system; shelf life of the solar energy system and the related technology; the proposed arrangement of the proposed solar energy system to CLP's grid; and CLP's view on the proposal.

- (b) further information – the applicant submitted further information in September and October 2019 in response to the Committee's concerns. The further information was summarized below :

Technical Feasibility of the Installation and Maintenance of the Proposed Solar Energy System

- (i) the applicant had committed to appoint a building professional to submit building plans to the Buildings Department (BD) for approval. The building works would only commence upon the approval by BD;
- (ii) solar panels installed at 3m-high steel racks would not easily be damaged, and the maintenance of the battery panel box was easy as it would be installed on the ground. Cleansing of the solar panel system would be done annually and also by rainfall throughout the year. Space of about 400mm had been reserved between the solar panels and the racks to facilitate the cleansing works;

Shelf Life of the Solar Energy System and the Related Technology

- (iii) according to information of most countries, the shelf life of solar panels could range from 25 to 40 years. The effectiveness of the solar panels would depreciate by 10% in the first 12 years and by 20% in the subsequent 20 to 40 years;

Arrangement for Connecting to CLP's grid

- (iv) the applicant had made an application to CLP for joining the FiT Scheme;

- (v) CLP advised that the applicant would need to upgrade the electricity installation at the site and fulfil the specified technical requirements and conditions. Upon the applicant's fulfilment of the requirements and conditions, CLP would carry out the necessary works to afford the upgraded electricity installation at the site and consider issuing a FiT rate to the applicant. The applicant would then proceed to building the proposed system for connection to the power grid;

CLP's View on the Applicant's Proposal

- (vi) the applicant claimed that his proposal was supported by CLP through their positive response to his FiT application;

Other Responses from the Applicant

- (vii) the works cost for upgrading the electricity installations at the site and installation of the proposed energy system would be about \$60,000 and \$1,200,000 respectively;
  - (viii) the estimated payback period would be about 8 to 10 years;
  - (ix) a planning approval on a permanent basis, or a temporary approval of at least 10 years or that tallying with the effective period of FiT Scheme which would end by 2033 was sought;
- (c) departmental comments – departmental comments on the application and the further information were set out in paragraph 8 of Appendix FA-1 and paragraph 4 of the Paper. The Secretary for the Environment (SEN) supported the development of RE and encouraged the community to develop distributed RE. While the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site possessed potential for agricultural rehabilitation, he considered that the land covered

by the proposed solar panels could be used for agricultural activities such as open-field cultivation, greenhouses and plant nurseries, and his department would not impose any restriction on the installation of solar panels on agricultural land. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) the Planning Department (PlanD)'s views – PlanD maintained its previous view of having no objection to the application based on the assessments set out in paragraph 5 of the Paper. While the proposed use was not entirely in line with the planning intention of the “Agriculture” (“AGR”) zone, as advised by DAFC, the site could still be used for agricultural activities. SEN supported the development of RE and other concerned government departments had no objection to or no adverse comment on the application. Approval conditions had been recommended to address the concerns of relevant departments. Having regard to the estimated payback period for the system and the effective period of the FiT Scheme, it was considered reasonable to grant a temporary approval of 10 years, which was one of the suggestions made by applicant.

[Mr Peter K.T. Yuen arrived to join the meeting at this point.]

30. Some Members raised the following questions:

- (a) noting the site was zoned “AGR”, whether there were any restrictions on the erection of structures and the use on the site, in particular on covered areas below the steel racks;
- (b) the payback period was calculated to be around 4.5 years assuming the generation of some 56,235 kWh of electricity per year at a FiT rate of HK\$5 per unit of electricity and taking into account the works and installation cost of about HK\$1,260,000 as advised by the applicant. Any information on how the estimated payback period of 8 to 10 years, as claimed by the applicant, was calculated; and

- (c) whether the proposed use would involve pond filling.

31. In response, Mr Tony Y.C. Wu, STP/STN, made the following main points:

- (a) apart from the existing one-storey domestic structure on the site which was an existing use, any erection of structures for non-domestic or domestic purposes on the site would need to comply with the provisions of the relevant Outline Zoning Plan. Planning enforcement action could be undertaken in case of subsequent unauthorized uses/development;
- (b) the FiT Scheme was offered at three payment levels, ranging from HK\$3 to HK\$5 per unit of electricity – kWh, according to the generation capacity of the RE system. For calculation purpose, a FiT rate of HK\$4 per unit of electricity generated was applied to the current application. Whilst the payback period of the proposed system assuming such FiT rate was calculated to be around 5 to 6 years, the applicant claimed that such calculation had yet to factor in other costs on maintenance and upkeeping of the system and other uncertainties, such as the impact on solar energy potential and efficiency level of the RE system during days of inclement weather. Taking into account the above costs and risks, the applicant estimated that the payback period would be around 8 to 10 years. With reference to some general information provided by CLP, the payback period for some RE systems could range between 10 to 15 years depending on the generation capacity of the system; and
- (c) according to the applicant, the proposed use would not involve pond filling. However, the erection of the steel racks would require installation of some footings and columns into the existing pond.

### Deliberation Session

32. Members generally agreed that the proposed solar energy system would contribute to the generation of RE and considered that the development of RE, which was an environmental friendly initiative, warranted support.

33. Some Members made the following main points:

- (a) noting that the application was the first planning application for installation of solar energy system on private land to be considered by the Committee, a prudent approach should be adopted as it would have implications on future similar applications;
- (b) there were uncertainties on the technical feasibility and implementation of the proposed solar energy system and its contribution to the FiT scheme, including whether approval from BD for the required building works could be obtained and whether the system could successfully connect to CLP's grid;
- (c) whilst the FiT Scheme would provide great incentives for development of solar energy system in the rural area, the possible long-term implications on the use of agricultural land should be duly considered. The approval period to be granted should also take account of the need for allowing flexibility on the use of site for other purposes; and
- (d) the proposed steel racks with a height of 3m was not fully justified. There were concerns about the possible unauthorized uses of the space underneath the racks as well as the installation and maintenance of the solar panels.

34. In view of the uncertainties associated with the proposed solar energy system and the possible implications on the future use of agricultural land, Members generally agreed that the current application within the "AGR" zone did not warrant permanent approval, while temporary approval was considered reasonable. As for the duration of temporary approval, there was discussion on whether 10 years, 5 years or 3 years was the appropriate duration. After deliberation, a majority of the Members considered that a shorter approval period of 5 years should be granted to allow monitoring of the implementation progress of the proposed solar energy system and the condition of the site. Members concurred that sympathetic consideration might be given to subsequent renewal application taking into account its merits, such as whether genuine effort had been made to implement the proposal,

as well as the planning circumstances at the time.

35. In response to a Member's enquiry, the Secretary said that an approval condition requiring reinstatement of the site upon expiry of the planning approval would normally be imposed on temporary planning approvals in environmentally sensitive zones. In general, such reinstatement works might include demolition of the temporary structure/shelter on the site. Members also noted that any unauthorized land/pond filling within the subject "AGR" zone would be subject to enforcement action by the Planning Authority. Members agreed that an approval condition requiring reinstatement of the site and an advisory clause reminding the applicant that land/pond filling should not be undertaken at the site without planning permission from the Town Planning Board should be imposed.

36. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 1.11.2024, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission and implementation of stormwater drainage and site formation proposals to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) 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.”

37. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix FA-5 of the Paper with the following additional clause :

“to note that land/pond filling shall not be undertaken at the site without planning permission from the Town Planning Board.”

**Agenda Item 11**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/668            Proposed House (New Territories Exempted House - Small House) in  
                                 “Green Belt” Zone, Lot 551 S.D ss.4 in D.D. 28, Tai Mei Tuk, Tai Po  
                                 (RNTPC Paper No. A/NE-TK/668A)

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**Presentation and Question Sessions**

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

- (a)    background to the application;
  
- (b)    the proposed house (New Territories Exempted House (NTEH) – Small House);
  
- (c)    departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning perspective as the adverse impact arising from site formation works and/or slope works to the adjacent woodland could not be ascertained, and approval of the application would attract similar development in the “Green Belt” (“GB”) zone and the cumulative effect would result in a degradation of 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, five objecting public comments were received from the Hong Kong Bird

Watching Society, Designing Hong Kong Limited, World Wide Fund for Nature Hong Kong and two individuals. Major objection grounds were set out in paragraph 11 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of “GB” zone and there was a general presumption against development within the zone. There was no strong planning justification in the submission for a departure from the planning intention. The application did not comply with the Town Planning Board Guidelines No. 10 in that the proposed development, involving clearance of existing natural vegetation, would result in deterioration of landscape quality in the subject “GB” zone. CTP/UD&L, PlanD had reservation on the application. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, 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 60 outstanding Small House applications. It should be noted that the Committee had adopted a more cautious approach in approving applications for Small House development in recent years and it was considered more appropriate to concentrate the proposed Small House developments within the “V” zone. There were 11 similar applications in the proximity of the site, of which eight were rejected. The planning circumstances of the current application were similar to those previously rejected similar applications. Regarding the adverse public comments, 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 reject the application. The reasons were :



- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from this planning intention;
  
- (b) the proposed development does not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that the proposed development would affect the existing natural landscape on the surrounding environment;
  
- (c) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the proposed development would cause adverse landscape impacts on the surrounding areas; and
  
- (d) land is still available within the “Village Type Development” (“V”) zone of Lung Mei and Tai Mei Tuk which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.”

[Mr Paul Y.K. Au left the meeting temporarily at this point.]

**Agenda Item 12**

**Section 16 Application**

[Open Meeting]

A/NE-TK/675                      Temporary Shop and Services (Real Estate Agency and Convenience Store) for a Period of 3 Years in “Recreation” Zone, Lot 1615 RP in D.D. 17, Ting Kok Road, Tai Po  
(RNTPC Paper No. A/NE-TK/675)

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41.            The Committee noted that the applicant’s representative requested on 21.10.2019 deferment of consideration of the application for two months so as 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.

