

TOWN PLANNING BOARD

**Minutes of 671st Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 14.5.2021**

Present

Director of Planning
Mr Ivan M.K. Chung

Chairman

Mr Stephen L.H. Liu

Vice-chairman

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr C.H. Hau

Dr Lawrence K.C. Li

Miss Winnie W.M. Ng

Mr K.W. Leung

Dr Jeanne C.Y. Ng

Mr Ricky W.Y. Yu

Dr Venus Y.H. Lun

Dr 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

Principal Environmental Protection Officer (Strategic Assessment),
Environmental Protection Department
Mr Stanley C.F. Lau

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

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

Secretary

Absent with Apologies

Mr K.K. Cheung

Mr L.T. Kwok

In Attendance

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

Chief Town Planner/Town Planning Board
Ms Johanna W.Y. Cheng

Town Planner/Town Planning Board
Mr Alvin C.H. Kan

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 670th RNTPC Meeting held on 30.4.2021

[Open Meeting]

2. The draft minutes of the 670th RNTPC meeting held on 30.4.2021 were confirmed without amendments.

Agenda Item 2

Matter Arising

Town Planning Board's Adopted Approaches to Deter 'Destroy First, Build Later' Activities

[Open Meeting]

3. The Secretary reported that during the consideration of a s.16 application (No. A/YL-KTN/745) for proposed temporary place of recreation, sports or culture (hobby farm) for a period of five years and filling of land in "Agriculture" ("AGR") zone on 5.2.2021, some Members raised concerns on the Committee's previous decisions regarding applications involving 'destroy first, build later' activities. It was agreed that the Committee would be briefed on the relevant background information on the matter. In that regard, the Secretary reported on the following:

- (a) on 4.7.2011, the Town Planning Board (the Board) issued a press release on the approaches to deter 'destroy first, build later' activities which stated that
 - (i) for applications involving unauthorised development (UD), the Board would not make a decision on the application before full investigation into whether the UD constituted an abuse of the application process was made;
 - (ii) when the site was subject to enforcement action, the Board would take into account the reinstated condition of the site as required in the reinstatement notice (RN) issued by the Planning Authority when

considering the application; and (iii) the reinstated condition of the site as required in the RN would not be considered by the Board as a planning gain in the application;

- (b) some approaches adopted by the Board had slightly changed over the years, but they were consistent and adopted the same spirit as those of the press release issued in 2011. On (i) above, deferral request was no longer initiated by PlanD in recent years (the latest one in 2014) as the deferral had unnecessarily prolonged the processing time of the planning application, and there should be a clear distinction between the undertaking of planning enforcement actions and the processing of planning applications. Nevertheless, relevant information regarding the investigation or enforcement action had been provided in the paper as background information for Members' consideration. On (ii) above, the Board would vet the application concerned based on the condition of the site before damage or the reinstated condition of the site as required by the RN; and there was no change to (iii) above; and
- (c) between July 2011 and December 2020, the Committee had considered 115 applications (87 rejected and 28 approved) and 30 applications (21 rejected and 9 approved) for various temporary uses in "AGR" and "Green Belt" zones respectively with active/previous enforcement actions undertaken at the time of consideration of the applications. For the past cases recommended for approval, the applications were considered based on relevant factors, including that the proposed development was in line with the planning intention and not incompatible with the surrounding areas, and there were previous planning approvals and no adverse departmental comments. For the rejected cases, none of them was rejected on the grounds that the site involved a suspected UD or an UD subject to enforcement action.

4. In response to a Members' question, the Secretary said that whether a site was involved in a suspected UD or UD subject to enforcement actions was one of the considerations when Members considered planning applications, but no such applications were rejected for the reason that a site involved UD.

5. Members noted that the Committee had all along adopted a consistent approach in considering planning applications involving UD.

Tuen Mun and Yuen Long West District

Agenda Item 3

Section 12A Application

[Open Meeting]

Y/TM-LTY/9

Application for Amendment to the Approved Lam Tei and Yick Yuen Outline Zoning Plan No. S/TM-LTY/10, To rezone the application site from “Residential (Group B) 1” to “Residential (Group B) 4”, To Amend the Notes of the Zone applicable to the application site, Lots 523 RP, 714 RP, 718 RP, 719 RP, 721 RP, 722 RP, 723 RP, 724 RP and 725 in D.D. 130 and adjoining Government Land, Lam Tei, Tuen Mun

(RNTPC Paper No. Y/TM-LTY/9B)

6. The Committee noted that the applicant’s representative requested on 16.4.2021 deferment of consideration of the application for two months so as to allow more time to prepare further information to address departmental comments. It was the third time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information to address departmental comments.

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

Sai Kung and Islands District

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

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions only)]

A/SK-CWBN/64 Proposed Temporary Private Vehicle Park (Private Cars) for a Period of 3 Years in “Village Type Development” Zone, Various Lots in D.D. 227 and adjoining government land, Tai Po Tsai village, Clear Water Bay, Sai Kung
(RNTPC Paper No. A/SK-CWBN/64)

Presentation and Question Sessions

8. Ms W. H. Ho, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed temporary private vehicle park (private cars) for a period of three years;
- (c) departmental comments were set out in paragraph 9 of the Paper;

- (d) during the statutory publication period, one public comment from an individual raising concerns on the application was received. Major views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. The Commissioner for Transport advised that there was a genuine demand for parking spaces in the vicinity. Approval of the planning application on a temporary basis for a period of three years would not affect the outstanding Small House applications within the application site (the Site) and would not frustrate the planning intention of the “Village Type Development” (“V”) zone. The proposed use was not incompatible with the surrounding environment and residential neighbourhood. Other concerned government departments had no objection to or adverse comment on the application. To minimise any possible environmental nuisance and to address the technical requirements of the concerned government departments, appropriate approval conditions were recommended. Regarding the public comment received, the comments of government departments and planning assessments above were relevant.

9. Members had no question on the application.

[Mr Philip S.L. Kan and Miss Winnie W.M. Ng joined the meeting at this point.]

Deliberation Session

10. Members noted that there were 13 outstanding Small House applications within the Site. Approval of the planning application on a temporary basis for a period of three years would not affect the Small House applications and would not frustrate the planning intention of the “V” zone. The applicant had also notified the current land owners of the Site.

11. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 14.5.2024 on the terms of the application as

submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no vehicle without valid license issued under the Road Traffic Ordinance is allowed to be parked/stored on the site during the planning approval period;
- (b) only private cars as defined in the Road Traffic Ordinance are allowed to enter/be parked on the site at all times during the planning approval period;
- (c) a notice should be posted at a prominent location of the site to indicate that only private cars as defined in the Road Traffic Ordinance are allowed to enter/be parked on the site at all times during the planning approval period;
- (d) 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 14.11.2021;
- (e) in relation to (d) 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 14.2.2022;
- (f) if the above planning condition (a), (b) or (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (g) if any of the above planning condition (d) or (e) 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.”

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

Agenda Item 5

Section 16 Application

[Open Meeting]

A/SK-CWBS/39 Proposed Public Utility Installation (Package Substation and Underground Cables) and associated Excavation of Land in “Conservation Area” Zone, Government Land in D.D. 241, Po Toi O, Clear Water Bay
(RNTPC Paper No. A/SK-CWBS/39)

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

- Dr Jeanne C.Y. Ng - being the Director of CLP Research Institute of CLP;
- Dr Conrad T.C. Wong - having current business dealings with CLP; and
- Mr K.K. Cheung - his firm having current business dealings with CLP.

14. The Committee noted that the applicant had requested deferment of consideration of the application and Mr K.K. Cheung had tendered an apology for being unable to attend the meeting. As the interests of Dr Jeanne C.Y. Ng and Dr Conrad T.C. Wong were direct, the Committee agreed that they could stay in the meeting but should refrain from participating in the discussion.

15. The Committee noted that the applicant’s representative requested on 22.4.2021 deferment of consideration of the application for two months so as to allow more time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

Agenda Item 6

Section 16 Application

[Open Meeting]

A/SK-HC/326

Proposed Houses with Minor Relaxation of Plot Ratio Restriction in "Residential (Group D)" and "Residential (Group E)" Zones and area shown as 'Road', Various Lots in D.D. 210 and 244 and Adjoining Government Land, Ho Chung, Sai Kung
(RNTPC Paper No. A/SK-HC/326)

17. The Committee noted that the applicant's representative requested on 5.5.2021 deferment of consideration of the application for two months so as to allow more time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

18. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within 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 further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 7

Section 16 Application

[Open Meeting]

A/SK-HC/327 Proposed Excavation of Land for Permitted Agricultural Use (Green House) in “Green Belt” Zone, Lot 130 S.A (Part) and RP (Part) in D.D. 247, Ho Chung, Sai Kung
(RNTPC Paper No. A/SK-HC/327)

19. The Committee noted that the applicant’s representative requested on 30.4.2021 deferment of consideration of the application for two months so as to allow more time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

[The Chairman thanked Ms W. H. Ho, STP/SKIs, for her attendance to answer Members’ enquiries. She left the meeting at this point.]

Sha Tin, Tai Po and North District

Agenda Item 8

Section 16 Application

[Open Meeting]

A/TP/673 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” Zone, Government Land in D.D. 26, Ha Tei Ha Village,
Shuen Wan, Tai Po
(RNTPC Paper No. A/TP/673)

21. The Committee noted that the applicant’s representative requested on 11.5.2021 deferment of consideration of the application for two months so as to allow more time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

Agenda Item 9

Section 16 Application

[Open Meeting]

A/NE-LYT/741 Proposed Temporary Public Vehicle Park for Private Cars and Medium Goods Vehicles and Warehouse for Storage of Construction Materials for a Period of 3 Years in “Agriculture” Zone, Lots 1445 S.B RP (Part), 1489, 1490 (Part), 1492 (Part) and 1494 in D.D. 76 and Adjoining Government Land, Ng Uk Tsuen, Sha Tau Kok Road, Fanling
(RNTPC Paper No. A/NE-LYT/741A)

23. The Committee noted that the applicant’s representative requested on 7.5.2021 deferment of consideration of the application for two months so as to allow more time to prepare further information to address departmental comments. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information to address departmental comments.

24. 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 further information. Since it was the second deferment and a total of four months had been allowed for preparation of the submission of further information, no further deferment would be granted unless under very special circumstances.

Agenda Item 10

Section 16 Application

[Open Meeting]

A/NE-TKL/661 Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years in “Agriculture” Zone, Lot 1088 S.B (Part) in D.D. 82, Ping Che Road, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/661)

25. The Secretary reported that the application site (the Site) was located in Ta Kwu Ling. Dr Conrad T.C. Wong had declared an interest on the item for his firm owning a piece of land in Ta Kwu Ling area.

26. The Committee noted that the applicant had requested deferment of consideration of the application. As the piece of land owned by Dr Conrad T.C. Wong’s firm had no direct view of the Site, the Committee agreed that he could stay in the meeting.

27. The Committee noted that the applicant’s representative requested on 5.5.2021 deferment of consideration of the application for two months so as to allow more time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/662 Renewal of Planning Approval for Temporary Container Vehicle Repair Yard for a Period of 3 Years in “Open Storage” Zone, Lot 2159 (Part) in D.D. 76 and Adjoining Government Land, Wang Leng, Ping Che

(RNTPC Paper No. A/NE-TKL/662)

29. The Secretary reported that the application site (the Site) was located in Ta Kwu Ling. Dr Conrad T.C. Wong had declared an interest on the item for his firm owning a piece of land in Ta Kwu Ling area. As the piece of land owned by Dr Conrad T.C. Wong’s firm had no direct view of the Site, the Committee agreed that he could stay in the meeting.

