

TOWN PLANNING BOARD

Minutes of 696th Meeting of the Rural and New Town Planning Committee held on 1.6.2022

Present

Director of Planning
Mr Ivan M.K. Chung

Chairman

Mr Stephen L.H. Liu

Vice-chairman

Mr L.T. Kwok

Mr K.W. Leung

Professor John C.Y. Ng

Dr Conrad T.C. Wong

Mrs Vivian K.F. Cheung

Mr Vincent K.Y. Ho

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

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

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

Assistant Director/Regional 3,
Lands Department
Ms Jane K.C. Choi

Deputy Director of Planning/District
Mr C.K. Yip

Secretary

Absent with Apologies

Dr C.H. Hau

Miss Winnie W.M. Ng

Dr Jeanne C.Y. Ng

Dr Venus Y.H. Lun

Mr K.L. Wong

In Attendance

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

Chief Town Planner/Town Planning Board
Ms Johanna W.Y. Cheng (a.m.)
Miss Josephine Y.M. Lo (p.m.)

Town Planner/Town Planning Board
Mr Ryan C.K. Ho (a.m.)
Mr Timothy T.C. Kau (p.m.)

Agenda Item 1

Matters Arising

[Open Meeting]

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

Fanling, Sheung Shui and Yuen Long East District

Agenda Item 2

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/KTN/2 Application for Amendment to the Approved Kwu Tung North Outline Zoning Plan No. S/KTN/2, To rezone the application site from “Comprehensive Development Area” to “Residential (Group B)1” and “Residential (Group C)1”, Lots 684 RP, 705 RP, 706 RP, 709 RP (Part), 711 RP (Part), 712, 713 RP, 714 RP, 715, 716, 717 PR (Part), 718 RP (Part), 719, 721 RP (Part) and 2158 RP (Part) in D.D. 92 and adjoining Government Land, Kwu Tung North
(RNTPC Paper No. Y/KTN/2C)

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

3. The Committee noted that Dr C.H. Hau had tendered an apology for being unable to attend the meeting.

Presentation and Question Sessions

4. The following representatives from the Planning Department (PlanD), Antiquities and Monument Office (AMO), Development Bureau and the applicant were invited to the meeting at this point:

PlanD

- Mr Anthony K.O. Luk - District Planning Officer/Fanling, Sheung Shui & Yuen Long East (DPO/FSYLE)
- Mr W.T. Chan - Town Planner/Fanling, Sheung Shui & Yuen Long East (TP/FSYLE)

AMO

- Ms Susanna L.K. Siu - Executive Secretary (Antiquities & Monuments) (ES(AM), AMO)
- Ms Fiona Y.C. Tsang - Curator (Historic Buildings)¹, AMO

Applicant's representatives

The Light Corporation Ltd.

Mr Nick Lo
Mr Robert Hong
Ms Jacqueline Lau

Lanbase Surveyors Ltd.

Mr C.K. Chan
Mr Anson Lee

ARK Associates Ltd.

Mr Jimmy Luk
Mr Marvin Kwan

Ramboll Hong Kong Ltd.

Mr Tony Cheng

MVA Asia Ltd.

Mr Charles Lee

ADI Ltd.

Ms Elsa Wong

Ecosystems Ltd.

Mr Kilnsmann Cheung

5. The Chairman extended a welcome and explained the procedures of the meeting. He then invited PlanD's representative to brief Members on the background of the application.

6. With the aid of a PowerPoint presentation, Mr Anthony K.O. Luk, DPO/FSYLE, briefed Members on the background of the application, the proposed rezoning of the Site, departmental and public comments, and the planning considerations as detailed in the Paper. PlanD had no in-principle objection to the proposed amendments to the "Comprehensive Development Area" ("CDA") zone by rezoning the southern portion to "Residential (Group B)1" ("R(B)1") and rezoning the northern portion to "Residential (Group C)1" ("R(C)1") with the respective development restrictions proposed by the applicant subject to preservation of the whole Enchi Lodge (the Lodge), i.e. the Main Building and the Ancillary Block, under the proposed Notes for the "R(B)1" zone.

7. The Chairman then invited the applicant's representatives to elaborate on the application. With the aid of a PowerPoint presentation, Mr C.K. Chan, the applicant's representative, made the following main points:

Background and the "CDA" zone

- (a) the planning intention of the "CDA" zone was primarily for comprehensive development/redevelopment of the area for residential use with the provision of open space and other supporting facilities. It also allowed flexibility to preserve the Lodge that was a Grade 2 historic building through a comprehensive residential development at the Site;
- (b) the northern portion of the Site, that was within the subject "CDA" zone, fell within the village 'environs' ('VE') of Yin Kong. Under the current land policy, the land within 'VE' was intended to reserve for New

Territories Exempted Houses (NTEH) for indigenous villagers. Hence, the Lands Department (LandsD) did not accept their land exchange for implementation of the approved residential development in the area within the 'VE' (under the previously approved application No. A/NE-KTN/131);

- (c) as the applicant thought that PlanD would rezone the northern portion of the Site within 'VE' to "Village Type Development" ("V") in future, an application to rezone only the southern portion of the Site (i.e. area outside the 'VE') for residential development was submitted by the applicant in 2017. That application was withdrawn in 2019 as the applicant was advised to submit a rezoning application covering the entire "CDA" zone for a more comprehensive consideration. The applicant had then spent efforts to update all relevant technical assessments in support of the revised development scheme. The current application was submitted in 2020 and the northern portion of the Site within the 'VE' was proposed to be rezoned to "R(C)1" for future village type development or potential low-density residential development;

Development Proposal and Heritage Conservation

- (d) the applicant fully recognised the importance for preservation of the Lodge, that was a Grade 2 historic building. Nonetheless, there were technical difficulties in preserving the Ancillary Block (only with a GFA of 110m²), as it was located at the proposed Emergency Vehicular Access (EVA) and vehicular turning area under the project scheme. To achieve a balance between heritage conservation and development, the applicant proposed to preserve the Main Building of the Lodge in-situ as a resident's clubhouse while demolishing the Ancillary Block;
- (e) a meeting with AMO was only held on 23.5.2022 and the applicant noted that the Government might provide some economic incentives to them for preservation of the Lodge. After the meeting, a preliminary review on alternative schemes for preservation of the Lodge was conducted, which indicated that the alternative schemes might not be viable as (i) part of the Ancillary Block fell within the 'VE' where non-NTEH land exchange

applications would not normally be entertained by LandsD under the current land policy; (ii) there was limited room to re-align the EVA which might encroach into the 'VE' and the proposed tower blocks (especially the footprint of Tower 3 might need to be reduced), and affect the refuse collection point; (iii) there might not be room for provision of pedestrian access to the Ancillary Block if space was to be reserved for re-alignment of the EVA; (iv) re-provisioning of some GFA from Tower 3 to the other two towers was subject to technical feasibility (including noise impact assessment) and the proposed plot ratio (PR) of 3 might not be achievable; (v) if the Ancillary Block was also used for residents' clubhouse, it might exceed the maximum GFA concession that might be granted by the Building Authority; and (vi) underground car park could no longer be feasible to be provided beneath the area where the Ancillary Block was located and the total number of car parking spaces would be reduced and the parking standard under the Hong Kong Planning Standards and Guidelines (HKPSG) could not be met; and

- (f) the applicant was willing to continue discussion with AMO to explore feasible conservation scheme at the Site. However, if the requirement for preservation of both the Main Building and the Ancillary Block was stipulated under the Notes as recommended by PlanD, the applicant might not be able to proceed with the development if it was found that preservation of the Ancillary Block was not feasible in future.

8. As the presentations of PlanD's representative and the applicant's representative were completed, the Chairman invited questions from Members.

9. The Chairman, the Vice-chairman and some Members raised the following questions to representatives of PlanD and AMO:

The "CDA" zone

- (a) the planning history and intention of the subject "CDA" zone;
- (b) noting that non-NTEH land exchange application within the 'VE' would

normally not be accepted by LandsD, whether the proposed rezoning of the northern portion of the Site to a residential zone could address such issue;

- (c) why PlanD did not consider to rezone the northern portion of the Site within the 'VE' to "V";
- (d) whether the northern boundary of the southern portion could be adjusted to not align exactly with the 'VE' boundary to allow some flexibility in the design of the EVA, whether the area of the northern portion was designated based on the Small House demand, and whether the proposed development parameters for the "R(C)1" zone in the northern portion were identical to those for NTEH developments;

Proposal

- (e) whether the maximum building height (BH) of 55mPD for the proposed "R(B)1" zone in the southern portion of the Site was compatible with BHs of existing/planned developments in the surrounding area;

Heritage Conservation

- (f) what the considerations were for preservation of both the Main Building and Ancillary Block of the Lodge from heritage conservation point of view;
- (g) noting that the Lodge (including the Ancillary Block) was accorded with a Grade 2 historic building status by the Antiquities Advisory Board (AAB), whether the concerned buildings were under any statutory protection from demolition, and whether the covered walkway connecting the Main Building and Ancillary Block formed part of the Grade 2 historic building;
and
- (h) noting that PlanD had recommended to approve the rezoning application subject to preservation of the Lodge (including the Ancillary Block) as a whole, should the preservation scheme be found technically infeasible in future, what mechanism was available for the applicant to pursue a development scheme with preservation of the Main Building only.

