

TOWN PLANNING BOARD

Minutes of 732nd Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 8.12.2023

Present

Director of Planning
Mr Ivan M.K. Chung

Chairman

Mr Stephen L.H. Liu

Vice-chairman

Dr C.H. Hau

Miss Winnie W.M. Ng

Mr K.W. Leung

Professor John C.Y. Ng

Dr Venus Y.H. Lun

Dr Conrad T.C. Wong

Mrs Vivian K.F. Cheung

Mr Vincent K.Y. Ho

Mr K.L. Wong

Chief Traffic Engineer/New Territories West,
Transport Department
Ms Carrie K.Y. Leung

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

Principal Environmental Protection Officer (Territory North),
Environmental Protection Department
Ms Clara K.W. U

Assistant Director/Regional 3
Lands Department
Ms Jane C.Y. Leung

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

Secretary

In Attendance

Chief Town Planner/Town Planning Board
Ms Fannie F.L. Hung

Town Planner/Town Planning Board
Ms Melissa C.H. Kwan

Agenda Item 1

Confirmation of the Draft Minutes of the 731st RNTPC Meeting held on 24.11.2023

[Open Meeting]

1. The draft minutes of the 731st RNTPC meeting held on 24.11.2023 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Deferral Cases

Sections 12A and 16 Applications

[Open Meeting (Presentation and Question Sessions only)]

Presentation and Question Sessions

3. The Secretary reported that there were 19 cases requesting the Town Planning Board to defer consideration of the applications. Details of those requests for deferral, Members' declaration of interests for individual cases and the Committee's views on the declared interests were in **Annex 1**.

Deliberation Session

4. After deliberation, the Committee decided to defer decisions on the applications as requested by the applicants pending submission of further information, as recommended in the Papers.

Renewal Cases

Section 16 Applications

[Open Meeting (Presentation and Question Sessions only)]

Presentation and Question Sessions

5. The Secretary reported that there were three cases for renewal of temporary planning approval and the Planning Department had no objection to the applications or considered that the temporary uses could be tolerated for the further periods as applied for. Details of those planning applications were in **Annex 2**.

Deliberation Session

6. After deliberation, the Committee decided to approve the applications on a temporary basis for the applied renewal periods on the terms of the applications as submitted to the Town Planning Board subject to the approval conditions stated in the Papers. The Committee also agreed to advise the applicants to note the advisory clauses as set out in the appendix of the Papers.

Cases for Streamlining Arrangement

Section 16 Applications

[Open Meeting (Presentation and Question Sessions only)]

Presentation and Question Sessions

7. The Committee noted that there were 17 cases selected for streamlining arrangement including 16 applications for temporary uses and one application for permanent use. The Planning Department had no objection to the applications or considered that the temporary uses could be tolerated on a temporary basis for the applied periods. Details of those planning applications, Members' declaration of interests for individual cases and the Committee' views on the declared interests were in **Annex 3**.

Deliberation Session

8. After deliberation, the Committee decided to approve the applications on the terms of the applications as submitted to the Town Planning Board subject to the approval conditions stated in the Papers. The Committee also agreed to advise the applicants to note the advisory clauses as set out in the appendix of the Papers.

Fanling, Sheung Shui and Yuen Long East District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/YL-NTM/9 Application for Amendment to the Approved Ngau Tam Mei Outline Zoning Plan No. S/YL-NTM/12, To rezone the application site from “Residential (Group C)” to “Government, Institution or Community”, Lot 4823 in D.D. 104, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. Y/YL-NTM/9A)

Presentation and Question Sessions

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

PlanD

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|---------------------|---|
| Mr Anthony K.O Luk | - District Planning Officer/Fanling, Sheung Shui and Yuen Long East (DPO/FSYLE) |
| Mr Kimson P.H. Chiu | - Senior Town Planner/Fanling, Sheung Shui and Yuen Long East (STP/FSYLE) |
| Mr Gary T.L. Lam | - Town Planner/Fanling, Sheung Shui and Yuen Long East |

Applicant’s Representatives

Wonder Pacific Development Ltd.
Mr Chan Yuk Wing

R Lee Architects (HK) Ltd.

Mr Lee Ying Kit

10. 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.

11. With the aid of a PowerPoint presentation, Mr Kimson P.H. Chiu, STP/FSYLE, briefed Members on the background of the application, the proposed rezoning of the application site (the Site) from "Residential (Group C)" to "Government, Institution or Community" ("G/IC") to facilitate redevelopment of an existing house for a proposed 10-storey Residential Care Home for the Elderly (RCHE) development, departmental and public comments, and the planning considerations and assessments as detailed in the Paper. PlanD had no in-principle objection to the application.

12. The Chairman then invited the applicant's representatives to elaborate on the application. With the aid of a PowerPoint presentation, Mr Lee Ying Kit, the applicant's representative, made the following main points:

Demand and Supply of RCHE

- (a) there were five RCHEs within 1km from the Site providing a total of 364 bedspaces. All those RCHEs were accommodated in village houses. Due to the limitation in floor space, RCHE in village house was in general congested and in lack of vertical transportation and communal facilities. Following the new regulation for RCHE by the Social Welfare Department (SWD) which would be coming into force, the minimum floor space requirement for each resident would be increased from 6.5m² to 9.5m² and the fire safety requirement would be more stringent. It was anticipated that most RCHEs in village houses would have to be closed down for being unable to meet the new standard. Besides, according to a newspaper article, poor-conditioned RCHEs should be replaced by newly designed RCHEs with better air ventilation and living environment;
- (b) owing to aging population in Hong Kong and population shift to the Northern

Metropolis in future, it was foreseeable that the demand for RCHE in the area would be increased. Since the launching of the Enhanced Bought Place Scheme (EBPS) introduced by the SWD in 2003 to encourage private sector to provide more RCHE bedspaces, only one RCHE in Tuen Mun with provision of 200 bedspaces completed in 2019 could comply with the EBPS's standard;

- (c) building a RCHE would take about six years to complete as it needed to go through various procedures including preliminary design, planning procedures, land administration, building construction, interior fitting and licencing. The lengthy development process would affect the future supply of RCHE;

The Surrounding Environment

- (d) the Site was surrounded by two low-rise residential developments in the north and south and woodland in the east. To its west, there was a setback from San Tam Road providing direct access to the Site. The Site was suitable for RCHE development and there would be minimal nuisance caused by the proposed development to the neighbourhood;

Plot Ratio

- (e) the setback from San Tam Road was excluded from plot ratio (PR) calculation and therefore the proposed PR of the subject development was relatively high as compared with other virgin sites;

Building Height Profile

- (f) there was statutory requirement by SWD of not exceeding 24m from the street level to the floor of the RCHE to be situated. Hence, the massing of the building would not be excessive and would be comparable to other similar developments in Yuen Long. A comparison on the building height difference between the buildings in some "G/IC" zones and adjoining low-

rise residential developments was made. The comparison demonstrated that the building height differences ranged from about 13m to 17m while the building height difference between the proposed development at the Site and its adjoining two low-rise residential developments was about 15m. The Site was close to the future San Tin Technopole. It was envisaged that the building height profile in the area would be undergoing a gradual transformation; and

Visual impact

- (g) the proposed development could be barely seen from some of the viewpoints as demonstrated in the Visual Impact Assessment because there were tall trees along San Tin Highway providing natural shield to mitigate the possible visual impact of the proposed development.

[Dr C.H. Hau and Miss Winnie W.M. Ng joined the meeting at this point.]