30. The Committee noted that the application was for renewal of planning approval for temporary container vehicle repair yard for a period of three years. During the statutory publication period, four public comments were received, including one comment from the Chairman of Sheung Shui District Rural Committee indicating no comment and three comments from the Chairman, 1st Vice-chairman and 2nd Vice-chairman of Fanling District Rural Committee objecting to the application. Major views were set out in paragraph 10 of the Paper.

31. The Committee noted that the Planning Department had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The application was generally in line with the Town Planning Board Guidelines No. 34C and 13F. While other concerned government departments had no objection to or no adverse comment on the application, the Director of Environmental Protection did not support the application as there were sensitive receivers in the vicinity of the Site, and environmental nuisance to the residents nearby might be created, but no substantiated environmental complaint was received in the past three years. To minimise any possible environmental nuisance and to address the technical requirements of the concerned government departments, appropriate approval conditions were recommended.

32. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years and be renewed from 19.5.2021 to 18.5.2024 on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) the peripheral fencing shall be maintained on the site at all times during the planning approval period;
- (d) the existing trees and landscape plantings on the site shall be maintained at all times during the planning approval period;
- (e) the implementation of proposals for fire services installations and water supplies for firefighting, as proposed by the applicant, within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.8.2021;
- (f) the submission of a condition record of the existing drainage facilities implemented under planning application No. A/NE-TKL/584 on the site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.8.2021;
- (g) if any of the above planning condition (a), (b), (c) or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (h) if any of the above planning condition (e) or (f) is not complied with by the

specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

Fanling, Sheung Shui and Yuen Long East District

[Mr Anthony K.O. Luk, District Planning Officer/Fanling, Sheung Shui and Yuen Long East (DPO/FSYLE) and Ms S.H. Lam, Mr Patrick M.Y. Fung, Ms Ivy C.W. Wong and Ms Irene W.S. Lai, Senior Town Planners/Fanling, Sheung Shui and Yuen Long East (STPs/FSYLE), were invited to the meeting at this point.]

Agenda Item 12

Section 16 Application

[Open Meeting]

A/KTN/72 Temporary Shop and Services, Warehouse and Open Storage (for Storage of Construction Material) including Ancillary Office and Staff Accommodation for a Period of 3 Years in “Other Specified Uses” annotated “Business and Technology Park” Zone and area shown as ‘Road’, Government Land at D.D. 95, Kwu Tung North
(RNTPC Paper No. A/KTN/72B)

34. The Secretary reported that the application site was located in Kwu Tung North. Dr C.H. Hau had declared an interest on the item for owning a property in Kwu Tung North area.

35. The Committee noted that the applicant had requested deferment of consideration of the application. As the property owned by Dr C.H. Hau had no direct view of the application site, the Committee agreed that he could stay in the meeting.

36. The Committee noted that the applicant requested on 29.4.2021 deferment of consideration of the application for two months so as to allow more time to prepare further information to address departmental comments. It was the third time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information to address departmental and public comments.

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

Agenda Item 13

Section 16 Application

[Open Meeting]

A/KTN/76 Proposed Minor Relaxation of Plot Ratio Restriction for Permitted Residential Development in "Residential (Group B)" Zone, Lots 6 (Part), 7, 8 (Part), 9 (Part), 10 S.A., 10RP (Part) and 12 (Part) in D.D. 95 and Adjoining Government Land, Kwu Tung North
(RNTPC Paper No. A/KTN/76)

38. The Secretary reported that the application site was located in Kwu Tung North. Archiplus International Limited (Archiplus) 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

Archiplus; and

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

39. The Committee noted that the applicant had requested deferment of consideration of the application and Mr K.K. Cheung had tendered an apology for being unable to attend the meeting. As the property owned by Dr C.H. Hau had no direct view of the application site, the Committee agreed that he could stay in the meeting.

40. The Committee noted that the applicant's representative requested on 29.4.2021 deferment of consideration of the application for two months so as to allow more time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/495 Proposed Temporary Shop and Services for a Period of 5 Years in
"Village Type Development" Zone, Lot 3335 S.BF in D.D.91, Lin
Tong Mei, Kwu Tung South
(RNTPC Paper No. A/NE-KTS/495)

42. The Secretary reported that the application site (the Site) was located in Kwu Tung South and in the vicinity of the Hong Kong Golf Club (HKGC). Dr Lawrence K.C. Li had declared an interest on the item for being a member of the HKGC. As the interest of Dr Lawrence K.C. Li in relation to HKGC was indirect, the Committee agreed that he could stay in the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed temporary shop and services for a period of five years;
- (c) departmental comments were set out in paragraph 9 of the Paper;
- (d) during the statutory publication period, one public comment from an individual indicating no comment on the application was received, which was set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed use was not entirely in line with the planning intention of “Village Type Development” (“V”) zone. Approval of the application on a temporary basis of five years would not jeopardise the long-term planning intention of the “V” zone or provision of land for Small House development. The proposed use was considered not incompatible with the surrounding land uses. Other concerned government departments had no objection to or no adverse comment on the application. To minimise any possible environmental nuisance and to address the technical requirements of the concerned government departments, appropriate approval conditions were recommended.

44. Members had no question on the application.

Deliberation Session

45. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 14.5.2026 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) only private car as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to enter/exit the site at any time during the planning approval period;
- (c) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.11.2021;
- (d) in relation to (c) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.2.2022;
- (e) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.11.2021;
- (f) in relation to (e) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.2.2022;
- (g) in relation to (f) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;

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

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

Agenda Item 15

Section 16 Application

[Open Meeting]

A/FSS/279

Proposed Social Welfare Facility (Residential Care Home for the Elderly) and Flat with Minor Relaxation of Building Height Restriction in “Village Type Development” Zone and area shown as ‘Road’, Lots 834 and 838 RP in D.D. 52 and adjoining Government Land, Tin Ping Road, Sheung Shui
(RNTPC Paper No. A/FSS/279)

47. The Committee noted that the applicant’s representative requested on 28.4.2021 deferment of consideration of the application for two months so as to allow more time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/FSS/280 Minor Relaxation of Plot Ratio and Building Height Restrictions for Permitted Public Housing Development in "Residential (Group A) 4" Zone, Government Land in Areas 4 and 30, Sheung Shui
(RNTPC Paper No. A/FSS/280)

49. The Secretary reported that the application was submitted by the Hong Kong Housing Authority (HKHA). Ove Arup & Partners Hong Kong Limited (ARUP) and WSP (Asia) Limited (WSP) were two of the consultants of the applicant. The following Members had declared interests on the item:

- | | | |
|--|---|---|
| Mr Gavin C.T. Tse
<i>(as Chief Engineer
(Works), Home Affairs
Department)</i> | - | being a representative of the Director of Home Affairs who was a member of the Strategic Planning Committee and the Subsidised Housing Committee of HKHA; |
| Mr Y.S. Wong | - | being a member of the Funds Management Sub-committee of HKHA; |
| Mr K.K. Cheung | - | his firm having current business dealings with HKHA, ARUP and WSP; |
| Dr Conrad T.C. Wong | - | having current business dealings with HKHA; and |

- Mr L.T. Kwok - his employing organisation was operating social service teams supported by HKHA and openly bid funding from HKHA.

50. The Committee noted that Messrs K.K. Cheung and L.T. Kwok had tendered apologies for being unable to attend the meeting. As the interests of Mr Gavin C.T. Tse, Mr Y.S. Wong and Dr Conrad T.C. Wong were direct, the Committee agreed that they should be invited to leave the meeting temporarily for the item.

[Mr Gavin C.T. Tse, Mr Y.S. Wong and Dr Conrad T.C. Wong left the meeting temporarily at this point.]

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) minor relaxation of plot ratio (PR) and building height (BH) restrictions for permitted public housing development;
- (c) departmental comments were set out in paragraph 8 of the Paper;
- (d) during the statutory publication period, four public comments were received, including two comments from MTR Corporation Limited and an individual providing views on the application, one comment from an individual objecting to the application and the remaining one from an individual indicating no comment. Major views were set out in paragraph 9 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper.

The proposed minor relaxation of PR restriction was in line with the Government's policy of enhancing the development intensity of public housing sites to increase housing supply where their technical feasibility permitted. The proposed minor relaxation of BH restriction would not result in substantial change to the character of the locality and was considered not incompatible with the surrounding area. Relevant technical assessments had been conducted to demonstrate that the proposal was acceptable with no adverse impacts. Concerned government departments had no objection to or no adverse comment on the application. There were two similar applications for minor relaxation of gross floor area and BH restrictions under "Residential (Group A)2" and "Residential (Group A)1" zones on the same Outline Zoning Plan. Approving the current application was in line with the Committee's previous decisions. Regarding the public comments received, the comments of government departments and planning assessments above were relevant.

52. Some Members raised the following questions :

- (a) information about the proposed podium, public transport interchange (PTI) and public vehicle park (PVP);
- (b) visual assessment of the proposed development; and
- (c) whether there was an application for a 'shopping city' development in the vicinity of the application site (the Site).

53. In response, Mr Patrick M.Y. Fung, STP/FSYLE, made the following main points:

- (a) the indicative public housing scheme submitted by HKHA at the Outline Zoning Plan amendment stage also included a podium garden. A PTI was proposed underneath the residential block at Site 1 under the proposed scheme as shown in Drawing A-2 of the Paper. Relevant departments had been consulted and they considered that the capacity of the PTI was sufficient for serving the proposed development. In addition to ancillary

parking facilities, a stand-alone PVP block with 320 car parking spaces and six light goods vehicle parking spaces was proposed at Site 2 for reprovisioning of two affected PVPs under short term tenancies at Sheung Shui Areas 4 and 30; and

- (b) the visual appraisal submitted by the applicant concluded that the proposal would unlikely cause any significant adverse visual impact. The Chief Town Planner/Urban Design and Landscape of PlanD and the Chief Architect/Central Management Division 2 of the Architectural Services Department had no adverse comment on the application from urban design, visual and air ventilation perspectives. The photomontage in Drawing A-9 of the Paper showed that the development at Site 2 would be blocked by the Po Shek Wu Estate ancillary facilities block and would not be visible as viewed from Sheung Shui MTR station.

54. Mr Anthony K.O. Luk, DPO/FSYLE, supplemented that the application site of a s.16 application (No. A/FLN/22) for proposed temporary shop and services and place of entertainment uses was located about 1km away from the Site. The concerned application would be considered by the Committee at the same meeting.

Deliberation Session

55. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 14.5.2025, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

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

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

[Mr Gavin C.T. Tse, Mr Y.S. Wong and Dr Conrad T.C. Wong rejoined the meeting at this

point.]

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/FLN/22 Proposed Temporary Shop and Services, and Place of Entertainment for a Period of 3 Years in “Agriculture”, “Government, Institution or Community”, “Open Space”, “Other Specified Uses” annotated “Sewage Pumping Station”, “Other Specified Uses” annotated “Amenity Area” Zones and area shown as ‘Road’, Lots 517 RP, 518 RP, 521 RP, 522, 523 RP, 524 RP, 525, 526, 527 RP, 532 RP (Part), 533 RP (Part), 534 RP (Part), 539 (Part), 540 (Part), 541 (Part), 542 (Part), 543 (Part), 544, 545, 547 (Part), 548 (Part), 551 (Part), 552 and 553 in D.D. 51 and Adjoining Government Land, Sheung Shui (RNTPC Paper No. A/FLN/22D)

57. Members noted that the applicants had requested deferment of consideration of the application for the fifth time, and Planning Department (PlanD) did not support the deferment request. The Secretary said that after issuance of RNTPC Paper No. A/FLN/22D (the Paper), the applicants submitted supplementary information to substantiate their request for the fifth deferment on 13.5.2021 and a Supplementary Paper setting out PlanD’s responses to the applicants’ additional grounds for the request for deferment was issued to Members before the meeting.