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

**Agenda Item 13**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/714      Proposed Temporary Barbecue Site with Ancillary Site Office for a Period of 3 Years in “Agriculture” Zone, Lot 1828 (Part) in D.D. 76, Ma Mei Ha Leng Tsui  
(RNTPC Paper No. A/NE-LYT/714)

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43.            The Committee noted that the application was withdrawn by the applicant.

**Agenda Item 14**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-MKT/8      Proposed Temporary Shop and Services (Agricultural Products and Fruits Promotion Centre) with Ancillary Site Office and Car Park for a Period of 3 Years in “Recreation” Zone, Lots 788 and 792 in D.D. 82, Ping Che Road, Kan Tau Wai  
(RNTPC Paper No. A/NE-MKT/8)

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44.            The Committee noted that the application was withdrawn by the applicant.

**Agenda Item 15**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/608      Industrial Use (Laundry Workshop) in “Open Storage” Zone, Lots 825, 834 and 836 in D.D. 77 and Adjoining Government Land, Ping Che  
(RNTPC Paper No. A/NE-TKL/608B)

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Presentation and Question Sessions

45. 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 industrial use (laundry workshop);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection had no adverse comment on the application and advised that the site had a valid licence under the Water Pollution Control Ordinance for the discharge of commercial trade effluent. Local views conveyed by the District Officer (North), Home Affairs Department were set out in paragraph 9.1.10 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, one public comment was received from the Chairman of Sheung Shui District Rural Committee who indicated no comment on the application; 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 operation of the laundry workshop was land-extensive and required high volume of water consumption and waste water treatment. The massive size of equipment for the operation of laundry workshop also required indoor area with a high ceiling, and such operations could not be accommodated in conventional flatted factories or godown premises. According to the applicant, the site had been used as a laundry workshop for more than 25 years and the current application was to reflect the latest layout of the workshop. The applied use was considered not incompatible with the surrounding land uses, which comprised mainly warehouses, workshops and open storage yards. Concerned government departments

had no objection to or no adverse comment on the application. The site was subject to three previous planning approvals for the same use, and there were no major changes in the planning circumstances since the last approval. As such, sympathetic consideration might be given to the application.

46. Members had no question on the application.

#### Deliberation Session

47. 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 1.11.2023, 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; and
- (b) the design and provision of water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.”

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

**Agenda Items 16 and 17**

**Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/627      Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” Zone, Lot 166 S.A in D.D. 79, Ping Yeung Village, Ta  
Kwu Ling  
  
(RNTPC Paper No. A/NE-TKL/627 and 628)

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A/NE-TKL/628      Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” Zone, Lot 166 S.B in D.D. 79, Ping Yeung Village, Ta  
Kwu Ling  
  
(RNTPC Paper No. A/NE-TKL/627 and 628)

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49.            The Committee noted that the two applications for New Territories Exempted Houses (NTEH) – Small Houses were covered in one paper, and agreed that they could be considered together as they were similar in nature and the application sites were abutting each other and fell within the same “Agriculture” (“AGR”) zone.

**Presentation and Question Sessions**

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

- (a) background to the applications;
- (b) the proposed house (NTEH – Small House) at each of the site;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications as the sites possessed potential for agricultural rehabilitation. The Commissioner for Transport (C for T) had reservation on the applications, but considered the applications involving the development of one Small House each could be tolerated. Other concerned government departments

had no objection to or no adverse comment on the applications;

- (d) during the first three weeks of the statutory publication period, two public comments were received from Designing Hong Kong Limited and an individual raising objection to each of the applications. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessments set out in paragraph 11 of the Paper. Although the proposed developments were not in line with the planning intention of the “AGR” zone and DAFC did not support the applications, the proposed developments were not incompatible with the surrounding rural setting. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, more than 50% of the footprint of each of the proposed Small Houses fell within the village ‘environ’ (‘VE’) of Ping Yeung. Although 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 65 outstanding Small House applications. It should be noted that the Committee had adopted a more cautious approach in approving applications for Small House development in recent years and it was considered more appropriate to concentrate the proposed Small House developments within the “V” zone. Nevertheless, a new village cluster was forming in the vicinity of the sites with the clusters of existing village houses to the east of the sites and a number of Small Houses previously approved by the Committee to the south. Hence, sympathetic consideration might be given to the two current applications. There were similar applications for Small House developments in the proximity to the sites and the circumstances of the current applications were similar to those approved applications. Regarding the adverse public comments on the applications, the comments of government departments and planning assessments above were relevant.

51. A Member asked why the similar application (No. A/NE-TKL/619) located to the further north of the sites and also falling wholly within the ‘VE’ of Ping Yeung, but outside

the “V” zone was rejected. Mr Tim T.Y. Fung, STP/STN, replied that the circumstances of application No. A/NE-TKL/619 were different from the current applications. For the current applications, it was considered that sympathetic consideration might be given in view of the formation of a new village cluster in the vicinity of the site comprising existing village houses and the Small Houses previously approved by the Committee. For application No. A/NE-TKL/619, the key reasons for rejection was that land was still available in the “V” zone and there were no existing or approved Small House developments in its immediate vicinity.

### Deliberation Session

52. Members noted that the Committee had adopted a cautious approach in approving applications for Small House development in recent years. However, sympathetic consideration might be given to applications with merits and specific circumstances, including applications with previous planning permission lapsed, infill developments among existing NTEHs/Small Houses or the processing of the Small House grant was already at an advance stage.

53. After deliberation, the TPB decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the permissions should be valid until 1.11.2023, 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. Each of the permissions was subject to the following conditions :

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

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



**Agenda Item 18**

**Section 16 Application**

[Open Meeting]

A/NE-TKLN/23 Proposed Temporary Place of Recreation, Sports or Culture (Parent-Child Play Area), Eating Place, Shop and Services with Ancillary Car Park for a Period of 5 Years in “Recreation” Zone, Lots 35 RP, 36, 42 RP, 43, 44, 45 RP, 59 RP and 64 S.B RP in D.D. 80, Lin Ma Hang Road, Pak Fu Shan  
(RNTPC Paper No. A/NE-TKLN/23)

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55. The Committee noted that the applicant’s representative requested on 22.10.2019 deferment of consideration of the application for two months so as to allow time for preparation of further information to address the comments of Drainage Services Department. It was the first time that the applicant requested deferment of the application.

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

**Agenda Item 19**

**Section 16 Application**

[Open Meeting]

A/NE-TKLN/24      Temporary Open Storage of Construction Machinery and Container with Repair Workshop for a Period of 3 Years in “Recreation” Zone, Lots 1356 RP, 1357 S.B RP and 1360 RP in D.D. 78 and adjoining Government Land, Lin Ma Hang Road, Ta Kwu Ling North  
(RNTPC Paper No. A/NE-TKLN/24)

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57.            The Committee noted that the applicant’s representative requested on 23.10.2019 deferment of consideration of the application for two months so as 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.

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

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

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

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

**Agenda Item 20**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/264            Proposed Temporary Place of Recreation, Sports, or Culture (Motor Museum) and Eating Place (Café) for a Period of 3 Years in “Village Type Development” Zone, Government Land in D.D. 114, Shek Kong, Yuen Long  
(RNTPC Paper No. A/YL-SK/264)

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**Presentation and Question Sessions**

59.            Mr Patrick M.Y. Fung, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a)    background to the application;
- (b)    proposed temporary place of recreation, sports or culture (motor museum) and eating place (café) for a period of three years;
- (c)    departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d)    during the first three weeks of the statutory publication period, 14 public comments were received. One comment submitted by an individual supported the application, while the other 13 comments from indigenous

inhabitant representatives, resident representative, village committee chairperson, local residents of Sheung Tsuen and individuals objected to the application. Major views were set out in paragraph 9 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. Whilst the proposed uses were not entirely in line with the planning intention of the “Village Type Development” (“V”) zone, the District Lands Officer/Yuen Long, Lands Department advised that there was no Small House application approved or under processing at the site. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “V” zone. The proposed uses were considered not incompatible with the surrounding environment. Concerned government departments had no objection to or no adverse comment on the application. Relevant approval conditions had been recommended to minimize any possible environmental nuisance and to address the technical requirements of relevant departments. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

60. In response to a Member's question, Mr Patrick M.Y. Fung, STP/FSYLE, explained that the site was located outside the Shek Kong Barracks. Site notice on the application had been posted on and near the application site during the statutory public inspection period.

[Mr Paul Y.K. Au returned to join the meeting at this point.]

61. Regarding another Member's enquiry, Mr Patrick M.Y. Fung replied, with reference to Drawing A-5b, that as indicated in the submission, the proposed six motorcycle parking spaces along the adjacent pavement of Route Twisk would be used during busier times at weekends and public holidays. The Commissioner for Transport (C for T) had been consulted on the application. An approval condition requiring the implementation of traffic control measures had been recommended to address C for T's concerns on the traffic management and parking provision aspects, including those relating to the off-site motorcycle

parking spaces.

### Deliberation Session

62. Members noted that the site was entirely government land and that the applicant would need to obtain policy support from relevant bureau/department for the application for direct grant of Short Term Tenancy for the proposed development.

63. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 1.11.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 10:00 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 between 7:00 a.m. and 10:00 a.m. and between 8:00 p.m. and 10:00 p.m. from Mondays to Fridays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (d) the implementation of traffic control measures, as proposed by the applicant, within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 1.8.2020;
- (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 1.5.2020;
- (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 1.8.2020;

- (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 proposal for fire service installations and water supplies for fire-fighting within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.5.2020;
- (i) in relation to (h) above, the implementation of the proposal for fire service installations and water supplies for fire-fighting within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.8.2020;
- (j) if any of the above planning conditions (a), (b), (c) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked without further notice; and
- (k) if any of the above planning conditions (d), (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.”