13. As the presentations of PlanD's representative and the applicant's representative had been completed, the Chairman invited questions from Members.

Traffic Aspect

14. With reference to paragraph 1.8 of the Paper, a Member raised a question on whether the findings of the Traffic Impact Assessment (TIA) for the proposed development would be still valid should the proposed junction improvement works under the approved planning application No. A/YL-NSW/241 at the Fairview Park Interchange could not be implemented. In response, with the aid of some plans, Mr Anthony K.O. Luk, DPO/FSYLE, said that a number of future developments in the area would depend on the abovementioned proposed junction improvement works to be carried out. Nevertheless, according to the TIA submitted by the applicant, the traffic trips generated from the proposed RCHE was minimal and would not have significant impact on the nearby road network.

Building Design

15. Some Members raised the following questions:
- (a) whether the proposed floor-to-floor height of 2.8m was sufficient to provide a desirable living environment to the elderly and whether the building design was constrained by the building height restriction of 24m for RCHE;
 - (b) whether there would be a maximum building height to be imposed on the OZP for the Site as per the development scheme proposed by the applicant and whether there was mechanism to allow flexibility for the applicant to relax building height restriction in the future;
 - (c) with reference to the 2/F Plan on Drawing Z-5 of the Paper, whether the internal design of the large dormitory rooms with limited windows could be further improved as some beds were not close to windows and had to share windows with others; and
 - (d) whether there was any target number of bedspaces to be provided for the subject proposed RCHE.

16. In response, Mr Lee Ying Kit, the applicant's representative, said that there was no doubt that the proposed development needed to comply with the statutory height limit of 24m for RCHE. As compared with the RCHE development in Fu Tei, Tuen Mun which had a floor-to-floor height of 2.77m, the subject proposed development with floor-to-floor height of 2.8m was considered feasible to provide a desirable and pleasant living environment for the elderly. Fine-tuning of the internal layout and design such as making use of inverted beam, vertical shaft and pipe duct, etc. would be explored in the detailed design stage to enhance the spatial utilisation and ventilation of the building.

17. In response, with the aid of some PowerPoint slides, Mr Anthony K.O. Luk, DPO/FSYLE, pointed out that the applicant intended to operate the RCHE under SWD's EBPS and the Premium Concession Scheme under the Lands Department (LandsD). Therefore, the applicant was required to comply with a set of design requirements and all related guidelines as stipulated under these schemes. The proposed RCHE complied with SWD's height requirement of not more than 24m from the street level to the floor of the RCHE to be situated.

The proposed floor-to-floor height of 2.8m including floor slab should be able to fulfil the minimum floor-to-ceiling height requirement of not less than 2.5m for RCHE. The proposed maximum gross floor area of 5,400m² was in line with Premium Concession Scheme under LandsD. Should the subject s.12A application be agreed by the Committee, PlanD would submit the proposed amendments to the OZP with appropriate development restriction to the Committee for consideration.

18. Mr Lee Ying Kit, the applicant's representative, supplemented that the development scheme submitted under the current application was a preliminary design which had a lot of rooms for improvement. The building design would be further reviewed to achieve a better ultimate design. At the present stage, there was no target number of beds for the subject RCHE.

Visual, Air Ventilation and Environmental Aspects

19. Some Members raised the following questions:

- (a) noting that San Tin Highway in the west would be a major source of traffic noise, whether there was any design feature to minimise the traffic noise impact;
- (b) according to the comments of the Chief Architect/Advisory and Statutory Compliance, Architectural Services Department, the proposed development was considered undesirable from visual impact point of view. Whether there would be any mitigation measures to minimise the visual impact; and
- (c) noting that the floor-to-floor height of 2.8m for the sky garden on 1/F might affect the effectiveness of ventilation, whether there would be any improvement to the building design to enhance the natural ventilation.

20. In response, with the aid of some plans, Mr Lee Ying Kit, the applicant's representative, made the following main points:

- (a) an Environment Assessment was submitted to the Environmental Protection Department (EPD) to confirm that all dormitory units would comply with the

noise criteria. EPD advised that a condition would be imposed under the lease to require further assessment on noise impact in the later stage. While architectural fins, acoustic windows and sound absorption finishing would be installed or applied in the building, improvement on the building configuration would be further explored in the detailed design stage to minimise the traffic noise impact;

- (b) several building design measures, such as using natural façade colours for the exterior of the building and avoiding sharp building corners, etc., could be applied to soften the building bulk and mitigate the possible visual impact; and
- (c) in order to fulfil the building height restriction of 24m for fire safety reason, the floor-to-floor height of 2.8m for the sky garden level was considered relatively low and less effective to internal ventilation. However, there was a need to strike a balance between optimising the floor space and building design. Further enhancement on the design scheme would be explored in the later stage.

21. As the applicant's representatives had no further points to raise and there were no further questions from Members, the Chairman informed the applicant's representatives that the hearing procedures for 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's representatives for attending the hearing. They left the meeting at this point.

Deliberation Session

22. The Chairman said that the application was in line with the Government's policy to encourage private sector to provide more RCHE bedspaces. If the proposed RCHE could comply with all statutory and licensing requirements under the Premium Concession Scheme, the applicant might enjoy premium concession.

23. Members generally supported the application as the proposed development was considered compatible with the surrounding area and the provision of more quality elderly

facilities in the society should be encouraged. Nonetheless, some Members expressed concerns on the building design, air ventilation and visual impact of the proposed development. Some Members reiterated that the height restriction of 24m imposed constraints on the building design. A Member gathered that some Government departments were discussing with the Fire Services Department on whether such 24m height restriction could be relaxed. In that connection, the Chairman suggested and the Committee agreed that to allow flexibility for the proposed development in case the 24m height restriction could be relaxed in future, the building height restriction to be imposed on the OZP could be in terms of number of storeys instead of mPD. The Chairman remarked that should the subject application be agreed, PlanD would proceed to prepare the proposed amendments to the OZP to the Committee for consideration in which Members' concerns on the building height restriction, building design, air ventilation and visual impacts would be reflected in the Explanatory Statement of the OZP.

24. After deliberation, the Committee decided to agree to the application, and noted that PlanD would work out the appropriate amendments to the OZP, including the zoning boundaries, as well as the development parameters and restrictions to be set out in the Notes and/or Explanatory Statement for the Committees' agreement prior to gazetting under section 5 of the Town Planning Ordinance.

Agenda Item 4

Section 12A Application

[Open Meeting]

Y/YL-KTN/4

Application for Amendment to the Draft Kam Tin North Outline Zoning Plan No. S/YL-KTN/10, To rezone the application site from "Residential (Group C) 2" and "Open Space" to "Residential (Group C)3" and amend the Notes of the zone applicable to the site, Lots 121, 137, 138, 139, 144, 145, 519 RP (Part) and 520 RP in D.D. 110 and Adjoining Government Land, Kam Tin Road, Shek Kong, Yuen Long

25. The Secretary reported that consideration of the application had been rescheduled.

Sai Kung and Islands District

[Mr Walter W.N. Kwong, District Planning Officer/Sai Kung and Islands (DPO/SKIs), Ms W.H. Ho and Mr Kenneth C.K. Yeung, Senior Town Planners/Sai Kung and Islands (STPs/SKIs), and Ms Sylvia W.I. Chun, Ms Vicky L.K. Ma and Ms Florence Y.S. Lee, Town Planners/Sai Kung and Islands (TPs/SKIs), were invited to the meeting at this point.]