58. The Chairman said that the Committee would consider the applicants’ request for deferment first. He then invited PlanD’s representative to brief Members on the background of the applicants’ request for deferment.

Presentation and Question Sessions

59. With the aid of a PowerPoint presentation, Mr Patrick M.Y. Fung, STP/FSYLE, presented the deferment request and covered the following aspects as detailed in paragraph 2

of the Paper and in the Supplementary Paper:

- (a) the applicants' representative requested on 3.5.2021 deferment of consideration of the application for two months to allow more time to prepare further information (FI) to address comments of the Transport Department (TD). It was the fifth time that the applicants requested deferment of the application. Since the application was submitted on 7.7.2020, the Committee had agreed to defer a decision on the application for four times and a total of seven months was allowed for the applicants to prepare FI to address TD's comments;
- (b) the applicants' grounds to substantiate the deferment request as set out in paragraph 2 of both the Paper and the Supplementary Paper; and
- (c) PlanD's views – PlanD did not support the deferment request as it was considered not in accordance with the Town Planning Board Guidelines No. 33 as set out in paragraph 2 of the Paper and paragraphs 3 and 4 of the Supplementary Paper. The applicants' grounds regarding the allocation of government land within Site A to the Civil Engineering and Development Department (CEDD) as works area without consulting the applicants and the doubts on PlanD's reasons for not supporting the application in terms of the scale of the proposed development and the objection raised by a local residents group, failed to justify the fifth deferment. In addition, since sufficient time had been given since August 2020 for the applicants to prepare a Traffic Review to address TD's comments, deploying the same ground did not constitute a justifiable reason for another deferment and agreeing to the fifth deferment on the same ground would set a very undesirable precedent. Also, in agreeing to the fourth deferment, the Committee had advised the applicants that the fourth deferment was the last deferment of the application and no further deferment would be granted.

60. In response to a Member's enquiry, Mr Patrick M.Y. Fung, STP/FSYLE said that TD's comments, including the requirement for a Traffic Review, were conveyed to the applicants since 11.8.2020 and was further explained by TD in some of the ten meetings held with the applicants on their requests. Although sufficient time had been given to the

applicants, they only submitted a Traffic Review to the Town Planning Board (the Board) on 22.3.2021, after several rounds of discussion with TD. Subsequently, TD provided comments on the Traffic Review to the applicants on 16.4.2021, and the applicants only submitted their responses to TD's comments on 11.5.2021 and 13.5.2021 respectively right before the meeting, but still failed to address TD's comments.

61. In response to the Chairman's question, Mr Patrick M.Y. Fung, STP/FSYLE said that some government land in the northwestern portion of Site A was allocated to CEDD as works area for the Fanling Bypass Eastern Section under Simplified Temporary Land Allocation (STLA).

Deliberation Session

62. Mr Alan K.L. Lo, Assistant Director/Regional 3, Lands Department (LandsD) said that some government land in the northwestern portion of Site A was temporarily allocated to CEDD on 1.1.2021 following their established procedures for a STLA. During the three weeks' internal circulation to relevant government departments, no adverse comments were received. He added that any application for Short Term Tenancy would be considered by Government in its capacity as the landlord, and there was no guarantee that government land would be let to adjoining land owners for vehicular access or other purposes.

63. Mr Ken K.K. Yip, Chief Traffic Engineer/New Territories East, TD said that his department informed the applicants that the proposed development had to be supported by a Traffic Review shortly after the application had been submitted. Colleagues of TD had attended four meetings with the applicants, including one that was attended by himself, and concerns on the traffic impacts arising from such a development scale as well as the requirements for the Traffic Review had been clearly conveyed to the applicants. However, the applicants only submitted an initial draft of a Traffic Review for TD's consideration in December 2020. The said submission, the subsequent submission in March 2021 and the responses to departmental comments from the applicants were still not satisfactory and could not demonstrate that the proposed development would not cause adverse traffic impacts.

64. Members generally agreed that there was no strong or relevant reason provided in

the applicants' latest submissions to justify the fifth deferment in allowing more time to address the comments from TD, and that in agreeing to the fourth deferment, the Committee had advised the applicants that the fourth deferment made on 26.2.2021 was the last deferment of the application and no further deferment would be granted.

65. After deliberation, the Committee decided not to accede to the request for deferment and to proceed to consider the application at this meeting.

Presentation and Question Sessions

66. The Chairman then invited PlanD's representative to elaborate on the application. With the aid of a PowerPoint presentation, Mr Patrick M.Y. Fung, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed temporary shop and services and place of entertainment for a period three years;
- (c) departmental comments were set out in paragraph 10 of the Paper;
- (d) during the statutory publication periods, a total of 2,235 public comments were received, including 2,177 supporting comments from the Chairman and Vice-chairman of Sheung Shui District Rural Committee, Chairman of San Tin Rural Committee, village representative of Yin Kong Tsuen and some individuals in three standard letter formats; 50 objecting comments from 石湖新村(河北段)街坊會, the North District Council members of Ching Ho, Fung Tsui and Tin Ping East Constituencies, World Wide Fund for Nature Hong Kong, Hong Kong Bird Watching Society, Designing Hong Kong Limited and some individuals; one comment from the Kadoorie Farm and Botanic Garden raising concern on the application; and seven comments from other individuals indicating no comment. Major views were set out in paragraph 11 of the Paper; and

- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The application sites (the Sites) together with the surrounding areas would be resumed and cleared starting from mid-2024 the earliest for implementation of the Kwu Tung North/Fanling North New Development Area and approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the land use zones. However, there was no strong reason given in the application to justify the provision of additional large scale retail and entertainment facilities in the locality. The proposed retail and entertainment uses in 42 structures on the Sites of over 2 ha were considered excessive in the rural riverside site context. The Director of Agriculture, Fisheries and Conservation did not support the application as Site B, part of which was intended for accommodating the ancillary carpark, possessed potential for agricultural rehabilitation. The Commissioner for Transport (C for T) could not support the application from traffic engineering perspective on the ground that the Applicants failed to demonstrate that the proposed development would not result in adverse traffic impacts on the surrounding areas. The District Lands Officer/North of LandsD indicated that there was no guarantee that any adjoining government land would be allowed for the vehicular access of the proposed use and that a Short Term Tenancy would be approved if the planning application was approved. Regarding the public comments received and local views conveyed by District Officer/North of Home Affairs Department, the comments of government departments and planning assessments above were relevant.

67. Members had no question on the application.

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

Deliberation Session

68. Members noted that the further comments of the C for T on the applicants' FI (4) and (6) received on 11.5.2021 and 13.5.2021 were issued to Members before the meeting.

Members also noted that apart from the proposed ingress/egress which fell within an area allocated to CEDD as works area, the only access to the Sites was via the Drainage Services Department's maintenance accesses for the Ng Tung River channel which was not open for use by the applicants/the public.

69. Members generally considered that the proposed development was excessive in scale and the applicants failed to demonstrate that the proposed development would not result in adverse traffic impacts on the surrounding areas.

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

- “(a) the proposed retail and entertainment uses are excessive in scale considering the rural character of the site and its surrounding areas; and
- (b) the applicants fail to demonstrate that the proposed development would not result in adverse traffic impacts on the surrounding areas.”

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/303 Proposed Temporary Shop and Services for a Period of 3 Years in
“Residential (Group D)” Zone, Lot 847 RP (Part) in D.D. 114, Shek
Kong, Yuen Long
(RNTPC Paper No. A/YL-SK/303)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) proposed temporary shop and services for a period of three years;
- (c) departmental comments were set out in paragraph 9 of the Paper;
- (d) no public comment was received during the statutory publication period;
and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. While the proposed use was not entirely in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone, approval of the application for three years on a temporary basis would not frustrate the long-term planning intention of the “R(D)”) zone. The proposed use was considered not incompatible with the surrounding area. Other concerned government departments had no objection to or no adverse comment on the application. To minimise any possible environmental nuisance and to address the technical requirements of the concerned government departments, appropriate approval conditions were recommended. There were five similar applications for various temporary shop and services uses within the same “R(D)”) zone. Approval of the application was in line with the previous decisions of the Committee.

72. In response to a Member's question, Mr Patrick M.Y. Fung, STP/FSYLE, said that the proposed development would consist of three 1 to 2-storey structures which would be regulated under the Buildings Ordinance.

Deliberation Session

73. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 14.5.2024 on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant,

is allowed on the site during the planning approval period;

- (b) only private cars as defined in the Road Traffic Ordinance and its subsidiary regulations are allowed to enter/be parked on the site at all times 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 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 14.11.2021;
- (e) in relation to (d) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.2.2022;
- (f) in relation to (e) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (g) the submission of a fire service installation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.11.2021;
- (h) in relation to (g) above, the implementation of the fire service installation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.2.2022;
- (i) if any of the above planning condition (a), (b), (c) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (j) if any of the above planning condition (d), (e), (g) or (h) is not complied

with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/759 Temporary Animal Boarding Establishment for a Period of 3 Years and Filling of Land in “Agriculture” Zone, Lot 949 (Part) in D.D. 107, Kam Tin North, Yuen Long
(RNTPC Paper No. A/YL-KTN/759)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary animal boarding establishment for a period of three years and filling of land;
- (c) departmental comments were set out in paragraph 9 of the Paper;
- (d) during the statutory publication period, three public comments from the Kadoorie Farm and Botanic Garden and two individuals objecting to the application were received. 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 applied use was not entirely in line with the planning intention of the “Agriculture” (“AGR”) zone and the Director of Agriculture, Fisheries and Conservation did not support the application from agricultural point of view as the application site (the Site) possessed potential for agricultural rehabilitation. Approval of the application on a temporary basis for a period of three years would not jeopardise the long-term planning intention of the “AGR” zone and the applied use was considered not incompatible with the surrounding area. Other concerned government departments consulted generally had no objection to the application. However, the Site was fragmented in that the boundary had enclosed five existing structures which were currently mainly used for animal boarding establishment without planning permission but were excluded from the Site. That would result in piecemeal development and was undesirable from planning control point of view. Also, if the application was approved, the Site would be enclosed by boundary fencing making it difficult to impose planning control on the use of those structures excluded from the site boundary. It would be more desirable to consolidate the current application and the existing structures for similar uses from land use planning and planning control point of view. There were 46 approved similar applications for temporary animal boarding establishment and eight approved applications for land filling within the same “AGR” zone but none of them involved excluding existing structures/land enclosed by the Site. Regarding the public comments received, the comments of government departments and planning assessments above were relevant.

76. A Member noted from a public comment that the number of animal boarding establishment applications was disproportional to the market demand and asked whether there was information on market demand of such facilities. Ms Ivy C.W. Wong, STP/FSYLE, said that there was no information at hand on the overall market demand and supply of animal boarding establishments. For the Kam Tin North “AGR” zone, there were 47 similar applications for temporary animal boarding establishment. Amongst which, one application was rejected, 22 approved applications were revoked or had lapsed, and the planning permissions of 24 applications were still valid but most of them had not commenced operation.

Deliberation Session

77. Members noted that the proposed development would accommodate not more than 150 abandoned animals (dogs and cats), but the applicant had not provided any information regarding the arrangement for the stray cows as shown on Plan A-4b of the Paper.

78. Members generally did not support the application as the Site was fragmented with five existing structures that were currently mainly used as animal boarding establishment without planning permission excluded from the Site. It would result in piecemeal development and was considered not desirable.

79. A Member said that a large number of planning applications for animal boarding establishment were approved but most of them had not commenced operation, and cast doubt on whether those sites would actually be used for animal boarding. The Chairman said that should the actual use of the sites be different from the approved uses, any unauthorised development would be subject to enforcement and prosecution by the Planning Authority.