10. In response, Mr Anthony K.O. Luk, DPO/FSYLE and Ms Susanna L.K. Siu, ES(AM), AMO made the following main points:

The “CDA” zone

- (a) on the draft Kwu Tung North Development Permission Area Plan No. DPA/NE-KTN/1 published in 1991, the southern portion of the Site, covering the Lodge was zoned “Government, Institution or Community” (“G/IC”) to reflect the drug treatment centre operating there at that time. In 1994, the “G/IC” zone was extended northwards to cover the northern portion of the Site and was intended for long-term Government, institution and community uses and to serve as a buffer between Yin Kong and the drug treatment centre. Upon further consideration of the objection against the “G/IC” zoning submitted by the owner of the Lodge in 1996, the Town Planning Board (the Board), noting the land use history and having regard to the development right of the owner, decided to rezone the entire “G/IC” site to “CDA” with the intention for a comprehensive residential development with preservation of the Lodge in whole;

- (b) according to the Notes of the OZP, the applicant was required to submit a master layout plan (MLP) for development within the “CDA” zone. The Site was the subject of a previous s.16 planning application (No. A/NE-KTN/131) for residential development with a PR of 0.47 approved in 2009. The applicant failed to implement the approved scheme because the land exchange application for non-NTEH development in the northern portion of the Site was not accepted by LandsD as that area fell within the ‘VE’ of Yin Kong which was reserved for NTEH developments. In the current application, the Site was divided into two portions. The southern portion was proposed to be rezoned from “CDA” to “R(B)1” zone for a residential development with maximum PR of 3 and the northern portion was proposed to be rezoned from “CDA” to “R(C)1” with maximum PR of 1.1 for reserving land within the ‘VE’ for future village type development or potential low-density residential development. The proposed rezoning could facilitate early development of the southern portion including preservation of the Lodge by way of land exchange. Development of the

northern portion in future would be subject to the land policy;

- (c) based on PlanD's estimation, land available within the "V" zone of Yin Kong could accommodate 45 Small House developments while the number of outstanding Small House applications being processed by LandsD was only 7. Hence, there was no strong justification to enlarge the concerned "V" zone to cover the northern portion of the Site;
- (d) the applicant had adopted the 'VE' as the boundary between the two portions, but the area within the northern portion was not designated based on the Small House demand of Yin Kong. According to the indicative scheme in the application, 49 houses (3 storeys) each with GFA of about 194m² and a total PR of 1.1 was proposed in the northern portion (proposed "R(C)1" zone). The development parameters and setting were generally comparable to NTEH developments. The proposed "R(C)1" zone would allow flexibility for village type houses or low-density residential development in future;

Proposal

- (e) according to the indicative scheme, the southern portion mainly comprised three residential blocks (9 to 14 storeys) over a basement carpark with BHs ranging from 38.8mPD to 55mPD, which were considered compatible with the planned BH profile of the area with the future Kwu Tung North New Development Area (KTN NDA) to the west. The BH profile would descend from the KTN NDA Town Centre at 120mPD in the west to Long Valley in the east. The applicant had taken into account the BH profile of the KTN NDA as well as the BH of 75mPD for two similar s.12A applications approved in Kwu Tung South to the southwest of the Site in formulating the proposal. Should the application be approved, the BH restriction to be stipulated in the southern portion would be based on the tallest BH in the notional scheme i.e. 55mPD. The scheme submitted was notional and there was room for refinement and if needed, the applicant could submit an application for minor relaxation of BH restriction with justifications;

Heritage Conservation

- (f) AMO had been strongly encouraging the applicant to preserve the Lodge (including the Ancillary Block) in whole since 2009 in both writing and meetings, and AMO had been repeatedly stressing the same stance when commenting on the current application. The meeting held a week ago, as mentioned by the applicant's representative, was not the first time for AMO to raise the preservation of the Ancillary Block as the applicant said. The Lodge comprised a two-storey Main Building that was the main residence and an one-storey Ancillary Block at the rear for supporting facilities such as kitchen and staff quarters. The architecture of the Main Building was of countrified Italianate style with an admixture of Arts & Crafts and Art Deco features, and the Ancillary Block was of simple architecture with a pitched roof. The Ancillary Block provided support for the Main Building, and both buildings in entirety showed the social hierarchy in architecture and provided an understanding of the daily life of the society at that time. Both the Main Building and the Ancillary Block were collectively accorded with a Grade 2 historic building status by AAB in August 2010. Heritage value of the Lodge should be considered in its entirety;
- (g) the grading of historic buildings was administrative in nature and there was no statutory protection for preservation of the graded historic buildings. Nevertheless, the Government strongly encouraged owners of graded historic buildings to explore "preservation-cum-development" options by incorporating the graded buildings in future redevelopments. The covered walkway connecting the two buildings of the Lodge was not part of the Grade 2 building; and
- (h) the Committee had considered various preservation-cum-development proposals in the past. The Notes of the OZP would specify the intention for preservation of specific historic building(s) and any substantial change to the historic building(s) would require planning permission from the Board. Furthermore, based on the individual merits of a development proposal, there would be provision for application for minor relaxation of the development parameters (e.g. PR, site coverage and/or BH restrictions)

for approval by the Committee. That would provide flexibility for the applicant to refine the development proposal as appropriate to take into account, in the subject case, preservation of the Lodge in whole.

11. In response to a Member's enquiry on whether non-NTEH development, including provision of access road, within the 'VE' would be allowed by LandsD, Ms Jane K.C. Choi, Assistant Director/Regional 3, LandsD said that area within the 'VE' was generally reserved for NTEH developments by indigenous villagers under the standing practice. According to the prevailing practice of LandsD, unless there was full justification and/or overriding public interest, non-NTEH land exchange application within the 'VE' would normally not be entertained. According to LandsD's record, there was outstanding demand for Small House development in Yin Kong. If land exchange for providing access road within the 'VE' was submitted, it would be considered based on the case circumstances.

12. Some Members raised the following questions to the applicant's representatives:

- (a) whether alternative layouts had been considered to preserve the Lodge in whole, and whether the applicant had considered providing an access road/EVA for shared use by residential developments in both the southern and northern portions; and
- (b) whether the applicant had considered preserving the Ancillary Block by relocating it to a different location at the Site.

13. In response, Messrs C.K. Chan and Jimmy Luk, the applicant's representatives, made the following main points:

Heritage Conservation

- (a) the applicant was willing to explore ways to preserve the entire historic building (including the Ancillary Block) as far as practicable. Nonetheless, the applicant had reservation on imposing development restrictions for preservation of the Lodge in whole under the Notes for the proposed "R(B)1" zone as it might induce further delay in the implementation programme. The operator of the drug treatment centre at the Site also

wanted the redevelopment to proceed, as it would provide them with extra funds to expand their services. Should the rezoning application be agreed by the Committee, the applicant was committed to further liaise with relevant Government departments, including AMO to explore a viable preservation-cum-development option;

Alternative Scheme

- (b) the preservation of the Ancillary Block would affect the EVA, parking spaces at basement level as well as preservation of existing trees and greenery provision. The EVA might need to take up part of the footprint area of Tower 3 and the loss of GFA at Tower 3 had to be accommodated at the other tower blocks with increase in proposed BHs (say by one to two storeys). However, the technical feasibility of such amendments to the scheme, including potential noise and visual impacts, had yet to be ascertained. It would also affect the underground car park and the car parking provision might not meet the HKPSG requirements;
- (c) in view of the land policy within 'VE' and uncertainties on the future layout of houses and access in the northern portion, the proposal for a shared access road/EVA serving residential developments in both portions of the Site might not be practicable;
- (d) there was technical constraint in provision of an EVA in the northern portion to serve the residential development in the southern portion taking account of the design requirements for an EVA under the Building (Planning) Regulations. Particularly, the distance between the EVA and the building façade should be less than 10m, and the EVA (7.3m wide) should serve at least one-fourth of the total length of all the perimeter walls of the building; and
- (e) there was limited space within the Site for relocation of the Ancillary Block as the non-built over space was largely occupied by the access road and mature trees. There would also be great technical difficulties to relocate the Ancillary Block building. Instead, the applicant was committed to

make proper record of the Ancillary Block before the demolition, which could be exhibited in the revitalised Main Building for public inspection in future. Some building elements, such as windows of the Ancillary Block, might also be featured in the Main Building.

