

TOWN PLANNING BOARD

Minutes of 648th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 29.5.2020

Present

Director of Planning
Mr Raymond K.W. Lee

Chairman

Mr Stephen L.H. Liu

Vice-chairman

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Mr K.K. Cheung

Dr. C.H. Hau

Dr Lawrence K.C. Li

Miss Winnie W.M. Ng

Mr L.T. Kwok

Mr K.W. Leung

Dr Venus Y.H. Lun

Mr Conrad T.C. Wong

Mr Y.S. Wong

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

Chief Engineer (Works), Home Affairs Department
Mr Gavin C.T. Tse

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

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

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

Secretary

Absent with Apologies

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 Caroline T.Y. Tang

Town Planner/Town Planning Board
Miss Carman C.Y. Cheung

Opening Remarks

1. The Chairman said that the meeting would be conducted with video conferencing arrangement.

Agenda Item 1

Confirmation of the Draft Minutes of the 646th RNTPC Meeting held on 15.5.2020

[Open Meeting]

2. The draft minutes of the 646th RNTPC meeting held on 15.5.2020 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

3. 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/TP/28 Application for Amendment to the Approved Tai Po Outline Zoning Plan No. S/TP/28, To Rezone the Application Site from “Residential (Group C) 10” to “Residential (Group B)11”, Various lots in D.D. 34 and D.D. 36 and Adjoining Government land, Tsiu Hang, Tai Po
(RNTPC Paper No. Y/TP/28B)

4. The Secretary reported that the application was submitted by Ford World

Development Limited, which was a subsidiary of Henderson Land Development Company Limited (HLD). AECOM Asia Company Limited (AECOM) was one of the consultants of the applicant. The following Members had declared interests on the item:

- Dr C.H. Hau - being an employee of the University of Hong Kong which had received a donation from a family member of the Chairman of HLD before, and having current business dealings with AECOM;
- Mr Peter K.T. Yuen - being a member of the Board of Governors of the Hong Kong Arts Centre which had received a donation from an Executive Director of HLD before;
- Mr K.K. Cheung - his firm having current business dealings with HLD; and
- Dr Lawrence K.C. Li - being the Deputy Chairman of the Council of the Hong Kong Polytechnic University which had obtained sponsorship from HLD before.

5. The Committee noted that the applicant had requested deferment of consideration of the application. As the interests of Mr Peter K.T. Yuen and Dr Lawrence K.C. Li were indirect, and Dr C.H. Hau and Mr K.K. Cheung had no involvement in the application, the Committee agreed that they could stay in the meeting.

6. The Committee noted that the applicant's representative requested on 13.5.2020 deferment of consideration of the application for a period of two months so as to allow time to prepare further information to address the departmental comments and public comments received. It was the third time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information providing responses to comments, including those related to the technical assessments.

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

[Ms Donna Y.P. Tam, District Planning Officer/Sai Kung and Islands (DPO/SKIs), Ms Amy M.Y. Wu and Ms Kitty S.T. Lam, Senior Town Planner/Sai Kung and Islands (STPs/SKIs), were invited to the meeting at this point.]

Sai Kung and Islands District

Agenda Item 4

[Open Meeting]

Proposed Amendments to the Approved Tung Chung Town Centre Area Outline Zoning Plan No. S/I-TCTC/22

(RNTPC Paper No. 1/20)

8. The Secretary reported that the proposed amendments to the approved Tung Chung Town Centre Area Outline Zoning Plan (OZP) were to allow proposed residential development on a MTR Corporation Limited (MTRCL) site. The following Members had declared interests on the item:

- Mr Peter K.T. Yuen - being a member of the Board of Governors of the Hong Kong Arts Centre which had collaborated with the MTRCL on a number of arts projects; and
- Mr K.K. Cheung - his firm having current business dealings with MTRCL.

9. According to the procedure and practice adopted by the Town Planning Board (the Board), as the proposed residential development by MTRCL in relation to the rezoning site was the subject of amendments to the OZP proposed by the Planning Department (PlanD), the interests of the Members in relation to the proposed amendments would only need to be recorded and they could stay in the meeting.

[Messrs Y.S. Wong and Conrad T.C. Wong joined the meeting at this point.]

Presentation and Question Sessions

10. With the aid of a PowerPoint presentation, Ms Amy M.Y. Wu, STP/SKIs, presented the proposed amendments as detailed in the Paper and covered the following main points:

Background

- (a) the proposed amendments were mainly to allow residential development atop the MTR Tung Chung Traction Substation, which was in line with the initiative to explore the development potential of railway stations and their related sites along existing and future rail lines, with the objective to increase housing supply as announced in the 2015 Policy Address;

Proposed Amendments

- (b) Amendment Items A1-A3: rezoning of a site (about 1.44 ha) currently occupied by the MTR Tung Chung Traction Substation and its adjoining government land from “Other Specified Uses” annotated “Traction

Substation cum Portal” (“OU(Traction Substation cum Portal)”), “Government Institution or Community” (“G/IC”) and areas shown as ‘Road’ to “Residential (Group A)8” (“R(A)8”) with a maximum plot ratio (PR) of 6 and a maximum building height (BH) of 185mPD;

- (c) Amendment Item B: rezoning of a strip of land (about 0.01 ha) along Man Tung Road from “OU(Traction Substation cum Portal)” to an area shown as ‘Road’ to reflect the existing roadside amenity area;

Technical Assessments

- (d) to ascertain the technical feasibility of the proposed residential development, various technical assessments had been conducted by MTRCL, which confirmed that the proposed development would not cause insurmountable problems on visual, air ventilation, traffic, environmental, landscape and other aspects with implementation of appropriate mitigation measures as identified in the technical assessments at Attachment V of the Paper. Relevant government bureaux/departments had no objection to or no adverse comment on the proposed development;

GIC Facilities and Open Space

- (e) based on the Hong Kong Planning Standards and Guidelines (HKPSG) and the planned population, the planned provision for open space and government, institution and community (GIC) facilities in the Tung Chung area was generally sufficient except for educational facilities, child care centres, hospital beds and elderly facilities. PlanD and concerned departments would work closely together to ensure that additional GIC facilities would be included in new and redevelopment proposals from both public and private sectors. As requested by the Social Welfare Department (SWD), five social welfare facilities would be provided in the proposed development;

Proposed Amendments to the Notes of the OZP

- (f) corresponding revisions to the Notes were made in respect of the “R(A)8” zone to specify the development restrictions, to delete the User Schedule of “OU(Traction Substation cum Portal)” zone and to incorporate the revised Master Schedule of Notes; and

Consultation

- (g) on 27.4.2020, the Island District Council (IsDC) was consulted on the proposed OZP amendments. The IsDC Members mainly raised concerns on matters including the provision of GIC facilities in Tung Chung, traffic and transport, air ventilation, public consultation and implementation programme of the proposed development.

Building Height

11. Two Members enquired about the proposed BH of the residential development and its compatibility with the surrounding environment. In response, Ms Donna Y.P. Tam, DPO/SKIs, said that the proposed BH of 185mPD and PR of 6 were considered compatible with the surrounding high-rise high-density residential developments with BHs ranging from 140mPD to 184mPD and PRs ranging from about 5 to 6. To the west of the site across Man Tung Road was a high-density private residential development, Caribbean Coast, with a PR of 6 and a BH of 184mPD. To its further north across Ying Hei Road was a public housing estate, Ying Tung Estate, with a lower BH of 120-125mPD, taking into account its waterfront location, and the concept of stepped BH profile from inland area to the waterfront. Similar to other development sites in Tung Chung, the BH of the proposed development would be subject to airport height restrictions. A Member further enquired the BH of proposed development as compared with those in other districts. Ms Donna Y.P. Tam explained that the proposed BH had been formulated having regard to the site constraints (e.g. the existing traction substation and portal within the site), the mountain backdrop to the south and optimisation of development potential. The proposed floor height and the resultant BH of the conceptual scheme were generally comparable to residential developments in other districts. A Member suggested that a higher PR and BH could be considered for new

housing developments to increase housing supply in future.

Infrastructural Capacity and GIC Facilities

12. In response to a Member's enquiry on whether the infrastructural capacity was sufficient to cater for the existing and planned population in Tung Chung, Ms Donna Y.P. Tam said that the technical assessments conducted by MTRCL had taken into account the proposed developments and the planned population of the whole Tung Chung New Town (TCNT) and its extension, and no insurmountable technical problem had been identified on traffic, infrastructural, visual, environmental and other aspects. Relevant government bureaux/departments had no objection to or no adverse comment on the proposed development.