Agenda Item 6

[Open Meeting]

Proposed Amendments to the Approved Tseung Kwan O Outline Zoning Plan No. S/TKO/28
(RNTPC Paper No. 9/23)

26. With the aid of a PowerPoint presentation, Ms W.H. Ho, STP/SKIs, briefed Members on the background, the proposed amendments to the Tseung Kwan O Outline Zoning Plan (OZP) and the Notes of the OZP, technical considerations and departmental comments as detailed in the Paper. The proposed amendments were mainly to take forward a redevelopment proposal of the Clear Water Bay Film Studio and the previous decision of the Committee on an agreed section 12A application. They included:

- (a) Amendment Item A – rezoning of a site at Ying Yip Road from “Comprehensive Development Area” (“CDA”) to “Other Specified Uses” annotated “Film Studio and Related Uses” (“OU(Film Studio and Related Uses)”) (the Site) with stipulation of a maximum building height (BH) of 7 storeys for the development of a Film Production Park; and
- (b) Amendment Item B – rezoning of a site at Hang Hau Road from “Residential (Group C)1” to “Residential (Group C)2” with stipulation of a maximum plot ratio of 1 and a maximum BH of 4 storeys over one level of carport for the redevelopment of an existing house to reflect an agreed s.12A application (No. Y/TKO/5).

27. As the presentation of Planning Department (PlanD)’s representatives had been completed, the Chairman invited questions and views from Members.

Development Intensity

28. In response to a Member's enquiry, Mr Walter W.N. Kwong, DPO/SKIs, and Ms W.H. Ho, STP/SKIs, advised that the Site was located at a sloping ground ascending topographically from the south to the north with low-rise residential developments, including Hang Hau Village and Shui Bin Village to its immediate south and southeast, and a high-rise public housing development to its northwest across Ying Yip Road. The building height (BH) restriction for the proposed Film Production Park was based on the BH control of 6 storeys over one storey of carport for the "CDA" zone under the current OZP, which had taken into account considerations such as topography and compatibility of the surrounding land uses. As the surrounding areas were characterised by low to high-rise residential developments, the proposed BH restriction of 7 storeys, which was similar to the existing BH control, for the proposed "OU(Film Studio and Related Uses)" zone was considered not incompatible with the surrounding developments.

Landscape Aspect

29. According to the tree survey report submitted by the project proponent of the proposed Film Production Park, a total of 29 trees of common species in the Site would be felled and 29 new trees would be planted as compensation. A Member noted that out of the 29 trees to be felled, 12 had a diameter at breast height of over 300mm and one at about 1100mm which were considered as large trees. Although the proposed tree compensation ratio was 1:1 in terms of quantity, the Member commented that light standard tree compensation was not desirable and asked whether there would be any measures to be provided for better tree preservation and compensation. In response, Mr Walter W.N. Kwong, DPO/SKIs, said that according to the submission of the proponent, some trees at the Site were in poor condition and there were difficulties to transplant the trees due to anticipated low survival rate. Diverse tree species were proposed for compensation. There would be open area including an outdoor filming area in the middle part of the Site which could be an opportunity to provide more tree planting and better landscaping. While the project proponent would be required to apply for a lease modification to materialise the proposed use, a tree preservation/compensation proposal could be suggested to be imposed as a lease condition so that a detailed landscape proposal could be further vetted by relevant departments at that stage.

30. The same Member commented that according to the tree survey report, most of the trees proposed to be felled were not because of the health condition, but for the reason of conflicting with the proposed construction works. Such justification was hard to be accepted. This Member urged the Government to consider the arrangement of off-site tree compensation in order to strike a balance between development and protecting the environment.

31. Another Member queried whether it was feasible to encourage the project proponent to reserve more space for tree preservation by allowing a higher BH but a lower site coverage for the proposed development. In response, Mr Walter W.N. Kwong, DPO/SKIs, said that the BH of 7 storeys was proposed by the project proponent which was anticipated to be able to meet their operational need. The proposed BH restriction of 7 storeys had taken into account the compatibility and visual impact on the surrounding areas. No site coverage restriction was proposed for the “OU(Film Studio and Related Uses)” zone. The proposed site coverage for the current scheme had reflected the spatial requirement for film production operation, which might require special spatial arrangement, such as spacious floor space and high headroom.

Other Aspects

32. The Chairman noted that there were some specific terms for the proposed development namely ‘Film Production Park’ and ‘Elites’ Workshops cum Dormitories’ as mentioned in paragraphs 4.4 and 4.5 of the Paper which were not reflected in section 8.11(p) of the Explanatory Statement of the OZP. Following the Chairman’s comments, a Member asked whether the proposed Film Production Park and dormitories would be open to the public for visit and stay. In response, Mr Walter W.N. Kwong, DPO/SKIs, clarified that the proposed dormitories were ancillary facilities which were intended to provide accommodation for the movie production team to work and reside in the same building for better achieving the purpose of film production. The proposed dormitories would not be sold or rented in the market. According to the proposal, some of the facilities in the Film Production Park such as exhibition halls and movie rooms would be open to the public during the idling periods.

33. In response to another Member’s question regarding the proposed use of Lot 371 in D.D.224, Mr Walter W.N. Kwong, DPO/SKIs advised that according to the submission from

the project proponent, Lot 371 was currently occupied by an existing staff quarters and would be remained in-situ. No redevelopment would be undertaken within that lot.

34. With a view to enhancing the landscape quality of the Site and the amenity of the locality, a Member asked whether the maintenance responsibility of the slope on the Government land portion of the Site would be transferred to the project proponent after lease modification so that the applicant could be asked to plant better tree species on the slope. Mr Walter W.N. Kwong, DPO/SKIs responded that the slope on the Government land portion was maintained by the Government departments and there was no plan to change the responsibility.

35. While Members agreed to the proposed amendments to the OZP, the Chairman suggested and Members agreed that paragraph 8.11(p) of the Explanatory Statement of the OZP at Attachment IV of the Paper should be revised to reflect Members' concerns, as follows:

Paragraph 8.11(p) of the ES of "OU" zone

"8.11(p) a site in Area 92 *is intended primarily for the provision of a film studio and related uses to facilitate film production, distribution and other related functions* ~~for film studio and related uses.~~ *It will be redeveloped into a film production park* which may include *facilities for* film shooting and post-production, research and design of film related product and technology, training for film profession, products and copyright trading, ~~as well as~~ *and* exchange for film industry, ~~as well as~~ *associated workshop cum dormitories. Development within this zone is restricted to a maximum building height of 7 storeys. In determining the maximum number of storeys, any basement floor(s) may be disregarded. To provide design flexibility, minor relaxation of the building height restriction may be considered by the Board through the planning permission system. Consideration of such application for minor relaxation would be based on individual merits, taking into account site constraints, tree preservation, innovative architectural design, and planning merits that would enhance the landscape quality of the site and the amenity of the locality. To enhance landscape quality of the site, the future developer will be required to make a landscape submission under lease."*

36. After deliberation, the Committee decided to :
- “(a) agree to the proposed amendments to the approved Tseung Kwan O Outline Zoning Plan (OZP) No. S/TKO/28 as shown on the draft Tseung Kwan O OZP No. S/TKO/28A at Attachment II (to be renumbered as S/TKO/29 upon exhibition) and its Notes at Attachment III are suitable for exhibition for public inspection under section 5 of the Ordinance; and
 - (b) adopt the revised Explanatory Statement (ES) at Attachment IV and paragraph 35 above for the draft Tseung Kwan O OZP No. S/TKO/28A (to be renumbered as S/TKO/29) as an expression of the planning intentions and objectives of the Committee for various land use zones on the OZP; and agree that the revised ES is suitable for exhibition for public inspection together with the OZP.”