14. As there were no further questions from Members, the Chairman informed the applicant's representatives that the hearing procedure of the application had been completed and the Committee would deliberate on the application in their absence and inform the applicant of the Committee's decision in due course. The Chairman thanked the representatives from PlanD and AMO, and the applicant's representatives for attending the meeting. They left the meeting at this point.

[Mrs Vivian K.F. Cheung left and Mr Paul Y.K. Au left the meeting temporarily during the question and answer session.]

Deliberation Session

15. The Chairman said that the subject application was for rezoning of the Site from "CDA" to "R(B)1" (southern portion) and "R(C)1" (northern portion) with increase in development intensity for residential use, and the applicant wished to allow timely implementation of the southern portion and provide flexibility for separate development of the northern portion in future. The matter which the applicant did not agree was preservation of the Ancillary Block within the proposed "R(B)1" zone recommended by PlanD. As AAB had graded both the Main Building and Ancillary Block as Grade 2 historic building, strong justifications should be provided before the Committee could consider the applicant's proposal for demolition of the Ancillary Block. Should the Site be rezoned as recommended by PlanD and preservation of the Ancillary Block was found to be infeasible in the future after the applicant's further liaison with AMO, there would be provision under the Note of the relevant zone for the applicant to apply for demolition or major addition and alteration works of the Ancillary Block. The Chairman also recapitulated the statutory procedure in processing a s.12A rezoning application and the subsequent OZP amendment procedure.

16. A few Members considered that whilst the applicant's representatives had

claimed that there were technical difficulties in preservation of the Ancillary Block, there appeared to be room for the applicant to further explore feasible preservation-cum-development options, including re-alignment of the EVA and/or adjustment of footprints and BHs of the tower blocks, to preserve the Ancillary Block given its historic value. Members were generally of the view that the applicant had failed to provide strong justifications to support the proposed demolition of the Ancillary Block and agreed with PlanD's recommendation of imposing the requirement for preservation of the Lodge in whole under the Notes of the proposed "R(B)1" zone. A Member also remarked that the AAB's grading was administrative in nature, which could not provide statutory protection to the historic building, and the Board should try to encourage preservation of graded buildings where possible.

17. A Member, noting that the proposed residential development in the northern portion might not be implementable in the short term under the current land policy, asked whether the Committee could partially agree with the applicant's proposal for rezoning the southern portion to "R(B)1" only with the remaining part to be retained as "CDA" zone. The Chairman pointed out that the proposed "R(C)1" zoning at the northern portion was considered compatible with the adjoining village type development from land use planning perspective and it could also provide flexibility for village type development or low-density residential development thereat in future if there was a change in land policy. If the northern portion remained under the "CDA" zone, any development there would require submission of a MLP which reduced the flexibility for implementation.

18. After deliberation, the Committee decided to partially agree to the application for rezoning the Site to "Residential (Group B)1" ("R(B)1") (southern portion) and "Residential (Group C)1" ("R(C)1") (northern portion) with the respective development restrictions proposed by the applicant subject to preservation of the whole Enchi Lodge (i.e. Main Building and Ancillary Block) under the Notes for the "R(B)1" zone. The Planning Department would work out the appropriate amendments to the Outline Zoning Plan including zoning boundaries, as well as the development restrictions and requirements to be set out in the Notes and Explanatory Statement for the Committee's agreement prior to gazetting under Section 5 of the Town Planning Ordinance.

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/YL-NTM/4 Application for Amendment to the Approved Ngau Tam Mei Outline Zoning Plan No. S/YL-NTM/12, To rezone the application site from “Comprehensive Development Area” and “Green Belt” to “Residential (Group A)”, “Government, Institution or Community” and “Comprehensive Development Area (1)”, Various Lots in D.D. 105 and adjoining Government land, Shek Wu Wai, Yuen Long
(RNTPC Paper No. Y/YL-NTM/4C)

19. The Secretary reported that the application was submitted by Bonus Plus Company Limited, which was a subsidiary of Sun Hung Kai Properties Limited (SHK), and AECOM Asia Company Limited (AECOM) was one of the consultants. The following Members had declared interests on the item:

Miss Winnie W.M. Ng - being a Director of the Kowloon Motor Bus Company (1933) Ltd. (KMB) and Long Win Bus Company Limited (Long Win), and SHK was one of the shareholders of KMB and Long Win;

Dr Conrad T.C. Wong - having current business dealings with SHK; and

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

20. The Committee noted that Miss Winnie W.M. Ng and Dr C.H. Hau had tendered apologies for being unable to attend the meeting. As the interest of Dr Conrad T.C. Wong was direct, the Committee agreed that he should be invited to leave the meeting temporarily for the item.

[Dr Conrad T.C. Wong and Ms Jane K.C. Choi left the meeting temporarily at this point.]

Presentation and Question Sessions

21. The following representatives from the Planning Department (PlanD) and the applicant were invited to the meeting at this point:

PlanD

Mr Anthony K.O. Luk - District Planning Officer/Fanling, Sheung Shui & Yuen Long East (DPO/FSYLE)

Miss Cherry C.H. Yuen - Town Planner/Fanling, Sheung Shui & Yuen Long East (TP/FSYLE)

Applicant's representatives

Llewelyn-Davies Hong Kong Ltd.

Mr Hui Chak Hung, Dickson

Ms Wu Wan Yin, Winnie

Mr Ho Man In, Man

Ms Lau Sin Yee, Jessie

Ramboll Hong Kong Ltd.

Mr Cheng Chi Ming Tony

AECOM Asia Co. Ltd.

Mr Wan Wai Kong, Willie

MVA Hong Kong Ltd.

Mr Lee Ho Wai, William

Mr Lam Chak Yan, Chapman

22. With the aid of a PowerPoint presentation, Miss Cherry C.H. Yuen, TP/FSYLE, briefed Members on the background of the application, the proposed rezoning of the application site (the Site), departmental and public comments, and the planning considerations and assessments as detailed in the Paper. PlanD did not support the rezoning application.

23. The Chairman then invited the applicant's representatives to elaborate on the application. With the aid of a PowerPoint presentation, Mr Ho Man In, Man, the applicant's representative, made the following main points:

Site Context

- (a) the Site was located in the central part of New Territories North. The Site was the subject of a previous planning application (No. A/YL-NTM/178-2) approved by the Committee in 2014 for the development of 300 houses with plot ratio (PR) of 0.4. The applicant had executed the land exchange with full premium payment in 2019. The site formation works and upgrading of the access road had commenced and the building covenant period was up to June 2026;

Planning Framework of the Area

- (b) under the 2021 Policy Address, the Government announced that the area in which the Site was located would be positioned as the San Tin Technopole under the Northern Metropolis Development Strategy (NMDS). The Site also fell within the San Tin/Lok Ma Chau Development Node (ST/LMC DN). The previously approved residential development scheme with a PR of 0.4 was not in line with Government's intention for a high-density development in ST/LMC DN. With reference to the latest long-term planning for the area, the Hong Kong-Shenzhen Innovation and Technology Park (HK-SZ I&T Park) and ST/LMC DN would together provide about 160,000 job opportunities, while only about 47,500 housing units would be provided in the area. As a result, there would be imbalance of jobs and flat provision in the San Tin Technopole and would exacerbate distant commuting between working and living spaces. The development proposal at the Site could optimise the development framework of ST/LMC DN by promoting home-job balance and providing residential units in a timely manner. The proposed comprehensive development at the Site would be implemented in parallel with the Government's latest planning proposal for ST/LMC DN. The first population intake of the proposed development (Phase 1) would be in line with the tentative completion date of the batch 1 development of HK-SZ I&T Park in 2027. Besides, the

applicant would also upgrade the access road as committed under the previously approved planning application that would provide connection to the planned San Tin Station and other areas in the ST/LMC DN;

Development Proposal

- (c) a two-phased development, with a total PR of not more than 5.5, was proposed. The Phase 1 development in the southwestern portion was proposed to be rezoned to “Residential (Group A)” and “Government, Institution or Community” (“G/IC”) with target completion date of 2025. The remaining phase in the northeastern portion was proposed to be rezoned to “Comprehensive Development Area (1)” (“CDA(1)”) and “G/IC”, which would be implemented in parallel with the ST/LMC DN (estimated to be 2032). The proposed development would not compromise the comprehensive planning of ST/LMC DN. The access road within the Site had no conflict with the road shown in the Broad Land Use Concept Plan for ST/LMC DN published in 2017; and

- (d) the Committee could consider to partially agree to rezone the Phase 1 area first as the submitted technical assessments had demonstrated that the Phase 1 development was technically feasible. There would be a bus lay-by to provide services to connect to San Tin and Yuen Long before completion of the Northern Link (NOL). As the NOL would be an underground rail, a rail reserve could be provided on the Site, which was similar to the reserve for the west rail line reserved in Park Yoho in Yuen Long. The Environmental Protection Department (EPD) and Drainage Services Department had no comment on the sewerage impacts, and the comments about the need for an Environmental Impact Assessment (EIA) under the Environmental Impact Assessment Ordinance (EIAO) should be separately dealt with. As the paved area in the proposed Phase 1 was similar to the previously approved scheme, there would be no adverse drainage impact. Water supplies would also not be an issue. The Phase 1 portion of the Site was spade-ready and would allow an expedited provision of 3,980 housing units in the short term.