13. Another Member was concerned about the provision of GIC facilities. Ms Donna Y.P. Tam said that as requested by SWD, five social welfare facilities (i.e. Integrated Home Care Service Team Sub-base, Social and Recreational Centre for the Disabled, On-site Pre-school Rehabilitation Services, Parents/Relatives Resource Centre and Home Care Service for Persons with Severe Disabilities) would be provided in the proposed development to serve the community. Based on the HKPSG requirements and the planned population, the planned provision for GIC facilities in the area was generally sufficient except for educational facilities, child care centres, hospital beds and elderly facilities. In TCNT Extension, some GIC sites had been reserved for the future development of GIC facilities. PlanD and the concerned departments would work closely together to ensure that additional GIC facilities would be provided in new and redevelopment proposals from both public and private sectors in Tung Chung.

Traffic and Transport

14. A Member asked about the vehicular access to the proposed development. With reference to Plans 2, 5c, 5d and the floor plans of the conceptual scheme shown on the PowerPoint presentation, Ms Donna Y.P. Tam said that the ingress of the traction substation would remain on Man Tung Road while the vehicular entrance to the proposed residential development would be on Hei Tung Street, with carparks located on UG1/F, UG2/F and UG3/F. In response to the Chairman's enquiry on the transportation network in the area, Ms

Donna Y.P. Tam said that the proposed development was located between the existing Tung Chung MTR Station and the proposed Tung Chung East MTR Station. There were currently bus feeder services along Man Tung Road from Tung Chung MTR Station, and the relevant government department would monitor closely if additional bus services would be required.

Air Ventilation

15. A Member enquired about the prevailing wind direction at the site. With reference to the Air Ventilation Assessment Report, Ms Donna Y.P. Tam said that under the annual and summer prevailing wind conditions, North Lantau Highway and Man Tung Road running in NE-SW direction served as major wind corridors for wind penetration through the area. As the site was elongated and lying parallel to the major wind flow direction, it was anticipated that the proposed development would not have significant impact on the overall wind environment of the area.

Implementation

16. In response to a Member's enquiry on the completion year of the proposed development, Ms Donna Y.P. Tam said that according to the development programme provided by MTRCL, the proposed development would be completed in 2029 tentatively, taking into account the time required for OZP amendments and land administration process.

Consultation

17. In response to a Member's enquiry on the OZP amendment procedure, Ms Donna Y.P. Tam explained that the draft OZP and its Notes would be exhibited for public inspection and the IsDC Members would also be notified of the OZP exhibition. Members of the public including IsDC Members could submit representations and comments on the OZP to the Board during the statutory publication period. The representations and comments received would be considered by the Board.

18. After deliberation, the Committee decided to:

- “(a) agree to the proposed amendments to the approved Tung Chung Town Centre Area Outline Zoning Plan (OZP) and that the draft Tung Chung Town Centre Area OZP No. S/I-TCTC/22A at Attachment II of the Paper (to be renumbered to S/I-TCTC/23 upon exhibition) and its Notes at Attachment III of the Paper are suitable for public exhibition under section 5 of the Town Planning Ordinance (the Ordinance); and
- (b) adopt the revised Explanatory Statement (ES) at Attachment IV of the Paper for the draft Tung Chung Town Centre Area OZP No. S/I-TCTC/22A as an expression of the planning intentions and objectives of the Board for various land use zonings of the OZP and the revised ES will be published together with the OZP.”

19. Members noted that, as a general practice, the Secretariat of the Board would undertake detailed checking and refinement of the draft OZP including the Notes and ES, if appropriate, before their publication under the Ordinance. Any major revisions would be submitted for the Board’s consideration.

Agenda Item 5

[Open Meeting]

Proposed Amendments to the Approved Tseung Kwan O Outline Zoning Plan No. S/TKO/26
(RNTPC Paper No. 2/20)

20. The Secretary reported that the proposed amendments to the approved Tseung Kwan O Outline Zoning Plan (OZP) were to allow proposed residential development on a MTR Corporation Limited (MTRCL) site. The following Members had declared interests on the item:

Mr Peter K.T. Yuen - being a member of the Board of Governors of the Hong Kong Arts Centre which had collaborated with the MTRCL on a number of arts projects; and

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

21. According to the procedure and practice adopted by the Town Planning Board (the Board), as the proposed residential development by MTRCL in relation to the rezoning site was the subject of amendments to the OZP proposed by the Planning Department (PlanD), the interests of the Members in relation to the proposed amendments would only need to be recorded and they could stay in the meeting.

Presentation and Question Sessions

22. With the aid of a PowerPoint presentation, Ms Kitty S.T. Lam, STP/SKIs, presented the proposed amendments as detailed in the Paper and covered the following main points:

Background

- (a) the proposed amendments were mainly to allow residential development atop the MTR Pak Shing Kok Ventilation Building (PSKVB), which was in line with the initiative to explore the development potential of railway stations and their related sites along existing and future rail lines, with the objective to increase housing supply as announced in the 2015 Policy Address;

Proposed Amendments

- (b) Amendment Item A: rezoning of a site (about 0.45 ha) currently occupied by the PSKVB and its adjoining government land on Chiu Shun Road from an area shown as ‘MTR Pak Shing Kok Ventilation Building’ and “Green Belt” (“GB”) to “Residential (Group A)8” (“R(A)8”) with a maximum plot ratio (PR) of 6 and a maximum building height (BH) of 130mPD;
- (c) Amendment Item B: rezoning of a strip of land (about 0.01 ha) along Chiu Shun Road from an area shown as ‘MTR Pak Shing Kok Ventilation

Building' to 'Road' to form part of the future footpath;

Technical Assessments

- (d) to ascertain the technical feasibility of the proposed residential development, various technical assessments had been conducted by MTRCL, which confirmed that the proposed development would not cause insurmountable problems on visual, air ventilation, traffic, environmental, landscape and other aspects with implementation of appropriate mitigation measures as identified in the technical assessments at Attachment VII of the Paper. Relevant government bureaux/departments had no objection to or no adverse comment on the proposed development;

GIC Facilities and Open Space

- (e) based on the Hong Kong Planning Standards and Guidelines (HKPSG) and the planned population, the planned provision for open space and government, institution and community (GIC) facilities in the area was generally sufficient except for elderly facilities and child care centres. As the site was occupied by the PSKVB and associated facilities, the provision of elderly facility and child care centre within the future development was not feasible as those facilities should not be located more than 24m above ground according to the relevant regulation;

Proposed Amendments to the Notes of the OZP

- (f) corresponding revisions to the Notes were made in respect of the "R(A)8" zone to specify the development restrictions and to incorporate the revised Master Schedule of Notes; and

Consultation

- (g) on 5.5.2019, the Sai Kung District Council (SKDC) was consulted on the proposed OZP amendments. The SKDC members mainly raised concerns

on matters including traffic and transport, air ventilation, provision of GIC and retail facilities, and comprehensive planning for Tseung Kwan O area. Some members opined that Tseung Kwan O Area 137 should be given priority for development. Some members also queried MTRCL's development right over the site. The SKDC passed a motion at the meeting objecting to the proposed residential development at the site.

Building Height

23. Noting the same maximum PR of 6 was proposed for a topside residential development at Tung Chung Traction Substation under Agenda Item 4, the Vice-chairman enquired why the proposed BH restriction was different for the two developments, with 130mPD in Tseung Kwan O and 185mPD in Tung Chung. In response, Ms Donna Y.P. Tam, DPO/SKIs, said that the site area in Tseung Kwan O (i.e. 0.45 ha) was much smaller than that in Tung Chung (i.e. 1.44 ha). According to the conceptual scheme submitted by MTRCL, for the Tung Chung site, three residential towers not exceeding 185mPD would be provided mainly on top of the existing traction substation. For the Tseung Kwan O case, having regard to the site constraints and local context, it was revealed that a maximum BH of 130mPD could accommodate the total GFA of the proposed development. In view that the planned public housing to its immediate northeast was also subject to a maximum BH of 130mPD, the proposed BH restriction of 130mPD for the Tseung Kwan O site was considered appropriate, which was compatible with the surrounding environment.

Environment

24. In response to the Vice-chairman's enquiry on the potential impacts on air quality, Ms Donna Y.P. Tam said that MTRCL had conducted an Environmental Assessment (EA) to assess the environmental impacts arising from the PSKVB in terms of the air quality and noise aspects. The PSKVB would allow air ventilation for the MTR tunnels, with no pollutant emissions. With the proposed mitigation measures such as the requirement of 5m exhaust air zone buffer distance from the ventilation openings of the PSKVB, no adverse air quality impact from the PSKVB on the proposed residential development were anticipated. As the proposed development was considered acceptable and feasible in compliance with the design standards, the Director of Environmental Protection and Director of Fire Services had

no objection to the rezoning proposal.