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions only)]

A/SK-TMT/78 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” Zone, Lots 19 S.A and 220 S.A in D.D. 252, Tso Wo Hang,
Sai Kung
(RNTPC Paper No. A/SK-TMT/78A)

Presentation and Question Sessions

37. With the aid of some plans, Ms Vicky L.K. Ma, TP/SKIs, 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 (PlanD) did not support the application.

38. Noting from the aerial photo as shown on Plan No. A-3 of the Paper that there was a local track leading to the application site (the Site) from the south and an area with significant

vegetation clearance at the Site and the area to its north, a Member asked about the history of the vegetation clearance, the formation of the local track and the land status in the area. In response, with the aid of some plans, Ms Vicky L.K. Ma, TP/SKIs, said that a majority of the concerned area to the north of the Site fell within the “Village Type Development” zone with some approved Small House applications in the concerned area. The vegetation clearance in the concerned area was mainly to facilitate the construction of those approved Small Houses. Moreover, as set out in paragraph 4 of the Paper, the Site and the area at its south which involved private lots and Government land within the “Green Belt” zone were the subject of a planning enforcement case against unauthorized developments involving excavation and filling of land. Pursuant to the Enforcement Notice and Reinstatement Notice (RN) issued by the Planning Authority both in January 2020, the unauthorized developments had been discontinued with the relevant area reinstated, and Compliance Notices were issued in October 2020.

39. Another Member opined that the Site and its surrounding area were covered by woodland with dense vegetation in 2017. The vegetation clearance was taken place gradually after 2017. Subsequent vegetation clearance had been taken place again lately after the last planning enforcement action in 2020. The Chairman remarked that the case should be referred to the Central Enforcement and Prosecution Section of PlanD for follow-up action as appropriate. The Member further questioned whether the aerial photo shown on Plan No. A-3 of the Paper was taken in November 2023 and whether the reinstatement of the area should require tree planting instead of grassing the land given the previous site condition in 2017. In response, Mr Walter W.N. Kwong, DPO/SKIs, clarified that the aerial photo as shown on Plan No. A-3 of the Paper was taken on 8.4.2022. In general, the RN issued by the Planning Authority would require the notice recipients to grass the land for compliance with the RN.

Deliberation Session

40. The Chairman concluded that PlanD did not support the application and would follow up with the suspected unauthorized development at the Site and its surrounding area, as appropriate.

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

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” zone, which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from such planning intention;
- (b) the proposed development is not in line with the Town Planning Board Guidelines for ‘Application for Development within the Green Belt zone under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 10) in that there are no exceptional circumstances to justify the proposed development, which may affect the existing natural landscape of the surrounding area; and
- (c) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that there is no general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of Tso Wo Hang. It is considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructures and services.”

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions only)]

A/SLC/183 Temporary Holiday Camp with Ancillary Facilities for a Period of 7 Years and Associated Excavation of Land (Septic Tank) in “Green Belt” Zone, Lots 95, 106, 107, 108, 109, 110, 113, 114, 115, 116, 117, 118, 119, 120, 121, 127 and 128 in D.D. 329 L, Pui O, Lantau Island
(RNTPC Paper No. A/SLC/183)

Presentation and Question Sessions

42. With the aid of some plans, Ms Florence Y.S. Lee, TP/SKIs, 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 had no objection to the application.

43. The Chairman and some Members raised the following questions:

- (a) whether the current application, which seemed to be a ‘build first, apply later’ case, was proper in procedure and any enforcement action had been taken;
- (b) noting that the application site (the Site) had been formed and used as a holiday camp between September 2019 and February 2022 with substantial vegetation clearance, any measure that could be adopted to request the applicant to plant more trees at the Site;
- (c) the planning intention of the “Green Belt” (“GB”) zone in the South Lantau Coast Outline Zoning Plan (OZP);
- (d) whether the temporary and movable structures at the Site were considered as structures under the Buildings Ordinance (BO) and needed to seek approval from the Buildings Department (BD); whether the existing structures would be allowed to retain or needed to be removed first when submitting licence application or seeking relevant approval from other departments; and
- (e) noting that the subject application was to seek a temporary approval of 7 years while some applications sought for 3 years or 5 years, etc., whether there were any criteria in determining the length of approval period.

44. In response, with the aid of some plans, Mr Kenneth C.K. Yeung, STP/SKIs, made the following main points:

- (a) a suspected holiday camp use was observed at the Site since 2019 and was in operation without planning permission. The application was to regularise

the existing holiday camp at the Site. As the first statutory plan covering the South Lantau Coast Planning Area (the Area) was exhibited in 1980 and the Area had never been covered by any Development Permission Area Plan before, the Planning Authority (PA) previously had no enforcement power against unauthorised developments under the pre-amended Town Planning Ordinance. On 15.9.2023, the Secretary for Development exercised the power under the amended Town Planning Ordinance, which came into effect on 1.9.2023, to designate certain area in South Lantau Coast as 'Regulated Area' (SLC RA). The Site fell within the boundaries of SLC RA. Should there be any unauthorised development at the Site or material change of the use as compared with the pre-material-date (i.e. before 9.12.2022) use that did not conform to the provision of the OZP or without planning permission, enforcement action could be taken by the PA. The concerned holiday camp at the Site was a pre-material-date use and the Site was not subject to any planning enforcement action;

- (b) according to the aerial photo of 1979, the Site was occupied by terraced farmland with scattered trees. According to the Explanatory Statement (ES) of the OZP for "GB" zone, low impact, environmentally sustainable and compatible low-rise leisure and recreation uses and facilities with appropriate supporting facilities which had proved to have no adverse impacts on environmental and other relevant aspects could be favourably considered;
- (c) according to the Blueprint promulgated in 2017 for the development concept of Lantau Island, there was an overarching principle of "Development in the North; Conservation for the South". Subsequently in 2020, the Lantau Conservation and Recreation Masterplan (the Masterplan) was formulated based on the Blueprint and promulgated to provide a framework guiding the conservation and recreation initiatives in Lantau. According to the Masterplan, Pui O fell within the "South Lantau Eco-recreation Corridor". It was also stated in the 2022 Policy Address that the Government would study the development of "GB" sites in the southern part of Lantau for eco-tourism or recreation uses and the 2023 Policy Address mentioned that Pui O was identified as one of the sites which could be developed for eco-tourism.

The applied use was in line with the initiatives set out in the Policy Address;

- (d) according to the comments of the Chief Building Surveyor/New Territories East(1) and Licensing Section, Buildings Department, there was no record of approval by the Building Authority for the structures existing at the application site. If the existing structures were erected on leased land without approval of BD, they were unauthorised under the BO and enforcement action might be taken by the BD to effect their removal as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or unauthorised building works in accordance with the BO. According to the comments from the Lands Department (LandsD), unauthorised structures were found at the Site and already subject to lease enforcement actions. The applicant was required to apply to LandsD for approval (e.g. Short Term Wavier) to permit the structures to be erected or to regularise any irregularities on the Site. For the licensing issue, the Chief Officer (Licencing Authority), Office of the Licencing Authority, Home Affairs Department advised that should the mode of operation for the holiday camp fall within the definition of “hotel” or “guesthouse” under the Hotel and Guesthouse Accommodation Ordinance (Cap. 349) (HAGAO), a licence under HAGAO must be obtained before operation in which the holiday camp would be required to fulfil relevant requirements, including fire safety requirements, etc.; and
- (e) it was the applicant’s intention to apply for a temporary approval for a period of 7 years. According to the covering Notes of the OZP, while the Town Planning Board might grant a maximum period of 3 years for a temporary use notwithstanding that the use or development was not provided for in terms of the OZP, for temporary use or development of land or building exceeding 3 years requires permission in accordance with the terms of the OZP. As the applied “Holiday Camp” was a Column 2 use in the "GB" zone, the applicant could apply for a temporary permission with a longer period. The Committee could consider if the applied approval period was appropriate on its individual merits.