24. As the presentations of PlanD's representative and the applicant's representative were completed, the Chairman invited questions from Members.

25. The Chairman and some Members raised the following questions to PlanD's representatives:

- (a) whether the applicant's development proposal could contribute to the provision of some infrastructure, e.g. the access road for the ST/LMC DN as presented by the applicant;
- (b) noting that the Site was the subject of a previously approved application for development of 300 houses, how the approved development would be dealt with when the Government implemented the ST/LMC DN, and whether the development right of the developer would be affected; and
- (c) what percentage would the 3,980 housing units proposed in Phase 1 of the development be when compared with the total housing supply planned in the ST/LMC DN.

26. In response, Mr Anthony K.O. Luk, DPO/FSYLE, made the following main points:

- (a) the San Tin Technopole was a major initiative under the NMDS announced in the 2021 Policy Address. Following the publication of the initial land use plan in March 2021, the long-term development of ST/LMC DN was being comprehensively reviewed in a 24-month investigation study since October 2021. Construction work was targeted to commence in 2024, and infrastructure and housing development would be implemented in parallel. As the Site was located in close vicinity of the planned San Tin Station of NOL, higher development intensity of the area would generally be recommended. However, the existing infrastructure in the area could not support the proposed Phase 1 development under the application;
- (b) the investigation study that was still in progress would study the

implementation mechanism of the ST/LMC DN, including mechanism to handle all the committed developments (including the previously approved scheme at the Site). For Members' reference, for the on-going implementation of other New Development Areas, in-situ land exchange might be considered for sites meeting certain criteria; and

- (c) according to the latest development proposal for the ST/LMC DN announced in 2021, a total of about 31,000 housing units would be provided in the area subject to the review under the investigation study. With reference to the indicative development scheme under the subject application, a total of 3,980 units would be provided under the Phase 1 development that was equivalent to about 10% of the total planned housing supply of the ST/LMC DN.

27. The Vice-chairman and a Member raised the following questions to the applicant's representatives:

- (a) noting that the applicant's representatives had claimed that the Phase 1 development was technically feasible, why the Paper indicated that the submitted technical assessments, such as on traffic and environmental aspects, were not accepted by relevant government departments; and
- (b) noting that the same applicant had also submitted two other on-going s.12A applications (No. Y/YL-NTM/6 and 7) for rezoning the Site for comprehensive residential developments with higher development intensities, what the intention of the applicant was.

28. In response, Ms Wu Wan Yin, Winnie and Mr Ho Man In, Man, the applicant's representatives made the following main points:

- (a) while the technical assessment for the remaining phase was yet to be agreed by relevant government departments, the technical feasibility for only rezoning the Phase 1 development had generally been ascertained as relevant government departments had no particular concerns on the

respective technical assessments. Regarding the requirement for a EIA under EIAO, it should be dealt with separately; and

- (b) the current application was submitted making reference to the Broad Land Use Concept Plan under the Preliminary Feasibility Study on Developing the New Territories North, covering the Site, published in 2017. Since then, the applicant had been closely monitoring the latest long-term planning of the area. According to the updated land use plan for the area published by the Government in 2021, it was noted that the Site was situated in the core area of the San Tin Technopole and the residential sites in the area were subject to a maximum PR of 7. Therefore, two new s.12A applications were submitted with a view to further optimising the development intensity of the Site in view of the latest planning context. Nonetheless, the Committee would consider each planning application according to its own individual merits.

29. In response to the Chairman's enquiry on whether the technical feasibility of Phase 1 of the proposed development was accepted by relevant government departments as claimed by the applicant's representative, Mr Anthony K.O. Luk, DPO/FSYLE, said that the applicant had failed to demonstrate the technical feasibility of the proposed development under both Phase 1 or Phase 1 plus Remaining Phase schemes as the submitted technical assessments on traffic, environment, ecology, sewerage, drainage, water supply and air ventilation aspects were yet to be accepted by relevant government departments.

30. As there were no further questions from Members, the Chairman informed the applicant's representatives that the hearing procedure of the application had been completed and the Committee would deliberate on the application in their absence and inform the applicant of the Committee's decision in due course. The Chairman thanked the representatives from PlanD and the applicant for attending the meeting. They left the meeting at this point.

Deliberation Session

31. The Chairman recapitulated that the Site fell within the boundary of the ST/LMC

DN currently under study by the Government. Since the announcement of the NMDS in 2021, the Government was actively reviewing and taking forward a series of development proposals in the area. Approval of any piecemeal rezoning at the current stage would unavoidably pre-empt the on-going investigation study. Besides, the technical feasibility of the proposed development, even for only the Phase 1 development, had yet to be ascertained.

32. Mr Ken K.K. Yip, the Chief Traffic Engineer/New Territories East, Transport Department (TD) said that TD's comments on the submitted Traffic Impact Assessment (TIA) had not been fully addressed and the TIA was not agreeable. Mr Stanley C.F. Lau, the Principal Environmental Protection Officer (Strategic Assessment), EPD, said that whilst the EIAO issue could be further addressed under a separate regime, the environmental assessment submitted in support of the application was not agreeable as there were a number of outstanding issues not fully addressed.

33. Members generally agreed with PlanD's recommendation that the rezoning application should not be agreed as approval of the subject rezoning application at the Site, being an integral part of San Tin Technopole, would significantly compromise the comprehensive planning and implementation of the whole ST/LMC DN which was under an on-going investigation study. Members were also of the view that the applicant had failed to demonstrate the technical feasibility of the proposed rezoning under application.

34. In response to some Members' question on how the committed developments would be handled, the Chairman explained that the previously approved development scheme at the Site had a PR of 0.4 and the proposed development with a PR of 5 under the current application was neither a committed development nor an entitlement under the lease executed in 2019. The mechanism to deal with committed developments in the ST/LMC DN was yet to be decided and would be considered in the on-going investigation study. There were examples of in-situ land exchange in Kwu Tung North/Fanling North NDA (under the Enhanced Conventional New Town Approach Land Exchange Application) to allow private developments that were in line with the land use planning to be implemented by private landowners. Also, the Government could invoke statutory power to resume suitable private land for implementing a public purpose when necessary.

35. After deliberation, the Committee decided not to agree to the application for the

following reasons :

- “(a) the long-term development of the general area covering the application site is being reviewed under an on-going Investigation Study for San Tin/Lok Ma Chau Development Node. Suitable zonings of the area covering the application site are yet to be determined and the approval of the application would adversely affect the comprehensive planning and implementation of the whole San Tin/Lok Ma Chau Development Node; and
- (b) the applicant fails to demonstrate that the proposed rezoning would not have adverse traffic, environmental, ecological, sewerage, drainage, water supply, visual and air ventilation impacts on the surrounding areas.”

36. The meeting was adjourned for lunch break at 11:45 a.m.

37. The meeting was resumed at 12:45 p.m.

38. The following Members and the Secretary were present at the resumed meeting:

Director of Planning
Mr Ivan M.K. Chung

Chairman

Mr Stephen L.H. Liu

Vice-chairman

Mr L.T. Kwok

Mr K.W. Leung

Professor John C.Y. Ng

Dr Conrad T.C. Wong

Mr Vincent K.Y. Ho

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

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

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

Assistant Director/Regional 3,
Lands Department
Ms Jane K.C. Choi

Deputy Director of Planning/District
Mr C.K. Yip

Secretary

Sai Kung and Islands District

Agenda Item 4

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/SK-CWBS/5 Application for Amendment to the Approved Clear Water Bay Peninsula South Outline Zoning Plan No. S/SK-CWBS/2, To rezone the application site from “Village Type Development” to “Coastal Protection Area”, Government Land at and adjoining Hiu Po Path (Part), Sheung Sze Wan, Clear Water Bay, Sai Kung
(RNTPC Paper No. Y/SK-CWBS/5)

Presentation and Question Sessions

39. The following representatives from the Planning Department (PlanD) and the applicant were invited to the meeting at this point:

PlanD

Ms Caroline T.Y. Tang	-	District Planning Officer/Sai Kung and Islands (DPO/SKIs)
Ms W.H. Ho	-	Senior Town Planner/Sai Kung and Islands (STP/SKIs)
Ms Melissa C.H. Kwan	-	Town Planner/ Sai Kung and

Islands (TP/SKIs)

Applicant's Representatives

Townland Consultants Limited

Ms Cindy Tsang

Mr Vincent Lau

Mr Leo Chung

AEC Limited

Ms Moses Ma

40. The Chairman extended a welcome and explained the procedures of the meeting. He then invited PlanD's representatives to brief Members on the background of the application.