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

**Agenda Item 21**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/265            Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” and “Village Type Development” Zones, Lot 1177 S.B  
in D.D.112, Shek Kong, Yuen Long  
(RNTPC Paper No. A/YL-SK/265)

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Presentation and Question Sessions

65. Mr Patrick M.Y. Fung, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site had high 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 objecting public comments were received from Kadoorie Farm and Botanic Garden Corporation, World Wide Fund for Nature Hong Kong, Designing Hong Kong Limited, the Hong Kong Bird Watching Society and an individual. Major objection grounds were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. Whilst the proposed Small House was always permitted within “Village Type Development” (“V”) zone, it was not in line with the planning intention of the “Agriculture” (“AGR”) zone. There was no strong planning justification given in the submission for a departure from the planning intention. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view. The application did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New

Territories in that the footprint of the proposed Small House did not fall within any approved 'village environ' ('VE') of recognized village, and about 87% of the proposed Small House footprint fell outside the "V" zone. While land available within the "V" zone was insufficient to fully meet the future Small House demand, it was capable to meet the 185 outstanding Small House applications. It should be noted that the Committee had adopted a more cautious approach in approving applications for Small House development in recent years and it was considered more appropriate to concentrate the proposed Small House developments within the "V" zone. The applicant had failed to demonstrate why the proposed Small House was required to be built beyond the "V" zone. There was one similar rejected application straddling the same "V" zone and adjoining "AGR" zone, and the planning circumstances of the current application were similar to the rejected application. Approval of the application would set an undesirable precedent for other similar applications, resulting in piecemeal development and destroying the tranquil nature of the rural area. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

66. Members had no question on the application.

#### Deliberation Session

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

- “(a) the proposed Small House development is not in line with the planning intention of the “Agriculture” zone which is to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention;



- (b) the application does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the footprint of the proposed Small House falls entirely outside any approved village ‘environs’ of a recognized village, and more than 50% of the Small House footprint falls outside the “Village Type Development” (“V”) zone;
- (c) land is still available within the “V” zone of Ngau Keng, Lin Fa Tei, Shui Lau Tin and Shui Tsan Tin 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 a more orderly development pattern, efficient use of land and provision of infrastructure and services; and
- (d) the proposed development would set an undesirable precedent for other similar applications, resulting in piecemeal development and destroying the tranquil nature of the rural area. There is no exceptional circumstance to justify approval of the application.”

## **Agenda Item 22**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/633      Proposed Temporary Public Car Park (Excluding Container Vehicle) for a Period of 5 Years in “Village Type Development” Zone, Lots 1243 S.B RP (Part) and 1296 RP in D.D. 109, Kong Tai Road, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/633C)

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### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) proposed temporary public car park (excluding container vehicle) 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 comments on the application;
- (d) during the first three weeks of the statutory publication period, six objecting public comments were received from Tai Kong Po Village Committee, local villagers and individuals. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of five 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 “Village Type Development” (“V”) zone, it could satisfy some of the local parking demand. The District Lands Officer/Yuen Long, Lands Department advised that there was no Small House application approved or under processing at the site. Approval of the application on a temporary basis would not jeopardize the long-term planning intention of the “V” zone. The proposed use was considered not incompatible with the surrounding land uses. Concerned departments had no objection to or no adverse comment on the application. Relevant approval conditions had been recommended to minimize any potential nuisances and to address the technical requirements of relevant departments. A previous application for the same use at the site and another similar application within the same “V” zone had been approved by the Committee. Approval of the application was considered in line with the Committee's previous decisions. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

69. In response to a Member's question, Ms Ivy C.W. Wong, STP/FSYLE, explained that the nature and planning considerations for public vehicle park and open storage of vehicles were different. Generally speaking, uses involving parking/storing of vehicles without valid licences were akin to open storage of vehicles use which was more environmentally undesirable as it would likely generate greater environmental nuisances to the surrounding environment. An approval condition prohibiting the parking/storing of vehicles without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations on the site would normally be imposed on applications for public vehicle park use. The imposition of such approval condition was not related to the registration tax of vehicles.

70. In response to the Chairman's enquiry, Ms Ivy C.W. Wong replied that the previous planning permission for the same use at the site was revoked due to non-compliance with the approval condition prohibiting the parking/storing of vehicles without valid licences.

#### Deliberation Session

71. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 1.11.2024, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (b) no vehicles without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations are allowed to be parked/stored on the site at any time during the planning approval period;
- (c) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, are

allowed to be parked/stored on or enter/exit the site at all times 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 1.5.2020;
- (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 1.8.2020;
- (g) in relation to (f) above, the implemented drainage facilities 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 1.5.2020;
- (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 1.8.2020;
- (j) if any of the above planning condition (a), (b), (c), (d) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (k) if any of the above planning condition (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.”

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

**Agenda Item 23**

Section 16 Application

[Open Meeting]

A/YL-KTN/643 Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of 3 Years in “Agriculture” Zone, Lots 1173, 1174 RP, 1175 RP and 1176 RP in D.D. 109, Tai Kong Po Tsuen, Kam Tin, Yuen Long (RNTPC Paper No. A/YL-KTN/643B)

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73. The Committee noted that the applicant requested on 23.10.2019 deferment of consideration of the application for two months so as to allow time for preparation of further information to address further departmental comments. It was the third time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information to address departmental comments.

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

**Agenda Item 24**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/664 Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of 3 Years in “Residential (Group B)” Zone, Lots 1845 RP and 1846 RP in D.D. 107, Ko Po Tsuen, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/664A)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) temporary public vehicle park (excluding container vehicle) 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) during the first three weeks of the statutory publication period, 72 public comments were received, including 13 supporting comment from individuals; 58 objecting comments from the Owners’ Committee of Riva (with 515 signatures), residents and owners of Riva, and individuals; and a comment from an individual which did not provide any views on the application. Major views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments set out in paragraph 11 of the Paper. Whilst the proposed use was not entirely in line with the planning intention of the “Residential

(Group B)” (“R(B)”) zone, there was no known programme for permanent development of the site and it could satisfy some of the parking demand in the area. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “R(B)” zone. The proposed use was considered not incompatible with the surrounding areas. Concerned departments had no objection to or no adverse comment on the application. Relevant approval conditions had been recommended to minimize any potential nuisances and to address the technical requirements of relevant departments. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

76. Members had no question on the application.

#### Deliberation Session

77. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 1.11.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no vehicle other than private car is allowed to access the site at any time during the planning approval period;
- (b) a notice should be posted at a prominent location of the site to indicate that only private cars as defined in the Road Traffic Ordinance are allowed to be parked on the site at all times during the planning approval period;
- (c) no vehicles without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations are allowed to be parked/stored on the site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;

- (e) the provision of boundary fencing within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.5.2020;
- (f) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.5.2020;
- (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 1.8.2020;
- (h) in relation to (g) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (i) the submission of 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 1.5.2020;
- (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 1.8.2020;
- (k) if any of the above planning conditions (a), (b), (c), (d) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (l) if any of the above planning conditions (e), (f), (g), (i) or (j) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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



**Agenda Items 25 and 26**

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/829      Temporary Place of Entertainment (Indoor Children Playground) with Ancillary Facilities for a Period of 3 Years in “Residential (Group C)” Zone, Unit M, The Richfield, 236 Kat Hing Wai, Kam Tin, Yuen Long (RNTPC Paper No. A/YL-KTS/829A)

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A/YL-KTS/830      Temporary Eating Place for a Period of 3 Years in “Residential (Group C)” Zone, Unit B2, The Richfield, 236 Kat Hing Wai, Kam Tin, Yuen Long (RNTPC Paper No. A/YL-KTS/830A)

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79.            As the two applications involved commercial uses which were similar in nature and the application premises (the Premises) were located in close proximity to each other at a site within the same development (the Richfield) in the “Residential (Group C)” (“R(C)”) zone, the Committee agreed that the two applications could be considered together.

Presentation and Question Sessions

80.            Ms Ivy C.W. Wong, STP/FSYLE, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) temporary place of entertainment (indoor children playground) with ancillary facilities (No. A/YL-KTS/829) and temporary eating place (No. A/YL-KTS/830), both for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Papers. 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, no public comment was received for application No. A/YL-KTS/829, while six public comments were received for application No. A/YL-KTS/830, including an objecting comment from the Incorporated Owners of Noble Park and 5 supporting comments from a local resident, visitors of Richfield and individuals. Major views were set out in paragraph 10 of the Paper for application No. A/YL-KTS/830; and
  
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications on a temporary basis for a period of three years based on the assessments set out in paragraph 11 of the Papers. Whilst the applied uses were not entirely in line with the planning intention of the “R(C)” zone, there was no known programme for long-term development at the site. Approval of the applications on a temporary basis would not frustrate the long-term planning intention of the “R(C)” zone. The applied uses were not incompatible with the surrounding land uses, including the shop and services within other structures of the Richfield. Concerned departments had no objection to or no adverse comment on the applications. Relevant approval conditions had been recommended to minimize any potential nuisances and to address the technical requirements of relevant departments. The Premises were subject to previous planning approvals for shop and services uses covering a larger area. The applied change in use from shop and services to indoor children playground and eating place uses for the respective applications would not bring about major planning implications. Regarding the adverse public comment on application No. A/YL-KTS/830, the comments of government departments and planning assessments above were relevant.

81. Members had no question on the applications.

#### Deliberation Session

82. After deliberation, the Committee decided to approve the applications on a

temporary basis for a period of 3 years until 1.11.2022, each on the terms of the applications as submitted to the Town Planning Board (TPB) and subject to the following conditions :

For Application No. A/YL-KTS/829

- “(a) no operation between 9:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no vehicle is allowed to queue back to or reverse onto/from the site at any time during the planning approval period;
- (c) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.5.2020;
- (d) in relation to (c) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.8.2020;
- (e) in relation to (d) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (f) 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 1.5.2020;
- (g) in relation to (f) 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 1.8.2020;
- (h) if any of the above planning conditions (a), (b) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and

- (i) if any of the above planning conditions (c), (d), (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.”