80. A Member remarked that some applications involved unreasonably large sites for boarding a very small number of animals. The Chairman said that the scale of the animal boarding establishments would be decided by the market, and it would also be considered by the Agriculture, Fisheries and Conservation Department (AFCD) if the applicants had to apply for Boarding Establishment Licence.

81. Some Members considered that information on the estimated supply and demand for animal boarding establishment would be useful for the Committee's future reference. The Committee agreed to request AFCD for such information, if available.

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

“the site is fragmented with structures excluded. Approving the application would result in piecemeal development and is undesirable from land-use planning and planning control point of view.”

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/760 Temporary Office for Permitted Agricultural Use for a Period of 3 Years and Filling of Land in “Agriculture” Zone, Lots 84 (Part), 85 S.A RP (Part), 85 S.C (Part), 86 RP (Part) and 113 (Part) in D.D. 110, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/760)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary office for permitted agricultural use for a period of three years and filling of land;
- (c) departmental comments were set out in paragraph 9 of the Paper;
- (d) during the statutory publication period, three public comments from the World Wide Fund for Nature Hong Kong, Kadoorie Farm and Botanic Garden and an individual raising concerns on the application were received. Major views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. The applied use, with 76% of the application site (the Site) on soil ground for farmland, plant nursery, greenhouses and the back office to support its daily operation, was not in conflict with the planning intention of the “Agriculture” (“AGR”) zone. The Director of Agriculture, Fisheries and Conservation did not

support non-agricultural development at the Site. However, temporary approval of the application would not frustrate the long-term planning intention of the “AGR” zone. The applied use was considered not incompatible with the surrounding area. The land filling area was minimised for operation need. All concerned government departments (except AFCD) had no objection to or adverse comment on the application. To minimise any possible environmental nuisance and to address the technical requirements of the concerned government departments, appropriate approval conditions were recommended. The Site was the subject of a previously rejected application for temporary open storage use. There was no similar application for office use. There were eight similar applications involving filling of land within the same “AGR” zone approved with conditions by the Committee between 2020 and 2021. Approval of the application was in line with the Committee’s previous decisions. Regarding the public comments received, the comments of government departments and planning assessments above were relevant.

84. In response to a Member’s questions on the proposed filling and reinstatement of the Site, Ms Ivy C.W. Wong, STP/FSYLE, said that the application involved filling of land at part of the Site by a maximum of 0.2m for foundation of the office and vehicular access. The applicant had also proposed to reinstate the Site for agricultural use after expiry of the planning approval period. In that regard, an approval condition was recommended requiring the applicant to reinstate the Site to an amenity area upon expiry of the planning permission.

Deliberation Session

85. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 14.5.2024 on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 6:00 p.m. and 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/trailer, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;

- (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 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 14.11.2021;
- (e) in relation to (d) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.2.2022;
- (f) in relation to (e) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (g) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.11.2021;
- (h) in relation to (g) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.2.2022;
- (i) if any of the above planning condition (a), (b), (c) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (j) if any of the above planning condition (d), (e), (g) or (h) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and

- (k) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 21

Section 16 Application

[Open Meeting]

A/YL-KTN/761 Proposed Residential Development (Houses) in “Residential (Group C) 2” and “Residential (Group D)” Zones, Lots 624 and 787 in D.D. 110 and Adjoining Government Land, Kam Tin Road, Shek Kong San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-KTN/761)

87. The Committee noted that the applicant’s representative requested on 4.5.2021 deferment of consideration of the application for two months so as to allow more time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/762 Renewal of Planning Approval for Temporary Open Storage of Construction Machinery, Private Vehicles and Vehicle Parts for a Period of 3 Years in “Residential (Group D)” Zone, Lots 629 S.T, 629 S.U, 630 S.B ss.16 and 630 S.B ss.17 in D.D. 110, Shek Kong San Tsuen, Kam Tin Main Road, Kam Tin North, Yuen Long
(RNTPC Paper No. A/YL-KTN/762)

89. The Committee noted that the application was for renewal of planning approval for temporary open storage of construction machinery, private vehicles and vehicle parts for a period of three years. During the statutory publication period, one public comment from an individual objecting to the application was received. Major views were set out in paragraph 11 of the Paper.

90. The Committee noted that the Planning Department considered that the temporary use could be tolerated for a further 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 and 13F. While other concerned government departments had no objection to or no adverse comment on the application, the Director of Environmental Protection did not support the application as there were sensitive receivers in the vicinity of the application site, and the development involved the use of heavy vehicles thus environmental nuisance was expected but no environmental complaint was received in the past three years. To minimise any possible environmental nuisance and to address the technical requirements of the concerned government departments, appropriate approval conditions were recommended.

91. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years and be renewed from 6.6.2021 until 5.6.2024 on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 6:00 p.m. and 9:30 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities are allowed on the site at any time during the planning approval period;
- (d) no stacking of vehicles or vehicle parts above 2.5m should be carried out on the site at any time during the planning approval period;
- (e) the existing run-in should be maintained at all times during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) all existing trees on the site should be maintained in good condition at all times during the planning approval period;
- (h) the existing drainage facilities implemented on the site shall be maintained at all times during the planning approval period;
- (i) 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 6.9.2021;
- (j) the existing fire service installations implemented on the site shall be maintained in efficient working order at all times during the planning approval period;

- (k) if any of the above planning condition (a), (b), (c), (d), (e), (f), (g), (h) or (j) 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 the above planning condition (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.”

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

Agenda Item 23

Section 16 Application

[Open Meeting]

A/YL-KTN/763 Proposed Temporary Animal Boarding Establishment for a period of 5 years and Filling of Land in “Agriculture” Zone, Lot 748 (Part) in D.D. 107, Fung Kat Heung, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/763)

93. The Committee noted that the applicant’s representative requested on 10.5.2021 deferment of consideration of the application for two months so as to allow more time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/419 Temporary Shop and Services (Sales of Gardening and Building Materials) for a Period of 3 Years in “Residential (Group C)” Zone, Lots 1400 and 1401 in D.D. 105, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/419)

Presentation and Question Sessions

95. Ms Irene W.S. Lai, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) temporary shop and services (sales of gardening and building materials) for a period of three years;
- (c) departmental comments were set out in paragraph 9 of the Paper;
- (d) during the statutory publication period, six public comments were received, including four comments from the San Tin Rural Committee and individuals supporting the application, and two comments from individuals objecting to the application. Major views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application on a temporary basis for three years based on the assessments

set out in paragraph 11 of the Paper. Although the applied use was not entirely in line with the planning intention of the “Residential (Group C)” (“R(C)”) 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(C)” zone. The applied use was not incompatible with the surrounding land uses. Concerned government departments had no objection to or no adverse comment on the application. To minimise any possible environmental nuisance and to address the technical requirements of the concerned government departments, appropriate approval conditions were recommended. As the previous application was revoked due to non-compliance with approval conditions, shorter compliance periods were recommended to closely monitor the compliance progress. Regarding the public comments received, the comments of government departments and planning assessments above were relevant.

96. Members had no question on the application.

Deliberation Session

97. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 14.5.2024 on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 7:00 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) only private cars and light goods vehicles not exceeding 5.5 tonnes as defined in the Road Traffic Ordinance are allowed to park on the site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at

any time during the planning approval period;

- (e) the submission of a drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.8.2021;
- (f) in relation to (e) above, the implementation of the drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.11.2021;
- (g) in relation to (f) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (h) the submission of a fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.8.2021;
- (i) in relation to (h) above, the implementation of the fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.11.2021;
- (j) if any of the above planning condition (a), (b), (c), (d) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (k) if any of the above planning condition (e), (f), (h) or (i) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/420 Renewal of Planning Approval for Temporary Fish Farming for a Period of 3 Years in “Comprehensive Development Area” Zone, Lots 963 and 956 (Part) in D.D. 104 and Adjoining Government Land, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/420)

99. The Committee noted that the application was for renewal of planning approval for temporary fish farming for a period of three years. No public comment was received during the statutory publication period.

100. The Committee noted that the Planning Department considered that the temporary use could be tolerated for a further 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 and concerned government departments had no objection to or no adverse comment on the application. To minimise any possible environmental nuisance and to address the technical requirements of the concerned government departments, appropriate approval conditions were recommended.

101. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years and be renewed from 19.5.2021 to 18.5.2024 on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (c) only private cars and light goods vehicles not exceeding 5.5 tonnes as

defined in the Road Traffic Ordinance are allowed to park on the site at any time during the planning approval period;

- (d) the existing trees within the Site shall be maintained in good condition 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 record of the existing drainage facilities on the site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.8.2021;
- (g) 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 19.11.2021;
- (h) in relation to (g) 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 19.2.2022;
- (i) if any of the above planning condition (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 condition (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.”

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

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/578 Temporary Container and Goods Vehicle Park and Open Storage of Construction Materials with Ancillary Tyre and Vehicle Repair Areas, Site Office, Staff Canteen and Storage Uses for a Period of 18 Months in “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” Zone, Lot 769 RP (Part) in D.D. 99, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/578B)

Presentation and Question Sessions

103. Ms Irene W.S. Lai, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) temporary container and goods vehicle park and open storage of construction materials with ancillary tyre and vehicle repair areas, site office, staff canteen and storage uses for a period of 18 months;
- (c) departmental comments were set out in paragraph 10 of the Paper;
- (d) during the statutory publication period, six public comments from a member of the Yuen Long District Council, World Wide Fund for Nature Hong Kong, Hong Kong Bird Watching Society, Kadoorie Farm and Botanic Garden, Designing Hong Kong Limited and an individual objecting to the application were received. 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.

The applied uses were not in line with the planning intention of the “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (“OU(CDWRA)”) zone and Town Planning Board Guidelines No. (TPB PG-No.) 12C and the applicant had not provided strong planning justification for a departure from the planning intention, even on a temporary basis. The proposed uses were considered incompatible with the surrounding areas. The Director of Environmental Protection did not support the application as the applicant failed to demonstrate that the applied uses would not cause noise nuisance and adverse water quality impact. The Director of Agriculture, Fisheries and Conservation had reservation on the application as the application site (the Site) was within the Wetland Buffer Area (WBA) in proximity to the fish ponds in the wetland conservation area within Deep Bay Area and the applicant failed to demonstrate compliance with the planning intention of WBA or the “OU(CDWRA)” zone. The Chief Town Planner/Urban Design and Landscape of PlanD also had reservation on the application from landscape planning perspective. Other relevant departments had no adverse comment on the application. The application was considered not in line with the TPB PG-No. 13F. The Committee or the Board had rejected nine previous applications for temporary container vehicle park/vehicle repair workshop uses and 10 similar applications for container vehicle parking uses within the “OU(CDWRA)” zone. There were no special circumstances pertaining to the application that might warrant sympathetic consideration by the Committee. Rejection of the application was in line with the previous decisions of the Committee and the Board on similar applications in the area. Regarding the public comments received, the comments of government departments and planning assessments above were relevant.

104. In response to a Member’s question, Ms Irene W.S. Lai, STP/FSYLE, said that the Site was subject to two active planning enforcement cases for unauthorised developments (UD). Since the UD’s had not been discontinued upon expiry of the Enforcement Notices, prosecution actions had been taken.

Deliberation Session

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

- “(a) the development is not in line with the planning intention of the “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” zone, which is to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential and/or recreational development to include wetland restoration area, and to phase out existing sporadic open storage and port back-up uses on degraded wetlands. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the development is not in line with the Town Planning Board Guidelines for Application for Developments within Deep Bay Area (TPB PG-No. 12C) in that the applicant fails to demonstrate that the proposed development is compliant with the intention of the Wetland Buffer Area to protect the ecological integrity of the fish ponds and wetland within the Wetland Conservation Area and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds; and
- (c) the development is not in line with the Town Planning Board Guidelines for Application for Temporary Open Storage and Port Back-up Uses (TPB PG-No. 13F) in that the applicant has failed to demonstrate that the development would not result in adverse noise and water quality impacts on the surrounding areas. Approval of the application would result in a general degradation of the environment in the areas.”