41. With the aid of a PowerPoint Presentation, Ms W.H. Ho, STP/SKIs, briefed Members on the background of the application, the proposed rezoning of the application site (the Site), departmental and public comments, and the planning considerations and assessments as detailed in the Paper. PlanD did not support the application.

42. The Chairman then invited the applicant's representatives to elaborate on the application. With the aid of a PowerPoint presentation, Ms Cindy Tsang, the applicant's representative, made the following main points:

- (a) the purpose of the current application was to seek a planning solution to address the adverse impacts arisen from the non-compliant businesses and activities, mainly kayaking and other water-based recreation, in Sheung Sze Wan (SSW);
- (b) SSW Bay was a territory-wide important habitat of rare seagrass species and other uncommon intertidal and sub-tidal fauna with moderate to high ecological significance. The Site was zoned "Coastal Protection Area" ("CPA") on the former adopted Clear Water Bay Peninsula North Outline

Development Plan No. D/SK-CWBN/1A. However, the habitat was damaged by proliferation of kayaking and water-based recreation activities in recent years;

- (c) the Site was not suitable for Small House (SH) development since only a small part of the Site fell within the village ‘environs’; no SH development was allowed within the Site according to the Explanatory Statement (ES) of the Outline Zoning Plan (OZP); and the Site was subject to flooding during typhoon season;
- (d) the current zoning of “Village Type Development” (“V”) for the Site and piecemeal enforcement actions were inadequate to protect the habitat in SSW Bay from uncontrolled proliferation of the non-compliant uses;
- (e) the proposed “CPA” zone with a presumption against development could provide statutory control consistently for the coastline of SSW Bay, and establish a buffer between the High Water Mark (HWM) and inter-tidal sands and village development;
- (f) the proposed “CPA” zone could better convey to the public the ecological value of SSW Bay;
- (g) the Commissioner of Police and majority of public comments supported whilst the relevant departments had no objection to/no adverse comment on the proposed rezoning; and
- (h) the proposed rezoning was consistent with current Government’s policy and commitment to conservation and would ensure the quality of life of its residents.

43. As the presentation of PlanD’s representative and the applicant’s representative had been completed, the Chairman invited questions from Members.

Background of the Site

44. In response to a Member's question on the demarcation of the HWM in relation to the boundary of the Site, Ms Caroline T.Y. Tang, DPO/SKIs, with the aid of a PowerPoint slide, clarified that the site boundary and the HWM were shown as red solid line and blue hatch line respectively on Plan Z-2 of the Paper. The eastern boundary of the concerned "V" zone generally followed the HWM along the coastline whilst the Site itself served as a buffer area between SH developments of SSW Village and the HWM. As stated in the ES of the OZP, no SH development should be allowed within the buffer area. The buffer area had also been excluded from PlanD's estimation of land availability for SH development within SSW Village.

45. In response to the Chairman's question regarding the current use or function of the Site, Ms Caroline T.Y. Tang, DPO/SKIs, said that the Site was currently used as a village access, forming part of Hui Po Path which was the only access connecting SSW Village to Clear Water Bay Road. A Member further enquired whether the Site was a public or private access and whether it was in existence for a long time. Ms Caroline T.Y. Tang, DPO/SKIs, replied that the Site was formed and hard-paved in the 1990s serving as a public access to and forming an integral part of SSW Village. The status of the Site remained unchanged since then and it was currently under the management and maintenance of the Home Affairs Department (HAD).

Designation of "CPA" zone

46. The Vice-chairman and some Members raised the following questions:
- (a) whether there were any objective criteria, including environmental and ecological considerations, in designating the "CPA" zone;
 - (b) zonings of the coastline along SSW and whether there was any fundamental difference in terms of site conditions between the Site zoned "V" and other "CPA" zones in its vicinity; and
 - (c) should the Site be rezoned to "CPA", whether the public could still access the Site and SSW Bay and whether there would be any implication on the

village access.

47. In response, Ms Caroline T.Y. Tang, DPO/SKIs, made the following main points:
- (a) “CPA” zone generally covered natural coastlines and sensitive coastal natural environment, including areas with high landscape, scenic or ecological value with a minimum of built development or human disturbance. However, as the Site was currently used as a village access, the Agriculture, Fisheries and Conservation Department (AFCD) considered that it was unclear how the proposed rezoning of the Site to “CPA” could contribute to reduction of human disturbance and conservation of the intertidal habitat in SSW;
 - (b) as shown on the aerial photo taken in 2020, the coastal areas of SSW Bay zoned “CPA” were largely covered by dense natural vegetation and natural rocky shore. The parts zoned “V”, including the Site and the coastal parts of Siu Hang Hau Village and Tai Hang Hau Village, were largely hard-paved and formed part of the village settlements; and
 - (c) given that the Site was part of an existing village access maintained by HAD, public access would be allowed irrespective of the zoning of the Site.

Non-compliant Businesses/Unauthorized Works

48. The Chairman and a Member raised the following questions:
- (a) whether there was any business activity and/or unauthorized development identified at the Site; and
 - (b) should the Site be rezoned to “CPA”, whether there would be greater enforcement power by the Planning Authority on the non-compliant activities.

49. In response, Ms Caroline T.Y. Tang, DPO/SKIs, made the following main points:

- (a) while the kayaking activities mainly took place at the water of SSW, there was no business activity or unauthorized development identified within the Site; and
- (b) given that the Site was an existing village access and the unauthorized developments/structures fell outside the Site, there would not be much difference in terms of enforcement power, no matter the Site was zoned “V” or “CPA”. Besides, enforcement actions had already been undertaken by PlanD and the Lands Department (LandsD) against unauthorized developments/structures in the vicinity of the Site. The identified unauthorized developments/structures, as shown on Plan Z-2 of the Paper, either had been discontinued, reinstated or demolished.

50. The Chairman asked and Ms Caroline T.Y. Tang, DPO/SKIs, supplemented that the unauthorized works were located outside the Site and LandsD had undertaken demolition works for two ramps in the vicinity of the Site. There was no unauthorized structure or works within the Site.

51. Noting that the applicant’s intention was to exercise planning control over the non-compliant kayaking businesses, a Member asked whether such businesses were identified in the adjacent “CPA” zones, and if so, the reasons why the applicant considered the proposed “CPA” zoning for the Site an effective way to resolve the issue. In response, Ms Cindy Tsang, the applicant’s representative, said that there was a proliferation of non-compliant kayaking businesses in the entire SSW area. There were also illegal carparking and barbecue activities identified within the Site during last summer. While acknowledging it was an enforcement issue, the proposed rezoning was considered necessary to deliver a clear message to the public that there was a presumption against development at the Site.

52. In response to the Chairman’s enquiry, Ms Caroline T.Y. Tang, DPO/SKIs, said that no planning application under section 16 of the Town Planning Ordinance had been received within the Site. Besides, as the Site fell within government land, approval by

LandsD would be required for any development thereat.

53. As there were no further questions from Members, the Chairman informed the applicant's representatives that the hearing procedure of the application had been completed and the Committee would deliberate on the application in their absence and inform the applicant of the Committee's decision in due course. The Chairman thanked the representatives from PlanD and the applicant for attending the meeting. They left the meeting at this point.

[Mr Vincent K.Y. Ho joined the meeting during the Q&A session and Mr Paul Y.K. Au rejoined the meeting at this point.]

Deliberation Session

54. The Chairman recapitulated that as a general practice, coastal area should be zoned "CPA" only if they met the criteria, which were basically pertaining to the presence of natural coastline with high landscape, scenic or ecological value. As referred to AFCD's comment and site photos on Plans Z-4a and Z-4b of the Paper, the Site was currently formed and hard-paved, serving as a village access. It carried no value for zoning as "CPA". The Chairman further invited Members to consider whether it was appropriate to resolve the management or enforcement issue and to give a clear message to the public by rezoning the Site to "CPA", as proposed by the applicant, noting that there was no strong justification for "CPA" zoning for the Site from planning perspective. Besides, the unauthorized developments/structures were found outside the Site and enforcement actions had been undertaken by relevant departments.

55. A Member said that the designation of "CPA" zone was intended to conserve and protect the natural environment, which should only be made after satisfying the objective criteria in relation to the site context and ecological value. While the main concern of the applicant was the nuisances arisen from kayaking activities, the Member considered it not appropriate to use a planning means to resolve a public management issue. Other Members concurred.