For Application No. A/YL-KTS/830

- “(a) no operation between 9:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no vehicle is allowed to queue back to or reverse onto/from the Premises at any time during the planning approval period;
- (c) 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 Town Planning Board by 1.5.2020;
- (d) in relation to (c) 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 Town Planning Board by 1.8.2020;
- (e) 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
- (f) if any of the above planning conditions (c) or (d) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

83. The Committee also agreed to advise the respective applicants to note the advisory clauses as set out at Appendix III of the Paper for Application No. A/YL-KTS/829 and Appendix V of the Paper for Application No. A/YL-KTS/830.

**Agenda Item 27**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/817            Renewal of Planning Approval for Temporary Open Storage of Vehicles and Landscape Plant Materials for a Period of 3 Years in “Residential (Group D)” Zone, Lots 9 (Part) and 10 (Part) in D.D.111, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/817)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary open storage of vehicles and landscape plant materials for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were residential dwellings in the vicinity of the site and the applied use involved the use of heavy vehicles, and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one objecting public comment was received from an individual. Major objection grounds were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD considered the temporary use could be tolerated for a period of three years based on the

assessments set out in paragraph 12 of the Paper. Whilst the applied use was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone, there was no known programme for permanent development at that part of the “R(D)” zone. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the said zone. The applied use was considered not incompatible with the surrounding areas which were rural in character. Although DEP did not support the application, there was no record of substantiated environmental complaint for the site in the past three years. Other concerned government departments had no objection to or no adverse comment on the application. Relevant approval conditions had been recommended to minimize any possible environmental nuisance and to address the technical requirements of relevant departments. The application was generally in line with the Town Planning Board Guidelines No. 13E and 34B in that there were previous approvals for similar use at the site, no major adverse departmental comments had been received, there had been no material change in the planning circumstances of the area since the last approval, and all the approval conditions for the last application had been complied with. There were eight similar applications within the same “R(D)” zone approved by the Committee. Approval of the current application was considered in line with the Committee’s previous decisions. Regarding the adverse public comment, the comments of government departments and planning assessments above were relevant.

85. Members had no question on the application.

#### Deliberation Session

86. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 10.12.2019 to 9.12.2022, 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 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 heavy goods vehicles exceeding 30 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (d) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities are allowed on the site at any time during the planning approval period;
- (e) the existing boundary fencing on the site shall be maintained at all times during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (h) the submission of a record of the existing drainage facilities on the site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 10.3.2020;
- (i) the provision of fire extinguisher(s) within 6 weeks with a valid fire certificate (FS 251) from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.1.2020;
- (j) the implementation of the accepted fire service installations proposal within

6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.6.2020;

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

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

### **Agenda Item 28**

#### **Section 16 Application**

[Open Meeting]

A/YL-PH/818            Proposed Temporary Shop and Services with Ancillary Staff Canteen for a Period of 5 Years in “Village Type Development” Zone, Lot 893 (Part), 894 S.A (Part), 894 S.B (Part), 895 (Part) and 3083 (Part) in D.D. 111, Pat Heung, Yuen Long  

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(RNTPC Paper No. A/YL-PH/818)

88. The Committee noted that the applicant’s representative requested on 28.10.2019 deferment of consideration of the application for one month so as 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.

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 one month was allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

## **Agenda Item 29**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/819            Proposed Temporary Vehicle Park for Medium Container Vehicles for a Period of 3 Years in "Residential (Group D)" and "Agriculture" Zones, Lot 50 RP in DD 108, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/819)

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### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) proposed temporary vehicle park for medium container vehicles for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Commissioner for Transport (C for T) advised that there was insufficient information in the submission to support the application. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of

the site and the proposed use involved heavy vehicles, and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, five objecting public comments were received from World Wide Fund for Nature Hong Kong, the Hong Kong Bird Watching Society, Designing Hong Kong Limited, Kadoorie Farm and Botanic Garden Corporation, and an individual. Major objection grounds were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The site was mostly zoned “Residential (Group D)” (“R(D)”) (about 96%) with a minor portion zoned “Agriculture” (“AGR”) (about 4%). The proposed development was not in line with the planning intention of “R(D)” zone. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis. The application did not comply with the Town Planning Board Guidelines No. 13E in that there was no previous approval granted at the site for port-back up use and there were adverse comments from DEP and C for T. Hence, the application did not warrant sympathetic consideration. The site was subject to three previously rejected applications for temporary lorry/coach park, open storage or logistics and freight yard uses, and there was no similar application within the same “R(D)” and “AGR” zones. Approval of the application would set an undesirable precedent for other similar applications and the cumulative effect would result in a general degradation of the rural environment. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

91. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone, which is for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and for low-rise, low-density residential developments subject to planning permission from the Board. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the application does not comply with the Town Planning Board Guidelines No. 13E in that no previous approval has been granted at the site, and there are adverse departmental comments on the proposed development; and
- (c) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “R(D)” zone. The cumulative impact of approving such similar applications would result in a general degradation of the rural environment of the area.”

**Agenda Item 30**

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NSW/204-4 Proposed Class B Amendment - Category 19, Extension of Time for Compliance with Condition (i) in relation to the Submission of Updated Traffic Impact Assessment Report for the Approved Columbarium under Application No. A/YL-NSW/204  
(RNTPC Paper No. A/YL-NSW/204-4)

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93. The Secretary reported that the application was related to an approved columbarium development. The following Members had declared interests on the item:

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

94. The Committee noted that Mr Ivan C.S. Fu had tendered an apology for being unable to attend the meeting. As the interests of Messrs H.W. Cheung and Mr K.K. Cheung were indirect, the Committee agreed that they could stay in the meeting.

#### Presentation and Question Sessions

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

- (a) background to the application;
- (b) the application for extension of time (EOT) for compliance with condition (i) in relation to the submission of updated traffic impact assessment (TIA) report for the approved columbarium under application No. A/YL-NSW/204;
- (c) departmental comments – departmental comments were set out in paragraph 5 of the Paper. Concerned government departments had no objection to or no adverse comment on the application. The District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD) advised that the local community had strong objection to application No. A/YL-NSW/204 and the decision of the Town Planning Appeal Board (TPAB), and their views should be considered as appropriate. Local objection against the application for EOT for compliance with approval conditions was also received by the Planning Department (PlanD); and

- (d) PlanD's views – PlanD had no objection to the EOT application based on the assessments set out in paragraph 6 of the Paper. The proposed columbarium use under application No. A/YL-NSW/204 was approved by the TPAB on 14.11.2017 with conditions. The first EOT application for extending the time limit for compliance with seven approval conditions from the original six months to a total of 12 months until 14.11.2018 was approved by the Committee on 4.5.2018. The second EOT application for an additional six months for compliance with two outstanding approval conditions until 14.5.2019 was approved by the Committee on 2.11.2018. The third EOT application for an additional six months for compliance with the last time-limited condition (i) in relation to the submission of an updated TIA report until 14.11.2019 was approved by the Committee on 3.5.2019. Since the granting of the last EOT, the applicant had provided responses to the comments of the Transport Department and Planning Department in May and June 2019, and had written to Pok Oi Hospital (POH) requesting information about the POH extension with a view to including such information in the traffic assessment and updating of the TIA. The subject EOT application sought to extend the time limit for compliance with approval condition (i) for another six months until 14.5.2020 to allow time for the applicant to obtain relevant information on the proposed POH extension and to further revise the TIA in response to comments from concerned departments/parties. Regarding the local objections conveyed by DO(YL), HAD, TPAB had taken into account local objections when considering the application, and an additional condition had been imposed in the permission requiring the applicant to liaise with the local residents to address their concerns on the proposed development. The application was considered to be in line with the Town Planning Board Guidelines No. 34C in that reasonable actions had been taken to comply with the approval condition, concerned departments had no objection to the EOT application, and more time was required by the applicant to address departmental comments on the TIA. Sympathetic consideration could be given to the application.

96. Members had no question on the application.

### Deliberation Session

97. After deliberation, the Committee decided to approve the application for extension of time for compliance with approval condition (i) from the original 6 months to 30 months until 14.5.2020, as proposed by the applicant. The Committee also agreed to advise the applicant to expedite action on fulfilling the approval condition. Since a total of 30 months had been allowed for compliance with approval condition (i), no further extension would be granted unless under very special circumstances.

### Agenda Item 31

#### Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/393 Temporary Warehouse (Excluding Dangerous Goods Godown), Goods Vehicle Park (Not Exceeding 24 Tonnes) and Container Carrying Cargo Weighing Station with Ancillary Site Office and Staff Canteen for a Period of 3 Years in “Open Storage” Zone, Lot 647 RP (Part) in D.D. 99, Lots 2950 (Part), 2951 (Part), 2953 RP (Part), 2970 RP (Part), 2971 RP (Part), 2972 (Part), 2975 (Part), 2976, 2977, 2978 RP, 2979, 2980, 2981 RP, 2982 RP (Part), 2983 RP (Part), 2986 RP, 2987 RP (Part), 2988 RP in D.D. 102, and Adjoining Government Land, Ngau Tam Mei, Yuen Long  
(RNTPC Paper No. A/YL-NTM/393)

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#### Presentation and Question Sessions

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

- (a) background to the application;

- (b) temporary warehouse (excluding dangerous goods godown), goods vehicle park (not exceeding 24 tonnes) and container carrying cargo weighing station with ancillary site office and staff canteen 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 had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The proposed uses were generally in line with the planning intention of the “Open Storage” (“OS”) zone, and were considered not incompatible with the surrounding land uses which were mostly storage yards, vehicle parks, warehouses and workshops. The application was also in line with the Town Planning Board Guidelines No. 13E in that the 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 environmental complaint concerning the site in the past three years. Relevant approval conditions had been recommended to mitigate any potential environmental impacts and to address the concerns of DEP and the technical requirements of other government departments. Previous applications at the site and similar applications involving vehicle/lorry/tractor/trailer parks, container storage and cargo handling and forwarding facilities within the same “OS” zone had been approved by the Committee. Approval of the application was considered in line with the Committee’s previous decisions.