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/587 Proposed Temporary Public Vehicle Park (Private Cars Only) for a Period of 3 Years in “Village Type Development” Zone, Lot 733 S.D ss.11 (Part) in D.D. 99, Yan Shau Wai, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/587)

Presentation and Question Sessions

106. Ms Irene W.S. Lai, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed temporary public vehicle park (private cars only) for a period of three years;
- (c) departmental comments were set out in paragraph 10 of the Paper;
- (d) during the statutory publication period, three public comments from the San Tin Rural Committee and two individuals objecting to the application were received. Major views were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application on a temporary basis for three years based on the assessments set out in paragraph 12 of the Paper. Approval of the application on a temporary basis for a period of three years would not frustrate the long term planning intention of the “V” zone. The proposed use was not incompatible with the surrounding areas. Although the site fell within the Wetland Buffer Area, it was specified in the Town Planning Board Guidelines No. 12C that planning applications for temporary uses were exempted from the requirement of ecological impact assessment.

Relevant government departments including the Director of Agriculture, Fisheries and Conservation had no objection to or no adverse comment on the application. There were 23 approved applications for public vehicle park uses, of which, 14 were to serve the local villagers similar to the current application. Approval of the application was in line with the previous decisions of the Committee. To minimise any possible environmental nuisance and to address the technical requirements of the concerned government departments, appropriate approval conditions were recommended. Regarding the public comments received, 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 14.5.2024 on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no vehicle other than private cars as defined in the Road Traffic Ordinance is allowed to enter/be parked on the site at any time during the planning approval period;
- (b) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the site at any time during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (d) no workshop activity, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (e) the submission of a drainage proposal within 6 months from the date of

planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.11.2021;

- (f) in relation to (e) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.2.2022;
- (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 14.11.2021;
- (i) in relation to (h) above, the implementation of the fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.2.2022;
- (j) if any of the above planning condition (a), (b), (c), (d) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (k) if any of the above planning condition (e), (f), (h) or (i) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/588 Renewal of Planning Approval for Temporary Public Vehicle Park (For Private Cars and Lok Ma Chau - Huanggang Cross Boundary Shuttle Buses Only) with Ancillary Facilities (Including a Refreshment Kiosk) for a Period of 3 Years in “Undetermined” Zone, Lot 372 S.D RP (Part) in D.D. 99 and Adjoining Government Land in San Tin, Yuen Long (RNTPC Paper No. A/YL-ST/588)

110. The Committee noted that the application was for renewal of planning approval for temporary public vehicle park (for private cars and Lok Ma Chau - Huanggang cross boundary shuttle buses only) with ancillary facilities (including a refreshment kiosk) for a period of three years. During the statutory publication period, one public comment from an individual providing views on the application was received. Major views were set out in paragraph 11 of the Paper.

111. The Committee noted that the Planning Department had no objection to the application 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 and 13F and concerned government departments had no objection to or no adverse comment on the application. To minimise any possible environmental nuisance and to address the technical requirements of the concerned government departments, appropriate approval conditions were recommended.

112. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years and be renewed from 23.5.2021 to 22.5.2024 on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the setting back of the western boundary of the site at least 1.5m from the centreline of the existing 150mm diameter water mains at any time during the planning approval period;

- (b) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the site at any time during the planning approval period;
- (c) only private cars as defined in the Road Traffic Ordinance and Lok Ma Chau – Huanggang Cross Boundary Shuttle Buses are allowed to be parked on 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 only private cars as defined in the Road Traffic Ordinance and Lok Ma Chau – Huanggang Cross Boundary Shuttle Buses are allowed to be parked on the site at any time during the planning approval period;
- (e) no vehicle washing, vehicle repair, dismantling, paint spraying or other workshop activity is allowed on the site at any time during the planning approval period;
- (f) the maintenance of the paving on the site at all times during the planning approval period;
- (g) the maintenance of the boundary fencing on the site at all times during the planning approval period;
- (h) the maintenance of the buffer area within the site fronting Castle Peak Road – San Tin and no vehicle is allowed to queue back to or reverse onto/from public road at any time 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 existing landscape plantings on the site shall be maintained in good condition at all times during the planning approval period;

- (k) the submission of photographic records of the existing drainage facilities on the site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.8.2021;
- (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 23.11.2021;
- (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 23.2.2022;
- (n) if any of the above planning condition (a), (b), (c), (d), (e), (f), (g), (h), (i) or (j) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (o) if any of the above planning condition (k), (l) or (m) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (p) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

[The Chairman thanked Mr Anthony K.O. Luk, DPO/FSYLE, and Ms S.H. Lam, Mr Patrick M.Y. Fung, Ms Ivy C.W. Wong and Ms Irene W.S. Lai, STPs/FSYLE, for their attendance to answer Members’ enquiries. They left the meeting at this point.]

Tuen Mun and Yuen Long West District

[Mr Steven Y.H. Siu, Mr Simon P.H. Chan, Mr Alexander W.Y. Mak 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 29

Section 16 Application

[Open Meeting]

A/TM/561 Shop and Services and Wholesale Trade with Ancillary Warehouse in
“Other Specified Uses” annotated “Business” Zone, Workshop Units
17A and 17, G/F, Hang Wai Industrial Centre, No. 6 Kin Tai Street,
Tuen Mun
(RNTPC Paper No. A/TM/561)

114. The Committee noted that the applicant’s representative requested on 3.5.2021 deferment of consideration of the application for two months so as to allow more time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/520 Proposed Temporary Crane Training Centre with Ancillary Facilities for a Period of 3 Years in “Conservation Area” and “Agriculture” Zones, Lots 1463 RP and 1464 in D.D. 118 and Adjoining Government Land, Tai Tong, Yuen Long
(RNTPC Paper No. A/YL-TT/520)

Presentation and Question Sessions

116. 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 crane training centre with ancillary facilities for a period of three years;
- (c) departmental comments were set out in paragraph 9 of the Paper;
- (d) during the statutory publication period, one public comment from Kadoorie Farm and Botanic Garden objecting to the application was received. 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 use was not in line with the planning intention of the “Conservation Area” (“CA”) zone and there was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis. The Director of Agriculture, Fisheries and Conservation had reservation on the application as there were active agricultural activities and agricultural infrastructures in the vicinity and the

application site (the Site) possessed potential for agricultural rehabilitation. The proposed use was generally incompatible with the rural fringe character of the area. The Director of Environmental Protection did not support the application as there were sensitive receivers of residential use in the vicinity of the Site. The Chief Town Planner/Urban Design and Landscape of PlanD had reservation on the application and considered that the cumulative effect of approving the application would result in a general degradation of the landscape quality of the surrounding environment in the “CA” zone. Regarding the public comment received, the comments of government departments and planning assessments above were relevant.

117. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed use is not in line with the planning intention of the “Conservation Area” zone, which is primarily to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes. No strong planning justification has been given in the submission to justify a departure from the planning intention, even on a temporary basis; and
- (b) the applicant fails to demonstrate that the development would not generate adverse environmental and landscape impacts on the surrounding areas.”

Agenda Items 31 and 32

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/1081 Temporary Warehouse for Storage of Construction Materials, Construction Machinery, Used Electrical/Electronic Appliances and Parts and Scrap Metal for a Period of 3 Years in “Residential (Group A) 3”, “Government, Institution or Community (1)”, “Undetermined” Zones and area shown as ‘Road’, Lots 1523 (Part), 1527 (Part), 1530 (Part), 1531 S.A, 1531 S.B and 1532 (Part) in D.D. 119, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/1081A)

A/YL-TYST/1089 Proposed Temporary Warehouse for Storage of Construction Material for a Period of 3 Years in “Undetermined” Zone, Lot 864 S.A & S.B (Part) in D.D. 119, Yuen Long
(RNTPC Paper No. A/YL-TYST/1089)

119. The Committee noted that the two applications for temporary warehouse for a period of three years were similar in nature and the sites were in close proximity to each other and within the same “Undetermined” (“U”) zone, and agreed that they could be considered together.

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) temporary warehouse for a period of three years;
- (c) departmental comments were set out in paragraph 9 of the Papers;

- (d) during the statutory publication period, for each of the two applications, two public comments from individuals, with one objecting and the other raising concern on the application, were received. Major views were set out in paragraph 10 of the Papers; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under the two applications could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Papers. The applied uses were not in conflict with the planning intention of the “U” zone and approval of the applications on a temporary basis of three years would not jeopardise the long-term development of the application sites. The applied use was generally not incompatible with the surrounding uses. The Director of Environmental Protection did not support application No. A/YL-TYST/1081 as there were sensitive receivers of residential uses in the vicinity of the application site but there was no environmental complaint in the past three years; and he had no adverse comment on application No. A/YL-TYST/1089. Other concerned government departments had no objection to or adverse comment on the applications. To minimise any possible environmental nuisance and to address the technical requirements of the concerned government departments, appropriate approval conditions were recommended. As the previous applications of both applications were revoked due to non-compliance with approval conditions, shorter compliance periods were proposed to closely monitor the compliance progress. Approval of the applications was in line with the Committee's previous decisions. Regarding the public comments received, the comments of government departments and planning assessments above were relevant.

121. Members had no question on the applications.

Deliberation Session

122. After deliberation, the Committee decided to approve the applications on a temporary basis for a period of 3 years until 14.5.2024 on the terms of the applications as

submitted to the Town Planning Board (TPB) and subject to the following conditions :

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- “(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 heavy goods vehicles, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) no workshop activities and storage/handling of cathode-ray tubes and any other types of electronic waste, as proposed by the applicant, are allowed on the site during the planning approval period;
- (f) the existing trees on the site shall be maintained at all times during the planning approval period;
- (g) the existing boundary fencing on the site shall be maintained at all times during the planning approval period;
- (h) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (i) the submission of a condition record of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by

14.8.2021;

- (j) the submission of a revised fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.8.2021;
- (k) in relation to (j) above, the implementation of the revised 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 14.11.2021;
- (l) if any of the above planning condition (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (m) if any of the above planning condition (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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- “(a) no operation between 5:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no medium or heavy goods vehicles, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at

any time during the planning approval period;

- (e) the provision of boundary fencing on the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 14.8.2021;
- (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 14.11.2021;
- (g) in relation to (f) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (h) 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 14.11.2021;
- (i) if any of the above planning condition (a), (b), (c), (d) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (j) if any of the above planning condition (e), (f) 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.”

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

Additional Item 32A

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/1086 Proposed Public Utility Installation (Sewage Pumping Station) in
“Residential (Group A) 1” Zone, Government Land in D.D. 122, Long
Bin, Yuen Long
(RNTPC Paper No. A/YL-TYST/1086A)

124. The Secretary reported that the application was submitted by the Civil Engineering and Development Department (CEDD). Ove Arup & Partners Hong Kong Limited (ARUP) was the consultant of the applicant. The following Members had declared interests on the item:

- | | | |
|----------------|---|--|
| Dr C.H. Hau | - | currently conducting contract research projects with CEDD; and |
| Mr K.K. Cheung | - | his firm having current business dealings with ARUP. |

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

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

Presentation and Question Sessions

126. 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 public utility installation (sewage pumping station (SPS));

- (c) departmental comments were set out in paragraph 9 of the Paper;
- (d) during the statutory publication period, one public comment from an individual providing views on the application was received. Major views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. While the proposed use was not entirely in line with the planning intention of the “Residential (Group A)” (“R(A)”) zone, the proposed public utility installation would provide essential service to cope with the sewage generated from the adjoining planned public housing development at Long Bin and several existing developments. The proposed SPS was small in scale and the proposed use was not incompatible with the surrounding area. Concerned government departments had no objection to or no adverse comment on the application. Regarding the public comment received, the comments of government departments and planning assessments above were relevant.