56. After deliberation, the Committee decided not to agree to the application for the

following reason:

“the applicant fails to provide strong justifications in the submission to support the rezoning proposal. The current “Village Type Development” zone for the application site was considered appropriate and should be retained.”

[Ms Jane K.C. Choi left the meeting temporarily at this point.]

Agenda Item 5

Section 16 Application

[Open Meeting]

A/SK-PK/273 Proposed Public Utility Installation (Poles) and Excavation of Land in
“Conservation Area” Zone, Government Land in D.D. 219, Kei Pik
Shan, Sai Kung
(RNTPC Paper No. A/SK-PK/273)

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

Dr Jeanne C.Y. Ng - being the Director-CLP Research Institute of
CLP Holdings Limited; and

Dr Conrad T.C. Wong - having current business dealings with CLP.

58. The Committee noted that the applicant’s representative had requested deferment of consideration of the application. Dr Jeanne C.Y. Ng had tendered an apology for being unable to attend the meeting. As the interest of Dr Conrad T.C. Wong was direct, the Committee agreed that he could stay in the meeting but should refrain from participating in the discussion.

59. The Committee noted that the applicant’s representative requested on 26.5.2022 deferment of consideration of the application for two months so as to allow more time to

address departmental comments. It was the first time that the applicant requested deferment of the application.

60. 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.

Fanling, Sheung Shui and Yuen Long East District

[Mr Patrick M.Y. Fung and Mr Wallace W.K. Tang, Senior Town Planners/Fanling, Sheung Shui and Yuen Long East (STPs/FSYLE), and Mr Louis H.W. Cheung, Town Planner/Fanling, Sheung Shui and Yuen Long East (TP/FSYLE), were invited to the meeting at this point.]

Agenda Item 6

Section 16 Application

[Open Meeting]

A/NE-KTS/507

Proposed Temporary Private Vehicle Park (for Private Cars Only) for a Period of 3 Years in "Village Type Development" Zone, Lots 495 S.A ss.5 and 495 S.A ss.6 in D.D.92, Kam Tsin, Kwu Tung South, Sheung Shui

(RNTPC Paper No. A/NE-KTS/507)

61. The Committee noted that the applicant's representative requested on 23.5.2022 deferment of consideration of the application for two months so as to allow more time to address Transport Department's comment. It was the first time that the applicant requested

deferment of the application.

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

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/324 Temporary Holiday Camp and Ancillary Teaching Centre and Office
for a Period of 3 Years in "Agriculture" Zone, Lots 999 S.A, 1000 S.B
and 1009 in D.D. 106 and Adjoining Government Land, Pat Heung,
Yuen Long
(RNTPC Paper No. A/YL-SK/324)

Presentation and Question Sessions

63. With the aid of some plans, Mr Louis H.W. Cheung, TP/FSYLE, briefed Members on the background of the application, the applied use, departmental and public comments, and the planning considerations and assessments as detailed in the Paper. The Planning Department considered that the temporary use could be tolerated for a period of three years.

64. In response to a Member's question, Mr Louis H.W. Cheung, TP/FSYLE, stated that the maximum capacity of the applied use was about 50 visitors, according to the applicant's submission.

Deliberation Session

65. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 1.6.2025 on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.12.2022;
- (b) in relation to (a) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.3.2023;
- (c) in relation to (b) above, the implemented drainage facilities on the site shall be maintained 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 1.12.2022;
- (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 1.3.2023;
- (f) if the above planning condition (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 (a), (b), (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.”

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

set out at Appendix IV of the Paper.

Agenda Item 8

Section 16 Application

[Open Meeting]

A/YL-KTN/822 Proposed Temporary Animal Boarding Establishment (Dog Training Ground) with Ancillary Facilities for a Period of 3 Years and Filling of Land in “Agriculture” Zone, Lots 1499 (Part) and 1504 RP in D.D. 107, Yuen Long
(RNTPC Paper No. A/YL-KTN/822)

67. The Committee noted that the applicant’s representative requested on 18.5.2022 deferment of consideration of the application for two months so as to allow more time to address the departmental comments. It was the first time that the applicant requested deferment of the application.

68. 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 (Presentation and Question Sessions Only)]

A/YL-KTN/823 Temporary Holiday Camp and Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years in “Agriculture” Zone, Lots 1374 (Part), 1382 (Part) and 1384 (Part) in D.D. 107 and Adjoining Government Land, Fung Kat Heung, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/823)

Presentation and Question Sessions

69. With the aid of some plans, Mr Wallace W.K. Tang, STP/FSYLE, briefed Members on the background of the application, the applied use, departmental and public comments, and the planning considerations and assessments as detailed in the Paper. The Planning Department considered that the temporary use could be tolerated for a period of three years.

[Mr Paul Y.K. Au left the meeting temporarily and Ms Jane K.C. Choi rejoined the meeting at this point.]

70. A Member enquired about the mode of operation of the hobby farm and expressed concern about the additional traffic and sewerage impacts on the surrounding ponds if the hobby farm was to be opened to the general public. The Chairman also enquired whether the main use of the application was the holiday camp whilst the hobby farm was intended to provide farming experiences for visitors of the holiday camp. In response, Mr Wallace W.K. Tang, STP/FSYLE, confirmed the Chairman’s understanding and said that it was stated in the submission that the hobby farm would only be opened to visitors of the holiday camp. Should there be any unauthorized use not covered by the current application, it would be subject to enforcement action by the Planning Authority.

Deliberation Session

71. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 1.6.2025 on the terms of the application as

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

- “(a) the submission of a revised drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.12.2022;
- (b) in relation to (a) above, the implementation of the revised drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.3.2023;
- (c) in relation to (b) above, the implemented drainage facilities on the site shall be maintained 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 1.12.2022;
- (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 1.3.2023;
- (f) if the above planning condition (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 (a), (b), (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.”

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

Agenda Item 10

Section 16 Application

[Open Meeting]

A/YL-KTN/825 Temporary Open Storage of Construction Materials with Ancillary Office and Metal Scaffold Display for a Period of 3 Years in “Other Specified Uses” annotated “Railway Reserve” Zone, Various Lots in D.D. 107 and Adjoining Government Land, San Tam Road, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/825)

73. The Committee noted that the applicant’s representative requested on 27.5.2022 deferment of consideration of the application for two months so as to allow more time to prepare further information in response to departmental comments. It was the first time that the applicant requested deferment of the application.

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

Agenda Item 11

Section 16 Application

[Open Meeting]

A/YL-KTN/826 Temporary Place of Recreation, Sports or Culture (Hobby Farm), Holiday Camp, Barbecue Site and Ancillary Supporting Facilities for a Period of 3 Years in “Agriculture” and “Green Belt” Zones, Lots 1164 S.A (Part), 1164 RP, 1165 (Part), 1168 (Part) and 1169 in D.D. 109, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/826)

75. The Committee noted that the applicant’s representative requested on 20.5.2022 deferment of consideration of the application for two months so as to allow more time to prepare further information in response to departmental comment. It was the first time that the applicant requested deferment of the application.

76. 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 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/919 Proposed Temporary Animal Boarding Establishment for a Period of 5 Years and Filling of Land in “Agriculture” Zone, Lot 1185 S.E RP in D.D. 106 and Adjoining Government Land, Kam Tin South, Yuen Long
(RNTPC Paper No. A/YL-KTS/919)

Presentation and Question Sessions

77. With the aid of some plans, Mr Wallace W.K. Tang, STP/FSYLE, briefed Members on the background of the application, the proposed use, departmental and public comments, and the planning considerations and assessments as detailed in the Paper. The Planning Department had no objection to the application.

78. A Member observed that the application site (the Site) was covered by vegetation as shown on the aerial photo (Plan A-3 of the Paper), but not on the site photos (Plan A-4 of the Paper) and expressed concern on whether it was a case of ‘destroy first, develop later’. The same Member also enquired the existing condition of the Site and whether any tree felling and/or preservation would be required for the proposed use. In response, Mr Wallace W.K. Tang, STP/FSYLE, said that the aerial photo was taken in 2021 and according to the recent site visit, the Site had already been paved and no vegetation except some grasses were observed. The Chairman asked and Mr. Wallace W.K. Tang, STP/FSYLE, confirmed that the Site was not subject to any planning enforcement action. The Chairman supplemented that the Site was zoned “Agriculture” and removal of vegetation and laying of soil not exceeding 1.2m in thickness for cultivation and other agricultural purposes were always permitted according to the Outline Zoning Plan. Should there be any unauthorized development identified, enforcement action would be undertaken by the Planning Authority.

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

Deliberation Session

79. A Member, noting that the proposed development was relatively small in scale, expressed no objection to the application.

80. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 1.6.2027 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) all animals shall be kept inside the enclosed indoor animal boarding establishment structure on the site, as proposed by the applicant, at all times during the planning approval period;
- (c) no public announcement system, whistle blowing, portable loudspeaker or any form of audio amplification system is allowed to be used on the site, as proposed by the applicant, during the planning approval period;
- (d) the submission of a run-in/out proposal at Kam Shui South Road within 6 months from the date of planning approval to the satisfaction of the Director of Highways and the Commissioner for Transport or of the TPB by 1.12.2022;
- (e) in relation to (d) above, the implementation of the run-in/out proposal at Kam Shui South Road within 9 months from the date of planning approval to the satisfaction of the Director of Highways and the Commissioner for Transport or of the TPB by 1.3.2023;
- (f) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.12.2022;

- (g) in relation to (f) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.3.2023;
- (h) in relation to (g) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (i) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.12.2022;
- (j) in relation to (i) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.3.2023;
- (k) if any of the above planning condition (a), (b), (c) 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 (d), (e), (f), (g), (i) or (j) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

Agenda Item 13

Section 16 Application

[Open Meeting]

A/YL-PH/910 Temporary Open Storage of Construction Materials and Machineries for a Period of 3 Years in “Residential (Group D)” Zone, Lots 2902 (Part), 2905 (Part), 2909 (Part), 2910 (Part) and 2911 (Part) in D.D. 111, Wing Ning Lei, Wang Toi Shan, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/910)

82. The Committee noted that the applicant requested on 24.5.2022 deferment of consideration of the application for two months so as to allow more time for preparation of further information to address the outstanding departmental comments. It was the first time that the applicant requested deferment of the application.

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

[The Chairman thanked Mr Patrick M.Y. Fung and Mr Wallace W.K. Tang, STPs/FSYLE, and Mr Louis H.W. Cheung, TP/FSYLE, for their attendance to answer Members’ enquiries. They left the meeting at this point.]

Tuen Mun and Yuen Long West District

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

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/656 Filling and Excavation of Land for Permitted Houses (New Territories Exempted Houses) in “Village Type Development” Zone, Lots 318 S.B RP and 318 S.B ss.1 in D.D.122, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/656)

Presentation and Question Sessions

84. With the aid of some plans, Mr Alexander W.Y. Mak, STP/TMYLW, briefed Members on the background of the application, proposed filling and excavation of land, departmental and public comments, and the planning considerations and assessments as detailed in the Paper. The Planning Department had no objection to the application.

85. Members had no question on the application.

Deliberation Session

86. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 1.6.2026, 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 revised drainage proposal before the commencement of any filling and excavation works at 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 identified therein and maintenance of the implemented drainage facilities upon completion of the filling and excavation of land 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, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.”

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

Agenda Items 15 and 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HTF/1130 Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years in “Coastal Protection Area” Zone, Lots 222 RP (Part), 223 (Part), 224 S.D (Part), 225, 226, 227 and 228 (Part) in D.D. 128, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-HTF/1130)

A/YL-HTF/1131 Temporary Training Centre (Tree Care Training Centre) for a Period of 3 Years in “Coastal Protection Area” Zone, Lots 230 and 581 (Part) in D.D.128, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-HTF/1131)

88. The Committee agreed that as the application sites (the Sites) of the two applications were located in close proximity to each other and within the same “Coastal Protection Area” zone, they could be considered together.

Presentation and Question Sessions

89. With the aid of some plans, Ms Bonnie K.C. Lee, STP/TMYLW, briefed Members on the background of the applications, the proposed/applied uses, departmental and public comments, and the planning considerations and assessments as detailed in the Papers. The Planning Department considered that the temporary uses in both applications could be tolerated for a period of three years.

90. Some Members raised the following questions:

- (a) as noted from a public comment, whether there was any ongoing enforcement action at the Site of application No. A/YL-HTF/1131;
- (b) noting that the previous application covering the site of Application No. A/YL-HTF/1131 for the same use submitted by the same applicant was revoked due to non-compliance with the condition on removal of hard-paving at the Site, whether the concerned hard-paving had been removed; and
- (c) noting that both Sites fell partly within Sha Kong Miu (North) Site of Archaeological Interest (SAI), whether there were any ongoing archaeological researches within the SAI, and if so, whether the applications would result in any potential impact on such archaeological researches.

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

- (a) the Site of Application No. A/YL-HTF/1131 was not subject to any ongoing planning enforcement action;
- (b) all the hard-paved materials within the Site of Application No. A/YL-HTF/1131 had been removed; and
- (c) the Antiquities and Monuments Office (AMO) had been consulted and had no objection in principle to the two applications. The applicants

were also advised to inform AMO immediately when any antiquities or supposed antiquities under the Antiquities and Monuments Ordinance (Cap. 53) were to be discovered in the course of works. Besides, according to AMO, most of the antiquities in the SAI were buried under deep soil and usual developments would not have any negative impact on those antiquities.

Deliberation Session

92. After deliberation, the Committee decided to approve the applications on a temporary basis for a period of 3 years until 1.6.2025 on the terms of the applications as submitted to the Town Planning Board (TPB) and subject to the following conditions :

Application No. A/YL-HTF/1130

- “(a) no land filling, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) the submission of a revised drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.12.2022;
- (c) in relation to (b) above, the implementation of the revised drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.3.2023;
- (d) in relation to (c) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (e) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.12.2022;
- (f) in relation to (e) above, the implementation of the fire service installations

proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.3.2023;

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

Application No. A/YL-HTF/1131

- “(a) no land filling is allowed on the site during the planning approval period;
- (b) the submission of a revised drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.12.2022;
- (c) in relation to (b) above, the implementation of the revised drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.3.2023;
- (d) in relation to (c) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (e) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 1.12.2022;
- (f) in relation to (e) above, the implementation of the fire service installations

proposal within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 1.3.2023;

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

93. The Committee also agreed to advise the applicants to note the advisory clauses as set out at Appendix V of the Paper for application No. A/YL-HTF/1130 and Appendix VI of the Paper for application No. A/YL-HTF/1131.

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/655 Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) with Ancillary Facilities for a Period of 5 Years and Land Filling in “Green Belt” Zone, Lots 887 RP (Part) and 887 S.A RP (Part) in D.D.122, Yuen Long
(RNTPC Paper No. A/YL-PS/655)

Presentation and Question Sessions

94. With the aid of some plans, Ms Bonnie K.C. Lee, STP/TMYLW, briefed Members on the background of the application, the proposed use, departmental and public comments, and the planning considerations and assessments as detailed in the Paper. The Planning Department had no objection to the application.

95. Members had no question on the application.

Deliberation Session

96. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 1.6.2027 on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.12.2022;
- (b) in relation to (a) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.3.2023;
- (c) in relation to (b) above, the implemented drainage facilities shall be maintained 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 1.12.2022;
- (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 1.3.2023;
- (f) if the above planning condition (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (g) if any of the above planning condition (a), (b), (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; and

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

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

Agenda Item 18

Section 16 Application

[Open Meeting]

A/YL-TYST/1149 Temporary Open Storage and Warehouse for Storage of Exhibition Materials and Construction Materials for a Period of 3 Years in “Residential (Group A) 3”, “Open Space” Zones and area shown as ‘Road’, Lots 2387 RP (Part), 2388 (Part), 2412 (Part) and 2413 (Part) in D.D. 120, Yuen Long
(RNTPC Paper No. A/YL-TYST/1149)

98. The Committee noted that the applicant requested on 20.5.2022 deferment of consideration of the application for two months so as to allow more time to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/1151 Renewal of Planning Approval for Temporary Open Storage of Construction Machinery with Ancillary Site Office for a Period of 3 Years in “Open Space” Zone and area shown as ‘Road’, Lots 2361 (Part), 2362 (Part), 2363 (Part), 2364 (Part), 2365 (Part), 2366 RP (Part), 2370, 2371, 2372 (Part) and 2374 (Part) in D.D. 120 and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/1151)

Presentation and Question Sessions

100. The Committee noted that the application was for renewal of a planning approval and the Planning Department considered that the temporary use could be tolerated for a further period of three years based on the planning considerations and assessments set out in the Paper.

101. Members had no question on the application.

Deliberation Session

102. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years and be renewed from 23.4.2022 until 22.4.2025 on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 5:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) the existing drainage facilities on the site shall be maintained at all times

during the planning approval period;

- (d) the submission of a condition record of the existing drainage facilities on the site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.7.2022;
- (e) the existing fire service installations implemented on the site shall be maintained in efficient working order at all times during the planning approval period;
- (f) if any of the above planning condition (a), (b), (c) 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
- (g) if the above planning condition (d) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/1152 Temporary Warehouse for Storage of Construction Materials for a Period of 3 Years in “Undetermined” Zone, Lots 1255 (Part), 1256 (Part), 1258 (Part) and 1259 (Part) in D.D. 119, Pak Sha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/1152)

Presentation and Question Sessions

104. With the aid of some plans, Mr Steven Y.H. Siu, STP/TMYLW, briefed Members on the background of the application, the applied use, departmental and public comments, and the planning considerations and assessments as detailed in the Paper. The Planning Department considered that the temporary use could be tolerated for a period of three years.