25. A Member enquired about the slopes surrounding the site. In response, Ms Donna Y.P. Tam said that the slopes were existing man-made slopes. As the existing site for PSKVB was relatively small, the sloping area was also included in the proposed residential development to support the podium structure of the proposed residential development.

Traffic and Transport

26. A Member asked about the vehicular access and the pedestrian network to the proposed development. With reference to some plans/drawings in the PowerPoint and Attachment Vb of the Paper, Ms Donna Y.P. Tam explained that the residential development and PSKVB would share the same ingress point on Chiu Shun Road. As the site was relatively small and largely occupied by the existing PSKVB, the proposed development would adopt the use of car lifting to different storeys for car parking. According to MTRCL's conceptual scheme, the proposed development would provide 45 car parking spaces, 10 motorcycle parking spaces, 2 loading/unloading spaces and 44 bicycle parking spaces. The Commissioner for Transport had no adverse comment as the provision was based on the upper end requirement of HKPSG. Ms Donna Y.P. Tam further said that apart from the existing pedestrian footbridge located to further east of the site, there would be a new at-grade pedestrian crossing to be constructed by the Civil Engineering and Development Department across Chiu Shun Road at its junction with Ngan O Road, which could be connected to Hang Hau MTR Station about 400m to the north from the site and the planned public housing site adjoining the site.

GIC Facilities

27. Noting that some GIC facilities could not be located more than 24m above ground, a Member enquired about the site context and with the advancement in building design, whether it would be feasible to accommodate such GIC facilities more than 24m above ground. In response, Ms Donna Y.P. Tam explained that the site was very small and the proposed development could only be built atop the existing PSKVB which had already occupied a major part of the site. There was no room for accommodating GIC facilities as

some floor space would also be taken up by the required ancillary facilities such as plant room, E&M, car parks, etc. within the proposed development. Regarding the feasibility of providing child care and elderly facilities at more than 24m above ground, Ms Donna Y.P. Tam said that the suggestion could be conveyed to the relevant departments for consideration.

Consultation

28. Noting that some SKDC Members had opined that Tseung Kwan O Area 137 (TKO Area 137) should be given priority for residential development, a Member enquired on the planning of the area. In response, Ms Donna Y.P. Tam said that TKO Area 137 was currently under a governmental study to explore the potential for housing and other developments. As it was to the further south away from the Tseung Kwan O (south of the existing Tseung Kwan O Industrial Area), there were various technical issues that needed to be resolved.

29. After deliberation, the Committee decided to:

- “(a) agree to the proposed amendments to the approved Tseung Kwan O Outline Zoning Plan (OZP) and that the draft Tseung Kwan O OZP No. S/TKO/26A at Attachment II of the Paper (to be renumbered to S/TKO/27 upon exhibition) and its Notes at Attachment III of the Paper are suitable for public exhibition under section 5 of the Town Planning Ordinance; and
- (b) adopt the revised Explanatory Statement (ES) at Attachment IV of the Paper for the draft Tseung Kwan O OZP No. S/TKO/27 as an expression of the planning intentions and objectives of the Board for various land use zonings of the OZP and the revised ES will be published together with the OZP.”

30. Members noted that, as a general practice, the Secretariat of the Board would undertake detailed checking and refinement of the draft OZP including the Notes and ES, if appropriate, before their publication under the Ordinance. Any major revisions would be submitted for the Board’s consideration.

[The Chairman thanked Ms Donna Y.P. Tam, DPO/SKIs, Ms Amy M.Y. Wu and Ms Kitty S.T. Lam, STPs/SKIs, for their attendance to answer Members' enquiries. They left the meeting at this point.]

[Mr Tony Y.C. Wu, Senior Town Planner/Shu Tin, Tai Po and North (STP/STN), was invited to the meeting at this point.]

Sha Tin, Tai Po and North District

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/681 Temporary Shop and Services (Selling of Refreshment, Hiring of Fishing related Accessories and Storage) for a Period of 3 Years in "Conservation Area" Zone, Government Land in D.D. 28, Tai Mei Tuk
(RNTPC Paper No. A/NE-TK/681)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary shop and services (selling of refreshment, hiring of fishing related accessories and storage) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper;
- (d) during the first three weeks of the statutory publication period, no public comment was received; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the applied use could be tolerated for a period of three years based on the assessments set out in paragraph 10 of the Paper. Although the applied use was not in line with the planning intention of the “Conservation Area” (“CA”) zone, the applied use was small in scale operating on a temporary basis for a period of three years. As the site was hard paved and the Director of Agriculture, Fisheries and Conservation had no strong view on the application from the nature conservation point of view, the applied use would not frustrate the long-term planning intention of the “CA” zone. The applied use could support the recreational facilities nearby and was considered not incompatible with the surrounding uses and the landscape character of the surrounding environment. The applied use would unlikely generate adverse impacts on the environmental, traffic, drainage, sewage disposal and fire safety aspects. Concerned government departments had no objection to or no adverse comment on the application. The application site was the subject of two previously approved applications submitted by the same applicants of the current application for the same temporary use with the same development parameters. As there was no change in planning circumstances since the approval of the last application, approval of the application was in line with the Committee's previous decisions.

32. In response to a Member's enquiry, Mr Tony Y.C. Wu, STP/STN, said that there was no complaint received from government departments including the Environmental Protection Department on the applied use.

33. Another Member questioned whether the floating jetty or structure within the adjoining pond was related to application. Mr Tony Y.C. Wu, with reference to Plan A-3 of the Paper, explained that the pond located at the northeast of the site was on government land with a licence granted to the representative of Tai Mei Tuk Village for fish farming. According to the applicant's submission, the applied use was to serve visitors to the recreational uses in the vicinity of the site, not an ancillary use to the adjoining pond. According to information obtained from the Lands Department (LandsD), the pond could only be used for fish farming, not recreational use, and the floating jetty might be an

unauthorised structure that was not permitted under the licence. LandsD would require the licensee to rectify such irregularity if necessary.

Deliberation Session

34. Members noted that a previous application for the same use submitted by the same applicants at the site expired in March 2020 and there had been no change in planning circumstances since then. Noting that the concerned pond was within the “CA” zone in which hobby farm or recreational uses would require planning permission from the Town Planning Board, a Member was concerned that the applied use might be related to the suspected unauthorised recreational use of the pond. Some Members considered that there was currently insufficient evidence to prove that the application was related to the recreational use at the pond. Should there be unauthorized development at the site, enforcement action could be taken by LandsD and PlanD where appropriate.

35. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 29.5.2023, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no night time operation between 10:00 pm to 7:00 am, as proposed by the applicants, is permitted within the site;
- (b) no structure should be erected on the drainage reserve area at all times during the planning approval period;
- (c) all existing trees within the site shall be maintained at all times during the planning approval period;
- (d) the submission of fire service installations and water supplies for fire fighting proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.11.2020;
- (e) in relation to (e) above, the implementation of fire service installations and water supplies for fire fighting proposal within 9 months from the date of

planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.2.2021;

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

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

[The Chairman thanked Mr Tony Y.C. Wu, STP/STN, for his attendance to answer Members' enquiries. He left the meeting at this point.]

Fanling, Sheung Shui and Yuen Long East District

Agenda Item 7

Section 16 Application

[Open Meeting]

A/KTN/69 Proposed Minor Relaxation of Maximum Plot Ratio and Building Height Restrictions for Permitted Residential Development in “Residential (Group B)” Zone, Lots 856 (Part), 858 RP (Part), 861 (Part), 865, 866 RP (Part), 867, 868 RP (Part), 869 (Part), 870 (Part), 871 (Part), 872 (Part), 873 (Part) and 889 (Part) in D.D. 95 and Adjoining Government Land, Kwu Tung North
(RNTPC Paper No. A/KTN/69)

37. The Secretary reported that the application was located in Kwu Tong North and was submitted by Hilder Company Limited, which was a subsidiary of CK Hutchison Holdings Limited (CKHH). Mott MacDonald Hong Kong Limited (Mott) was one of the consultants of the applicant. The following Members had declared interests on the item:

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

Dr C.H. Hau - owning a property in Kwu Tung North area.

38. The Committee noted that the applicant had requested deferment of consideration of the application. As Mr K.K. Cheung had no involvement in the application and the property of Dr. C.H. Hau had no direct view of the application site, the Committee agreed that they could stay in the meeting.