99. Members had no question on the application.

Deliberation Session

100. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 1.11.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation between 5:00 p.m. and 10:00 a.m. on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from the site at any time during the planning approval period;
- (d) the provision of boundary fencing on the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.5.2020;
- (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 1.5.2020;
- (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 1.8.2020;
- (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 1.5.2020;

- (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 1.8.2020;
- (j) if any of the above planning conditions (a), (b), (c) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (k) if any of the above planning conditions (d), (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.”

101. 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 Patrick M.Y. Fung, Ms Ivy C.W. Wong and Ms Emily P.W. Tong, STPs/FSYLE, for their attendance to answer Members’ enquiries. They left the meeting at this point.]

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

[Ms Bonnie K.C. Lee, Mr Simon P.H. Chan, Ms Stella Y. Ng 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 32**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/347      Proposed Temporary Institutional Use (Children Life Learning Centre)  
for a Period of 5 Years in “Village Type Development” Zone,  
Government Land in D.D. 129, Sha Kong Wai, Yuen Long  
(RNTPC Paper No. A/YL-LFS/347)

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**Presentation and Question Sessions**

102.      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 institutional use (child life learning centre) 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. Local views conveyed by the District Officer (Yuen Long), Home Affairs Department were set out in paragraph 9.1.12 of the Paper;
- (d) during the first three weeks of the statutory publication periods, a total of eight public comments were received, including one supporting comment from an individual and seven objecting comments from the village representatives of Sha Kong Wai, indigenous inhabitants of Sha Kong Wai 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 on a temporary basis for a period of five years based on the

assessments set out in paragraph 11 of the Paper. Although the proposed use was not entirely in line with the planning intention of the “Village Type Development” (“V”) zone, the site was entirely government land and was used as a school from 1946 until its closure in 2005. According to PlanD’s latest Vacant School Premises Site Reviewed under the Central Clearing House Mechanism promulgated in July 2018, the site was recommended to be retained for government, institution or community uses. The proposed use, which would promote child development, was generally in line with the recommended long-term use of the site. The District Lands Officer/Yuen Long, Lands Department advised that there was no Small House application approved or under processing at the site. As such, approval of the application on a temporary basis would not frustrate the long term planning intention of the “V” zone. The proposed use was not incompatible with the surrounding land uses which mainly comprised rural residential dwellings and vacant land. Concerned government departments had no objection to or no adverse comment on the application. Relevant approval conditions had been recommended to minimize any possible environmental nuisance and to address the technical requirements of concerned departments. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

103. Members had no question on the application.

#### Deliberation Session

104. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 1.11.2024, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no public announcement system, portable loudspeakers or any form of audio amplification system, as proposed by the applicant, is allowed on the site during the planning approval period;

- (b) no vehicles are allowed to enter the site during the planning approval period;
- (c) the existing trees within the site shall be maintained in good condition at all times 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 1.5.2020;
- (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 1.8.2020;
- (f) in relation to (e) above, 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 1.5.2020;
- (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 1.8.2020;
- (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.”

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

**Agenda Item 33**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/188 Proposed Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of 3 Years in “Open Space” Zone, Lots 2183 RP (Part), 2186 (Part) and 2187 RP (Part) in D.D. 129, Lau Fau Shan, Yuen Long  
(RNTPC Paper No. A/HSK/188)

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Presentation and Question Sessions

106. 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 public vehicle park (excluding container vehicle) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive 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) during the first three weeks of the statutory publication period, one public comment was received from an individual raising concern on the application. Major views were set out in paragraph 10 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis 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 “Open Space” zone, the implementation programme for that part of the New Development Area was still being formulated, and the Project Manager (West), Civil Engineering and Development Department and Director of Leisure and Cultural Services had no objection to the application. Approval of the application on a temporary basis would not jeopardize the long-term development of the site. The proposed use was not incompatible with the surrounding areas which were predominately open storage, vehicle park, warehouse, logistics centre and workshop uses. Although DEP did not support the application, there was no environmental complaint concerning the site in the past three years. Relevant approval conditions had been recommended to address the concerns on possible environmental nuisance and the technical requirements of concerned government departments. The site was the subject of three previously approved applications and the last planning application was revoked due to non-compliance with approval conditions. As such, shorter compliance period was recommended in order to closely monitor the progress on compliance with approval conditions. Regarding the public comment raising concern on the application, the comments of government departments and planning assessments above were relevant.

107. Members had no question on the application.

#### Deliberation Session

108. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 1.11.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no goods vehicle exceeding 24 tonnes, including coaches, container

vehicles, container tractors and trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to enter/be parked on the site at any time during the planning approval period;

- (b) the submission of a drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.2.2020;
- (c) in relation to (b) above, the implementation of the 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 1.5.2020;
- (d) in relation to (c) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (e) the submission of a fire service installations proposal within 3 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 1.2.2020;
- (f) in relation to (e) above, the implementation of the fire service installations proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 1.5.2020;
- (g) if any of the above planning conditions (a) or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (h) if any of the above planning conditions (b), (c), (e) or (f) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

**Agenda Item 34**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/189            Temporary Repair Workshop with Ancillary Staff Canteen and Storage of Containers for a Period of 3 Years in “Commercial (4)” Zone and an area shown as ‘Road’, Lots 3200 RP (Part), 3201 RP, 3206 RP, 3207 (Part), 3144 (Part) in D.D.129 and adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/HSK/189)

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110.            The Secretary reported that the application was submitted by Hai Shi Machinery and Equipment Company Limited (HSMECL). Mr K.K. Cheung had declared an interest on the item as his firm was having current business dealings with HSMECL.

111.            As Mr K.K. Cheung had no involvement in the application, the Committee agreed that he could stay in the meeting.

**Presentation and Question Sessions**

112.            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) temporary repair workshop with ancillary staff canteen and storage of containers for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the



statutory publication period; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Whilst the applied use was not in line with the planning intention of the “Commercial (4)” (“C(4)”) zone, the implementation programme for that part of the New Development Area was still being formulated, and the Project Manager (West), Civil Engineering and Development Department had no objection to the application. Approval of the application on a temporary basis would not jeopardize the long-term development of the site. The applied use was not incompatible with the surrounding land uses. 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. Concerned departments had no objection to or no adverse comment on the application. Relevant approval conditions had been recommended to minimize the possible environmental nuisance and to address the technical requirements of concerned government departments. Previous applications at the site and similar applications involving open storage uses within the same “C(4)” zone had been approved by the Committee. Approval of the application was considered in line with the Committee's previous decisions.

113. Members had no question on the application.

#### Deliberation Session

114. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 1.11.2022, 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 existing drainage facilities on site shall be maintained at all times during the planning approval period;
- (d) the submission of a condition record of existing drainage facilities within 3 months to the satisfaction of the Director of Drainage Services or of the TPB by 1.2.2020;
- (e) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS 251) within 6 weeks from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.12.2019;
- (f) 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 1.5.2020;
- (g) in relation to (f) 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 1.8.2020;
- (h) if any of the above planning conditions (a), (b) or (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (i) if any of the above planning conditions (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.”

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

**Agenda Item 35**

**Section 16 Application**

[Open Meeting]

A/TM/535                      Religious Institution (Temple) in “Village Type Development” Zone,  
Lots 1102 S.C, 1102 S.D, 1102 RP and 1103 RP in D.D. 132 and  
Adjoining Government Land, Siu Hang Tsuen, Tuen Mun  
(RNTPC Paper No. A/TM/535B)

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116.            The Secretary reported that the application site was located in Tuen Mun. Dr Jeanne C.Y. Ng had declared an interest on the item as she co-owned with her spouse a flat in Tuen Mun. The Committee noted that Dr Jeanne C.Y. Ng had tendered an apology for being unable to attend the meeting.

117.            The Committee noted that the applicant’s representative requested on 21.10.2019 deferment of consideration of the application for two months so as to allow time for preparation of further information to address further comments of the Hong Kong Police Force. It was the third time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information to address departmental comments.

118.            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 third deferment and a total of six months had been allowed for preparation of submission of further information, no further deferment would be granted unless under very special circumstances.

**Agenda Item 36**

**Section 16 Application**

[Open Meeting]

A/TM/542

Proposed Commercial Uses including Office cum Shop and Services/  
Eating Place/Place of Recreation, Sports or Culture/Art Studio/  
Audio-visual Recording Studio/Design and Media Production/  
Research, Design and Development Centre (Wholesale Conversion of  
an Existing Building) in “Industrial” Zone, Castle Peak Town Lot No.  
26, No. 1 Tin Hau Road, Tuen Mun  
(RNTPC Paper No. A/TM/542A)

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119. The Secretary reported that the application site was located in Tuen Mun. Llewelyn-Davies Hong Kong Limited (LD), Ramboll Hong Kong Limited (Ramboll) and Savills (Hong Kong) Limited (Savills) 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 Ramboll;          |
| Mr K.K. Cheung      | - | his firm having current business dealings with Savills; |
| Mr Stephen L.H. Liu | ] |   |
| Mr Ricky W.Y. Yu    | ] | having past business dealings with LD; and              |
| Dr Jeanne C.Y. Ng   | - | co-owning with spouse a flat in Tuen Mun.               |

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

121. The Committee noted that the applicant’s representative requested on 17.10.2019 deferment of consideration of the application for two months so as to allow time for preparation of further information to address further comments of the Transport Department,

Environmental Protection Department and Drainage Services Department. 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.