127. Members had no question on the application.

Deliberation Session

128. 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 14.5.2025, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

“the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.”

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

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/1090 Proposed Temporary Shop and Services (Vehicle Parts) with Ancillary Vehicle Repair Workshop for a Period of 5 Years in “Other Specified Uses” annotated “Storage and Workshop Use” Zone and area shown as ‘Road’, Lots 295 RP, 296 S.D, 298 RP (Part) in D.D. 121, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/1090)

Presentation and Question Sessions

130. 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 (vehicle parts) with ancillary vehicle repair workshop for a period of five years;
- (c) departmental comments were set out in paragraph 9 of the Paper;
- (d) during the statutory publication period, four public comments from individuals were received, including three comments objecting to the application and one comment raising concerns. Major views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application on a temporary basis for three years based on the assessments set out in paragraph 11 of the Paper. The proposed use was not entirely in line with the planning intention of the “Other Specified Uses” annotated “Storage and Workshop Use” zone, approval of the application on a temporary basis of five years would not jeopardise the long-term

development of the application site. The proposed use was generally not incompatible with the surrounding uses. Concerned government departments had no objection to or adverse comment on the application. To address the technical requirements of the concerned government departments, appropriate approval conditions were recommended. Regarding the public comments received, the comments of government departments and planning assessments above were relevant.

131. Members had no question on the application.

Deliberation Session

132. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 14.5.2026 on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 7:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no medium or heavy goods vehicles, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the existing boundary fencing 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 14.11.2021;

- (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 14.2.2022;
- (h) in relation to (g) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (i) the submission of a 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 14.11.2021;
- (j) in relation to (i) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.2.2022;
- (k) if any of the above planning condition (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
- (l) if any of the above planning condition (f), (g), (i) or (j) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/299 Proposed Filling of Land for 33 Permitted Houses (New Territories Exempted Houses only) in “Village Type Development” Zone, Various Lots in D.D. 124, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/HSK/299)

Presentation and Question Sessions

134. Mr Simon P.H. Chan, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed filling of land for 33 permitted houses (New Territories Exempted Houses (NTEH) – Small Houses);
- (c) departmental comments were set out in paragraph 9 of the Paper;
- (d) during the statutory publication period, two public comments from individuals objecting to and having query on the application were received. Major views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. Whilst ‘House (NTEH only)’ was always permitted within the “Village Type Development” (“V”) zone, filling of land within “V” zone was subject to planning permission as it might cause adverse drainage impacts on the adjacent areas. The Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) had no objection in principle to the application from drainage point of view. The proposed level of land filling was not excessive and could maintain a comparable site formation level to the

surrounding areas. Other concerned government departments had no objection to or no adverse comment on the application. Part of the application site (the Site) was involved in a previously approved application for utility installation for private project (electricity transformer room) and excavation of land to support future Small House development at the Site, which was approved with conditions by the Committee in 2019. Regarding the public comments received, the comments of government departments and planning assessments above were relevant.

135. Some Members raised the following questions :

- (a) planning intention of requiring filling of land to obtain planning permission;
- (b) whether the proposed filling of land would affect the adjacent areas; and
- (c) whether the applicant was the current land owner of the Site.

136. In response, Mr Simon P.H. Chan, STP/TMYLW, made the following main points:

- (a) according to the Notes of the approved Hung Shui Kiu and Ha Tsuen Outline Zoning Plan (OZP) No. S/HSK/2, 'House (NTEH only)' was always permitted within "V" zone. Any filling of land, including that to effect a permitted use, required planning permission from the Town Planning Board (the Board) as it might cause flooding and adverse drainage impacts on the adjacent areas;
- (b) the proposed filling would not create adverse drainage impacts on the adjacent areas. As shown in Drawings A-6a and A-6b of the Paper, the proposed filling would be 0.5m to 1m in depth and the finished level at 11mPD would be similar to the level of the adjacent Tin Ha Road. CE/MN, DSD had no objection in principle to the application from drainage point of view. Should the application be approved, an approval condition would be stipulated requiring the applicant to submit a drainage proposal

including drainage mitigation measures before commencement of land filling works, and to implement the drainage proposal upon completion of all the land filling works; and

- (c) the applicant was not a ‘current land owner’ of the Site which comprised 94 private lots.

Deliberation Session

137. Members noted that NTEH was always permitted in the “V” zone and planning application for land filling was only required due to possible adverse drainage impacts and in the subject case, DSD had no objection to the application. Members noted that there was no similar application for filling of land within the same “V” zone on the OZP; and that house development that was non-NTEH required planning permission from the Board.

138. Members also noted from paragraph 3 of the Paper that the applicant was not a ‘current land owner’ but had complied with the requirements as set out in the Town Planning Board Guidelines No. 31A on satisfying the “Owner’s Consent/Notification” requirements by publishing notice on newspapers and sending notice to the Ping Shan Rural Committee by registered mail. Members also noted that if the land owners did not agree to the land filling, it was a matter to be resolved between the land owners and the applicant.

139. A Member said that the applicant was not a site owner and the Lands Department (LandsD) had not received any application for Small House development on the Site, there was doubt that the proposed land filling might be for an estate type of house development involving illegal transfer of indigenous villagers’ rights to build Small Houses. Mr Alan K.L. Lo, Assistant Director/Regional 3, LandsD said that there was an established mechanism in processing Small House applications, for example, the applicant must be an indigenous villager of a recognised village, be the sole and registered lot owner and had not entered into any arrangement or agreement with any person to transfer, alienate, dispose or otherwise deal with his rights in and over the subject lot. In case of false representation or fraud detected in the Small House grant application, criminal prosecution could be initiated. When information on false representation by an applicant or potential abuse of Small House policy came to light, LandsD would carry out thorough investigation and refer the case to the law enforcement departments for investigation and prosecution action.

140. 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 14.5.2025, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission of a drainage proposal including drainage mitigation measures before commencement of any further land filling works on the site to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) in relation to (a) above, the implementation of the drainage proposal including the drainage mitigation measures upon completion of all the land filling works on the site to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) if any of the above planning condition (a) or (b) is not complied with before commencement or upon completion of the land filling works, respectively, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.”

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

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

Agenda Item 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/300 Renewal of Planning Approval for Temporary Shop and Services (Fresh Provision Shop) for a Period of 3 Years in “Open Space” Zone, Lot 1315 RP (Part) in D.D. 124 and Adjoining Government Land, San Sang San Tsuen, Yuen Long
(RNTPC Paper No. A/HSK/300)

142. The Committee noted that the application was for renewal of planning approval for temporary shop and services (fresh provision shop) for a period of three years. During the statutory publication period, two public comments from individuals raising concerns/objecting to the application were received. Major views were set out in paragraph 11 of the Paper.

143. The Committee noted that the Planning Department had no objection to the application 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 and concerned government departments had no objection to or no adverse comment on the application. To minimise any possible environmental nuisance and to address the technical requirements of the concerned government departments, appropriate approval conditions were recommended.

144. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years and be renewed from 7.7.2021 to 6.7.2024 on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

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

- (b) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;

- (c) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) the existing fire service installations shall be maintained in efficient working order at all times during the planning approval period;
- (e) the submission of a condition record of the existing drainage facilities on the site within 3 months from the date of commencement of the renewal planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.10.2021;
- (f) if any of the above planning condition (a), (b), (c), or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (g) if the above planning condition (e) 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.”

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

Agenda Item 36

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/301 Renewal of Planning Approval for Temporary Shop and Services (Retail Shop for Pet Goods) and Dog Breeding Centre for a Period of 3 Years in “Open Space” Zone, Lot 1315 RP (Part) in D.D.124 and Adjoining Government Land, San Sang San Tsuen, Yuen Long (RNTPC Paper No. A/HSK/301)

146. The Committee noted that the application was for renewal of planning approval for temporary shop and services (retail shop for pet goods) and dog breeding centre for a period of three years. During the statutory publication period, one public comment from an individual providing views on the application was received. Major views were set out in paragraph 11 of the Paper.

147. The Committee noted that the Planning Department considered that the temporary use could be tolerated for a further 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 and concerned government departments had no objection to or no adverse comment on the application. To minimise any possible environmental nuisance and to address the technical requirements of the concerned government departments, appropriate approval conditions were recommended.

148. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years and be renewed from 7.7.2021 to 6.7.2024 on the terms of the application as submitted to the TPB (TPB) and subject to the following conditions :

- “(a) no operation from 8:00 p.m. to 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;
- (c) the dogs shall be kept inside the enclosed structures for dog breeding at all times during the planning approval period;
- (d) no public announcement system, whistle blowing, portable loudspeaker or any form of audio amplification system is allowed to be used at the Site at any time during the planning approval period;
- (e) the existing trees and landscape plantings on the site shall be maintained at all times during the planning approval period;

- (f) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (g) the existing fire service installations on the site shall be maintained in efficient working order 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 renewal planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.10.2021;
- (i) if any of the above planning condition (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
- (j) 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.”

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

Agenda Item 37

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/302 Temporary Public Vehicle Park (Private Car and Light Goods Vehicle)
for a Period of 3 Years in “Open Space” Zone and area shown as
‘Road’, Lots 904 S.B RP and 907 RP in D.D. 125, Ha Tsuen, Yuen
Long
(RNTPC Paper No. A/HSK/302)

Presentation and Question Sessions

150. 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 public vehicle park (private car and light goods vehicle) for a period of three years;
- (c) departmental comments were set out in paragraph 9 of the Paper;
- (d) during the statutory publication period, two public comments from two individuals raising concerns on/objecting to the application were received. Major views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. Although the applied use was not in line with the planning intention of the “Open Space” (“O”) zone, approval of the application on a temporary basis of three years would not jeopardise the long-term development of the area. The applied use was generally not incompatible with the surrounding land uses. Concerned government departments had no objection to or no adverse comment on the application. To minimise any possible environmental nuisance and to address the technical requirements of the concerned government departments, appropriate approval conditions were recommended. There were five previous applications for temporary public vehicle park use at the site and three similar applications within the same “O” zone. Approval of the application was in line with the Committee's previous decisions. Regarding the public comments received, the comments of government departments and planning assessments above were relevant.