39. The Committee noted that the applicant’s representative requested on 11.5.2020 deferment of consideration of the application for a period of two months so as to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

40. 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 8

Section 16 Application

[Open Meeting]

A/KTN/70 Proposed Minor Relaxation of Maximum Plot Ratio Restriction for Permitted Residential Development in "Residential (Group B)" Zone, Lots 1009 (Part), 1010 (Part), 1011 (Part), 1012 (Part), 1013 (Part), 1014 (Part) and 1015 (Part) in D.D. 95 and Adjoining Government Land, Kwu Tung North
(RNTPC Paper No. A/KTN/70)

41. The Secretary reported that the application was located in Kwu Tong North and was submitted by Hilder Company Limited, which was a subsidiary of CK Hutchison Holdings Limited (CKHH). Mott MacDonald Hong Kong Limited (Mott) was one of the consultants of the applicant. The following Members had declared interests on the item:

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

Dr C.H. Hau - owning a property in Kwu Tung North area.

42. The Committee noted that the applicant had requested deferment of consideration

of the application. As Mr K.K. Cheung had no involvement in the application and the property of Dr. C.H. Hau had no direct view of the application site, the Committee agreed that they could stay in the meeting.

43. The Committee noted that the applicant's representative requested on 11.5.2020 deferment of consideration of the application for a period of two months so as to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

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

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/486 Temporary Godown with Ancillary Office and Staff Quarters Use for a Period of 3 Years in "Recreation" Zone, Lots 1623 S.B, 1624 S.A to S.I, 1624 RP, 1626, 1628, 1629, 1631 to 1637 and 1666 S.C RP in D.D. 100 and Adjoining Government Land, Ying Pun, Kwu Tung South
(RNTPC Paper No. A/NE-KTS/486)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary godown with ancillary office and staff quarters use for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper;
- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the proposed development could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. The applied use was not in line with the planning intention of the “Recreation” (“REC”) zone, but there was no known programme or intention to use the application site for recreation activities. Hence, the approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “REC” zone. The applied use was considered not entirely incompatible with the surrounding land uses. The Director of Environmental Protection’s concerns on possible environmental nuisance to surrounding areas could be addressed through the incorporation of approval conditions. Other relevant government departments consulted had no objection to or no adverse comment on the application. The application site was the subject of seven previously approved applications. Amongst which, six for similar use had been approved since 2006 and all approval conditions under the last application had been complied with. Approval of the application was in line with the Committee’s previous decisions.

46. In response to a Member's enquiries, Ms S.H. Lam, STP/FSYLE, said that the application included three single-storey ancillary staff quarters (about 300m²) and the applicant had not indicated the numbers of staff that would be residing there. The ancillary staff quarters should be restricted for the staff only. Given the development scale of the godown under the current application, the proposed ancillary staff quarters was considered acceptable.

Deliberation Session

47. Members noted that the ancillary staff quarters were not in excessive scale as compared to the godown under the application, and the requirements for submission and implementation of fire service installations (FSIs) and water supplies for fire fighting proposals were incorporated into the approval conditions as recommended by the Fire Services Department. The same approval conditions had been complied with under the previously approved application No. A/NE-KTS/449.

48. Upon the Chairman's invitation, the Secretary explained that all uses directly related and ancillary to the permitted uses and developments within the same zone were always permitted under the covering Notes of the Outline Zoning Plans (OZPs). There was no specific restriction on the size of the ancillary use under the OZP. The ancillary use would be considered based on its own individual circumstances that both of its nature and scope/scale be proportional to the main use. Members generally considered the ancillary staff quarters under the current application acceptable and the application could be approved.

49. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 29.5.2023, 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 applicants, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicants, is allowed on the site during the planning approval period;

- (c) no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicants, are allowed to/from the Site at any time during the planning approval period;
- (d) the existing trees on the site shall be maintained at all times during the planning approval period;
- (e) the existing drainage facilities shall be properly maintained and rectified if found inadequate/ineffective during operation at all times during the planning approval period;
- (f) the submission of a record of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 29.8.2020;
- (g) the submission of a proposal on traffic improvement measures to enhance pedestrian safety within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 29.11.2020;
- (h) in relation to (g) above, the implementation of the proposal on traffic improvement measures within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 28.2.2021;
- (i) the submission of fire service installations and water supplies for fire fighting proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.11.2020;
- (j) in relation to (i) above, the implementation of fire service installations and water supplies for fire fighting proposals within 9 months from the date of

planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.2.2021;

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

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

[Mr Y.S. Wong left the meeting at this point.]

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/278 Renewal of Planning Approval for Temporary Car Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years in “Village Type Development” Zone, Lot 782 (Part) in D.D. 114 and Adjoining Government Land, Kam Shueng Road, Yuen Long
(RNTPC Paper No. A/YL-SK/278)

Presentation and Question Sessions

51. 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) renewal of planning approval for temporary car park (private cars and light goods vehicles) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper;
- (d) during the first three weeks of the statutory publication period, one public comment was received from an individual objecting to the application. Major views were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the applied use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The application was in line with the Town Planning Board Guidelines No. 34C in that there had been no major change in planning circumstances since the last approval and all approval conditions of the last approved application had been complied with. The applied use would not have significant adverse traffic, environmental, drainage and landscape impacts on the surrounding areas. Concerned government departments had no adverse comment on or no objection to the application. Regarding the adverse public comment, the comments of government departments and planning assessments above were relevant.

52. In response to a Member's queries on the previously approved application No. A/YL-SK/137, Mr Patrick M.Y. Fung, STP/FSYLE, elaborated that the application was approved with conditions by the Town Planning Board upon review in 2007 mainly due to the applicant submitted that no medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes) were allowed to be parked at the site to minimise the environmental nuisance.

Deliberation Session

53. Members noted that there were three other previously approved applications after the application No. A/YL-SK/137 was approved in 2007 and agreed that the application

could be approved.

54. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 10.6.2020 until 9.6.2023, 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 8:00 a.m., as proposed by the applicant, is allowed on the site 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) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (d) 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 coaches or container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) all existing trees within the site shall be maintained at all times during the planning approval period;
- (g) the existing drainage facilities on the site shall be maintained at all time 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 10.9.2020;
- (i) the submission of fire services 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 10.12.2020;
- (j) in relation to (i) above, the provision of fire services installations within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.3.2021;
- (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.”

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

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/707 Proposed Temporary Shop and Services (Retail Shop) for a Period of 3 Years in “Industrial (Group D)” Zone, Lot 787 R.P (Part) in D.D.107, Fung Kat Heung, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/707)

Presentation and Question Sessions

56. 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 shop and services (retail store) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper;
- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. Although the proposed shop and services was not entirely in line with the planning intention of “Industrial (Group D)” (“I(D)”) zone, the temporary approval of the application would not frustrate the long-term planning intention of the “I(D)” zone. The proposed use was considered not incompatible with the surrounding uses. Concerned government departments had no objection to or adverse comment on the application. Appropriate approval conditions were recommended to minimise the

possible environmental nuisance and address the technical requirements of the concerned departments. There were four similar approved applications within the same “I(D)” zone for various temporary shop and services uses and one previously approved application on the site which was revoked due to non-compliance with the approval condition on the provision of fire services installations (FSIs). In the current application, the applicant had submitted a FSIs proposal which was accepted by the Director of Fire Services. Sympathetic consideration could be given to the current application.

57. In response to the Chairman’s question, Ms Ivy C.W. Wong, STP/FSYLE, said that the shop was not yet in operation since the approval of the last application.

Deliberation Session

58. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 29.5.2023, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) the implementation of the accepted fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.11.2020; and
- (b) if the above planning condition (a) 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.”

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

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/708 Proposed Temporary Shop and Services for a Period of 3 Years in
“Village Type Development” and “Residential (Group C) 2” Zones,
Lot 537 RP (Part) in D.D. 109, Kam Tin North, Yuen Long
(RNTPC Paper No. A/YL-KTN/708)

Presentation and Question Sessions

60. 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 shop and services for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper;
- (d) during the first three weeks of the statutory publication period, one public comment was received from an individual objecting to the application. Major views 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. Although temporary approval might not jeopardise the long-term implementation of Small House within the “Village Type Development” (“V”) zone, consideration should have also be given to whether the proposed use was to serve the need of villagers or in support of the village development. In the current application, the proposed development involved the parking of 59 vehicles in open air for sale. No sufficient information had been provided by the applicant to demonstrate that the

proposed use was to support the village development and there was no strong justification to provide commercial use of such scale and nature in the “V” zone on a temporary basis. The proposed use was akin to open storage which was considered not compatible with the surrounding land uses. As there was no similar application within the same “V” zone, approval of the application would set an undesirable precedent for other similar applications within the “V” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area. Regarding the adverse public comment, the comments of government departments and planning assessments above were relevant.

61. Members had no question on the application.

Deliberation Session

62. 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 “Village Type Development” (“V”) zone which is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by the Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis; and
- (b) the approval of the application would set an undesirable precedent for similar applications within the “V” zone. The cumulative effect of approving such similar application would result in a general degradation of the environment of the area.”