122. 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 37**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/547                      Proposed Minor Relaxation of Building Height Restriction from 140mPD to 143mPD for Permitted Public Housing Development in "Residential (Group A) 21" Zone, Tuen Mun Area 29 West, Tuen Mun (RNTPC Paper No. A/TM/547)

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123. The Secretary reported that the application was submitted by the Hong Kong Housing Authority (HKHA) with AECOM Asia Company Limited (AECOM) as one of the consultants of the applicant. The following Members had declared interests on the item :

Mr Paul Y.K. Au                      -                      being a representative of the Director of Home Affairs who was a member of the Strategic Planning Committee and Subsidized Housing Committee of HKHA;

- Mr K.K. Cheung - his firm having current business dealings with HKHA;
- Mr Ivan C.S. Fu - having past business dealings with HKHA and current business dealings with AECOM;
- Mr Stephen L.H. Liu - having past business dealings with HKHA;
- Dr C.H. Hau - having current business dealings with AECOM; and
- Dr Jeanne C.Y. Ng - co-owning with spouse a flat in Tuen Mun.

124. The Committee noted that Mr Ivan C.S. Fu and Dr Jeanne C.Y. Ng had tendered apologies for being unable to attend the meeting. The Committee agreed that as the interest of Mr Paul Y.K. Au was direct, he should be invited to leave the meeting temporarily for the item. As Messrs K.K. Cheung and Stephen L.H. Liu and Dr C.H. Hau had no involvement in the application, the Committee agreed that they could stay in the meeting.

[Mr Paul Y.K. Au left the meeting temporarily at this point.]

#### Presentation and Question Sessions

125. Ms Stella Y. Ng, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed minor relaxation of building height restriction (BHR) from 140mPD to 143mPD for permitted public housing development;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, three public

comments were received from individuals, including one supporting and two objecting comments. Major views were set out in paragraph 9 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. The proposed minor relaxation of BHR of 3m would lead to one additional residential storey and increase in flat production by 30 flats (from 990 to 1,020 flats) with the domestic and non-domestic plot ratios remaining unchanged. The proposed minor relaxation to increase flat supply was in line with the government policy to meet housing need and could optimize utilization of land resources. The site was subject to various site constraints and design requirements, and the podium bulk had been minimized as far as possible, while accommodating the Community Health Centre (CHC) cum Residential Care Home for the Elderly (RCHE) and ancillary facilities. The proposed development with the additional storey was not incompatible with the overall development profile in the northwest of Tuen Mun New Town. It would also unlikely create significant adverse traffic, drainage, landscape, air ventilation, visual and environmental impacts on the surrounding areas. Concerned departments had no objection to or no adverse comment on the application. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

126. In response to a Member's question, Ms Stella Y. Ng, STP/TMYLW, replied that as advised by the Director of Social Welfare, the proposed RCHE would be taken on board as part and parcel of the housing development with the Housing Department acting as the works agent. Upon completion, the premises of the proposed RCHE would be handed over to the Social Welfare Department for identification of RCHE operator. According to the latest building layout, separate accesses would be provided for the residential tower, RCHE and CHC.

127. Regarding two other Members' enquiries on the need for relaxation of BHR, Ms Stella Y. Ng explained that the site was subject to a number of site constraints and design

requirements. The proposed relaxation of BHR by 3m would help achieve the development potential of the site permitted under the Outline Zoning Plan. According to the current design, the tower footprint had already been maximized and the podium bulk had been minimized as far as possible to incorporate various design features, while accommodating the required facilities. Moreover, as the construction of the development was already underway, further increase in building height of the development was unlikely due to the structural loading constraints of the building foundation.

### Deliberation Session

128. A Member enquired whether there was scope to further relax the development restrictions for the site so as to optimize land resources and flat production. It was pointed out at the meeting that the proposed public housing development under application was at an advance stage of development and there might not be scope for further increase in development intensity.

129. The Chairman supplemented that the Executive Council agreed earlier that the domestic plot ratio for public housing sites under HKHA's purview might be allowed to increase by up to 30% where their technical feasibility permitted and where applicable with approval of the Town Planning Board. Enhancement of the development intensity was being explored for other public housing projects that were at an early stage of planning.

130. 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 1.11.2023, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

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

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



[Mr Paul Y.K. Au returned to join the meeting at this point.]

**Agenda Item 38**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/595            Proposed Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years in “Village Type Development” Zone, Lots 270 RP, 271 RP, 272 RP and 273 RP in D.D. 122, Ping Shan, Yuen Long  
(RNTPC Paper No. A/YL-PS/595)

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**Presentation and Question Sessions**

132.        Ms Stella Y. Ng, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a)    background to the application;
- (b)    proposed temporary public vehicle park for private cars and light goods vehicles for a period of three years;
- (c)    departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d)    during the first three weeks of the statutory publication period, one objecting public comment was received from an individual. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e)    the Planning Department (PlanD)’s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments set out in paragraph 11 of the Paper. Whilst the proposed

development was not in line with the planning intention of the “Village Type Development” (“V”) zone, the District Lands Officer/Yuen Long, Lands Department advised that there was no Small House application approved or under processing at the site. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “V” zone. The proposed use was considered not incompatible with the surrounding land uses. Concerned departments had no objection to or no adverse comment on the application. Relevant approval conditions had been recommended to minimize any potential environmental nuisances and to address the technical requirements of relevant departments. Similar applications for temporary public vehicle park for private cars and/or light goods vehicles use within the same “V” zone had been approved by the Committee. Approval of the application was considered in line with the Committee’s previous decisions. Regarding the adverse public comment, the comments of government departments and planning assessments above were relevant.

133. Members had no question on the application.

#### Deliberation Session

134. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 1.11.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) only private cars and light goods vehicles, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (c) a notice shall be posted at a prominent location of the site at all times to indicate that only private cars and light goods vehicles as defined in the

Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site during the planning approval period;

- (d) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the site, as proposed by the applicant, at any time during the planning approval period;
- (e) no vehicle washing, repairing, dismantling, car beauty and other workshop activity, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from public roads at any time during the planning approval period;
- (g) the implementation of the accepted drainage proposal within 6 months to the satisfaction of the Director of Drainage Services or of the TPB by 1.5.2020;
- (h) in relation to (g) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (i) the submission of a fire service installations proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.5.2020;
- (j) in relation to (i) above, the implementation of the fire service installations proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.8.2020;
- (k) the provision of boundary fencing within 6 months from the date of approval to the satisfaction of the Director of Planning or of the TPB by 1.5.2020;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (h) is not

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

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

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

### **Agenda Items 39 and 40**

#### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/469 Proposed Temporary Place of Recreation, Sports or Culture (Engor Training Centre with Ancillary Office) for a Period of 3 Years in “Village Type Development” Zone, Government Land in D.D. 116, Former Wing On School, Shung Ching San Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TT/469B)

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A/YL-TT/485 Proposed Temporary School (Kindergarten and Primary School) for a Period of 5 Years in “Village Type Development” Zone, Government Land in D.D. 116, Former Wing On School, Tai Shu Ha Road West, Yuen Long  
(RNTPC Paper No. A/YL-TT/485)

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136. The Committee noted that the two applications for proposed temporary place of recreation, sports or culture (Engor training centre with ancillary office) and proposed temporary school (kindergarten and primary school) involved largely the same site in the “Village Type Development” (“V”) zone. The Committee agreed that the applications could be considered together.

Presentation and Question Sessions

137. 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) the proposed temporary place of recreation, sports or culture (Engor training centre with ancillary office) for a period of three years (No. A/YL-TT/469) and proposed school (kindergarten and primary school) for a period of five years (No. A/YL-TT/485);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Papers. For application No. A/YL-TT/469, the Secretary of Home Affairs (SHA) supported in-principle the setting up of an Engor Training Centre for Engor performers and public exhibitions on Engor culture. For application No. A/YL-TT/485, the Secretary for Education (SED) supported the proposed school subject to the school operator's compliance with relevant regulations and ordinances. Local views on application No. A/YL-TT/469 conveyed by the District Officer/Yuen Long, Home Affairs Department were set out in paragraph 9.1.11 of the respective Paper. Other concerned government departments had no objection to or no adverse comment on the applications;
- (d) during the first three weeks of the statutory publication period, three and 67 public comments were received on applications No. A/YL-TT/469 and A/YL-TT/485 respectively. The three comments on the former application were submitted by the Shap Pat Heung Rural Committee (SPHRC), village representatives of Shui Tsiu Lo Wai, Nam Hang Tsuen, Hung Tso Tin Tsuen and Tong Tau Po Tsuen, and an individual raising objection to or concern on the application. Of the 67 comments on application No. A/YL-TT/485, 63 comments from individuals were supportive, while the remaining four comments from SPHRC, a village representative, a local villager and an individual raised objection to or

concerns. Major views were set out in paragraph 10 of the Papers; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications on a temporary basis for a period of three years and five years based on the assessments set out in paragraph 11 of the Papers. Although the proposed uses were not in line with the planning intention of the “V” zone, the site was entirely government land and was used as a school from the 1960s until its closure in 2006. According to PlanD's latest Vacant School Premises Site Reviewed under the Central Clearing House Mechanism promulgated in July 2018, the site was recommended to be retained for government, institution or community (GIC) uses. The proposed uses, which could provide a form of after-school activity for nearby youth and children and education facilities in the local area, were generally in line with the recommended long-term use of the site. The District Lands Officer/Yuen Long, Lands Department (LandsD) advised that there was no Small House application approved or under processing at the site. As such, approval of the applications on a temporary basis would not frustrate the long-term planning intention of the “V” zone. The proposed uses would primarily be conducted within the existing buildings at the site and were not incompatible with the surrounding environment. The applications were supported by SHA and SED respectively and other concerned government departments had no objection to or no adverse comment on the applications. Relevant approval conditions had been recommended to minimize any possible environmental nuisance and to address the technical requirements of relevant departments. Previous approvals for temporary place of recreation, sports or culture use had been granted to the site. Approval of the current applications was generally in line with the Committee's previous decisions. Regarding the adverse public comments on the applications, the comments of government departments and planning assessments above were relevant.