151. Members had no question on the application.

Deliberation Session

152. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 14.5.2024 on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation from 11:00 p.m. to 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no vehicle without valid license issued under the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on the site at any time during the planning approval period;
- (c) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container trailers/tractors, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (d) a notice shall be posted at a prominent location of the site to indicate that no medium or heavy goods vehicles exceeding 5.5 tonnes, including container trailers/tractors, 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;
- (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 existing trees and landscape plantings on the site shall be maintained at all times during the planning approval period;
- (g) the existing fencing on the site shall be maintained at all times during the

planning approval period;

- (h) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (i) the submission of a condition record of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.8.2021;
- (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 14.11.2021;
- (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 14.2.2022;
- (l) if any of the above planning condition (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (m) if any of the above planning condition (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

Agenda Item 38

Section 16 Application

[Open Meeting]

A/HSK/303

Temporary Open Storage of Metals and Plastics with Ancillary Office and Plastic Processing Workshop for a Period of 3 Years in “Government, Institution or Community” Zone and area shown as ‘Road’, Lot 256 (Part) in D.D. 125, San Wai, Ha Tsuen, Yuen Long (RNTPC Paper No. A/HSK/303)

154. The Committee noted that the applicant’s representative requested on 4.5.2021 deferment of consideration of the application for two months so as to allow more time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

Agenda Item 39

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/337-1 Proposed Extension of Time for Commencement of the Approved Flat and Minor Relaxation of Building Height Restriction for a Period of 2 Years until 23.6.2023 in “Residential (Group E)” Zone, Lots 464 S.A ss.1, 464 S.B, 465, 472 S.A RP and 472 S.B RP in D.D. 130, San Hing Road, Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/337-1)

Presentation and Question Sessions

156. Mr Alexander W.Y. Mak, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed extension of time for commencement (EOT) of the approved flat development and minor relaxation of building height restriction for a period of 2 years until 23.6.2023 (i.e. additional 2 years from the original approval);
- (c) departmental comments were set out in paragraph 8 of the Paper; and
- (d) the Planning Department (PlanD)’s views – PlanD did not support the application for EOT for commencement of the approved development based on the assessments set out in paragraph 9 of the Paper. The EOT application was not in line with the assessment criteria set out in the Town Planning Board Guidelines No. 35C. Since obtaining planning approval on 23.6.2017, the only action taken by the Applicant was submission of a land exchange application (LEA). The applicant failed to demonstrate that genuine effort had been made in taking reasonable actions for the implementation of the approved development, as the applicant had not

submitted building plan nor made submissions for complying with any of the approval conditions. The applicant also failed to demonstrate that there was a good prospect to commence the proposed development within the applied extension period of two years. Since the original approval given in 2017, the Government had demonstrated strong commitment to implementing the proposed housing development at San Hing Road and Hong Po Road in that the Civil Engineering and Development Department (CEDD) had substantially completed the feasibility study for the public housing development (the Study). In that regard, the Director of Housing did not support the EOT. The District Lands Officer/Tuen Mun (DLO/TM) of Lands Department (LandsD) advised that notwithstanding whether the EOT was approved or not, he would not process the LEA for the time being. Other concerned departments had no objection to or adverse comment on the application.

157. Some Members raised the following questions:

- (a) the latest position of the LEA, and whether the implementation of the approved development was affected by the special work arrangement of Government departments during the pandemic as claimed by the applicant;
- (b) implication on the original planning approval if the EOT application was rejected; and
- (c) the difference between application No. A/TM-LTYYY/273-1 with EOT allowed by the Town Planning Appeal Board (TPAB) and the subject EOT application; and whether there would be any difference in the terms of land resumption if invoked later.

158. In response, Mr Alexander W.Y. Mak, STP/TMYLW, made the following main points:

- (a) the applicant had submitted a LEA to LandsD for the approved scheme under application No. A/TM-LTYYY/337 in July 2017 with several enquiry letters on the progress since then. DLO/TM, LandsD and the

Development Bureau advised the applicant via various letters between 2018 and 2020 that the Site fell within the development area under the feasibility study of the proposed public housing development at San Hing Road and Hong Po Road, and that the processing of the LEA had been put on hold pending the result of the Study. Correspondences between the applicant and the Government were enclosed in Appendix I of the Paper. Other than the above action, the applicant had not made any building plan submission nor submission for complying with any of the approval conditions of the planning permission since the original approval given in 2017;

- (b) should the EOT application be rejected by the Committee, the planning permission would lapse on 23.6.2021; and
- (c) the Board rejected the EOT for application No. A/TM-LTYYY/273-1 based on the ground that there was a material change in planning circumstances but that point was not accepted by the TPAB. Both the Board and TPAB noted that the applicant of application No. A/TM-LTYYY/273-1 had taken reasonable actions for implementation of the approved scheme, which was not demonstrated in the current EOT application. Regarding the land resumption matter, it would be dealt with in the project implementation stage of the proposed public housing development at San Hing Road and Hong Po Road.

159. The Chairman further supplemented that the applicant of application No. A/TM-LTYYY/273-1 with the approved EOT might continue to pursue the implementation of its approved scheme while recognising that the Government might initiate land resumption for implementation of the proposed public housing in future. However, if the current application was rejected by the Committee, the applicant could not proceed with the approved scheme unless he successfully sought an approval of the EOT application under review/appeal of the Committee's/Board's decision.

160. Mr Alan K.L. Lo, Assistant Director/Regional 3 of LandsD, further supplemented that there was an established land resumption mechanism under the Lands Resumption Ordinance, and each case would be considered on individual basis.

Deliberation Session

161. The Chairman invited Members to consider whether the EOT application had satisfied the criteria set out in the Town Planning Board Guidelines No. 35C, including whether the applicant had taken reasonable actions for implementation of the approved development, and whether they had demonstrated a good prospect to commence the proposed development within the extended time limit. Despite that the LEA had been put on hold, the applicant could have tried to submit building plans or comply with the approval conditions to take forward the approved development.

162. A Member considered that the applicant's ground on implementation of the proposed development being affected by the pandemic not justified as the original application was approved in 2017, which was well before the start of the pandemic in 2020.

163. Members generally did not support the EOT application and considered that the applicant had not taken reasonable actions for implementation of the approved development.

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

“the application is not in line with Town Planning Board Guidelines No. 35C in that the applicant fails to demonstrate that genuine effort has been made in taking reasonable actions for implementation of the approved development, and that there is a good prospect to commence the proposed development within the applied extension period.”

Agenda Item 40

Section 16 Application

[Open Meeting]

A/TM-LTYYY/400 Proposed Temporary Place of Recreation, Sports or Culture (Sports Training Ground) for a Period of 3 Years in “Green Belt” Zone, Government Land (Former Lam Tei Gospel School) in D.D. 130, Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTYYY/400B)

165. The Committee noted that the applicant requested on 26.4.2021 deferment of consideration of the application for two months so as to allow more time to prepare further information to address departmental comments. It was the third time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information to address departmental comments.

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

Agenda Item 41

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/411 Renewal of Planning Approval for Temporary Shop and Services (Retail Shop and Ancillary Storage Use) for a Period of 3 Years in “Other Specified Uses” annotated “Petrol Filling Station” Zone and area shown as ‘Road’, 121 Castle Peak Road, Lot 2792 RP (Part) in D.D. 130 and adjoining Government Land, Lam Tei, Tuen Mun (RNTPC Paper No. A/TM-LTY Y/411)

167. The Secretary reported that the application was submitted by ExxonMobile Hong Kong Limited (EMHK). Jones Lang LaSalle Limited (JLL) was the consultant of the applicant. Mr K.K. Cheung had declared an interest on the item for his firm having current business dealings with EMHK and JLL. The Committee noted that Mr K.K. Cheung had tendered an apology for being unable to attend the meeting.

168. The Committee noted that the application was for renewal of planning approval for temporary shop and services (retail shop and ancillary storage use) for a period of three years. During the statutory publication period, three public comments were received, including two supporting/no objection comments from a member of the Tuen Mun District Council and the Chairman of Tuen Mun North East Area Committee, and one objecting comment from an individual. Major views were set out in paragraph 11 of the Paper.

169. The Committee noted that the Planning Department considered that the temporary use could be tolerated for a further 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 and concerned government departments had no objection to or no adverse comment on the application. To minimise any possible environmental nuisance and to address the technical requirements of the concerned government departments, appropriate approval conditions were recommended.

170. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years and be renewed from 7.7.2021 until 6.7.2024 on the

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

- “(a) the existing fire service installations implemented on the site shall be maintained in efficient working order at all times during the planning approval period; and
- (b) if the above planning condition (a) 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.”

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

Agenda Item 42

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/629 Proposed Temporary Public Vehicle Park for Private Car, Light Goods Vehicle & Medium Goods Vehicle for a Period of 3 Years in “Village Type Development” Zone, Lots 270 RP, 271 RP, 272 RP, 272 S.B, 272 S.C, 272 S.D, 272 S.E, 272 S.F, 272 S.G and 273 RP in D.D. 122, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/629A)

172. The Secretary reported that the application site was located in Ping Shan. Mr Ricky W.Y. Yu had declared an interest on the item for his firm having a project in Ping Shan area. As the interest of Mr Ricky W.Y. Yu was indirect, the Committee agreed that he could stay in the meeting.

Presentation and Question Sessions

173. Mr Alexander W.Y. Mak, STP/TMYLW, presented the application and covered

the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed temporary public vehicle park (PVP) for private car, light goods vehicle (LGV) & medium goods vehicle (MGV) for a period of three years;
- (c) departmental comments were set out in paragraph 9 of the Paper;
- (d) during the statutory publication period, a total of 106 public comments from individuals were received, including 103 supporting comments and three objecting comments. Major views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the 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, there was no Small House application approved within the application site (the Site). Approval of the application would not frustrate the long-term planning intention for the “V” zone and the vehicle park could provide parking spaces to serve the local residents. The proposed use was considered not incompatible with the surrounding land uses. The Director of Environmental Protection did not support the application as there were sensitive receivers of residential use in the vicinity, and environmental nuisance from traffic of heavy vehicles was expected. Other concerned government departments had no objection to or no adverse comment on the application. To minimise any possible environmental nuisance and to address the technical requirements of the concerned government departments, appropriate approval conditions were recommended. The Committee had approved one previous application for temporary public vehicle park (without medium goods vehicles) at the Site; 31 similar applications for temporary public vehicle park for private cars and/or light goods vehicles; and six similar applications for temporary public vehicle

park for private cars, light goods vehicles, coaches and 24-tonnes goods vehicles within the same “V” zone. Approval of the application was in line with the Committee’s previous decisions. Regarding the public comments received, the comments of government departments and planning assessments above were relevant.

174. In response to a Member’s question on whether the Board had previously approved PVP with MGV in the area, with the aid of Plan A-1a of the Paper, Mr Alexander W.Y. Mak, STP/TMYLW, said that there were six similar applications for temporary PVP for private cars, LGVs, coaches and 24-tonnes goods vehicles within the same “V” zone. According to the applicant, the Site was accessible from a local track leading to Tsui Sing Road and would not pass through the residential cluster to the immediate north of the Site. Besides, private cars would be parked along the northern boundary of the Site while LGVs and MGVs would be parked along the southern and eastern boundaries of the Site respectively to minimise potential nuisance to the village houses to the immediate north. The operation hours would be from 7 a.m. to 10 pm daily excluding public holidays.

Deliberation Session

175. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 14.5.2024 on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 10:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on 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, as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (d) no vehicle without valid licence issued under the Road Traffic Ordinance is

allowed to be parked/stored on the site, as proposed by the applicant, at any time during the planning approval period;

- (e) no vehicle washing, repairing, dismantling, car beauty and other workshop activity, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) the existing boundary fencing shall be maintained at all times during the planning approval period;
- (h) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (i) the submission of a condition record of the drainage facilities on the site within 3 months to the satisfaction of the Director of Drainage Services or of the TPB by 14.8.2021;
- (j) the implementation of the accepted fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.11.2021;
- (k) if any of the above planning condition (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (l) if any of the above planning condition (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.”

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

set out at Appendix V of the Paper.

Agenda Item 43

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/634 Proposed Temporary Public Vehicle Park (Private Car Only) with Ancillary Site Office for a Period of 3 Years in “Recreation” and “Village Type Development” Zones, Lots 280 (Part), 282 (Part), 284 (Part), 285 (Part), 286 (Part), 287 (Part) and 320 (Part) in D.D. 126, Fung Ka Wai, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/634)

177. The Secretary reported that the application site was located in Ping Shan. Mr Ricky W.Y. Yu had declared an interest on the item for his firm having a project in Ping Shan area. As the interest of Mr Ricky W.Y. Yu was indirect, the Committee agreed that he could stay in the meeting.