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/838 Temporary Rural Workshop (Construction Machinery Repair Workshop) for a Period of 3 Years in “Agriculture” Zone, Lot 303 (Part) in D.D. 110, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/838)

Presentation and Question Sessions

63. 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 rural workshop (construction machinery repair workshop) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper;
- (d) during the first three weeks of the statutory publication period, four public comments were received from Kadoorie Farm and Botanic Garden, World Wide Fund For Nature Hong Kong, Designing Hong Kong Limited and an individual objecting to the application. Major views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone. The Director of Agriculture, Fisheries and Conservation did not support the application from the agricultural development point of view as the site possessed potential for agricultural

rehabilitation. There was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis. The Chief Town Planner/Urban Design and Landscape, PlanD had reservation on the application and considered that the proposed development was not entirely compatible with the landscape character of the area. There were two similar applications within the same “AGR” zone which were rejected by the Committee. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

64. Members had no question on the application.

Deliberation Session

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

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

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/572 Proposed Temporary Warehouse for Storage of Used Private Vehicles for Sale and a Covered Works Area for a Period of 3 Years in “Residential (Group D)” Zone, Lots 52 RP (Part), 61 (Part), 62 (Part), 64 RP (Part) and 65 RP in D.D. 105 and Adjoining Government Land, San Tin, Yuen Long

(RNTPC Paper No. A/YL-ST/572)

Presentation and Question Sessions

66. Mr Billy W.M. Au Yeung, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;

- (b) proposed temporary warehouse for storage of used private vehicles for sale and a covered works area for a period of three years;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper;

- (d) during the first three weeks of the statutory publication period, two public comments were received from San Tin Rural Committee and an individual objecting to the application. Major views were set out in paragraph 10 of the Paper; and

- (e) the Planning Department (PlanD)’s views – PlanD considered that the proposed use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Although the applied use was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone, approval of the application on a temporary basis for a

period of three years would not frustrate the long-term planning intention of the “R(D)” zone as there was no known development proposal for the site. The Director of Environmental Protection did not support the application as there were sensitive receivers in the vicinity of the site. Nevertheless, there was no environmental complaint related to the site in the past three years and appropriate approval conditions were recommended to mitigate any potential environmental impacts and address the technical requirements of concerned government departments. Other concerned government departments had no objection to or no adverse comment on the application. As the site was the subject of nine previously approved applications for temporary uses in similar nature, approval of the application was in line with the Committee’s previous decisions. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

67. In response to a Member’s enquiry, Mr Billy W.M. Au Yeung, STP/FSYLE, with reference to Plan A-2 of the Paper, indicated that the residential dwellings were located to the north and west of the site and the closest residential dwelling was only about 2.7m to the west of the site. Nevertheless, the site was fenced off and the proposed development would have a covered structure.

68. Another Member asked whether there would be any difference in considering an application involving storage of vehicles under cover or in open air. In response, Mr Billy W.M. Au Yeung said that reference could be made to the Town Planning Board Guidelines No. 13F (TPB PG-No. 13F) when considering applications for open storage and port back-up uses. However, the current application involved storage use under a covered structure, it would not be considered as open storage use and therefore TPB PG-No. 13F was not applicable. Notwithstanding that, departmental comments would be taken into account when considering the application.

69. The same Member raised questions on the proposed scale of the development and how the vehicles would be placed within the covered structure. Mr Billy W.M. Au Yeung said that whilst the applicant had not provided any information on how the vehicles would be placed inside the two-storey covered structure, parking 28 vehicles within the structure was

not unreasonable by making reference to the requirement of a standard parking space of 2.5m x 5m as shown on Drawing A-1. Mr Ken K.K. Yip, Chief Traffic Engineer/New Territories East, Transport Department advised that the covered structure was not considered excessive for storing 28 vehicles as some manoeuvring space, driveway and ancillary offices would also need to be provided within the structure. In response to the Chairman's enquiry, Mr Au Yeung, referring to the site photos on Plans 4a and 4b, explained that the existing condition of the site which was currently used for open storage of second hand motor vehicles (including medium goods vehicles and container tractors but excluding trailers) for sale and a covered works area. Compared with the existing condition, the main difference was that under the current application, the vehicles would be stored under a covered structure.

Deliberation Session

70. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 29.5.2023, 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 between 1:00 p.m. and 6:00 p.m. on Saturdays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (d) no cutting, dismantling, repairing and workshop activity, including container repairs and vehicle repairs, is allowed on the site at any time during the planning approval period;
- (e) no heavy goods vehicle exceeding 24 tonnes, including container tractor and trailer, as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;

- (f) no vehicle is allowed to queue back to or reverse onto/from the site at any time during the planning approval period;
- (g) the paving and boundary fencing on the site shall be maintained at all times during the planning approval period;
- (h) all landscape planting within the site shall be maintained at all times during the planning approval period;
- (i) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (j) the submission of an as-built drainage plan and photographic records of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 29.8.2020;
- (k) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.11.2020;
- (l) in relation to (k) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.2.2021;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (i) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (n) if any of the above planning conditions (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

[The Chairman thanked Ms S.H. Lam, Mr Patrick M.Y. Fung, Ms Ivy C.W. Wong and Mr Billy W.M. Au Yeung, STPs/FSYLE, for their attendance to answer Members' enquiries. They left the meeting at this point.]

[Mr Simon P.S. Lee, Legal Advisor of Development Bureau (LA/DEVB), Mr Kepler S.Y. Yuen, District Planning Officer/Tuen Mun and Yuen Long West (DPO/TMYLW), Mr Alexander W.Y. Mak, Senior Town Planner/Tuen Mun and Yuen Long West (STP/TMYLW), were invited to the meeting at this point.]

Tuen Mun and Yuen Long West District

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/381 Further Consideration of Section 16 Application
Proposed Residential Development (Flat) in "Residential (Group E)"
Zone, Lots 212 RP, 232, 233, 234, 235, 236 RP, 237, 238, 239, 243,
244, 246 RP, 246 S.A, 246 S.B, 247, 367 and 368 RP in D.D. 130 and
Adjoining Government Land, Lam Tei, Tuen Mun

(RNTPC Paper No. A/TM-LTY Y/381B)

72. The Secretary reported that the application was submitted by Joint Smart Limited, which was a subsidiary of Sun Hung Kai Properties Limited (SHKP). AECOM Asia Company Limited (AECOM) and Ronald Lu & Partners Limited (RLP) were two of the consultants of the applicant. The following Members had declared interests on the item:

Miss Winnie W.M. Ng - being a Director of the Kowloon Motor Bus Company (1933) Limited (KMB) and SHKP

was one of the shareholders of KMB;

Mr Conrad T.C. Wong - having current business dealings with SHKP;

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

Mr K.K. Cheung - his firm having current business dealings with
SHKP and RLP.

73. The Committee agreed that Miss Winnie W.M. Ng and Mr Conrad T.C. Wong should not participate in the Q&A and deliberation sessions as their interests were direct. As Dr C.H. Hau and Mr K.K. Cheung had no involvement in the application, the Committee agreed that they could stay in the meeting.

Presentation and Question Sessions

74. With the aid of a PowerPoint presentation, Mr Alexander Mak, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application - during the consideration of the application on 29.11.2019, the Committee decided to defer making a decision on the application pending seeking legal advice on the legal issues and justifications raised in the applicant's further information which was submitted to the Town Planning Board (the Board) on 27.11.2019 after the RNTPC paper No. A/TM-LTY Y/381A had been issued;
- (b) proposed residential development (flat);
- (c) departmental comments – departmental comments were set out in paragraph 4 of the Paper and paragraph 9 of Annex A of the Paper;
- (d) during the first three weeks of the statutory publication periods, 121 public comments were received including 114 supporting comments by local

residents and individuals and 7 objecting comments by the Tuen Mun District Council Member, Indigenous Inhabitant Representative of San Hing Tsuen and individuals. Major views were set out in paragraph 10 of Annex A of the Paper;

- (e) legal advice – based on the legal advice received, the Board should consider the current s.16 application as a new s.16 application under the approved Lam Tei and Yick Yuen Outline Zoning Plan (OZP). The Board’s consideration and decision on the current s.16 application should not be based upon the previous application No. A/TM-LTYT/273-1 for an extension of time of the previous planning approval. For the purpose of the current s.16 application, the Board should confine its consideration to whether the proposed private residential development would be in compliance with the planning intention and development restrictions of the “Residential (Group E)” (“R(E)”) zone as stipulated on the approved OZP, and whether the technical issues had been adequately addressed; and
- (f) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 5 of the Paper. The proposed development was generally in line with the planning intention of “R(E)” zone and complied with the OZP restrictions. The proposed development with a building height (BH) of 15m and a plot ratio (PR) of 1.0 was considered compatible with the surrounding low-rise residential developments. Various technical assessments were submitted by the applicant and relevant government departments had no objection to or no adverse comment on the application. The proposed development would not be subject to nor generate adverse impact on the surrounding areas. Appropriate approval conditions were recommended to address the technical requirements of concerned government departments. Notwithstanding that the Director of Housing and the Chief Engineer/Housing Project 2, Civil Engineering and Development Department had concerns on the application due to its interface with the on-going study under “Agreement No. CE 68/2018 (CE) – Site Formation and Infrastructural Works for the Development at San Hing Road and Hong

Po Road, Tuen Mun – Feasibility Study” (the Study), legal advice confirmed that the Board should not take the Study into account in considering the current application. Nevertheless, the approval of the application would not pre-empt the Board from amending the OZP including the land use and development restrictions for implementing the proposed public housing development in future and the Government from implementing the proposed public housing development under the Study through land resumption under the Land Resumption Ordinance (LRO) under the established practice. Regarding the public comments received, the comments of government departments and planning assessments above were relevant.