138. Noting that two different applicants had applied to use the same site for two different temporary uses, a Member enquired how the requests for granting of the site would be dealt with. From the land administration perspective, Mr Alan K.L. Lo, Assistant

Director/Regional 3, LandsD said that when LandsD received more than one application for use of the same vacant site, and the applications had received the requisite policy support, LandsD would approach the relevant supporting policy bureaux/departments to discuss the way forward and, if necessary, escalate the case to the Development Bureau for a steer.

139. In response to the Chairman's enquiry, Mr Steven Y.H. Siu, STP/TMYLW, replied that application No. A/YL-TT/469 was for proposed temporary place of recreation, sports or culture (Engor training centre with ancillary office), while application No. A/YL-TT/485 was for proposed school (kindergarten and primary school). The proposed school under the latter application was not in operation and the applicant had no past experience with school operation.

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

#### Deliberation Session

140. As background information, Members noted that the site was subject to two previous approvals for temporary place of recreation, sports or culture (including gymnasium, indoor recreation centre and sports training grounds and/or fitness centre) use. However, the approved use did not commence and both planning approvals were subsequently revoked due to non-compliance with approval conditions.

141. Members generally considered that both uses under the two applications were acceptable from the land use planning perspective. A Member considered that the proposed uses would make better use of the vacant school premises and supported in-principle the applications.

142. In a wider context, another Member considered that the Government should take on a more proactive role in optimizing the use of vacant government sites and premises. The same Member also opined that the current application site and other vacant premises/sites in the rural areas might be suitable for accommodating facilities for the elderly. The Chairman said that according to the 2019 Policy Address, over 300 GIC sites currently earmarked for standalone public facility would be reviewed, and proposals would be put forth for sites with no development plan, including developing multi-purpose public facility

buildings under the “single site, multiple use” model, developing residential projects and public facilities under a mixed development mode, or retaining them for specific government facilities.

143. After deliberation, the Committee decided to approve application No. A/YL-TT/469 on a temporary basis for a period of 3 years until 1.11.2022, and application No. A/YL-TT/485 on a temporary basis for a period of 5 years until 1.11.2024, each on the terms of the applications as submitted to the Town Planning Board (TPB) and subject to the following conditions :

For Application No. A/YL-TT/469

- “(a) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (b) all existing trees within the site shall be maintained at all times during the planning approval period;
- (c) 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 1.5.2020;
- (d) in relation to (c) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.8.2020;
- (e) in relation to (d) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (f) 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 1.5.2020;
- (g) in relation to (f) 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 1.8.2020;

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

For Application No. A/YL-TT/485

- “(a) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (b) the implementation of traffic control measures, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) all existing trees within the site shall be maintained at all times 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 1.5.2020;
- (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 1.8.2020;
- (f) in relation to (e) above, 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 1.5.2020;

- (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 1.8.2020;
- (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.”

144. 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 41**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/470            Proposed Temporary Shop and Services (Grocery Store) for a Period of 3 Years in “Other Specified Uses” annotated “Rural Use” Zone, Lots 1005 S.A (Part), 1005 S.B (Part), 1018 (Part) and 1019 (Part) in D.D. 118, Yau Cha Po, Yuen Long  
(RNTPC Paper No. A/YL-TT/470A)

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

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

- (a) background to the application;
- (b) proposed temporary shop and services (grocery store) 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 comment raising concerns on the application was received from a member of the public. Major views were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments set out in paragraph 12 of the Paper. Although the proposed use was not in line with the planning intention of the “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) zone, it was intended to serve local residents and could meet any such demand in the area. Also, there was no known programme for the long-term development of the site. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the area. The proposed use was considered not incompatible with the surrounding land uses. Concerned departments had no objection to or no adverse comment on the application. The application was generally in line with the Town Planning Board Guidelines No. 38 in that relevant government departments had no adverse comment on the application, and the proposal would unlikely affect the landscape character of the area, cause significant traffic, environmental and drainage impacts, or overstrain the existing and planned infrastructure. Relevant approval conditions had been recommended to minimize any possible environmental concerns and to address the technical requirements of relevant departments. The site was the subject of three previously approved applications and the last approved application was revoked due to

non-compliance with approval conditions on requiring the implementation of landscape and fire services installations (FSIs) proposals. The current applicant had submitted landscape, drainage and FSIs proposals to which relevant departments had no objection. Hence, sympathetic consideration might be given to the application and shorter compliance periods were recommended in order to closely monitor the progress on compliance. Approval of the application was in line with the Committee's previous decisions on the previous applications at the site and two similar applications within the same "OU(RU)" zone. Regarding the public comment on the application, the comments of government departments and planning assessments above were relevant.

146. Members had no question on the application.

#### Deliberation Session

147. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 1.11.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 9:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (d) all existing trees within the site shall be maintained at all times during the planning approval period;

- (e) the submission of a revised drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.2.2020;
- (f) in relation to (e) above, the implementation of the 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 1.5.2020;
- (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 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.2.2020;
- (i) in relation to (h) above, the implementation of the 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 1.5.2020;
- (j) if any of the above planning conditions (a), (b), (c), (d) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (k) if any of the above planning conditions (e), (f), (h) or (i) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

**Agenda Item 42**

**Section 16 Application**

[Open Meeting]

A/YL-TT/474                      Proposed Temporary Public Vehicle Park (excluding container vehicle) for a Period of 3 Years in “Village Type Development” Zone, Government Land in D.D. 117, Kiu Hing Road, Tai Tong, Yuen Long (RNTPC Paper No. A/YL-TT/474A)

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149.            The Committee noted that the applicant requested on 8.10.2019 deferment of consideration of the application for two months so as to allow time for preparation of further information and revised plans to address departmental comments. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information to address departmental comments.

150.            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 43**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/484            Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” and “Village Type Development” Zones, Lot 3090 S.B  
in D.D. 120, Tin Liu Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TT/484)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as 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, six objecting public comments were received from the Kadoorie Farm and Botanic Garden Corporation, Designing Hong Kong Limited, World Wide Fund for Nature Hong Kong and members of the public. Major objection grounds were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper.

The proposed Small House straddled the “Agriculture” (“AGR”) and “Village Type Development” (“V”) zones. The proposed development was not in line with the planning intention of the “AGR” zone. DAFC did not support the application from the agricultural point of view. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, the site and the footprint of the proposed Small House did not fall within the village ‘environs’ of any recognized village, and there was no shortage of land in meeting the outstanding Small House applications and forecasted Small House demand in the “V” zones of Tin Liu Tsuen and Sham Chung Tsuen. It was considered more appropriate to concentrate the proposed Small House developments within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services. Rejection of the current application was in line with the Committee’s previous decisions on the rejected similar applications, and the planning circumstances of similar approved applications in the vicinity of the sites were different from the subject application. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

152. Members had no question on the application.

#### Deliberation Session

153. Members noted that land available within the “V” zones for Tin Liu Tsuen and Sham Chung Tsuen was sufficient to accommodate the outstanding Small House and future Small House demand as pointed out in paragraph 12.4 of the paper. As such, the application did not comply with the Interim Criteria in that there was no general shortage of land in meeting the demand for Small House development in the concerned “V” zone. Members agreed that an additional rejection reason should be added to that effect.

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

“(a) the proposed development is not in line with the planning intention of the



“Agriculture” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification provided in the submission to justify a departure from the planning intention;

- (b) the proposed Small House development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that there is no general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zones of Tin Liu Tsuen and Sham Chung Tsuen; and
- (c) land is still available within the “V” zones of Tin Liu Tsuen and Sham Chung Tsuen which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the “V” zones for more orderly development pattern, efficient use of land and provision of infrastructure and services.”

#### **Agenda Item 44**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/486            Proposed Temporary Public Vehicle Park for Private Car for a Period of 3 Years in “Village Type Development” Zone, Lots 1080 (Part) and 1081 RP (Part) in D.D. 117 and Adjoining Government Land, Wong Nai Tun Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TT/486)

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

155.            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 public vehicle park for private car 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) during the first three weeks of the statutory publication period, 35 public comments were received, including 33 supporting comments from local individuals and two objecting comments from members of the public. 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 on a temporary basis for a period of three years based on the assessments set out in paragraph 11 of the Paper. Although the proposed use was not in line with the planning intention of the “Village Type Development” (“V”) zone, it could meet any such parking demand in the area. The District Lands Officer/Yuen Long, Lands Department advised that there was no Small House application approved or under processing at the site. As such, approval of the application on a temporary basis would not frustrate the long-term planning intention of the area. The proposed use was considered not incompatible with the surrounding land uses. Concerned departments had no objection to or no adverse comment on the application. Relevant approval conditions had been recommended to minimize any possible environmental nuisances and to address the technical requirements of relevant departments. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

156. Members had no question on the application.

Deliberation Session

157. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 1.11.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) only private cars as defined in the Road Traffic Ordinance are allowed to enter/be parked on the site, as proposed by the applicant, at any time during the planning approval period;
- (b) no vehicle without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations is allowed to be parked/stored on the site at any time during the planning approval period;
- (c) a notice should be posted at a prominent location of the site at all times to indicate that only private cars, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on the site, as proposed by the applicant, during the planning approval period;
- (d) ‘No horning’ signs shall be provided on the site at all times, as proposed by the applicant, during the planning approval period;
- (e) no open storage, vehicle repairing, dismantling or other workshop activities, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) the submission of a run-in/out proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Highways or of the TPB by 1.5.2020;

- (h) in relation to (g) above, the implementation of the run-in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 1.8.2020;
- (i) 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 1.5.2020;
- (j) in relation to (i) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.8.2020;
- (k) in relation to (j) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (l) the submission of 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 1.5.2020;
- (m) in relation to (l) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.8.2020;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (k) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (o) if any of the above planning conditions (g), (h), (i), (j), (l) or (m) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

set out at Appendix III of the Paper.