Deliberation Session

45. The Chairman concluded that the amendments to the ES of the OZP in respect of the “GB” zone in September 2023 were in line with the initiatives of the 2022 Policy Address to allow flexibility to permit some low impact recreational activities with no adverse departmental comment in “GB” zone. As the applied use would not cause adverse environmental and ecological impact on the surrounding area, the application was recommended to be approved. As regards the duration of approval period, Members might consider whether it was appropriate to allow a period of 7 years for the subject application. Should the application be approved, the applicant was still required to submit applications to other departments to comply with the relevant regulations and requirements. The Secretary supplemented that since the applied use was a Column 2 use, the applicant could apply for a permanent use or temporary use of more than three years based on the operational need. The approval period of temporary uses would be examined on a case-by-case basis.

46. Members generally supported and had no objection to the application. The application was in line with the Government’s policy on promoting low impact recreational uses in South Lantau. However, some Members reiterated concern on landscaping issue and some Members expressed that the Government should develop a holistic mechanism of granting licence to camping activities in order to provide a systematic regulation for such uses. While the applied use was also subject to the requirements under other relevant regimes, the applicant was advised to observe the comments of other relevant departments and follow up on the relevant requirements.

47. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 7 years until 8.12.2030, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the approval conditions stated in the Paper and paragraph 48 below. The Committee also agreed to advise the applicant to note the advisory clauses as set out in the appendix of the Paper.

48. In view of the concerns raised by Members on landscaping issue, the Committee also agreed to impose the following additional approval conditions and include them in the revocation clause:

- “(a) the submission of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 8.6.2024; and
- (b) in relation to (a) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 8.9.2024”.

[The Chairman thanked PlanD’s representatives for attending the meeting. They left the meeting at this point.]

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

[The meeting was adjourned for a 5-minute break.]

Sha Tin, Tai Po and North District

[Mr Kevin K.W. Lau, Mr Tim T.Y. Fung and Mr Jeffrey P.K. Wong, Senior Town Planners/Sha Tin, Tai Po and North (STPs/STN), and Mr Benson K.C. Lau, Town Planner/Sha Tin, Tai Po and North (TP/STN) were invited to the meeting at this point.]

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/691	Proposed House (New Territories Exempted House) in “Green Belt” Zone, Lot 370 in D.D. 32, Ha Wong Yi Au, Tai Po (RNTPC Paper No. A/TP/691)
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49. The Secretary reported that the application site (the Site) was located in Tai Po. Dr Venus Y.H. Lun had declared an interest on the item for co-owning with spouse a property in Tai Po.

50. As the property co-owned by Dr Venus Y.H. Lun had no direct view of the Site, the Committee agreed that she could stay in the meeting.

Presentation and Question Sessions

51. With the aid of some plans, Mr Benson K.C. Lau, TP/STN, 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.

52. Two Members raised the following questions:

- (a) noting that the application was recommended to be approved under very exceptional circumstances as the Site had a building status under the lease, the reason why the three previous applications were rejected given its building status; and
- (b) with reference to the site photos as shown on Plan A-4b of the Paper, whether the slope to the south of the Site was cut by the applicant before the subject application was made and whether there was any approving mechanism to deal with the slope cutting.

53. In response, with the aid of some plans, Mr Kevin K.W. Lau, STP/STN, made the following main points:

- (a) the three previous applications covered a larger site area involving agricultural land and Government land which had no building status. Besides, the three previous applications were related to Small House developments which were assessed in accordance with the Interim Criteria for consideration of application for New Territories Exempted House (NTEH)/Small House in New Territories (the Interim Criteria), e.g. whether there was sufficient land available in meeting the Small House demand within the "Village Type Development" zone. While the current application was for building a NTEH (but not for a Small House), in accordance with the Interim Criteria, it had been the existing practice of the

Committee to take into account building status under the lease in considering planning application for house development. As such, the circumstances of the current application were different from those of the previous applications; and

- (b) there was no information about the slope cutting at the south of the Site. Nevertheless, the applicant had submitted a Geotechnical Planning Review Report for the Civil Engineering and Development Department (CEDD)'s consideration and committed to undertaking a natural terrain hazard study (NTHS) in the later stage for CEDD's further consideration. Relevant approval conditions for submission of a NTHS and implementation of the mitigation measures recommended therein had been proposed.

Deliberation Session

54. The Chairman remarked that the current application was considered as having very exceptional circumstances since the Site had a building status under the lease. As compared with the application sites of the previous applications, the site area under the current application was reduced and confined to the lot with building entitlement. A Member expressed concerns on potential natural terrain landslide hazard caused by the slope cutting. The Chairman indicated that the applicant would be required to submit a NTHS and implement the mitigation measures recommended in the NTHS, if any, to the satisfaction of the CEDD in the next stage.

55. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 8.12.2027, 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 approval conditions stated in the Paper. The Committee also agreed to advise the applicant to note the advisory clauses as set out in the appendix of the Paper.

Agenda Items 13 and 14

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-MUP/195 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 328 S.B in D.D. 37, Man Uk Pin Village, Sha Tau Kok

A/NE-MUP/196 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 328 S.C in D.D. 37, Man Uk Pin Village, Sha Tau Kok

(RNTPC Paper No. A/NE-MUP/195 and 196)

56. The Committee agreed that as the two s.16 applications for proposed house (New Territories Exempted House – Small House) on each of the application sites were similar in nature and the Sites were located in close proximity to one other within the same “Agriculture” zone, they could be considered together.

Presentation and Question Sessions

57. With the aid of some plans, Mr Tim T.Y. Fung, STP/STN, briefed Members on the background of the applications, 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 applications.

58. Members had no question on the applications.

Deliberation Session

59. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board. Each of the permission should be valid until 8.12.2027, 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 Committee also agreed to advise the applicants to note the advisory clauses as set out in the appendix of the Paper.

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/787 Proposed House (New Territories Exempted House - Small House) in
 “Agriculture” Zone, Lots 646 S.K ss.1 and 652 S.C ss.1 in D.D. 15, Shan
 Liu, Tai Po

 (RNTPC Paper No. A/NE-TK/787)

Presentation and Question Sessions

60. With the aid of some plans, Mr Jeffrey P.K. Wong, STP/STN, 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 (PlanD) had no objection to the application.

61. The Chairman and a Member raised the following questions:

- (a) whether the aerial photo as shown on Plan A-3 of the Paper reflected the current situation in Shan Liu as there were only three Small Houses built within the “Village Type Development” (“V”) zone but there were more Small Houses built within the “Agriculture” (“AGR”) zone; and
- (b) whether the current application was submitted by the same applicant as the previously approved application (No. A/NE-TK/510).