Town Planning Board’s Discretion

75. Upon the Chairman’s invitation, Mr Simon P.S. Lee, LA/DEVB, explained the legal advice as stated in paragraphs 5.2 and 5.3 of the Paper. The legal advice was that the Board’s consideration and decision on the current application, which was a new s.16 application, should not be based upon the previous application (i.e. A/TM-LTYT/273-1). Furthermore, the Court of Appeal (CA)’s judgment in the *International Trader* case was directly relevant and the central issue of which was the nature and extent of the Board’s discretion in the consideration of a s.16 application. In that regard, the CA ruled that, amongst others, the Board would be regarded as acting *ultra vires* if it had taken into account material considerations which fell outside the ambit of an approved OZP (i.e. the proposed public housing development under the Study in the subject case).

76. A Member asked if the application could be deferred as there might not be sufficient planning gain under the current application, and whether the planning gain of the future planning at the site (i.e. proposed public housing under the Study) could be one of the considerations or assessment criteria in considering the current application. In response, Mr Simon P.S. Lee, LA/DEVB, advised that the Board should be very cautious in making such a decision. It should be noted that an approved OZP was formulated after going through the statutory plan-making procedures including gazettal of draft OZP, public consultation, hearing of representations/comments received and approval of the OZP by the Chief Executive in Council (CE in C). According to s.13 of the Town Planning Ordinance (TPO),

“approved plans shall be used by all public officers and bodies as standards for guidance in the exercise of any powers vested in them”. As such, an approved OZP provided certainty and guidance for the Board to make reference to when exercising its discretion and power to consider applications under the TPO.

77. Mr Simon P.S. Lee, LA/DEVB, further explained that for the current application, it would be difficult to justify how the Government’s latest intention to use the site for a proposed public housing development under the Study was a material consideration that the Board was entitled to take into account, given the fact that such information had not yet been reflected on the approved OZP. It was suggested that the application be considered in the legal context within which the application was made, i.e. the planning intention of the “R(E)” zone as stipulated on the approved OZP.

Planning Assessments

78. In response to a Member’s enquiry, Mr Kepler S.Y. Yuen, DPO/TMYLW, said that the proposed residential development with PR of 1 and BH of 15m was considered compatible with the surroundings and in line with the planning intention of “R(E)” zone. Relevant technical assessments had been conducted and concerned departments including the Environmental Protection Department had no objection to or no adverse comment on the application.

Land Ownership and the Study

79. Some Members enquired on the land ownership of the site and how the approval of the application would not pre-empt the Board from amending the OZP for implementing the proposed public housing development in future. In response, Mr Kepler S.Y. Yuen, DPO/TMYLW, referring to the Plan A-2 of Annex A of the Paper, said that about 5% of the site was government land while the rest was private land owned by the applicant. Even if the s.16 application was approved, the applicant was obliged to resolve any land issues in relation to land exchange with the Lands Department (LandsD) before the approved development scheme could be implemented. As advised by LandsD, the applicant had submitted a land exchange application for a proposed residential development based on a previously approved application on the same site which had been put on hold by LandsD

pending the result of the Study. Irrespective of whether planning permission would be given for the current application, LandsD would not process any new land exchange application or amendment to the land exchange application already submitted. On the other hand, if the Government took further steps to proceed with the proposed public housing development, it would be implemented through OZP amendments and land resumption under the LRO in accordance with the established practice.

80. Mr Simon P.S. Lee, LA/DEVB, reiterated that taking on board CA's ruling in relation to the Board's discretion, the current application should be considered based on the extant approved OZP. However, the Study could proceed and its proposals could be taken forward by way of OZP amendments in due course. Therefore, the applicant should be reminded that the application site might be subject to land resumption for public housing development, which might take place within the validity period of the planning permission. In that connection, an advisory clause had been incorporated in Annex E of the Paper.

81. A Member asked whether the approval of the application would affect the proposed public housing development in the Study. With reference with Plan FA-1b, Mr Kepler S.Y. Yuen, DPO/TMYLW, indicated that the eastern part of the application site fell within a proposed school site under the Study. As the Study was at its advanced stage and scheduled for completion in 2020, relevant technical assessments had been conducted and the Environmental Impact Assessment was also underway based on the proposed development scheme. If the application site had to be excluded from the Study, some technical assessments might need to be conducted again, which would have implications on the development programme of the proposed public housing development.

82. A Member asked whether the applicant could use the whole application site for development since they owned more than 90% of the site. At the invitation of the Chairman, Mr Alan K.L. Lo, Assistant Director/Regional 3, Lands Department clarified that there was no provision under the Land (Compulsory Sale for Redevelopment) Ordinance (Cap 545) allowing the landowner who owned a large number of lots in a scheme, say 90%, to apply for compulsory sale of the remaining lots owned by different owners in order to implement the whole scheme. However, compulsory sale after approval by the Court may be applicable if the owner acquired certain percentage of undivided shares of the same lot (normally in multi-storey building) as prescribed in Cap 545.

Procedure for OZP Amendments

83. In response to a Member's enquiry, Mr Kepler S.Y. Yuen, DPO/TMYLW, said that upon completion of the Study, PlanD would proceed to the OZP amendments based on the findings of the Study. The proposed OZP amendments would first be considered by the Board and if the Board agreed to the proposed OZP amendments, the draft OZP would be gazetted for public inspection. Members of the public could submit representations on the draft OZP during the two-month plan exhibition period. The representations would be published for three weeks for comment, and then the representations and comments received would be submitted to the Board for consideration. Upon completion of the representation hearing process, the OZP would then be submitted to the CE in C for approval. The statutory plan-making process would be subject to a statutory time frame of 11 months including the two-month plan exhibition period.

[Miss Winnie W.M. Ng and Mr Conrad T.C. Wong left the meeting temporarily at this point.]

Deliberation Session

84. The Chairman recapitulated the procedures involved in planning applications and OZP amendments to facilitate Members' discussion. If a planning application was approved, the applicant could proceed to implement the proposed scheme; however, any use or development which was approved by the Board must also conform to any other relevant legislation, the conditions of the government lease concerned, and any other government requirements, as might be applicable. For proposing amendments to the OZP, once the proposed amendments were agreed by the Board, a new draft OZP, with the new zoning(s) for the site(s) incorporated, would be exhibited for public inspection under the TPO. By then, the new zoning(s) of the site(s) would take effect accordingly. For the subject case, if the application was approved, the applicant could proceed to implement the proposed private residential development as submitted provided that all the relevant government legislations/requirements had been complied with. On the Government's side, irrespective of whether the current application was approved or not, the Government could still proceed to amend the OZP based on the findings of the Study if considered appropriate.

85. A Member said that a higher PR might be considered for the proposed development at the application site as there was an acute shortage in housing supply. Some other Members held the view that the planning intention to increase the PR of the application site had not yet gone through the OZP amendment process nor had been reflected on the extant approved OZP, and thus it should not be taken into account when considering the current application. Noting the CA's judgement in the *International Trader* case, Members generally considered that the Board should exercise its power in considering the current s.16 application based on the extant approved OZP, i.e. whether the proposed private residential development was in compliance with the planning intention and development restrictions of the "R(E)" zone as stipulated on the approved OZP, and whether the technical issues had been adequately addressed.

86. A Member raised concern on the interface problem between the proposed residential development and the existing brownfield sites and graveyards in the surroundings. After making reference to Drawing A-7 and Plan A-2 of Annex A of the Paper, Members noted that the proposed scheme had proposed buffer planting along the periphery of the application site and the graveyards were not located close to the application site.

87. Some Members considered that the application could be approved as the proposed development parameters of the residential development complied with the development restrictions under the "R(E)" zoning of the approved OZP, relevant government departments had no adverse comment on the technical aspects of the application and the industrial/residential interface issues had also been addressed under the proposal.