**Agenda Item 45**

**Section 16 Application**

[Open Meeting]

A/YL-TYST/950 Proposed Minor Relaxation of Plot Ratio and Building Height Restrictions for Permitted Residential Development in “Residential (Group B) 1” Zone, Lots 1367, 1372 S.A RP, 1372 S.B RP, 1372 RP, 1373 S.B RP, 1373 S.C RP (Part), 1373 S.E RP, 1373 S.F RP, 1839 S.A, 1839 S.B, 1839 S.C, 1839 S.D, 1839 S.E, 1839 RP, 1937 S.A RP, 1937 S.B RP and 1937 RP in D.D. 121 and Adjoining Government Land, Junction of Tong Yan San Tsuen Road and Ma Fung Ling Road, Yuen Long  
(RNTPC Paper No. A/YL-TYST/950B)

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159. The Secretary reported that Llewelyn-Davies Hong Kong Limited (LD), Aedas Limited (Aedas), ADI Limited (ADI), Ramboll Hong Kong Limited (Ramboll) and Westwood Hong & Associates Limited (WHA) were five 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 ADI, Ramboll and WHA;
Mr K.K. Cheung	-	his firm having current business dealings with Aedas; and
Mr Stephen L.H. Liu	]	having past business dealings with LD.
Mr Ricky W.Y. Yu	]	

160. The Committee noted that the applicant had requested deferment of consideration of the application. The Committee also noted that Messrs Ivan C.S. Fu and Ricky W.Y. Yu had tendered apologies for being unable to attend the meeting, and Mr Stephen L.H. Liu had already left the meeting. As Mr K.K. Cheung had no involvement in the application, the

Committee agreed that he could stay in the meeting.

161. The Committee noted that the applicant's representative requested on 24.10.2019 deferment of consideration of the application for two months so as to allow time for preparation of further information to address departmental comments. It was the third time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted a number of further information to address departmental comments.

162. 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 third deferment and a total of six months had been allowed for preparation of submission of further information, no further deferment would be granted unless under very special circumstances.

### **Agenda Items 46 and 47**

#### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/984      Temporary Open Storage of Construction Equipment and Materials with Ancillary Site Office for a Period of 3 Years and Filling of Land in "Green Belt" Zone, Lot 689 RP in D.D. 121, Long Hon Road, Yuen Long

(RNTPC Paper No. A/YL-TYST/984)

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A/YL-TYST/985 Temporary Open Storage of Construction Equipment, Recycling of Used Electrical/Electronic Appliances with Ancillary Site Office and Packaging Activities for a Period of 3 Years and Filling of Land in “Green Belt” and “Residential (Group D)” Zones, Lot 657 RP in D.D. 121, Long Hon Road, Yuen Long  
(RNTPC Paper No. A/YL-TYST/985)

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163. The Committee noted that the two applications were submitted by the same applicant for proposed open storage use and filling of land which were similar in nature and the sites were located in proximity to each other involving the same “Green Belt” (“GB”) zone. The Committee agreed that the applications could be considered together.

164. For application No. A/YL-TYST/985, the Committee also noted that two replacement pages (page 11 of Main Paper and page 2 of Appendix VII) rectifying the comment of the Project Manager (West), Civil Engineering and Development Department were sent to Members before the meeting.

#### Presentation and Question Sessions

165. 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 construction equipment and materials with ancillary site office for a period of three years and filling of land (No. A/YL-TYST/984), and temporary open storage of construction equipment, recycling of used electrical/electronic appliances with ancillary site office and packaging activities for a period of three years and filling of land (No. A/YL-TYST/985);
- (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 applications as landscape impact had taken place due to extensive modification of the site and clearance of existing vegetation atop, and approval would further degrade the landscape quality of the surrounding environment and the integrity of the “GB” zone. The Director of Agriculture, Fisheries and Conservation (DAFC) commented that the sites were vegetated based on past aerial photos, but were subsequently paved as revealed in later aerial photos. The Director of Environmental Protection (DEP) did not support the applications as there were sensitive receivers in the vicinity of the site and the applied use would cause heavy vehicles traffic, and environmental nuisance was expected. Other concerned departments had no objection to or no adverse comment on the applications;

- (d) during the first three weeks of the statutory publication period, six objecting public comments from Kadoorie Farm and Botanic Garden Corporation, World Wide Fund for Nature Hong Kong, Designing Hong Kong Limited, the Hong Kong Bird Watching Society, a member of the public and a local were received on each of the applications. Major objection grounds 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 use under application No. A/YL-TYST/984 was not in line with the planning intention of the “GB” zone, while the applied use under application No. A/YL-TYST/985 was not in line with the planning intentions of the “Residential (Group D)” and “GB” zones. There was no strong planning justification given in the submissions for a departure from the planning intentions, even on a temporary basis. The applied uses were considered not compatible with the rural character of the area, particularly the shrubland and agricultural land within the “GB” zone. The applied uses were not in line with Town Planning Board Guidelines No. 10 (TPB PG-No. 10) in that the applied uses had affected the existing natural landscape. The sites fell within Category 4 area (for application No. A/YL-TYST/984) and Category 3 and 4 areas (for application No. A/YL-TYST/985) areas under the TPB PG-No. 13E. The applied uses



were not in line with TPB PG-No. 13E in that there was no previous approval on the sites and no assessments had been submitted to demonstrate that the proposals would not generate adverse landscape and environmental impacts on the surrounding areas. Moreover, DEP had adverse comments and CTP/UD&L, PlanD had reservations on the applications. There were no previous or similar applications within the subject “GB” zone, and the similar applications for open storage use within the “R(D)” zone were all rejected by the Committee. 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 on the applications, the comments of government departments and planning assessments above were relevant.

166. Members had no question on the applications.

#### Deliberation Session

167. After deliberation, the Committee decided to reject the applications. The reasons were :

#### For Application No. A/YL-TYST/984

- “(a) the 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. 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, particularly the shrubland and agricultural land within the “GB” zone;
- (c) the development is not in line with the Town Planning Board (TPB) Guidelines No. 10 for Application for Development within the Green Belt

Zone in that the development has affected the existing natural landscape and the applicant fails to demonstrate that the applied use would not cause adverse landscape impact on the surrounding area;

- (d) the development is not in line with the TPB Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that there are adverse departmental comments on environmental and landscape aspects and local objection to the application; and
- (e) the approval of the application, even on a temporary basis, would 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 rural environment of the area.”

For Application No. A/YL-TYST/985

- “(a) the development is not in line with the planning intentions of the “Residential (Group D)” (“R(D)”) and “Green Belt” (“GB”) zones which are primarily for improvement and upgrading of existing temporary structures within the rural areas into permanent buildings and for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl respectively. No strong planning justification has been given in the submission for a departure from the planning intentions, even on a temporary basis;
- (b) the applied use is incompatible with the rural character of the vicinity, particularly the shrubland and agricultural land within the “GB” zone;
- (c) the development is not in line with the Town Planning Board (TPB) Guidelines No. 10 for Application for Development within the Green Belt Zone in that the development has affected the existing natural landscape and the applicant fails to demonstrate that the applied use would not cause adverse landscape impact on the surrounding area;

- (d) the development is not in line with the TPB Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that there are adverse departmental comments on environmental and landscape aspects and local objection to the application; and
- (e) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “R(D)” and “GB” zones. The cumulative effect of approving such similar applications would result in a general degradation of the rural environment of the area.”

### **Agenda Item 48**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/986 Temporary Warehouse for Storage of Household Products and Electronic Goods for a Period of 3 Years in “Undetermined” Zone, Lots 1493 S.A (Part), 1494 S.A (Part) and 1494 RP (Part) in D.D. 119, Kung Um Road, Yuen Long  
(RNTPC Paper No. A/YL-TYST/986)

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

168. 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 household products and electronic goods for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the

vicinity and the applied use would cause heavy vehicle traffic, and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, one public comment raising concern on the application was received from a member of the public. Major views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. The site was zoned “Undetermined” (“U”) and the applied use was generally not in conflict with the planning intention of the “U” zone. Whilst the site fell within an area zoned “District Open Space” (“DO”) 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. DEP did not support the application as environmental nuisance was expected. However, there had been no environmental complaint concerning the site in the past three years. Other government departments had no adverse comment on the application. Relevant approval conditions had been recommended to address the concerns on the possible environmental nuisances and the technical requirements of relevant government departments. The site was the subject of two previously approved applications, of which the former was revoked due to non-compliance with approval conditions on the drainage and fire safety aspects. The current applicant had submitted drainage and fire services installations proposals which were accepted in-principle by the relevant departments. As such, sympathetic consideration might be given to the application and shorter compliance periods were recommended in order to closely monitor the

progress on compliance. Given that two previous approvals for similar use had been granted and 47 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 public comments on the application, the comments of government departments and planning assessments above were relevant.

169. Members had no question on the application.

### Deliberation Session

170. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 1.11.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no open storage, repairing, cleaning, dismantling 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 heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) all existing trees within the site shall be maintained at all times during the

planning approval period;

- (g) the implementation of the accepted drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.2.2020;
- (h) in relation to (g) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (i) the implementation of the accepted fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.2.2020;
- (j) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (k) if any of the above planning conditions (g) 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.”

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



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, Ms Stella Y. Ng and Mr Steven Y.H. Siu, STPs/TMYLW, for their attendance to answer Members' enquiries. They left the meeting at this point.]

**Agenda Item 50**

Any Other Business

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