62. In response, with the aid of some plans, Mr Jeffrey P.K. Wong, STP/STN, made the following main points:

- (a) according to a recent site visit conducted by PlanD, it was confirmed that the aerial photo as shown on Plan A-3 of the Paper reflected the current situation in Shan Liu where more Small Houses were physically built or work was in progress within the “AGR” zone than those in the “V” zone. Nonetheless, there were a number of sites within both the “V” and “AGR” zones with Small House grant applications forming a new cluster of Small Houses in the

area; and

- (b) the current application was submitted by a different applicant. Nevertheless, the Site could be considered as an infill site based on the Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories (Interim Criteria) as it was surrounded among existing and approved Small House sites. Besides, according to the information from the District Lands Office/Tai Po of the Lands Department, the processing of the Small House grants in the concerned area was at an advanced stage. In that regard, sympathetic consideration might be given to the application.

Deliberation Session

63. The Chairman observed that there was still ample land available within the “V” zone of Shan Liu and queried the justifications to give a sympathetic consideration to the current application noting that the Committee had adopted a more cautious approach since August 2015. The Committee noted that the Site was located at the eastern fringe of the village ‘environs’ of Shan Liu and the approved Small House development to the immediate south of the Site was being processed at an advanced stage. The Secretary supplemented that ‘the existing NTEHs/Small Houses’ as stated in criterion (d) of the Interim Criteria should generally refer to the NTEHs/Small Houses which were physically in existence, but sites with Small House grant applications might also be taken into account if considered appropriate by the Committee in deciding whether sympathetic consideration could be given to the application;

64. A Member expressed concerns on the principles of giving sympathetic consideration to such application within the “AGR” zone. The approval of the current application might set an undesirable precedent for similar applications within the same “AGR” zone. Another Member observed that a number of Small House applications were approved within the “V” zone while the relevant Small Houses were yet to be built, and the Member noted that those Small House applications might be under processing by the land administration. Ms Jane C.Y. Leung, Assistant Director/Regional 3, Lands Department, explained that the applicants had to comply with all relevant engineering and technical conditions such as drainage, slope stability and septic tank aspects, etc. imposed under the offer letters for the

Small House grants and therefore would take time to settle those issues before the Small Houses could be built.

65. With reference to Plan A-2b of the Paper, a Member pointed out that there was ample land available for Small House development within the “V” zone. However, more Small Houses were actually found within the “AGR” zone. It might not be appropriate to further allow new Small House developments in the “AGR” zone. The Chairman remarked that the Small House applications in the surroundings were approved before the adoption of a more cautious approach by the Committee in 2015. It was not unreasonable for the Committee to reject the subject application and encourage Small House developments to be concentrated within the “V” zone for more orderly development pattern and efficient use of land.

66. The Vice-chairman concurred with the views of the Chairman and other Members that there was no strong justification to give a sympathetic consideration to the subject application as the current applicant was a new applicant and there was sufficient land available in the “V” zone. A more cautious approach should be adopted. The Committee did not agree that the Site was an infill site and generally considered that the application should be rejected.

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

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

efficient use of land and provision of infrastructure and services.”

[The Chairman thanked PlanD’s representatives for attending the meeting. They left the meeting at this point.]

Fanling, Sheung Shui and Yuen Long East District

Agenda Item 27

Section 16 Application

[Open Meeting]

A/YL-KTN/964 Proposed Minor Relaxation of Plot Ratio and Building Height Restrictions for Permitted Residential Development in “Residential (Group E)” Zone, Lot 1071 in D.D. 103, Ha Ko Po Tsuen, Kam Tin, Yuen Long

68. The Secretary reported that consideration of the application had been rescheduled.

Tuen Mun and Yuen Long West District

[Ms Janet K.K. Cheung, Ms L.C. Cheung, Mr Eric C.Y. Chiu and Mr Alexander W.Y. Mak, Senior Town Planners/Tuen Mun and Yuen Long West (STPs/TMYLW), were invited to the meeting at this point.]

Agenda Item 37

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-SKW/121 Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years and associated Excavation of Land in “Green Belt” Zone, Lots 1391 (Part), 1392 S.A (Part), 1392 S.B, 1392 S.C, 1392 RP (Part) and 1393 RP (Part) in D.D. 375 and Adjoining Government Land, So Kwun Wat, Tuen Mun
(RNTPC Paper No. A/TM-SKW/121A)

Presentation and Question Sessions

69. With the aid of some plans, Ms Janet K.K. Cheung, 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.

70. Members had no question on the application.

Deliberation Session

71. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 8.12.2026, on the terms of the application as submitted to the TPB and subject to the approval conditions stated in the Paper. The Committee also agreed to advise the applicant to note the advisory clauses as set out in the appendix of the Paper.

Agenda Item 40

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/601 Proposed Temporary Warehouse for a Period of 3 Years in “Residential (Group D)” Zone, Lot 4058 RP in D.D. 116 and Adjoining Government Land, Shap Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-TT/601A)

Presentation and Question Sessions

72. With the aid of some plans, Ms L.C. Cheung, 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 did not support the application.

73. Members had no question on the application.

Deliberation Session

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

“the proposed use is not in line with the planning intention of the “Residential (Group D)” zone which is primarily for improvement and upgrading of existing temporary structures into permanent buildings and for low-rise, low density residential development. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.”

Agenda Item 44

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/617 Proposed Temporary Open Storage of Mobile Toilet for a Period of 3 Years and Associated Filling of Land in “Agriculture” Zone, Lots 1551, 1552, 1556 (Part) and 1557 (Part) in D.D. 118, Yuen Long
(RNTPC Paper No. A/YL-TT/617)

Presentation and Question Sessions

75. With the aid of some plans, Ms L.C. Cheung, 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 considered that the proposed temporary use could be tolerated for a period of three years.

76. Members raised the following questions:

- (a) whether the application site (the Site) fell outside the Yuen Long South Development Area;
- (b) whether the mobile toilets in the application were those used in the construction sites or rural area; and
- (c) whether the mobile toilets would be cleaned before transporting to the Site for storage, and any measures to ensure that the cleaning process of the mobile toilets would not be undertaken within the Site.

77. In response, Ms L.C. Cheung, STP/TMYLW, made the following main points:

- (a) the Site fell outside the Yuen Long South Development Area;
- (b) the mobile toilets in the application referred to those that could be commonly found in the construction sites; and

- (c) according to the submission from the applicant, no workshop activities would be carried out within the Site. The mobile toilets after use would be cleaned at other location before transporting to the Site for storage. Relevant approval conditions for submission of a drainage proposal and implementation of drainage facilities had been proposed. The applicant was also advised to observe the comments from the Environmental Protection Department on the mitigation measures and requirements on environmental aspect as stipulated in the relevant guidelines.

Deliberation Session

78. A Member reiterated the concern on the possible environmental pollution if there were cleaning activities within the Site. Another Member shared the same concern. The Chairman suggested and the Committee agreed to include an additional approval condition to ensure that no cleaning activity of mobile toilets should be carried out within the Site.

79. Noting that the Site was away from the existing brownfield cluster and surrounded by some active farmland, a Member was concerned that the application might set an undesirable precedent for similar developments in “Agriculture” zone as open storage use could generate a higher rental yield than agricultural use. The Member noted that the Agricultural, Fisheries and Conservation Department did not support the application from agricultural perspective as the proposed use was not appropriate for the ‘Agriculture’ zone. The Chairman remarked that the current application could be considered as having exceptional circumstances as the Development Bureau (DEVB) had given policy support to the application for relocation of the proposed use which could facilitate smooth clearance of brownfield operations for the Yuen Long South Development and thus approval would not set an undesirable precedent.