88. The Chairman concluded that Members in general considered that the application could be approved. The meeting also agreed to advise the applicant that the application site might be subject to land resumption for public housing development, which might take place within the validity period of the planning permission.

89. 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 29.5.2024, 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 design and provision of vehicular access and parking facilities for the proposed development to the satisfaction of the Director of Highways and the Commissioner for Transport or of the TPB;
- (b) the submission of a revised traffic impact assessment and implementation of the traffic mitigation measures identified therein to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the submission of a sewerage impact assessment and implementation of sewer connection works identified therein to the satisfaction of the Director of Environmental Protection and the Director of Drainage Services or of the TPB;
- (d) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (e) the submission of a noise impact assessment and the implementation of the noise mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the TPB.”

90. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Annex E of the Paper.

[The Chairman thanked Mr Simon P.S. Lee, LA/DEVB, Mr Kepler S.Y. Yuen, DPO/TMYLW and Mr Alexander W.Y. Mak, STP/TMYLW for their attendance to answer Members' enquiries. They left the meeting at this point.]

[Messrs Stephen L.H. Liu and L.T. Kwok left the meeting at this point.]

[Miss Winnie W.M. Ng and Mr Conrad T.C. Wong returned to join the meeting at this point.]

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

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

91. The Secretary reported that the application was for columbarium use and Mr K.K. Cheung had declared an interest for his firm being the legal advisor of the Private Columbaria Licensing Board. As the interest of Mr K.K. Cheung was indirect, the Committee agreed that he could stay in the meeting.

Presentation and Question Sessions

92. With the aid of a PowerPoint presentation, Ms Jessica Y.C. Ho, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) columbarium use;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper;
- (d) during the first three weeks of the statutory publication periods, 236 public comments from three Tuen Mun District Members (with 112 signatures of residents), Incorporated Owners of Riche House, village representative of Yeung Siu Hang Tsuen, Mutual Aid Committee of Kin Lung House of Lung Yat Estate, representative of a school and individuals were received with 230 objecting to the application and 6 with no indication on whether to support or object to the application. 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 based on the assessments set out in paragraph 12 of the Paper. The columbarium use was not incompatible with religious uses and government, institution or community (GIC) facilities in the surrounding areas. The site was served by public transport with light-rail transit, bus and minibus services. No car parking spaces were provided within the site. In order to resolve the traffic concerns on the capacity of the traffic network, the applicant had proposed to close the columbarium for visitors during Ching Ming and Chung Yeung Festivals and their shadow periods and adopt 'visit-by-appointment' arrangement. Concerned departments consulted including the Commissioner for Transport had no objection to or no adverse comment on the application subject to the imposition of relevant approval conditions. Regarding the public comments received, the comments of government departments and planning assessments above were relevant.

93. A Member asked about a structure located to the east of the application site as shown on Plan A-4c of the Paper. In response, Ms Jessica Y.C. Ho, STP/TMYLW, said that it was a columbarium named "Shan Guo" under construction, which was the subject of an approved application (No. A/TM/441) for providing 8,000 niches.

94. In response to a Member's enquiry, Ms Jessica Y.C. Ho, with reference to Plans A-1a and A-3, explained that the western side of Yeung Tsing Road was mainly occupied by religious facilities including religious institutions and columbaria. Some of those facilities had obtained planning permission, while some with planning applications under processing. To the further east and south across Yeung Tsing Road and San Shek Wan North Road within "Government, Institution or Community" zone were secondary schools, Independent Commission Against Corruption Training Camp and Tuen Mun Children and Juvenile Home, and there was no columbarium on the eastern side of Yeung Tsing Road. Columbaria and religious institutions were all confined to the western side of Yeung Tsing Road.

Deliberation Session

95. A Member considered the site suitable for columbarium use and had no objection

to the application.

96. 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 was subject to the following conditions:

- “(a) the maximum number of niches within the site should not exceed 4,444 and the maximum number of memorial tablets should not exceed 48;
- (b) the submission and implementation of emergency vehicular access, water supply for fire fighting and fire services installations proposal to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of sewer connection proposal to the satisfaction of the Director of Drainage Services or of the TPB.”

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

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/496 Proposed Temporary Shop and Services for a Period of 3 Years in
“Village Type Development” Zone, Lot 1200 RP (Part) in D.D. 117,
Tai Tong, Yuen Long
(RNTPC Paper No. A/YL-TT/496)

Presentation and Question Sessions

98. 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 for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper;
- (d) during the first three weeks of the statutory publication period, one public comment was received from an individual raising concerns as set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. Although the proposed use was not entirely in line with the planning intention of the “Village Type Development” (“V”) zone, the proposed shop and services use could serve such demand in the area and no Small House application had been received/under processing within the site. As such, approval of the application on a temporary basis for three years would not frustrate the long-term planning intention of the area. The proposed use was considered not incompatible with the surrounding uses. Concerned government departments had no adverse comment on or no objection to the application. Relevant approval conditions were recommended to minimise any potential environmental nuisance or to address the technical requirements of concerned departments. Given that there were four similar approvals within the same “V” zone, approval of the application was generally in line with the Committee’s previous decisions. Regarding the public comment, the comments of government departments and planning assessments above were relevant.

99. Members had no question on the application.

Deliberation Session

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

temporary basis for a period of 3 years until 29.5.2023, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 7:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractor/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (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 provision of a proper road connection or run-in/out within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport and the Director of Highways or of the TPB by 29.11.2020;
- (e) the submission of the relocation plan of the existing gullies before commencement of any site works within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 29.11.2020;
- (f) the implementation of the accepted drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 29.11.2020;
- (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 29.11.2020;

- (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 28.2.2021;
- (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 V of the Paper.

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/1015 Renewal of Planning Approval for Temporary Warehouse for Storage of Construction Machinery and Construction Material for a Period of 3 Years in “Undetermined” Zone, Lot 2377 (Part) in D.D. 120, Tong Yan San Tsuen, Yuen Long

(RNTPC Paper No. A/YL-TYST/1015)

Presentation and Question Sessions

102. 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) renewal of planning approval for temporary warehouse for storage of construction machinery and construction material for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper;
- (d) during the first three weeks of the statutory publication period, one public comment was received from an individual raising query as set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the applied use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The application was generally in line with the Town Planning Board Guidelines No. 34C in that there had been no material change in planning circumstances since the previous approval, the approval conditions under the previous application had been complied with and the approval period sought was the same as that of the previous approval. Concerned government departments had no adverse comments on or no objection to the application. Regarding the adverse public comment, 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 3 years from 24.6.2020 to 23.6.2023, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 4:00 p.m. and 10:00 a.m., as proposed by the

applicant, is allowed on the site during the planning approval period;

- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no open storage, repairing, dismantling, cleaning or other workshop activities, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (d) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the existing trees and landscape plantings within the site shall be maintained at all times during the planning approval period;
- (g) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (h) the submission of a condition record of the existing drainage facilities on the site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.9.2020;
- (i) the existing fire service installations implemented on the site shall be maintained in efficient working order at all times during the planning approval period;
- (j) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (i) is not complied with during the planning approval period, the approval hereby

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

- (k) if the above planning condition (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 VI of the Paper.

[Mr Conrad T.C. Wong left the meeting at this point.]

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/216 Temporary Logistics Centre for a Period of 3 Years in “Residential (Group B) 2”, “Open Space”, “Village Type Development” and “Government, Institution or Community” Zones, Various Lots in D.D. 129, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/HSK/216)

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) temporary logistics centre for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper;

- (d) during the first three weeks of the statutory publication period, 40 public comments were received from local villagers and an individual objecting to the application. Major views were set out in paragraph 11 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the applied use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Whilst the applied use was not in line with the planning intentions, the implementation programme for that part of New Development Area (NDA) was still being formulated and approval of the application on a temporary basis of three years would not jeopardise the long-term development of the site. The application was generally in line with the Town Planning Board Guidelines No. 13F in that the site fell within the Hung Shui Kiu and Ha Tsuen NDA and previous planning approvals were given. While the previous planning permissions under the two approved applications were revoked due to non-compliance with approval condition on the implementation of fire service installations (FSIs) proposal, a FSIs proposal was submitted under the current application and concerned departments (except the Director of Environmental Protection) had no adverse comment on the application. Sympathetic consideration might be given to the application. Relevant approval conditions were recommended to address the concerns on the possible environmental nuisance or technical requirements of concerned departments. Regarding the adverse public comments, 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 29.5.2023, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;
- (d) the existing landscape planting on the site shall be maintained at all times during the planning approval period;
- (e) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (f) the submission of a condition record of existing drainage facilities within 3 months to the satisfaction of the Director of Drainage Services or of the TPB by 29.8.2020;
- (g) the submission of a fire service installations proposal within 3 months to the satisfaction of the Director of Fire Services or of the TPB by 29.8.2020;
- (h) in relation to (g) above, the implementation of the fire service installations proposal within 6 months to the satisfaction of the Director of Fire Services or of the TPB by 29.11.2020;
- (i) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (j) if any of the above planning conditions (f), (g) or (h) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/218 Temporary Open Storage of Construction Materials for a Period of 3 Years in “Open Space” and “Residential (Group A) 3” Zones, Lots 1824 S.B RP (Part) and 1824 S.C (Part) in D.D.125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/HSK/218)