Presentation and Question Sessions

178. 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 public vehicle park (private car only) with ancillary site office for a period of three years;
- (c) departmental comments were set out in paragraph 9 of the Paper;
- (d) during the statutory publication period, one public comment from an individual objecting to the application was received. Major views were set out in paragraph 10 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. Whilst the proposed use was not entirely in line with the planning intention of the “Recreation” (“REC”) and “Village Type Development” (“V”) zones, there was no known development programme for the application site (the Site) in “REC” zone and no Small House application approved or under processing within the Site in the “V” zone. Approval of the application on a temporary basis for three years would not frustrate the long-term planning intention of the “REC” and “V” zones. The proposed use was not entirely incompatible with the surrounding areas. Concerned government departments had no objection to or no adverse comment on the application. To minimise any possible environmental nuisance and to address the technical requirements of the concerned government departments, appropriate approval conditions were recommended. There were eight previous applications for open storage of new vehicles or temporary war game centre on the Site and its adjoining area approved by the Committee since 1994. Approval of the application was generally in line with the previous decisions of the Committee. Regarding the public comment received, the comments of government departments and planning assessments above were relevant.

179. Members had no question on the application.

Deliberation Session

180. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 14.5.2024 on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) only private cars as defined in the Road Traffic Ordinance are allowed to enter/be parked on the site at any time during the planning approval period;
- (b) a notice should be posted at a prominent location of the site to indicate that

only private cars as defined in the Road Traffic Ordinance are allowed to enter/be parked on the site at any time during the planning approval period;

- (c) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the site at any time during the planning approval period;
- (d) no vehicle washing, vehicle repair, dismantling, paint spraying or other workshop activity, as proposed by the applicant, is allowed on 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) the existing trees on the site shall be maintained in good condition at all times during the planning approval period;
- (g) the existing boundary fencing on the site shall be maintained at all times during the planning approval period;
- (h) the 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 14.11.2021;
- (i) in relation to (h) 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 14.2.2022;
- (j) in relation to (i) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (k) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.11.2021;

- (l) in relation to (k) above, the implementation of the fire service installations proposal with 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.2.2022;
- (m) if any of the above planning condition (a), (b), (c), (d), (e), (f), (g) or (j) 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 condition (h), (i), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

Agenda Item 44

Section 16 Application

[Open Meeting]

A/YL-HTF/1113 Proposed Filling of Land for Permitted Agricultural Use in “Agriculture” Zone, Lots 386, 387 (Part), 390, 397 (Part) and 432 (Part) in D.D. 128 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HTF/1113)

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

Agenda Item 45

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/392 Temporary Warehouse for Storage of Plastic and Retail of Plastic Pellet for a Period of 3 Years in “Recreation” Zone, Lots 2019 (Part), 2037 (Part), 2038 (Part), 2054 (Part) and 2055 (Part) in D.D.129, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/392)

Presentation and Question Sessions

183. 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 warehouse for storage of plastic and retail of plastic pellet for a period of three years;
- (c) departmental comments were set out in paragraph 9 of the Paper;
- (d) during the statutory publication period, two public comments from individuals objecting the application were received. Major views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Although the applied use was not in line with the planning intention of the “Recreation” (“REC”) zone, there was no known programme to implement the zoned use on the Outline Zoning Plan and approval of the application on a temporary basis would not frustrate the long term planning intention of the “REC” zone. The applied use was not incompatible with the surrounding uses of the area.

Other concerned government departments had no objection to or adverse comment on the application. To minimise any possible environmental nuisance and to address the technical requirements of the concerned government departments, appropriate approval conditions were recommended. One previous application for the same use and four similar applications were approved in the vicinity. Approval of the application was in line with the Committee's previous decisions. As the previous application was revoked due to non-compliance with approval conditions, shorter compliance periods were proposed to closely monitor the compliance progress. Regarding the public comments received, the comments of government departments and planning assessments above were relevant.

184. Noting that the area zoned "REC" was mainly occupied by brownfield operations, a Member asked about the intention for zoning the area "REC". Ms Bonnie K.C. Lee, STP/TMYLW, said that the planning intention of the "REC" zone was primarily for recreational developments for the use of the general public. In view of the proximity to the "Coastal Protection Area" near the waterfront at Lau Fau Shan and the traffic constraint of Deep Bay Road, the area was considered not suitable for large scale development and was zoned "REC".

Deliberation Session

185. Members noted that for the two rejected similar applications within the same "REC" zone, one was rejected as it involved storage of large amount of cleaning products which the Director of Environmental Protection did not support and another involved workshop uses which might cause nuisance and there were adverse comments from departments. One Member expressed concern on the lack of incentive to develop recreational uses in the area currently zoned "REC", which had resulted in proliferation of temporary uses in the area.

186. A Member did not support the application as the applied use was considered not in line with the planning intention of the "REC" zone. Other Members generally agreed that although the applied use was not in line with the planning intention of the "REC" zone,

approval of the application on a temporary basis would not frustrate the long-term planning intention of the zone and that government departments had no adverse comments on the planning application.

187. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 14.5.2024 on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 6:00 p.m. 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) only private cars and light goods vehicles as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to be parked on or enter/exit the site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) no workshop activity and open storage of materials, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (f) the submission of a revised drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.8.2021;
- (g) in relation to (f) above, the implementation of the revised drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.11.2021;
- (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 submission of a revised fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.8.2021;
- (k) in relation to (j) above, the implementation of the revised 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 14.11.2021;
- (l) the provision of fencing within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 14.8.2021;
- (m) if any of the above planning condition (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 condition (f), (g), (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.”

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

Agenda Item 46

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/393 Proposed Filling of Land for Permitted Agricultural Use in “Coastal Protection Area” Zone, Lot 7 in D.D. 129, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/393)

Presentation and Question Sessions

189. 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 filling of land for permitted agricultural use;
- (c) departmental comments were set out in paragraph 9 of the Paper;
- (d) during the statutory publication period, four public comments from a District Council member, World Wild Fund for Nature Hong Kong, Kadoorie Farm and Botanic Garden and an individual objecting to the application were received. 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. Whilst agricultural use (other than plant nursery) was always permitted within the “Coastal Protection Area” (“CPA”) zone, there was a presumption against development, and filling of land within “CPA” zone was subject to planning permission as it might cause adverse drainage impact on the adjacent areas and adverse impact on the natural environment. While the Chief Engineer/Mainland North of Drainage Services Department had no objection to the application from the drainage

perspective and the Director of Agriculture, Fisheries and Conservation had no strong view on the application from the ecological perspective, the applicant had not provided justifications for the genuine need of filling 43% of the application site (the Site) with concrete. There was no strong planning justification in the submission for a departure from the planning intention of the “CPA” zone. The proposed extensive concrete filling of land was considered not compatible with the landscape character of the surrounding area. The Chief Town Planner/Urban Design and Landscape of PlanD had reservation on the application from landscape planning perspective. Other concerned government departments had no objection to or no adverse comment on the application. There was no previous application at the Site but three similar applications for filling and/or excavation of land and/or pond for different uses within the same “CPA” zone were all rejected by the Committee in 1998 and 2021. Other concerned government departments had no objection to or adverse comment on the application. There was no previous approval granted to the Site nor similar application within the subject “CPA” zone. Regarding the public comments received, the comments of government departments and planning assessments above were relevant.

190. Two Members raised the following questions:

- (a) whether the proposed fish tanks to be placed at the paved area would be considered as ‘Agricultural Use’; and
- (b) details of sewerage treatment.

191. In response, Ms Bonnie K.C. Lee, STP/TMYLW, made the following main points:

- (a) the fish tanks to be placed at the Site for fish farming would be considered as ‘Agricultural Use’. Should the current planning application for land filling be approved, the applicant would still be required to apply for a letter of approval for the proposed agricultural structures from the Lands

Department; and

- (b) other than the layout plan in Drawing A-1 of the Paper, the applicant had not provided any information on the proposed sewerage treatment.

Deliberation Session

192. Members noted that to the north and northwest of the Site were mainly vacant land, idle fish ponds overgrown with grass and wetland along the coastline of Deep Bay.

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

- “(a) the proposed filling of land is not in line with the planning intention of the “Coastal Protection Area” (“CPA”) zone which is to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment with a minimum of built development. There is a general presumption against development in this zone. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) the applicant fails to demonstrate that the proposed filling of land would not have significant adverse landscape impacts on the surrounding areas; and
- (c) approval of the application would set an undesirable precedent for similar applications for filling of land within the “CPA” zone and the cumulative effect of approving such similar applications would result in a general degradation of the natural environment of the area.”

Agenda Item 47

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/394 Proposed Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years and Filling of Land in “Village Type Development”, “Residential (Group A)” and “Green Belt” Zones, Lots 2804 (Part), 2826, 2827, 2844, 2845 (Part), 2846 and 2853 in D.D.129, Sha Kong Wai, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/394)

Presentation and Question Sessions

194. 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 public vehicle park for private cars and light goods vehicles for a period of three years and filling of land;
- (c) departmental comments were set out in paragraph 10 of the Paper;
- (d) during the statutory publication period, 27 public comments were received, including one comment from an individual raising concerns and 26 comments from the Kadoorie Farm and Botanic Garden, the World Wide Fund for Nature Hong Kong, villagers and individuals objecting to the application. Major views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 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 public vehicle park use could serve the local villagers/residents. There

was no Small House grant application approved or under processing by the Lands Department within the application site (the Site). Approval of the application on a temporary basis of three years would not jeopardise the long-term planning intention of the “V” zone. The proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone, but the Site was located at the peripheral area of the subject “GB” zone, and a major part of which had been formed and used for various approved developments. The proposed use was considered not entirely incompatible with the surrounding land uses. Whilst the Chief Town Planner/Urban Design and Landscape of PlanD had reservation on the application as vegetation clearance and significant landscape impact had taken place, other concerned government departments had no objection to or no adverse comment on the application. There were two previous applications for pond filling for agricultural use and recreational uses with public car park and 12 similar applications for public vehicle park use (private cars, light goods vehicles and/or medium goods vehicles) with/without filling of land in the vicinity covering the “V” and/or “GB” zone, which were approved by the Committee. Approval of the application was considered in line with the Committee’s previous decisions. Regarding the public comments received, the comments of government departments and planning assessments above were relevant.

195. A Member raised the following questions :

- (a) details of the last previously approved application; and
- (b) existing condition of the Site.

196. In response, Ms Bonnie K.C. Lee, STP/TMYLW, made the following main points:

- (a) the last previous application No. A/YL-LFS/39 for proposed recreational uses including barbecue spot, playground, refreshment kiosk, visitor centre, public car park and ancillary uses within the “GB” and “V” zones was

approved with conditions by the Committee in 1999. As shown in the aerial photo on Plan A-3 of the Paper, a go-kart racing field was included in the previous application. The go-kart racing field was no longer in operation; and

- (b) the site photos on Plans A-4a and A-4b of the Paper showed that the Site was vacant, partly hard paved and partly covered with loose soil and grass. Vegetation clearance including tree removal was observed within the “GB” portion of the Site and significant landscape impact had taken place.

Deliberation Session

197. In response to a Member’s question, the Secretary said that the Site mainly fell within development zones including “V” and “Residential (Group A)” where vegetation clearance and tree removal were anticipated upon development, and only a very small portion of the Site was within the peripheral area of the “GB” zone.

198. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 14.5.2024 on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

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

any time during the planning approval period;

- (e) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the site at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 14.11.2021;
- (h) the submission of a revised drainage proposal including flood mitigation measures within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.11.2021;
- (i) in relation to (h) above, the implementation of the revised drainage proposal including flood mitigation measures within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.2.2022;
- (j) in relation to (i) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (k) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.11.2021;
- (l) in relation to (k) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.2.2022;

- (m) if any of the above planning condition (a), (b), (c), (d), (e), (f) or (j) 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 condition (g), (h), (i), (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.”

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

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

Agenda Item 48

Any Other Business

200. There being no other business, the meeting was closed at 5:45 p.m.