105. Members had no question on the application.

Deliberation Session

106. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 1.6.2025 on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (b) 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 1.9.2022;
- (c) 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 1.9.2022;
- (d) in relation to (c) 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 1.12.2022;
- (e) 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; and

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

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

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/359 Proposed Temporary Public Vehicle Park (excluding Container Vehicle) for a Period of 3 Years with Filling of Land in “Village Type Development” Zone, Lots 1111 (Part), 1112 (Part), 1113 RP (Part), 1116 RP (Part) and 1117 S.A in D.D.125, Ha Tsuen, Yuen Long (RNTPC Paper No. A/HSK/359)

Presentation and Question Sessions

108. With the aid of some plans, Mr Simon P.H. Chan, STP/TMYLW, briefed Members on the background of the application, the proposed use, departmental and public comments, and the planning considerations and assessments as detailed in the Paper. The Planning Department had no objection to the application.

109. Some Members raised the following questions:

- (a) the justification in support of the proposed depth of land filling and whether part of the application site (the Site) had been filled prior to the submission of the planning application;
- (b) whether prior approval and consent by other relevant departments, in particular Buildings Department (BD), was required for the proposed filling of land;
- (c) whether BD was informed of the suspected unauthorized filling of land

and had provided specific comments in this regard; and

- (d) noting that one Small House application was under processing within the Site and the applicant was advised to resolve any land issues relating to the development with the concerned owner(s) of the Site, whether the future land issue should be one of the considerations in deciding the application.

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

- (a) part of the Site had been filled for about 1m high as shown on Plan A-4 of the Paper. For any unauthorized development (UD) identified, enforcement action would be undertaken by the Planning Authority under the Town Planning Ordinance. An enforcement notice had been issued against the unauthorized filling of land, requiring its discontinuation. The current planning application was to regularise the existing filling of land at the Site;
- (b) before any site formation works were to be carried out at the Site, prior approval and consent from the Building Authority should be obtained. For unauthorized building works (UBW) on leased land, enforcement action might be taken by BD under the Buildings Ordinance when necessary;
- (c) BD had been consulted on the application and there was no comment on the application; and
- (d) the Small House application at the southwestern corner of the Site was being processed by the Lands Department. Temporary uses, like public vehicle park under the current application, were usually proposed by villagers/operators so as to better utilize land resources in the interim. Should the Small House application be approved, the owner(s) of the Site would negotiate with the applicant to resolve any land issue.

Deliberation Session

111. A Member, whilst having no objection to the applied use, expressed concerns on granting planning approval for the Site where there were suspected UBW(s), and enforcement actions were to be taken by other relevant departments, in particular BD. The approval might deliver confusing messages to the public and encourage similar land filling exercise prior to obtaining any planning approval. In response, the Chairman remarked that planning permissions were processed under the Town Planning Ordinance while the enforcement of UBWs was subject to the Buildings Ordinance. Should the Committee decide to approve the application, the applicant would be advised that the granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the Buildings Ordinance. The applicant was obliged to follow up with the Buildings Department regarding the UBW.

112. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 1.6.2025 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 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;
- (b) the submission of a road connection and run-in/out proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Highways or of the TPB by 1.12.2022;
- (c) in relation to (b) above, the implementation of the road connection and run-in/out proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Highways or of the TPB by 1.3.2023;
- (d) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.12.2022;

- (e) in relation to (d) above, the implementation of the drainage proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.3.2023;
- (f) in relation to (e) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (g) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.12.2022;
- (h) in relation to (g) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.3.2023;
- (i) if any of the above planning condition (a) 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 (b), (c), (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.”

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

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/360 Temporary Open Storage of Construction Materials and Logistics Centre for a Period of 3 Years in “Open Space” Zone, Lot 766 (Part) in D.D. 125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/HSK/360)

Presentation and Question Sessions

114. With the aid of some plans, Mr Simon P.H. Chan, STP/TMYLW, briefed Members on the background of the application, the applied use, departmental and public comments, and the planning considerations and assessments as detailed in the Paper. The Planning Department considered that the temporary use could be tolerated for a period of three years.

115. Members had no question on the application.

Deliberation Session

116. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 1.6.2025 on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

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

- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;

- (c) no cutting, cleansing, melting, dismantling, repairing and other workshop activity, as proposed by the applicant, is allowed on the site at any time during the planning approval period;

- (d) no ground excavation works, including that for landscape planting and drainage facilities, shall be carried out on-site without prior written consent from the Antiquities and Monuments Office during the planning approval period;
- (e) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities on the site within 3 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.9.2022;
- (g) the provision of fire extinguisher(s) within 6 weeks from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.7.2022;
- (h) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.12.2022;
- (i) in relation to (h) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.3.2023;
- (j) 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
- (k) if any of the above planning condition (f), (g), (h) or (i) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

Agenda Item 23

Section 16 Application

[Open Meeting]

A/HSK/361 Proposed Temporary Logistics Centre with Ancillary Office and Canteen for a Period of 3 Years in “Open Space”, “Government, Institution or Community”, “Residential (Group B) 2” Zones and area shown as ‘Road’, Various Lots in D.D. 129 and Adjoining Government Land, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/HSK/361)

118. The Committee noted that the applicant’s representative requested on 20.5.2022 deferment of consideration of the application for two months so as to allow more time to address comments from the Fire Services Department and the Buildings Department. It was the first time that the applicant requested deferment of the application.

119. 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/HSK/362 Temporary Public Vehicle Park for Private Car and Goods Vehicle not exceeding 24 tonnes and Open Storage of Export Vehicle and Vehicle Parts for a Period of 3 Years in “Residential (Group A) 3” Zone, Lot 3323 S.B ss.1 in D.D. 129, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/HSK/362)

Presentation and Question Sessions

120. With the aid of some plans, Mr Simon P.H. Chan, STP/TMYLW, briefed Members on the background of the application, the applied use, departmental and public comments, and the planning considerations and assessments as detailed in the Paper. The Planning Department considered that the temporary use could be tolerated for a period of three years.

121. Members had no question on the application.

Deliberation Session

122. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 1.6.2025 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 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) the submission of a revised drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.12.2022;

- (d) in relation to (c) above, the implementation of the revised drainage proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.3.2023;
- (e) in relation to (d) above, the implemented drainage facilities on the site should be maintained at all times during the planning approval period;
- (f) the provision of fire extinguisher(s) within 6 weeks from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.7.2022;
- (g) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.12.2022;
- (h) in relation to (g) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.3.2023;
- (i) if any of the above planning condition (a), (b) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (j) if any of the above planning condition (c), (d), (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.”

123. 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/HSK/363 Renewal of Planning Approval for Temporary Eating Place for a Period of 3 Years in “Village Type Development” Zone, Lots 924 RP (Part) and 1007 RP (Part) in D.D.125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/HSK/363)

Presentation and Question Sessions

124. The Committee noted that the application was for renewal of a planning approval and the Planning Department considered that the temporary use could be tolerated for a further period of three years based on the planning considerations and assessments set out in the Paper.

125. Members had no question on the application.

Deliberation Session

126. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years and be renewed from 4.5.2022 until 3.5.2025 on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (b) the existing trees and landscape planting on the site shall be maintained at all times during the planning approval period;
- (c) the submission of a condition record of the existing drainage facilities on the site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or

of the TPB by 4.8.2022;

- (d) the submission of a fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.11.2022;
- (e) in relation to (d) above, the implementation of the fire service installations proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.2.2023;
- (f) if any of the above planning condition (a) or (b) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (g) if any of the above planning condition (c), (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.”

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

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/364 Renewal of Planning Approval for Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Village Type Development” Zone, Lot 977 RP (Part) in D.D.125, Sik Kong Tsuen, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/HSK/364)

Presentation and Question Sessions

128. The Committee noted that the application was for renewal of a planning approval and the Planning Department considered that the temporary use could be tolerated for a further period of three years based on the planning considerations and assessments set out in the Paper.

129. Members had no question on the application.

Deliberation Session

130. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years and be renewed from 4.5.2022 until 3.5.2025 on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (b) the existing trees and landscape plants on the site shall be maintained at all times during the planning approval period;
- (c) the submission of a condition record of the existing drainage facilities on the site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.8.2022;
- (d) the submission of a fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.11.2022;
- (e) in relation to (d) above, the implementation of the fire service installations proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of

the TPB by 4.2.2023;

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

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

Agenda Item 27

Any Other Business

132. There being no other business, the meeting was closed at 2:30 p.m.