80. A Member raised that the application should be considered consistently based on the assessment criteria set out in the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13G). The Secretary supplemented that the TPB PG-No.13G was reviewed recently to expand areas under Category 2 with a view to making more land available for open storage and port back-up uses on a temporary basis to cater for displacement of brownfield uses arising

from the extensive Government projects in the New Territories. In general, planning permission for temporary open storage and port back-up uses could be favourably considered for sites within Category 1 and Category 2 areas. While the sites within Category 1 and Category 2 areas might not be sufficient to cater for the market need, sympathetic consideration might be given to the applications falling within Category 3 areas under some circumstances such as there was previous approval or policy support from the DEVB for relocation of operations affected by Government projects. When considering whether policy support should be given to an application, DEVB would go through a vetting procedure to examine and confirm whether (i) the concerned brownfield operation was displaced by the Government project; (ii) the proposed site area was similar to the previous site; (iii) genuine efforts had been made on a thorough site selection; and (iv) no adverse departmental comments were received. According to the TPB PG-No. 13G, the Site fell within Category 3 areas. Given the policy support from DEVB, sympathetic consideration was recommended to be given to the current application.

81. Given that there was still a significant demand of open storage use for brownfield operations, a Member expressed concern that more brownfield operations would spread out to Category 3 sites due to the clearance for New Development Area (NDA) developments in the New Territories which might have adverse impact on the surrounding agricultural land. It was anticipated that approval of the current application would inevitably change the rural character of the area. Members suggested that the Government should further review the TPB PG-No. 13G and consider incorporating more land into the Category 1 and Category 2 areas in a holistic manner to avoid sporadic cases over the Category 3 area and enable proper and systematic relocation of the affected brownfield operations.

82. A Member recalled that a number of similar applications were approved by the Committee with DEVB's support and noted that the Site was near to the site of an approved similar application (No. A/YL-TT/583) in which the area was re-classified from Category 3 to Category 2 under the TPB PG-No. 13G. Given that there were no adverse comments from major concerned departments and there was policy support from DEVB, the Member expressed support to the application.

83. The Chairman remarked that a significant amount of brownfield operations would be displaced to make way for NDA developments. A multi-pronged strategy to help the

affected operators to move their business to other suitable locations had been adopted by the Government, including (i) providing multi-storey buildings in Yuen Long South and Hung Shui Kiu/Ha Tsuen in the long run; (ii) making available suitable Government sites by way of short term tenancy by the Lands Department; and (iii) providing clear assessment criteria for open storage applications as set out in TPB PG-No. 13G to facilitate relocation of the affected business. In addition, more land for open air brownfield operations would be explored by the Government, e.g. Lung Kwu Tan reclamation area. The Chairman recapitulated that the DEVB would vet each application thoroughly and carefully before giving policy support. With regard to a Member's concern on setting undesirable precedent to similar applications, the Chairman said that each application would be considered based on individual merits and policy support from the DEVB would only be given under cautious consideration. Members generally had no objection to the application, but suggested the Government to provide guidelines to avoid sporadic open storage uses in the Category 3 area.

84. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 8.12.2026, on the terms of the application as submitted to the Town Planning Board and subject to the approval conditions stated in the Paper and paragraph 85 below. The Committee also agreed to advise the applicant to note the advisory clauses as set out in the appendix of the Paper.

85. The Committee also agreed to impose the following additional approval condition:

“(a) no cleaning activities for the mobile toilets should be carried out within the application site at any time during the planning approval period”

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

Agenda Item 48

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/496 Proposed Filling of Pond and Filling of Land for Permitted House (New Territories Exempted House - Small House) in “Village Type Development” Zone, Lots 1442 and 1446 in D.D. 129, Mong Tseng Wai, Yuen Long
(RNTPC Paper No. A/YL-LFS/496)

Presentation and Question Sessions

86. With the aid of some plans, Mr Eric C.Y. Chiu, STP/TMYLW, briefed Members on the background of the application, the proposed works, departmental and public comments, and the planning considerations and assessments as detailed in the Paper. The Planning Department did not support the application.

87. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed filling of pond and land, which falls within the Wetland Buffer Area, is not in line with the Town Planning Board Guidelines for ‘Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 12C) in that there is no ecological impact assessment in the submission to demonstrate that the proposed development would not result in “net-loss in wetland” and negative off-site indirect impact on the ecological value of the Wetland Conservation Area; and
- (b) the applicant fails to demonstrate that the proposed filling of pond and land would not have adverse drainage impact on the surrounding areas.”

[Professor John C.Y. Ng and Ms Clara K.W. U left the meeting at this point.]

Agenda Item 53

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/1240 Proposed Temporary Warehouse (Excluding Dangerous Goods Godown) for a Period of 3 Years in “Undetermined” Zone, Lots 670, 772, 773 (Part) and 769 in D.D. 119, Pak Sha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/1240)

Presentation and Question Sessions

89. With the aid of some plans, Mr Alexander W.Y. Mak, 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 considered that the proposed temporary use could be tolerated for a period of three years.

90. Members had no question on the application.

Deliberation Session

91. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 8.12.2026, on the terms of the application as submitted to the Town Planning Board and subject to the approval conditions stated in the Paper. The Committee also agreed to advise the applicant to note the advisory clauses as set out in the appendix of the Paper.

[The Chairman thanked PlanD’s representatives for attending the meeting. They left the meeting at this point.]

Agenda Item 56

Any Other Business

[Open Meeting]

92. There being no other business, the meeting was closed at 6:05 p.m..

**Minutes of 732nd Rural and New Town Planning Committee
(held on 8.12.2023)**

Deferral Cases

(a) Request for Deferment by Applicant for Two Months

Item No.	Application No.	Times of Deferment
5	Y/TM/29	1 st
12	A/NE-HLH/68	1 st
15	A/NE-TKL/742	1 st
16	A/NE-TKLN/63	2 nd [^]
16A	A/NE-LK/154	2 nd [^]
18	A/NE-TK/779	2 nd [^]
20	A/YL-KTN/932	2 nd [^]
24	A/YL-KTN/961	1 st
28	A/YL-KTS/977	1 st
35	A/HSK/493	1 st
38	A/TM-LTYYY/462	2 nd [^]
45	A/YL-TT/618	1 st
49	A/YL-PS/679	2 nd [^]
50	A/YL-PS/690	2 nd [^]
51	A/YL-PS/694	2 nd [^]
52	A/YL-PS/701	1 st
55	A/YL-TYST/1242	1 st

Note:
[^] The 2nd Deferment is the last deferment and no further deferment will be granted unless under special circumstances and supported with strong justifications.

(b) Request for Deferment by Applicant for One Month

Item No.	Application No.	Times of Deferment
42	A/YL-TT/615	1 st
46	A/YL-TT/619	1 st

Note:
[^] The 2nd Deferment is the last deferment and no further deferment will be granted unless under special circumstances and supported with strong justifications.

Declaration of Interests

The Secretary reported the following declaration of interests:

Item No.	Members' Declared Interests
5	The application was submitted by Winjoy Limited, which was in affiliation with Sun Hung Kai Real Estate Agency Limited, being a - Miss Winnie W.M. Ng for being a Director of the Kowloon Motor Bus Company (1933) Limited (KMB) and Long Win Company Limited (Long Win) and SHK was one of the shareholders of KMB and

	subsidiary company of Sun Hung Kai Properties Limited (SHK)	- Long Win - Dr Conrad T.C. Wong and Mr Vincent K.Y. Ho for having current business dealings with SHK -
15	The application site is located in Ta Kwu Ling	- Dr Conrad T.C. Wong for his firms owning some land in Ta Kwu Ling

For Item 5, as the interests of Miss Winnie W.M. Ng, Dr Conrad T.C. Wong and Mr Vincent K.Y. Ho were direct, the Committee agreed that they could stay in the meeting but should refrain from discussion. As the land owned by the firms of Dr Conrad T.C. Wong had no direct view of the application site under Item 15, the Committee agreed that he could stay in the meeting.