Presentation and Question Sessions

110. 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 open storage of construction materials for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper;
- (d) during the first three weeks of the statutory publication period, two public comments were received from individuals objecting to the application. Major views were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the applied use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Whilst the applied use

was not in line with the planning intentions, the implementation programme for that part of New Development Area (NDA) was still being formulated and approval of the application on a temporary basis of three years would not jeopardise the long-term development of the site. The application was generally in line with the Town Planning Board Guidelines No. 13F in that the site fell within the Hung Shui Kiu and Ha Tsuen NDA and previous planning approvals were given under the previous OZPs. While the last approved application was revoked due to non-compliance with approval conditions on the implementation of drainage and tree preservation and landscape proposals, the current application was for the open storage of different commodities submitted by a different applicant on a smaller site and concerned departments had no adverse comment on the application. Sympathetic consideration might be given to the application. Relevant approval conditions were recommended to address the concerns on the possible environmental nuisance or technical requirements of concerned departments. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

111. Members had no question on the application.

Deliberation Session

112. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 29.5.2023, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

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

any time during the planning approval period;

- (d) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;
- (e) the existing trees and landscape planting on the site shall be maintained at all times during the planning approval period;
- (f) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 29.11.2020;
- (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 28.2.2021;
- (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 provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.7.2020;
- (j) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.11.2020;
- (k) in relation to (j) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.2.2021;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without

further notice; and

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

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

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/352 Temporary Religious Institution (Kwun Yum Temple) for a period of 3 Years in “Green Belt” and “Open Space (1)” Zones, Lots 1613 (Part), 1614 (Part), 1615 (Part), 1616 (Part), 1619 (Part), 1628 (Part), 1629 (Part), 1630, 1631, 1632 (Part) and 1635 (Part) in D.D. 129 and Adjoining Government Land, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/352B)

Presentation and Question Sessions

114. 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) temporary religious institution (Kwun Yum Temple) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper;

- (d) during the first three weeks of the statutory publication period, two public comments were received from a villager of Sha Kong Wai Tsuen and an individual objecting to the application. Major views were set out in paragraph 11 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. According to the Town Planning Board Guidelines No. 10 (TPB PG-No. 10), new development in “Green Belt” (“GB”) zone would only be considered in exceptional circumstances and must be justified with very strong planning grounds. In the current application, 59% of the site was hard-paved area which was currently occupied by eight structures including Kwun Yum statue, prayer rooms, rain shelters, management office and mobile toilet. According to the applicant, there were about 200-300 visitors to the site during religious/festive events. There was no information in the submission on how the religious facilities operated on the site. In view of the nature and scale of the development, the applied use was not in line with the planning intention of the “GB” zone and there was no strong planning justification given in the submission for a departure of such planning intention, even on a temporary basis. Besides, part of the hard-paved area within the site was converted from a pond in late 1990s. The site was currently subject to planning enforcement action for unauthorised development of worship place. The site was also involved in five previous applications. Application No. A/YL-LFS/31 for pond filling and development of golf driving range was rejected in 1998 while the remaining four applications for agricultural or passive recreational purposes were approved as those uses were generally in line with the planning intention of “GB” zone and TPB PG-No. 10. Approval of the current application would set an undesirable precedent and encourage proliferation of similar religious institution use within the same “GB” zone thereby frustrating its planning intention. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

115. Members had no question on the application.

Deliberation Session

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

- “(a) the applied use is not in line with the planning intention of the “Green Belt” (“GB”) zone, which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl, as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis; and
- (b) approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications in the “GB” zone, the cumulative effect of which would result in a general degradation of the environment of the area.”

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/602 Proposed Temporary Open Storage of Construction Material (Metal) for a Period of 3 Years in “Recreation” Zone, Lot 226 (Part) in D.D. 126 and Adjoining Government Land, Fung Ka Wai, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/602)

117. The Committee noted that two replacement pages (p.8 of the Paper and p.1 of Appendix VII of the Paper) rectifying the information had been tabled, which were also shown on the visualiser, for Members’ reference.

Presentation and Question Sessions

118. 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 open storage of construction material (metal) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper;
- (d) during the first three weeks of the statutory publication period, one public comment was received from an individual objecting to the application. Major views were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed development could be tolerated 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 “Recreation” (“REC”) zone, there was no known development programme for the site and approval of the application on a temporary basis would not frustrate the long term planning intention of the “REC” zone. The proposed use was not incompatible with the surrounding land uses. The application was considered in line with the Town Planning Board Guidelines No. 13F as the site was the subject of a previous approved application by the same applicant, all approval conditions had been complied with, the proposed use would not generate adverse impacts and the technical concerns of relevant government departments could be addressed through the implementation of approval conditions. As the Committee had previously approved 11 applications for different open storage use at the site and nine similar applications had also been approved in the same “REC” zone since 2008,

approval of the application was in line with the Committee's previous decisions. Regarding the adverse public comment, the comments of government departments and planning assessments above were relevant.

119. Members had no question on the application.

Deliberation Session

120. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 29.5.2023, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation from 6:00 p.m. to 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no 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 vehicle exceeding 24 tonnes is allowed to enter/exit or to be parked/stored on the site at any time during the planning approval period;
- (d) the delivery route to and from the site via Tin Wah Road, as proposed by the applicant, shall be adhered to at all times during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;
- (f) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 29.11.2020;
- (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 28.2.2021;

- (h) in relation to (g) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (i) the existing trees within the site shall be maintained in good condition at all times during the planning approval period;
- (j) the provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 10.7.2020;
- (k) the submission of a 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 29.11.2020;
- (l) in relation to (k) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 28.2.2021;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (h) or (i) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (n) if any of the above planning conditions (f), (g), (j), (k) or (l) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/603 Renewal of Planning Approval for Temporary Open Storage of Construction Materials for a Period of 3 Years in “Recreation” Zone, Lots 202 RP (Part), 203 (Part), 204 (Part), 205 (Part), 206 (Part), 207 (Part), 209 (Part) and 214 (Part) in D.D. 126, and Adjoining Government Land, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/603)

Presentation and Question Sessions

122. 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) renewal of planning approval for temporary open storage of construction materials for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper;
- (d) during the first three weeks of the statutory publication period, one public comment was received from an individual objecting to the application. Major views were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the applied use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The application was in line with the Town Planning Board Guidelines No. 34C and 13F in that there was no major change in planning circumstances since the last planning approval for the same applied use, all the approval conditions

under the last approved application had been complied with and the approval period sought was the same as that of the previous approval. The applied use would not generate adverse impacts and the technical concerns of relevant government departments could be addressed through the implementation of approval conditions. Regarding the adverse public comment, the comments of government departments and planning assessments above were relevant.

123. Members had no question on the application.

Deliberation Session

124. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 4.6.2020 to 3.6.2023, 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 vehicle washing, vehicle repairing, dismantling and workshop activity is allowed on the site at any time during the planning approval period;
- (d) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on site at any time during the planning approval period;
- (e) only light goods vehicles as defined in the Road Traffic Ordinance and its subsidiary regulations are allowed to be parked on/entered into the site at all times during the planning approval period;

- (f) the delivery route to and from the site via Tin Wah Road, as proposed by the applicant, shall be adhered to at all times during the planning approval period;
- (g) no vehicle queuing back to public road or vehicle reversing onto/from public road is allowed at any time during the planning approval period;
- (h) the provision of a waterworks reserve within 1.5m from the centreline of the affected water mains within the site at all times during the planning approval period;
- (i) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (j) the submission of 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 4.9.2020;
- (k) the provision of fire extinguisher(s) within 6 weeks from the date of commencement of the renewed planning approval to the satisfaction of Director of Fire Services or of the TPB by 16.7.2020;
- (l) the submission of a 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 4.12.2020;
- (m) in relation to (l) above, the implementation of the fire service installations proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.3.2021;
- (n) all existing trees on the site shall be maintained at all times during the planning approval period;

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

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

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

Agenda Item 24

Any Other Business

126. There being no other business, the meeting closed at 5:55 p.m..