**Refer to the agenda at https://www.tpb.gov.hk/en/meetings/RNTPC/Agenda/732_rnt_agenda.html for details of the planning applications.*

**Minutes of 732nd Rural and New Town Planning Committee
(held on 8.12.2023)**

Renewal Cases

Applications for renewal of temporary approval for 3 years

Item No.	Application No.	Renewal Application	Renewal Period
33	A/HSK/491	Temporary Public Vehicle Park (Private Cars, Light Goods Vehicles and Coaches) for a Period of 3 Years in “Residential (Group A) 4” Zone, Lot 2429 RP in D.D. 124 and Adjoining Government Land, Hung Shui Kiu, Yuen Long	27.1.2024 – 26.1.2027
34	A/HSK/492	Temporary Vehicle Service Centre for a Period of 3 Years in “Open Space” Zone, Lot 826 S.B RP (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long	27.1.2024 – 26.1.2027
39	A/TM-LTY Y/464	Temporary Shop and Services for a Period of 3 Years in “Village Type Development” and “Residential (Group D)” Zones, Lot 3040 (Part) in D.D. 124 and Adjoining Government Land, Chung Uk Tsuen, Tuen Mun	9.1.2024 – 8.1.2027

**Minutes of 732nd Rural and New Town Planning Committee
(held on 8.12.2023)**

Cases for Streamlining Arrangement

(a) Applications approved on a temporary basis for a period of 3 years until 8.12.2026

Item No.	Application No.	Planning Application
11	A/NE-FTA/227	Temporary Cargo Handling and Forwarding Facility in “Other Specified Uses” annotated “Port Back-up Uses” and “Agriculture” Zones, Lots 182 RP (Part) and 183 RP (Part) in D.D. 52, Fu Tei Au, Sheung Shui
17	A/NE-PK/192	Temporary Private Car Park (Private Car and Light Goods Vehicle only) for a Period of 3 Years in “Village Type Development” Zone, Taxlord Lot 2333 RP (Part) and Taxlord Lot 2335 (Part) in D.D. 91, Ping Kong, Sheung Shui
21	A/YL-KTN/951	Proposed Temporary Warehouse (excluding Dangerous Goods Godown) with Ancillary Facilities and Filling of Land in “Agriculture” Zone, Lots 1508 RP, 1509, 1517, 1518, 1519 RP, 1520 RP, 1522 RP, 1523, 1525, 1555 S.B RP (Part) and 1556 RP in D.D. 107 and Adjoining Government Land, Kam Tin North, Yuen Long
22	A/YL-KTN/953	Proposed Temporary Warehouse (excluding Dangerous Goods Godown) with Ancillary Facilities and Filling of Land in “Agriculture” Zone, Lots 1505 RP, 1506 RP, 1510 and 1511 in D.D. 107, Fung Kat Heung, Kam Tin, Yuen Long
25	A/YL-KTN/962	Proposed Temporary Open Storage of Construction Machinery and Materials and Filling of Land in “Agriculture” Zone, Lots 1252 (Part) and 1253 (Part) in D.D. 107, Kam Tin North, Yuen Long
26	A/YL-KTN/963	Proposed Temporary Warehouse (excluding Dangerous Goods Godown) with Ancillary Facilities and Filling of Land in “Agriculture” Zone, Lot 1151 in D.D. 107, Fung Kat Heung, Kam Tin, Yuen Long
29	A/YL-PH/975	Proposed Temporary Shop and Services with Ancillary Storage in “Open Storage” Zone, Lots 2962 S.B (Part), 2965 S.B (Part), 2966 (Part), 2967 S.B RP (Part) in D.D.111, Lots 337 (Part), 341 (Part), 342 (Part), 343 (Part) in D.D.114 and Adjoining Government Land, Kam Tin Road, Pat Heung, Yuen Long
30	A/YL-PH/976	Proposed Temporary Public Vehicle Park (Excluding Container Vehicle) and Filling of Land in “Agriculture” and “Residential (Group D)” Zones, Lots 2897 (Part) and 2898 (Part) in D.D.111, Pat Heung, Yuen Long
31	A/YL-SK/348	Proposed Temporary Shop and Services with Ancillary Facilities and Associated Filling of Land in “Agriculture” Zone, Lot 288 RP (Part) in D.D. 112, Kam Sheung Road, Shek Kong, Yuen Long
32	A/HSK/461	Proposed Temporary Logistics Centre in “Residential (Group A) 3” Zone and area shown as ‘Road’, Lots 95 S.A (Part), 95 RP (Part) and 97 (Part) in D.D. 125, Ha Tsuen, Yuen Long
36	A/TM/588	Proposed Office (Back Office) in “Industrial” Zone, 10/F, Hanway Factory Building, 17 San On Street, Tuen Mun

41	A/YL-TT/605	Temporary Office and Private Vehicle Park in “Agriculture” Zone, Lot 972 (Part) in D.D. 116, Yuen Long
43	A/YL-TT/616	Proposed Temporary Animal Boarding Establishment and Associated Filling of Land in “Agriculture” Zone, Lot 1284 in D.D. 118, Tai Shu Ha Road West, Yuen Long
54	A/YL-TYST/1241	Temporary Warehouse for Storage of Furniture in “Undetermined” Zone, Lot 1198 S.C (Part) in D.D. 119, Tong Yan San Tsuen, Yuen Long

(b) Applications approved on a temporary basis for a period of 5 years until 8.12.2028

Item No.	Application No.	Planning Application
23	A/YL-KTN/960	Temporary Public Vehicle Park (Excluding Container Vehicle) in “Comprehensive Development Area (1)” Zone, Lots 1866 S.A RP (Part), 1866 S.B RP, 1876 S.B (Part) and 1905 RP (Part) in D.D. 107 and Adjoining Government Land, Fung Kat Heung, Kam Tin, Yuen Long
47	A/YL-LFS/495	Proposed Temporary Shop and Services (Selling of Gardening Supplies and Construction Materials) in “Recreation” Zone and “Green Belt” Zone, Lots 1796, 1797, 1798, 1800, 1801 and 1802 in D.D. 129 and Adjoining Government Land, Lau Fau Shan, Yuen Long

(c) Application approved on a permanent basis

Item No.	Application No.	Planning Application
9	A/ST/1021	Proposed Shop and Services (Retail Food Shop) in “Other Specified Uses” annotated “Business” Zone, Portion of Unit 2 on G/F, Technology Park, No. 18 On Lai Street, Sha Tin

Declaration of Interests

The Secretary reported the following declaration of interests:

Item No.	Members Declared Interests	
9	The application site was located in Sha Tin.	<ul style="list-style-type: none"> - Professor John C.Y. Ng for owning a property in Sha Tin. - Mr Vincent K.Y. Ho for co-owning a property with spouse in Sha Tin. - Ms Carrie K.Y. Leung for owning a property in Sha Tin.

As the properties owned by Professor John C.Y. Ng and Ms Carrie K.Y. Leung, and the property co-owned by Mr Vincent K.Y. Ho and his spouse had no direct view of the application site, the Committee agreed that they could stay in the meeting.